



Council Meeting Agenda

Tuesday 17 February 2026 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 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 values their living culture and practices and their right to self-determination. Council pays respect to all Aboriginal and Torres Strait Islander people living in East Gippsland, their Elders, past, present, and future.

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 Jodie Ashworth (Mayor)
Cr Tom Crook (Deputy Mayor)
Cr Arthur Allen
Cr Sonia Buckley
Cr Barry Davis
Cr Joanne Eastman
Cr Bernie Farquhar
Cr Ian Trevaskis
Cr John White

Executive Leadership Team

Fiona Weigall Chief Executive Officer
Stuart McConnell General Manager Assets and Environment
Sarah Johnston General Manager Business Excellence
Chris Stephenson 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

To foster inclusive, connected, communities and places where all East Gippslanders prosper, and endeavour not to leave anyone behind.

Our Strategic Themes

1. Community Wellbeing and Social Responsibility
2. Prosperity
3. Making the Most of What We've Got
4. Managing Council Well

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1 Procedural

1.1 Recognition of Traditional Custodians

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.

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 December 2025 be confirmed.

1.5 Next Meeting

The next Council Meeting is scheduled to be held on Tuesday 17 March 2026 at the Corporate Centre, 273 Main Street Bairnsdale commencing at 6.00 pm.

1.6 Requests for Leave of Absence

1.7 Open Forum

1.7.1 Petitions

1.7.2 Questions of Council

1.7.3 Public Submissions

1.8 Items for Noting

2 Notices of Motion

3 Deferred Business

4 Councillor Delegate Reports

5 Officer Reports

5.1 Chief Executive Officer

5.1.1 Community Engagement Policy Review Adoption

Authorised by Chief Executive Officer

Purpose

To seek adoption of the updated Community Engagement Policy (Policy), provided at **Attachment 1**, and if the policy is approved, release of a concise summary of the policy as suggested during community and stakeholder engagement on the policy.

Key Points

Council has had a Community Engagement Policy since 2011. The Policy has been reviewed and updated on four occasions, with the current Policy adopted by Council in March 2022 and provided as **Attachment 2** for comparison purposes.

The policy has been subject to comprehensive review including the use of an independent consultant engaged to review Council's engagement practices, and review of a range of external engagement policies considered best practice.

These reviews and a workshop with Councillors led to the comprehensive review of the Policy. The draft Policy was then released for community and stakeholder feedback from 22 September to 20 October 2025. The feedback indicated there is further opportunity to increase transparency and trust across East Gippsland communities and increase inclusive engagement practices. A summary of the engagement feedback is provided as **Attachment 3**.

The results of the public comment period informed several changes that have been incorporated into the final policy and Council's engagement practices:

1. Strengthening the inclusion statement in the policy to reflect contributions from all communities across East Gippsland:

To ensure our communities feel genuinely represented and included, we uphold our core values of respect, collaboration, integrity, and accountability. This policy is supported by East Gippsland Shire Council and reflects our commitment to fostering a culture where every voice is heard. We strive to promote inclusive engagement across all communities, and work hard to identify and engage with groups in our community who may be less represented in community engagement opportunities.

2. Updated wording for the Acknowledgement of Country and how we will approach First Nations people's engagement, which was recently endorsed by Council's Reconciliation Action Plan Working Group.
3. Creation of a concise, easy-to-read, two-page summary of the policy that clearly outlines its key points provided as **Attachment 4**.
4. Incorporating a hyperlink within the Policy to the official IAP2 website. This will enable readers to access detailed information about the framework, supporting greater understanding and alignment with best-practice engagement principles.

5. Employing a broad range of inclusive methods to engage with the community and gather feedback to achieve a diverse approach and remain open to new and innovative engagement strategies.
6. Added content to better reflect Council's ongoing relationships with stakeholders, not just project-specific engagement, is part of Council's engagement approach and also informs decision making.

The final updated version of the Policy incorporating the changes outlined above is provided at **Attachment 1**.

Recommendation

That Council:

- 1. adopts the updated Community Engagement Policy provided at Attachment 1; and***
- 2. notes the intent to also release a concise, easy-to-read, two-page summary of the policy that clearly outlines its key points, provided at Attachment 4.***

Strategic Alignment

The updated Policy, provided at **Attachment 1**, aligns with the following theme/s in the Council Plan 2025-2029:

- **Community wellbeing and social responsibility:** Implement engagement practices that encourage community involvement in our projects and services and respond to the engagement preferences of local communities.
- **Managing Council well:** We will enhance community engagement by:
 - Making our budgets and financial documents easier to understand.
 - Engaging with our community early to ensure their voices are heard from the start.
 - Targeting our engagement to the ways our communities prefer to connect with us.
 - Using a range of approaches to engage with and report back to our community.

Consultation/Community Engagement/Impacts

The review of the Community Engagement Policy used a range of consultation and engagement practices to inform the initial drafting. This included the use of an independent review of Council's engagement practices (in 2024); a comprehensive review of other community engagement policies considered best practice; and a Councillor workshop.

Once drafted, the new draft policy used the *inform* to *consult* levels of the IAP2 public participation spectrum to garner further feedback.

The consultation period was promoted using a range of methods including media releases, radio advertising, Facebook posts, Shire Noticeboard advertisements in local newspapers, and direct emails and newsletters to key stakeholders and community members.

There were 646 visits to the YourSay page for the policy review, with 107 people completing the online survey and 22 community members attending information sessions.

Opportunities and Risks

Opportunities

- The Policy promotes equity and inclusion by engaging diverse groups and addressing participation barriers, thereby strengthening community wellbeing and trust.
- The Policy provides a clear framework and role clarity for staff, contractors, and councillors, enhancing consistency and accountability for Council's engagement efforts.

Risks

- Without this Policy, and its implementation, Council is at risk of not meeting its community engagement obligations under the *Local Government Act 2020*.
- Without this Policy Council may fail to meet community expectations, particularly if engagement is not visibly incorporated into decision-making. It will assist Council to maintain transparency and effectively closes the feedback loop with the community.

Climate change

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

Conflicts of Interest

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

Attachments

1. DRAFT Community Engagement Policy February 2026 [**5.1.1.1** - 15 pages]
2. CURRENT Community Engagement Policy [**5.1.1.2** - 25 pages]
3. Engagement Summary Report Community Engagement Policy (1) [**5.1.1.3** - 11 pages]
4. Summary Community Engagement Policy [**5.1.1.4** - 2 pages]

East Gippsland Shire Council

DRAFT Community Engagement Policy

2026

THE SARSFIELD RECREATION RESERVE AND COMMUNITY HALL REVITALISATION PROJECT IS BEING FUNDED THROUGH THE STATE GOVERNMENT



Acknowledgement of Traditional Custodians

Council acknowledges the Traditional Owners and custodians of the land and pays deep respect to all First Nations peoples and communities with enduring cultural connections to East Gippsland, who have cared for and nurtured Country for tens of thousands of years.

We honour and celebrate the rich diversity, living cultures, and ongoing contributions of all First Nations peoples who live, work, visit, and play across East Gippsland.

We also acknowledge the many First Nations communities who, together, continue to shape and contribute to the region we know as East Gippsland. The place where we, as Local Government, deliver services and support to our community.

Image: Cann River

Endorsement and revisions

Date approved	
Approval authority	Council
Effective from	
Review term	Four years
Next review date	July 2029
Responsible position	Manager, Communications, Engagement and Advocacy
Responsible directorate	Chief Executive Officer
Version number	4

Administrative updates: Minor amendments to this document may be required from time to time. Where amendments do not materially alter the intent of a document, they will be made administratively and approved by the document owner.

Document control disclaimer: Printed copies of this document are considered uncontrolled.

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Purpose

The purpose of this policy is to outline East Gippsland Shire Council's (Council) commitment to community engagement. It applies across the work that Council delivers, from strategic planning to community development, service delivery and legislative requirements.

It provides guidance to:

- » Prioritise a voice for the community through genuine engagement and active listening
- » Demonstrate transparency of decision making
- » Develop trust in the engagement process and Council's decision making
- » Recognise the variety of places, people and divergent needs within East Gippsland
- » Ensures genuine, authentic, informative, and inclusive engagement with the community and key stakeholders

This approach supports our commitment to put the community at the centre of our engagement activities and decision making ... because community matters.

Scope

This policy applies to community engagement activities and projects led by Council - Councillors, Council staff, contractors and consultants.

The principles of community engagement under the *Local Government Act 2020*.

- » A community engagement process must have a clearly defined objective and scope.
- » Participants in community engagement must have access to objective, relevant and timely information to inform their participation.
- » Participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement.
- » Participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement.
- » Participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making.

A commitment by Councillors, Council staff, contractors and consultants to plan early for community engagement, using the five principles above, is critical to the success of effective community engagement in East Gippsland.

This policy does not apply to public participation in meetings of Council, including public submissions, questions on notice, and petitions. The specific conditions for these types of engagement are publicly available in Council's Governance Rules.

Context

The policy has been developed within the framework of the *Local Government Act 2020*. The policy is reviewed every four years.

The Act specifies that the policy must be applied to the development of key strategic plans and decisions.

All community engagement and public exhibition will be carried out in accordance with this policy, except where there are specific requirements under separate legislation.

A review of Council community engagement was undertaken in 2024. The review considered engagement practices, policies and capabilities. Recommendations from the review have been included in the development of this policy.

Objectives

The objectives of this policy are to:

- » Establish the process for decision making used by Council based on community sentiment, legislative frameworks and budgets.
- » Increase consideration of place-based, First Nations people and interest groups in community engagement activities.
- » Establish the criteria for using deliberative engagement practices.
- » Raise awareness of Council's community engagement practices and the different types and levels of engagement required for different projects.
- » Provide Council employees with the framework and to plan and execute community engagement projects.
- » Acknowledgement of the need for cultural safety, respect and trust in all engagement processes.

Definitions

Community engagement

The meaningful, respectful exchange of information and ideas. It is a planned process that provides opportunities for Council and the community to communicate, improve services, and enhance decision making through participation.

Community

Is used to describe people who live in the shire; people and groups who are ratepayers of the Council; Traditional Owners of land in the shire; and people and groups who conduct activities in East Gippsland.

Public participation

Council interprets the terminology of public participation and community engagement to be interchangeable. The International Association of Public Participation (IAP2) spectrum helps Council define the public's role in any public participation or engagement process.

Participant

A participant is a stakeholder who is involved in a community engagement activity.

Representative sample

Is a group of people selected by their demographic characteristics to best represent the affected community. Common demographics used include gender, age, owner or tenant and location. We will include people of all abilities and/or identify as First Nations people and/or are culturally and linguistically diverse, based on their proportion in the community.

Deliberative engagement

A process used to reach an outcome or decision for complex issues. Occurs when a representative sample of the community is provided with sufficient information and time to reach a joint position or preferred solution through considered discussion.

Stakeholders

Sections of the East Gippsland community who may be impacted by or interested in an outcome, or who have a responsibility to deliver an outcome. These may be Traditional Custodians and First Nations communities, children, ratepayers and renters, emergency services, culturally and linguistically diverse people, politicians and funding bodies, and many more.

Place-based

An approach that acknowledges the uniqueness and diversity of our individual communities and builds strong connections with local stakeholders, community organisations, groups, leaders and individuals to strengthen and support local places, spaces and people.

Community engagement in East Gippsland

We are committed to actively listening and understanding the needs and views of East Gippsland, because our community matters. We place a high value on the effort and time required for a community member to be engaged in Council activities and provide input.

When we are planning, delivering a project or making a decision that significantly impacts you, we want you to have the opportunity to participate and be heard. Participation in meaningful engagement recognises the community as a partner in Council's direction and values.

Ongoing discussions with groups and individuals are part of our everyday work. The knowledge, lived experience and community priorities we hear as part of these discussions, and engagement on broader plans and strategies, are also used when informing decisions on individual projects, advocacy or services. We want to hear the community's voice, unearth opportunities and explore challenges and solutions to inform decision making.

What do we mean by 'community engagement'?

Community engagement in East Gippsland is a planned process to work with individuals and groups to encourage involvement in decisions that affect them or are of interest to them. This means better decisions that result in improved policy, facilities and services, as well as greater community satisfaction and wellbeing.

"Public participation based on the belief that the people affected should have a right to be involved in the decision-making process or informed of outcomes."

(IAP2 Australasia Core Values)

- » Our actions are guided by the International Association of Public Participation (IAP2), which is regarded as the international standard for community engagement.
- » Actions may be as simple as providing essential information about Council activities, through to more involved engagement where Council and community share the ability to make decisions.
- » Considers 'place' and a 'place-based approach' when framing and designing engagement campaigns.
- » Understanding and using the skills and experiences of our communities strengthens partnerships and supports better decision making.

Why we engage

By engaging with the community directly we're including their needs, knowledge, and experience in our decisions. Through a meaningful exchange of information, we build transparency, trust, and better outcomes.

- » Improved ability to make informed decisions that are supported by community.
- » Hearing different voices that represent our varied places in East Gippsland.
- » If there are decisions to be made that could benefit from input by the people in East Gippsland.
- » Improved communication and transparency with residents about decisions made in the community's interest.
- » Greater community understanding of the decision-making process, which supports transparency and sustainable governance.

When we will engage

Planning should begin during project development, continue to completion and feedback should be provided to participants and the community.

- » We will not rush engagement and will allow enough time to complete annual planning for projects.
- » We will provide timely and relevant information.
- » We will be flexible and adaptable if unexpected delays occur.
- » We will engage early with Traditional Owner groups/organisations and First Nations people to allow time for meaningful engagement.
- » We will use existing meeting schedules as a forum to present new ideas or information and provide feedback.

Who is responsible

Council officers and Councillors are responsible for providing opportunities for community members to be involved in community engagement on decisions that affect them.

- » Councillors, Council staff, contractors or consultants working on or responsible for a project that affects community.
- » Specialist staff can provide support with mentoring, planning and delivery.
- » Councillors can champion engagement processes and attend relevant engagement sessions.
- » Councillors should have sufficient understanding of and confidence in the engagement undertaken to make decisions on that basis.

Who we engage

To ensure our communities feel genuinely represented and included, we uphold our core values of respect, collaboration, integrity, and accountability. This policy is supported by East Gippsland Shire Council and reflects our commitment to fostering a culture where every voice is heard. We strive to promote inclusive engagement across all communities, and work hard to identify and engage with groups in our community who may be less represented in community engagement opportunities.

A diversity of opinions should be sought that are relevant to the project or matter.

- » Participants in community engagement must be representative of the people and groups affected by the subject of the community engagement.
- » The target audience for engagement should be identified early in planning.
- » First Nations people and Traditional Owner groups/organisations should have relevant information provided at agreed locations and times.
- » Any barriers for community should be identified including gender, geographic location, age, culture and health.
- » Recognise the effort required from the community to contribute. Assistance to participate may be required and should be considered when determining the type of engagement conducted, the resources used or the timing of activities.
- » Council's place-based community plans include a detailed community profile of the people living in the local community drawing on demographic data and community feedback and can be utilised, as a starting point, to develop the target audience for place-based engagement.

First Nations people

Our Reconciliation Action Plan supports prioritising the building and maintaining of respectful, mutually beneficial relationships with First Nations people stakeholders. We commit to continue to build on trusted relationships with First Nations people and to start the engagement conversation and planning early.

Through these trusted relationships and knowledge, we will create shared engagement opportunities and outcomes with First Nations communities that pursue reconciliation and self-determination.

We will work in partnership with Traditional Owners, Aboriginal Community Controlled Organisations and Aboriginal communities to co-design engagement processes. These partnerships will be based on mutual respect and shared decision.

Young people

As a child safe organisation, we are committed to empowering children and young people to have a voice on decisions that impact them. In any engagement planning process, we will consider ways to design and deliver age-appropriate methods in focus areas.

Communities of interest

Communities of interest are groups of people who share a common passion or interest, engaging in discussions and activities centered around that topic or activity. They may not be easily defined by a particular geographical area. Examples include people with interests in the arts, environment, heritage, sport etc. When planning engagement, we will consider all the groups that may have a special interest in the project.

Communities of place

East Gippsland spans a large area with diverse landscapes from the mountains to the coast and lakes. Many of the communities in these towns and areas have differing socio-economic needs and priorities. Place-based engagement targets a place or location, to build on local strengths or respond to a complex social problem. We will consider the specific circumstances of a place and engage local people as active participants in the development and implementation of place plans and projects to share decision-making.

How we engage

Community engagement should be a planned process with a clearly defined objective, scope, negotiables/non-negotiables and activities.

- » Engage early before decisions are made and leave enough time for digesting information, hearing views and providing final feedback.
- » Let the community know upfront what Council is wanting to achieve, how the engagement process will influence decision making, and the purpose and scope of community engagement activities.
- » Be open about key issues or constraints which may influence the engagement and decision making, such as budget or legislation.
- » Provide accurate, easy to read or understand information – it may be words or diagrams. We will tailor it to the group or individuals we are engaging with and listening to.
- » If using digital platforms also consider other options for community members who may not be able to access digital information, such as displays at public buildings or face-to-face sessions.
- » We will provide reasonable support to enable meaningful and informed engagement for all participants as required under the *Local Government Act 2020* and outlined in the Ministerial Good Practice Guideline.

Roles and responsibilities

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

Community, business, government and other stakeholders

- » Support community engagement processes and Council decision-making by seeking information, actively participating in engagement activities, putting forward ideas and promoting consultation opportunities to other stakeholders.

Mayor and Councillors

- » Champion the principles of quality engagement through demonstrating leadership and modelling good practice.
- » Stay informed of engagement activity.
- » Attend engagement activity as appropriate.
- » Balance the range of community and stakeholder views, concerns and opportunities on an issue as part of the decision-making process.
- » Undertake community engagement training as part of Councillor induction.

Executive and Strategic Leadership Teams

- » Manage teams and projects to ensure community engagement is undertaken consistent with this policy and that staff are appropriately resourced, trained and supported.

Community Engagement Team

- » Build organisational capacity and practice through provision of advice, training and mentoring, resources and tools, as well as building and maintaining place-based relationships with community.

Council staff

- » Ensure their community engagement planning and delivery is consistent with this policy and as appropriate to their role and function.
- » Use the internal toolkit, engagement planning and supports available in designing and delivering their engagement.

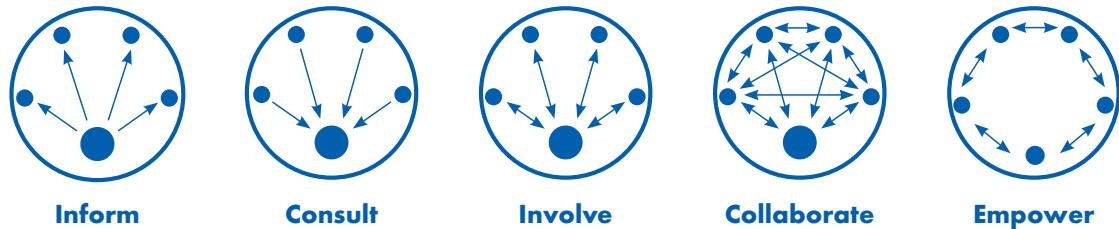
Consultants and contractors

- » Responsible for ensuring they are working with community on projects as advised by Council.

Our commitment to the community

We are making a commitment to understand the needs and views of our community and strengthen partnerships. We value the community's contributions.

Our spectrum of engagement model provides a consistent approach to community engagement. It is based on the [IAP2 Spectrum of Public Participation framework](#), which identifies five levels of engagement:



The level/s chosen will depend on the project stakeholders, scope, impact and available resources. We will also evaluate the complexity and likely impact of a decision against the significance of the outcome when developing community engagement activities.

Deliberative engagement

Deliberative engagement is a process used to reach an outcome or decision for complex issues, such as the community vision and Council Plan. Deliberative engagement brings together a mix of voices to work through and consider issues in a supported environment. It is an inclusive and transparent process where support, time, information and purpose must be available to the people involved.

Deliberative engagement requires locals, experts, Councillors and employees to be engaged in informed discussion. It should enable a diverse range of people in our community to be highly involved, including those most impacted by the decision.

Matters requiring deliberative engagement can be determined by Council, but as a minimum must include:

- » Community Vision
- » Council Plan
- » Financial Plan
- » Asset Plan

Deliberative engagement occurs at involve, collaborate and empower levels of the engagement spectrum (Category 1). Examples of deliberative practices are:

- » Working with advisory groups.
- » Online proposals and ideas are discussed by a panel of community members.
- » Participants are asked to consider and prioritise ideas.
- » A community-representative group takes part in a series of sessions of information exchange to reach a consensus.

Our commitment - increasing levels of participation

Inform

Consult

Involve

Collaborate

Empower

Community engagement goal

To provide balanced and objective information to build community awareness of something that has happened or will happen	To listen to the community's feedback on ideas, alternatives, and proposals to inform our decision making	To listen and seek input to identify issues, concerns, and aspirations to inform decision making and show how that input has informed the decision	To listen and work with our community to develop a detailed understanding of all the issues and opportunities and identify agreed solutions at every step of the process	To build the capacity of our community to identify solutions and/or lead change
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Our promise to the community

We will keep you informed	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how your input influenced the decision	We will work with you to hear your concerns and aspirations, which are reflected in the alternatives developed, and provide feedback on how your input influenced the decision	We will look to you for advice and innovation in developing solutions and incorporate your advice and recommendations into the decisions as best as possible	We will work with you to identify options that will influence the final decision
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Role of the community

Listen	Contribute	Participate	Partner	Lead
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Engagement category

Category 1				
Category 2				
Category 3				
Engagement methods				
Media releases	Your Say public comment	Workshops	Workshops	Independently governed reference groups
Advertisements	Surveys	Advisory groups	Community panels	Citizens' juries
Community displays	Focus groups	Online forums	Advisory groups	Representative deliberative panels
Signage	Public exhibition	Co-designing	Online forums	Deliberative decisions
Fact sheets	Ideas boards	Detailed online mapping, ranking and prioritising tools	Co-designing	
Newsletters	Community groups conservations		Detailed online mapping, ranking and prioritising tools	
Public notices	Creative projects			
Social media	Online pin dropping map tools			
Websites	Face-to-face interviews and discussions			
Letters, email, text and phone calls				

Community engagement - our categories

We have categorised our activities and decisions into three categories to support a better understanding of the types of engagement and when they are used.

Some matters may be elevated to a higher category where Council or community feedback indicates this is appropriate. Each level can be supported by engagement methods and activities from lower categories. We aim to communicate the level of engagement proposed with the community at each stage.

Category 1

Matters which require deliberative engagement under the Local Government Act 2020 or as identified by Council or similar.

We will engage at deliberative levels of community engagement using approaches and methods of Involve and Collaborate as appropriate.

For certain matters, Council may choose to Empower where it decides that the community should have decision making authority.

- » Community Vision
- » Council Plan (includes the Municipal Public Health and Wellbeing Plan)
Financial Plan
- » Asset Plan
- » High impact, complex projects like major park upgrades, precinct masterplans, multi-year projects

Category 2

Matters which need community input, higher or long-term impact and significant interest to the community. This may also involve deliberative engagement elements.

Annual Budget

- » Long-term infrastructure planning
- » Major land rezoning, structure plans and Planning Scheme amendments
- » Significant strategies and policies
- » The making of local laws
- » Complex or high impact projects, such as major capital projects and significant public space changes
- » Activities that significantly impact the natural environment
- » Activities or projects that significantly affect town and community
- » Proposed ongoing changes to services/service levels

Category 3

Matters which are low impact or interest to the community, public safety, or where the community's ability to influence is limited.

- » Routine infrastructure repairs or works
- » Public submissions as set out in the Governance Rules
- » Land sales and acquisitions
- » Routine Planning Scheme amendments / planning permit applications
- » Decisions in managing emergencies / unplanned service changes in an emergency or pandemic
- » Decisions by external authorities

Closing the loop

Throughout the stages of engagement it is critical to close the loop with our contributors and community. We want the community to know they have been heard.

Participants in community engagement will be informed of the ways in which the community engagement process will influence Council decision making and how their input will be used. We will:

- » At the beginning of each engagement process provide a timeframe for submissions and feedback.
- » Inform community where and how they can access the feedback.
- » Update the community and stakeholders throughout the life of the engagement.

How we will report on engagement

Methods for reporting back to community could include, but are not limited to:

- » Council's website
- » Updates on our Your Say engagement portal
- » Council's *Community Matters* newsletter
- » Social media
- » Public notices and newspaper/newsletter advertisements
- » Media releases
- » Printed materials in service centres and community facilities
- » Direct communication, such as letters, emails, phone calls and meetings with the involved people and groups

Public Exhibition

We will place matters on public exhibition (open for public feedback) in accordance with relevant acts or regulations. Unless otherwise specified, a public exhibition will be open for a minimum of 21 calendar days.

Council commits, as a minimum, to placing draft documents resulting from the following, on public exhibition before Council endorsement for:

- » A deliberative engagement process (Category 1)
- » A matter of high or long-term impact and of significant interest to the community (Category 2)

Outcomes of the public exhibition process will be considered by Council at a Council Meeting.

Legislative requirements for statutory planning processes take precedence over this policy.

Supporting information

Applicable legislation

- » Victorian Government Local Government Act 2020
- » Charter of Human Rights and Responsibilities Act 2006
- » Gender Equality Act 2020
- » Freedom of Information Act 1982
- » Privacy and Data Protection Act 2014
- » Child Wellbeing and Safety Act 2005

Council documents

- » Council Plan 2025-29 incorporating the Municipal Health & Wellbeing Plan
- » Council's Community Vision 2040
- » Reconciliation Action Plan
- » Strategic documents that provide the framework and direction for Council's work

References and resources

- » [International Association of Public Participation \(IAP2\) Quality Assurance Standard – Core values and spectrum of engagement](#)
- » [International Association for Public Participation \(Engagement Institute\)](#)
- » [Deliberative engagement for Victorian councils – Mosaic Lab](#)
- » [Community Engagement Toolkit – Rural Councils Victoria](#)
- » [Victorian Aboriginal and Local Government Strategy](#)
- » [Ministerial Good Practice Guideline and General Guidance for Councils Engaging with Aboriginal Victorians](#)
- » [Victorian Aboriginal Affairs Framework 2018–2023](#)
- » [Victorian Treaty Process](#)
- » [Victorian Closing the Gap Implementation Plan](#)
- » [Victorian Government Public Engagement Framework 2021-2025](#)



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EastGippsShire



PO Box 1618, Bairnsdale 3875



Version number: 4
Authorised by: General Manager Place and Community



Community Engagement Policy

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Purpose

The purpose of the Community Engagement Policy is to outline Council's commitment to engaging with East Gippsland's many communities and stakeholders in a way that is purposeful, representative, and easy to be involved in.

A set of evidence-based principles describe how Council will fulfill its commitment to creating genuine and transparent opportunities to enable community members affected by or interested in a decision to be involved in Council's decision-making process.

Underpinning the policy is the belief that effective community engagement provides the foundation for good decision-making, and is mutually beneficial to Council, the community, and stakeholders.

This Policy:

- outlines the evidence-based principles that guide community engagement in East Gippsland Shire
- sets out why, how, with whom and when community engagement is undertaken by Council staff, and the role of the community and stakeholders in these processes
- outlines a community engagement approach based on industry standards that emphasises the importance of planning, as well as sharing information along the way, and reporting back to community.

Scope

The Community Engagement Policy has been developed to ensure that members of the East Gippsland Shire community and stakeholders have genuine and transparent opportunities to participate in community engagement about matters that affect them, and to provide feedback that is taken into account by Council when making a decision.

East Gippsland Shire Council defines community engagement as a purposeful, planned process where those affected by or interested in a decision can participate in the decision-making process if they choose to.

In some instances, community engagement may be as simple as asking for feedback after an event and at other times it may involve in-depth discussions to help develop and decide on solutions to challenging issues. Community engagement is also about the community initiating conversations about things that matter to them and having open and honest interactions with Council.

This policy applies to Councillors, all Council officers, volunteers, consultants and contractors associated with Council and should be used to inform all stages of a community engagement process.

Policy Context

There are several pieces of Victorian legislation that describe when Councils must engage with their communities. These include:

The Victorian Local Government Act 2020

The *Victorian Local Government Act 2020* is a principles-based act and states that the role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.

In performing this role Council must give effect to the overarching governance principles that require lawful and transparent decision making that prioritises achieving the best outcomes for the local community, including future generations. The economic, social, and environmental sustainability of the local community is to be promoted; innovation and continuous improvement pursued; and collaboration across all levels of government sought.

The *Victorian Local Government Act 2020* outlines a set of five overarching principles of Community Engagement; Strategic Planning; Financial Management; Public Transparency; and Service Performance that are central to community engagement for East Gippsland Shire Council. The principles broadly outline the need for community engagement to be transparent, accountable, meaningful, informed, and representative. See **Appendix 1: The Victorian Local Government Act 2020 Overarching Governance and Supporting Principles**.

Specifically, the Community Engagement Principles seek to better engage the community to achieve long-term and sustainable outcomes, processes, relationships, discourse, decision-making, or implementation. To be successful, community engagement must encompass strategies and processes that are sensitive to the community-context in which it occurs.

Council must also engage the community in strategic planning and strategic decision making, and in doing so, consider the diverse needs of the local community. Within this context, strategic planning and strategic decision making relates to the long-term community vision, the four-year council plan, budget, financial plan, asset plan and the making of local laws. See **Appendix 2: The Victorian Local Government Act 2020 Requirements for Community Engagement**.

The Victorian Planning and Environment Act (1987)

Describes the procedures for preparing and amending planning schemes, obtaining permits under planning schemes, enforcing compliance with planning schemes, and other administrative procedures. As part of this, the Act sets the overarching notification requirements, however, in some instances planning scheme amendments and planning permit applications may be exempt from the notification requirements.

The Victorian Public Health and Wellbeing Act (2008)

Outlines ways in which local councils are expected to plan for the health and wellbeing of their communities. Under section 26(2)(c) a Municipal Public Health and Wellbeing Plan must provide for the involvement of people in the local community in the development, implementation and evaluation of the public health and wellbeing plan.

The Victorian Charter of Human Rights and Responsibilities Act (2006)

The Victorian Charter of Human Rights and Responsibilities Act 2006 is about the relationship between government and the people it serves, and sets out the basic rights, freedoms, and responsibilities of all people in Victoria. The Victorian Charter of Human Rights and Responsibilities Act 2006 enshrines the human right to take part in public life, stating that “every person has the right to take part in public life, such as the right to vote or run for public office.”

Other relevant Victorian legislation includes:

- *Public Administration Act 2004*
- *Equal Opportunity Act 2010*
- *Child Safety Act 2015*
- *Road Management Act 2004*
- Commission for Children and Young People Child Safe Standards.

Policy Statement

East Gippsland Shire Council is committed to providing genuine and transparent opportunities for the community to participate in purposeful and planned community engagement processes to inform Councils planning and decision-making processes that affect, impact, or interest them.

Objectives

The objectives of the policy are to:

- Promote a consistent approach to community engagement that is integrated into Council activities to inform decision making, build relationships and strengthen communities
- Realise sustainable outcomes that benefit the community and reflect their input in fair and inclusive planning and decision-making processes
- Strengthen relationships and trust between Council, the community and stakeholders through collaborations, partnerships, and new ways to involve and empower the community.

Principles

The Community Engagement Principles are designed to guide East Gippsland Shire Council through all stages of a community engagement process. The principles are informed by best-practice community engagement frameworks including the International Association for Public Participation (IAP2) Core Values for the Practice of Public Participation, the Victorian Auditor General’s Office (VAGO) Public Participation Principles and the principles outlined in the Victorian Local Government Act 2020 as shown in Table 1.

Principle	Practice
Representative	<ul style="list-style-type: none"> • We identify the stakeholders and groups interested in or affected by the issue that is the focus of the community engagement and ensure they can participate if they choose to. • We consider the needs and interests of the community and stakeholders in the decision-making process.

Principle	Practice
Respectful	<ul style="list-style-type: none"> • We value all people and respect the views, knowledge, expertise and lived experiences of those engaged with, acknowledging that everyone has different views and needs. • We undertake engagement in a mutually respectful manner.
Transparent	<ul style="list-style-type: none"> • We ensure our community engagement processes have a clearly defined objective and scope that is shared with the community and stakeholders to inform their participation. • We inform participants of the ways in which the community engagement process will influence Council decision making.
Accessible	<ul style="list-style-type: none"> • We use a variety of online, plain English print and face-to-face methods to maximise our reach and remove potential barriers. • We ensure multiple and varied opportunities are provided to participate that are sensitive to the local-community context and diversity of individual needs, including those underrepresented or considered hard to reach.
Meaningful	<ul style="list-style-type: none"> • We ensure participants have access to objective, relevant and timely information to inform their participation and input into planning and decision-making processes.
Support	<ul style="list-style-type: none"> • We ensure participants are provided with appropriate support to enable meaningful and informed engagement. We recognise that one size does not fit all. We tailor support to the community engagement process, reflective of the needs of the participants and to remove the barriers to participation such as the cost of travel.
Accountable	<ul style="list-style-type: none"> • We plan, resource and report on our engagement processes appropriately explaining what we asked, what we heard, and the action we took. • We review and evaluate the effectiveness of the community engagement to continually improve the processes and outcomes.
Capable	<ul style="list-style-type: none"> • We ensure Council Officers and decision makers responsible for community engagement processes are provided with appropriate training, support, and resources.

Table 1: Community Engagement Principles

Why we engage

Effective engagement strengthens Councils decision-making by facilitating a greater understanding of the needs, aspirations, concerns, and ideas of the community, which is essential to the planning and delivery of services.

Drawing on a diverse range of perspectives contributes to more sustainable decisions, with greater ownership and belonging experienced amongst the community. Effective community engagement also plays an important part in building respectful relationships by ensuring transparency, integrity, and trust in Council processes.

Other benefits include:

- Increased community involvement
- A better-informed community
- A stronger evidence base to inform decisions advocacy
- Greater mutual understanding between Council and the community
- Strengthened community networks and resilience
- Shared ownership of opportunities and challenges benefiting/impacting both the community and Council
- Improved service planning and delivery.

When we engage

Engagement should happen early in the planning stage for any changes to or introduction of new, services, facilities, policies or local laws that impact our community, including the long-term community vision, the four-year council plan, budget, financial plan, asset plan.

Community / Stakeholder engagement may need to occur at several stages in the lead up to final plans or decisions. The greater the impact on the community, the more interactive the engagement will be. Where necessary technical research and feasibility of options will be conducted before seeking community input to ensure the community is appropriately informed.

Who we engage

East Gippsland Shire Councils plans, projects, policies, services, and operations are connected to the day-to-day lives of community members and stakeholders across the whole municipality. Decisions are greatly improved when they are informed by an understanding of the needs, aspirations, concerns, and ideas of individuals and groups within our community.

As part of our planning for community engagement we identify the people and groups interested in or affected by the issue that is the focus of the community engagement and utilise methods to ensure they can participate if they choose to. Through our engagement we seek to connect with the diversity of the community and stakeholders to create fair and inclusive, representative engagement processes.

East Gippsland Shire Council's place-based community plans include a detailed community profile of the people living in the local community drawing on demographic data and community feedback, that provides insight into the people that live in the district and what is important to them. These community profiles will be used as the basis for identifying the community members and stakeholder groups interested in or affected by the issue being considered through the community engagement.

Where a place-based community plan does not exist the local characteristics of the community, demographic data, and other available information should be considered to enable the identification of community and stakeholder groups to be included in the engagement process.

Table 2 provides a snapshot of the community and stakeholder groups in East Gippsland Shire that may be relevant to a community engagement process.

A Snapshot of the Community and Stakeholder Groups		
Aboriginal and Torres Strait Islander People (including Traditional Owners)	Arts and culture community	Business and industry groups, investors
Chambers of commerce	Children	Carers
Commuters	Community service providers	Communities of interest groups
Culturally and linguistically diverse groups	East Gippsland Shire Council employees	Emergency services
Environmental groups	Families	General community
Government departments /agencies	Heritage groups	Lesbian, gay, bisexual, transgender, and intersex community
State and Federal MPs	Locality groups	Mayor and Councillors
Media	Neighbouring councils or other local government organisations	Not-for-profit organisations and groups
Older people and groups	Peak bodies	People with a disability
People experiencing homelessness	Private enterprise	Ratepayers
Residents	Service groups	Schools, education facilities and students
Sporting, leisure and recreational clubs and groups	Unincorporated associations and clubs	Unemployed People
Victorian and Australian government agencies	Visitors	Young People

Table 2: A Snapshot of Community Stakeholder Groups

How we engage

East Gippsland Shire Council has adapted the International Association for Public Participation (IAP2) Spectrum of Public Participation which describes five levels of engagement. The spectrum matches the role of the community with the level of influence they can expect and will help tailor the way we engage with the community.

Deliberative engagement practices

Best practice community engagement reflects a shift towards more collaborative ways of working with the community and stakeholders as an effective way to identify new solutions for some of the most complex problems we face, to improve policy outcomes and build trust between the community, stakeholders and Council. The emphasis in these types of processes is on collective learning and understanding, as much as the exchange of information.

One of the key developments relates to the use of the deliberative engagement practices in Councils strategic planning and strategic decision-making processes by the *Victorian Local*

Government Act 2020 and for Councils forming decisions with the community for rate increases above the CPI cap by the Victorian Essential Services Commission requirements.

Deliberative engagement is a distinctive approach to involving people in decision-making. It is different from other forms of engagement in that it is about giving a group of everyday people time to consider and discuss an issue in depth before they come to a considered view. They are exposed to relevant facts from multiple points of view, identify options, and come to a group decision. The deliberative group is randomly selected through an independent process that ensures they are descriptively representative of the demographics of the general population.

In many ways East Gippsland Shire Councils approach to place based planning and a range of plans such as concept plans, marine and coastal plans as examples, reflects the elements of deliberative engagement where the process of creating local community plans focused on building relationships and trust between community members and groups, Council and other key agencies. Ideas identified by the community were prioritised based on the evidence gathered around the issues, challenges and opportunities within the district that reflected diverse perspectives and enabled participants to develop new views and come to an informed decision together.

According to the *Victorian Local Government Act 2020* Community Engagement Principles, the intent of the Act is to encourage positive and productive community engagement, by assisting Councils to build capacity in deliberative engagement so that this way of working with the community becomes standard practice, rather than an exceptional exercise. As reflected in East Gippsland Shire Council's commitment to community and strategic planning and the co-design process utilised aligns with this intent.

Table 3 describes the five levels of Councils spectrum of engagement including the roles of Council and community and some example methods for each type of engagement including deliberative engagement.

	Inform	Consult	Involve	Collaborate	Empower
Our Goal	To provide balanced and objective information to make our community aware of something that has happened or will happen	To listen to our community's feedback on ideas, alternatives, and proposals to inform our decision making	To seek input to identify issues, concerns, and aspirations to inform decision making and show how that input has informed the decision	To work with our community to develop a detailed understanding of all the issues and opportunities and identify agreed solutions at every step of the process	To build the capacity of our community to identify solutions and/or lead change
Our promise to the community	We will keep you informed	We will listen to and acknowledge your concerns	We will work with you to exchange information, ideas, and concerns	We will seek advice and innovation from amongst the various stakeholder groups	We will work with you to identify options that will influence the final decision
Role of community and/or stakeholders	Listen	Contribute	Participate	Partner	Lead
Examples of Methods	Signs Advertisements Fact sheets Newsletter Public Notices Social media Websites	Focus groups Public exhibition Surveys (online and hard copy) Ideas boards Creative projects Online pin dropping map tools Face-to-face interviews and discussions	Workshops • Community panels • Advisory groups • Online forums • Co designing • Detailed online mapping, ranking and prioritising tools • Regularly reporting back to the community across multiple stages of engagement • Elements of deliberative engagement processes	Independently governed reference groups Citizens juries Representative deliberative panels Deliberative budgeting	

Table 3: East Gippsland Shire Councils Spectrum of Engagement

The process of community engagement is a dynamic one which means there is likely to be movement back and forth through the different levels of the spectrum as an engagement process is implemented. This is because the community can have different levels of influence at different stages of the project or decision-making process and different groups within the community may be more directly impacted than others.

As elected representatives on behalf of the community, final decisions ultimately rest with the elected Councillors.

Every project or decision will vary according to its context, who it affects and how it impacts them, combined with what can be influenced or is achievable. Successful engagement is underpinned by careful planning to ensure each project is assessed accordingly.

Figure1 shows examples of how different types of engagement may align with influence.

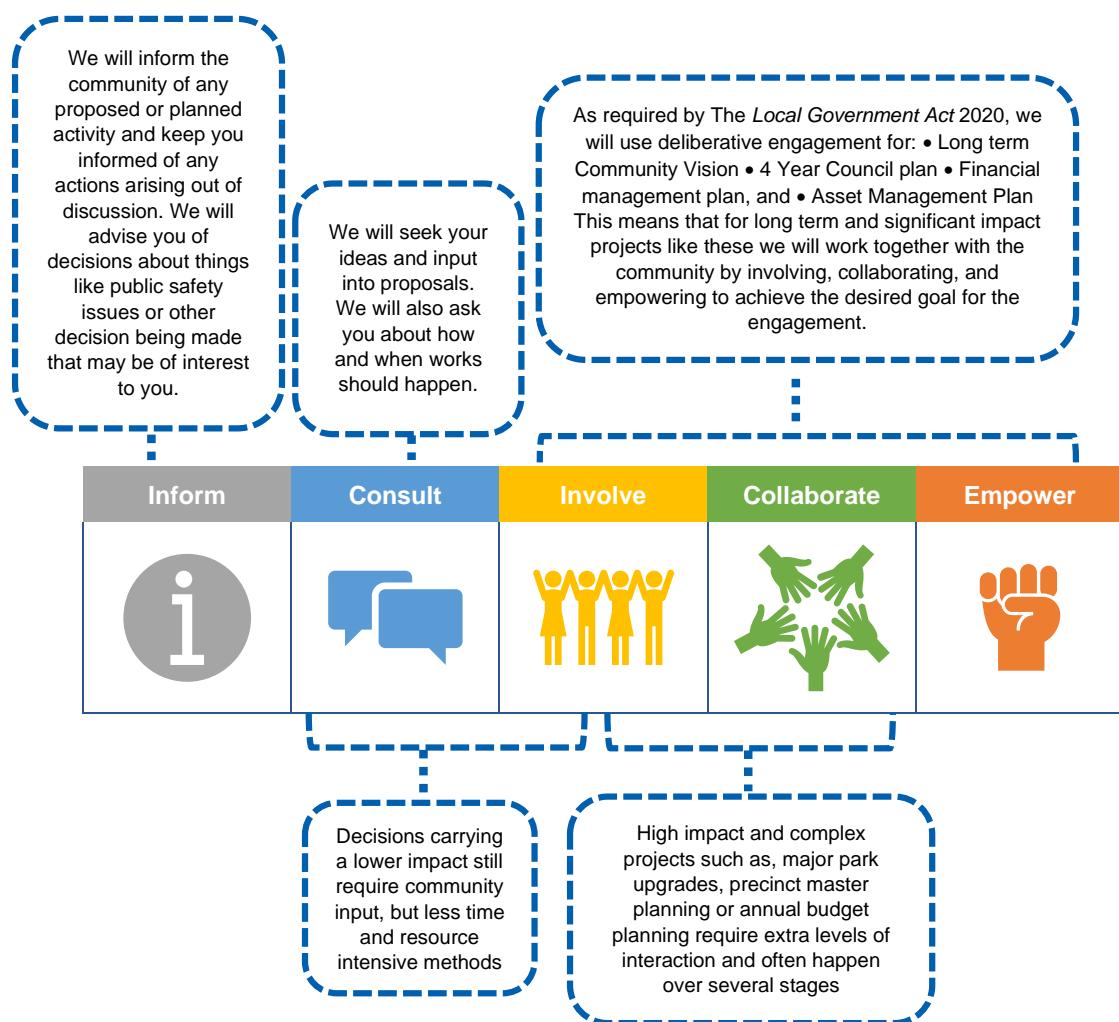


Figure 1: Relationship between levels of engagement and influence

Approach to community engagement

The design of a community engagement plan will ensure appropriate timing, resources, and methods according to a considered analysis of those affected, impacted, or interested, and the scope and objective of any engagement project.

Evaluation will ensure Council is able to continuously improve our community engagement that is reflective of best practice by responding to the complex, evolving needs, and expectations of all stakeholders.

Figure 2 outlines our approach to purposeful, planned community engagement, adapted from the IAP2 engagement framework, and shows four interconnected elements of design, plan, do and review.

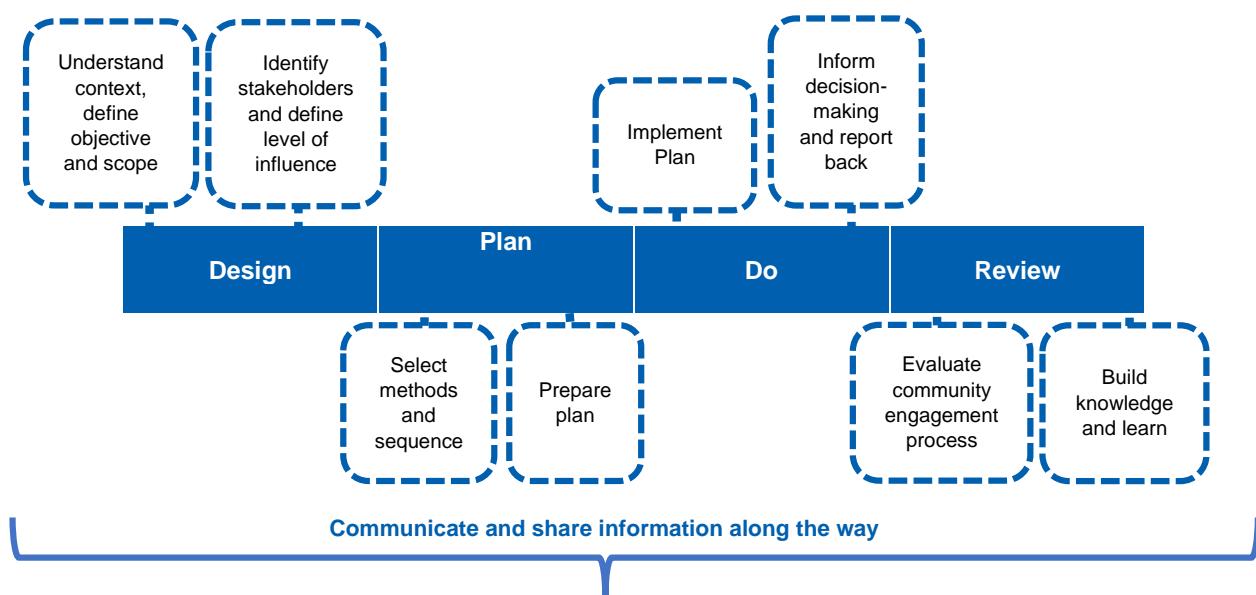


Figure 2: Approach to community engagement

Roles and Responsibilities

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

Party / Parties	Roles and Responsibilities
Executive Leadership Team	To ensure all Managers are aware of their responsibilities and comply with the Policy.
Managers	To ensure all staff, contractors, volunteers, and service providers / service partners are aware of their responsibilities and comply with this Policy.
Coordinators	To support staff with the implementation of the community engagement plans for relevant projects.
All staff	To ensure engagement they are responsible for (including engagement undertaken by third parties on Council's behalf) complies with this policy.

References and Supporting Documents

Applicable Legislation:

- *The Victorian Local Government Act 2020*
- *The Victorian Planning and Environment Act (1987)*
- *The Victorian Public Health and Wellbeing Act (2008)*
- *The Victorian Charter of Human Rights and Responsibilities Act 2006*
- *The Victorian Public Administration Act 2004*
- *The Victorian Equal Opportunity Act 2010*
- *The Victorian Child Safety Act 2015*
- *The Victorian Road Management Act 2004*
- The Victorian Commission for Children and Young People Child Safe Standards

Applicable Policy and Procedure:

- Social Media and Media Relations policy
- Policies for email, internet, digital equipment, electronic communications
- Code of Conduct
- Information Services and Communications policies
- Privacy and Personal Information Policy
- Customer Response Policy
- Information Privacy Policy

Supporting Documents:

- Essential Services Commission, 2017, Deliberation at Scale, Principles and Practices for Small Rural Councils, https://www.esc.vic.gov.au/sites/default/files/documents/lg-fqrs-kja-engagement-toolkit-deliberation-at-scale-20180104_v3.pdf, viewed July 2020
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Privacy and Human Rights Consideration

All personal information collected by East Gippsland Shire Council through community engagement will be handled in accordance with all applicable privacy legislation and will be used only for the issue that is the subject of the community engagement

All matters relevant to the Victorian Charter of Human Rights and Responsibilities Act 2006 have been considered in the preparation of this Policy and are consistent with the standards set by the Charter. The Community Engagement Policy will ensure that stakeholders across East Gippsland Shire have an opportunity to participate in public life and inform decision making, consistent with Section 18 of the Charter.

Definitions

Term	Meaning
Community Engagement	A purposeful, planned process where those affected by or interested in a decision can participate in the decision-making process if they choose to.
Community	<ul style="list-style-type: none"> • 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 of place (based on geographic location such as those reflected in local district plans) • Community of practice (based on common interests and activities such as conservation, the environment, bike-riding) • Community of identity (based on an individual shared perspective such as particular age groups or a religious community).
Citizens juries	The most common form of deliberation practiced in Australia is a citizens' jury. Citizens' juries are also called community panels, people's panels, or citizens' assemblies. They can comprise any number of people, and examples around the world vary from 12 to 1,000 participants. Currently in Australia the deliberative group often consists of 30 to 45 people.

Term	Meaning
Co-design	A partnership process that builds and deepens equal collaboration between stakeholders affected by, or attempting to, resolve a challenge. A key tenet of co-design is that stakeholders are acknowledged as the experts of their own experience, becoming central to the design process. On the spectrum of engagement this is a method for collaboration. Can also refer to the co-design of the engagement process itself to ensure it is fully transparent and works for all parties.
Collaborate	To work with our community to develop a detailed understanding of all the issues and opportunities and identify agreed solutions at every step of the process.
Consult	To listen to our community's feedback on ideas, alternatives, and proposals to inform our decision making
Contractor	Person or company engaged to undertake works for Council, including service providers / service partners.
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.
Decision	A conclusion or resolution reached after consideration. Decisions can take many forms. In this policy, it is used to include activities such as plans, projects, service design/delivery, and policy development.

Term	Meaning
Deliberative Engagement	<p>Deliberative engagement is a distinctive approach to involving people in decision-making. It is different from other forms of engagement in that it is about giving participants time to consider and discuss an issue in depth before they come to a considered view. Deliberation is one form of 'high influence' community engagement. The expectation is that the convening organisation will implement the recommendations to the greatest extent possible. However, it does not replace or take away from the decision-making powers of elected representatives. Deliberation is a principles-based approach to community engagement. Meeting the principles is more important than any specific method or format. The key elements of a deliberation are:</p> <ul style="list-style-type: none"> • There is a complex problem or issue to be solved, often called a remit • A deliberating group is selected using a random and stratified recruitment method • Information from diverse sources and covering different sides of the issue, such as background reports and expert speakers, is provided • Information from diverse sources and covering different sides of the issue, such as background reports and expert speakers, is provided • The group is given 4-6 full days of deliberation time. This is usually spread over a number of weeks or months to facilitate learning and understanding • The process is designed and facilitated by independent skilled facilitators • The group considers information, identifies options, comes to judgement, writes their own recommendations/report, and presents it to the elected council.
Deliberative Elements	<p>Used where time and resources required for a full deliberative exercise is incompatible with the level of impact a decision entails, but the impact is sufficiently high or the decision is sufficiently complex to still warrant an extra level of transparency, meaningfulness and representation. Examples of elements of deliberative practice include:</p> <ul style="list-style-type: none"> • Inviting a representative sample of those impacted by a decision in to a one off workshop in order to hear the range of perspectives and share more detailed information (this would usually happen after a broader community consultation so the full range of perspectives and issues requiring compromise are fully understood) • Inviting the community to consider the trade-offs involved in a decision by presenting options, choices, or a budget framework • Offering information sessions and accessible explanations of the project scope where issues are complex or dependent on other factors • Inviting key stakeholders or a sample of those highly impacted to co-design the engagement process to ensure it reaches out to the right groups and is fully representative.
Empower	<p>To build the capacity of our community to identify solutions and/or lead change.</p>
Engagement approach	<p>The design/plan that ensures appropriate timing, resources, and methods according to a considered analysis of those affected, impacted, or interested and the scope and remit of any engagement project.</p>

Term	Meaning
Hard to reach	Individuals and groups that are more difficult to involve in community engagement and have multiple barriers to engagement.
Inform	To provide balanced and objective information to make our community aware of something that has happened or will happen and/or to influence a decision.
Involve	To seek input to identify issues, concerns, and aspirations to inform decision making and show how that input has informed the decision.
Methods	Refers to the many types of engagement that can be employed such as online or in person, public meetings and community panels, surveys, ideas boards, public competitions, or deliberative budgeting for example.
Online pin dropping map tools	Software that enables issues to be pinned on a dynamic map and provides the community with multiple ways to have their say on the issues related to these specific geographic locations.
Partner	An individual, organisation or sector that forms a partnership to work with Council.
Partnership	Occurs when two or more people or organisations work together to realise or achieve a goal. Partnerships provide opportunities for mutual benefit and results beyond what any single individual, organisation or sector could realise alone.
Project	A planned undertaking that builds, enhances, and/or maintains Council assets or enhances Council services to achieve a desired outcome, within a defined scope.
Random selection	Random, stratified selection of participants is an independently conducted process, as far as possible, that provides as unbiased and representative cross section of the community as practical. This is an essential element of deliberative engagement, which is not about allowing anyone to turn up and people to 'self-select', like the participants at a public meeting. It allows you as council decision makers to have a high level of comfort, because you know what everyday people who are broadly representative of your community think is reasonable (once they are informed). This is more valuable than knowing only what interest groups and highly articulate and invested people are lobbying for.
Representative	Representative of the persons and groups affected by the matter that is the subject of the community engagement.
Representative Community Panel	<ul style="list-style-type: none"> • Can be used to deliver a range of engagement types from world café's, in person and/or online advisory groups through to complex deliberative processes. • Larger panels (50-60 participants) can provide a representative sample of the population (to acceptable industry standards) and can be appropriate for whole of municipality decisions with wide reaching impact. • Smaller panels (15-30 participants) can provide representative samples for niche decisions impacting groups of the community but still require appropriate support, time, and information.

Term	Meaning
Responsible Officer	An officer of East Gippsland Shire Council who has responsibility for the general area/subject matter to which a record pertains.
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.
Stakeholders	<ul style="list-style-type: none"> Sections of the community involved in engagement because of impact, interest, or responsibility to deliver on an outcome Can also refer to external organisations, and other levels of government involved in a decision Always includes internal decision makers and implementers of decision outcomes.
Volunteer	Formally recognised, unpaid member of the public who assists with the provision of Council services e.g. Visitor Information Centre, Library

Revision History and Review

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
Original	Approved	03/11/2011	Council	4480728	
2	Approved	19/11/2013	Council	5523289	
3	Approved	12/12/17	Council	7425948	
4	Approved	16/03/2021	Council	9017922	Policy updated and is reflective of the principles defined within the <i>Local Government Act 2020</i> (the new Act).

Appendices

Appendix 1 – *The Victorian Local Government Act 2020 Overarching Governance and Supporting Principles*

The Act states that a Council must in the performance of its role give effect to the overarching governance principles as follows:

#	Overarching governance principles
a	Council decisions are to be made and actions taken in accordance with the relevant law
b	Priority is to be given to achieving the best outcomes for the municipal community, including future generations
c	The economic, social, and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted
d	The municipal community is to be engaged in strategic planning and strategic decision making
e	Innovation and continuous improvement is to be pursued
f	Collaboration with other Councils and Governments and statutory bodies is to be sought
g	The ongoing financial viability of the Council is to be ensured
h	Regional, state and national plans and policies are to be taken into account in strategic planning and decision making
i	The transparency of Council decisions, actions and information is to be ensured.

Table 4: Overarching governance principles

In giving effect to the overarching governance principles, a Council must take into account the following supporting principles:

Principles	Aim
a) Community engagement	<p>This principle aims to ensure all Victorians have the opportunity to engage with their council on the future of their community. At a minimum, all councils must adopt and maintain a community engagement policy which must be used in the development of:</p> <ul style="list-style-type: none"> • planning and financial management • community vision • council plan • financial plan

b) Strategic planning	<p>The <i>Local Government Act</i> 2020 requires councils to develop an integrated, longer-term, and transparent approach to planning that supports councillors in leading strategically, rather than focusing on operational issues.</p> <p>The strategic planning principle works together with the community engagement principle to ensure that communities are involved in strategic planning and decision making.</p>
c) Public transparency	<p>Openness, accountability, and honesty are essential to build high levels of accountability and trust amongst citizens and enable fully informed engagement in the democratic process.</p> <p>Councils will be required to adopt and maintain a public transparency policy, which must be in line with underpinning principles in the Act.</p>
d) Financial management	<p>A significant percentage of a council's revenue comes from rates, and the community has expectations that these rates will be used to deliver an array of services and infrastructure. It is vital that councils undertake responsible spending and investment that ensures financial, social and environmental sustainability.</p> <p>The new <i>Local Government Act</i> 2020 is also intended to create a legislative environment that embraces innovation, modern business practices and microeconomic reform.</p>
e) Service performance	<p>This principle ensure that councils deliver services to the community that are equitable, accessible, good value and meet the needs of their diverse communities.</p>

Table 5: Supporting principles

Appendix 2 – The Victorian Local Government Act 2020 Requirements for Community Engagement

The Victorian Local Government Act 2020 does not define any type of community engagement that Councils must utilise; but it does require that, at a minimum, a council use deliberative engagement practices in developing certain documents and processes.

Table 6 below outlines where deliberative engagement practices are required and where the method of community engagement may be determined by Councils, in accordance with their community engagement policy.

In addition to these areas, the community engagement principles also suggest that many other council requirements, under the Act and other legislation, not included in Table 8 would benefit from councils considering the use of deliberative engagement activities.

The application of all principles within the Act is also required, where relevant, when applying deliberative engagement practices in the development of council plans, documents, policies, and procedures, including financial management, public transparency, strategic planning, and service performance principles.

Section	Policy application	Community engagement method to be determined by Council	Deliberative Engagement
55 (p70)	Community Engagement Policy	<p>Adopt the first community engagement policy on or before 1 March 2021.</p> <p>A community engagement policy must be developed in consultation with the municipal community.</p> <p>Council may determine the method of community engagement undertaken in accordance with their existing community engagement policy.</p>	
60 (p74)	Governance Rules	<p>The first Governance rules must be in place prior to the 1 September 2020 deadline for the revised community engagement policy.</p> <p>Council may determine the most appropriate method of consultation in accordance with their existing community engagement policy. A Section 223 of the <i>Local Government Act 1989</i> may be deemed the appropriate mechanism.</p>	

Section	Policy application	Community engagement method to be determined by Council	Deliberative Engagement
73 (p84)	Proposing a local law	The Council may determine the appropriate community engagement method in respect of the making of a local law, in accordance with their community engagement policy, and communicate the process in the public notice for the local law	
73 (p85)	Altering a proposed local law	If the Council proposes to alter a proposed local law, they must conduct further community engagement in respect of the proposed alteration	

Section	Policy application	Community engagement method to be determined by Council	Deliberative Engagement
88 (p94)	Community Vision		<p>Develop or review the Community Vision in accordance with Councils deliberative engagement practices and adopt the Community Vision by 31 October in the year following a general election.</p> <p>The Community Vision has effect from 1 July in the year following a general election.</p>

Section	Policy application	Community engagement method to be determined by Council	Deliberative Engagement
90 (p95)	Council Plan		Develop or review the Council Plan in accordance with its deliberative engagement practices and adopt the Council Plan by 31 October in the year following a general election.
91 (p96)	Financial Plan		Develop or review the Financial Plan in accordance with its deliberative engagement practices and adopt the Financial Plan by 31 October in the year following a general election.
92 (p97)	Asset Plan		Develop, adopt, and keep in force an Asset Plan in accordance with their community engagement policy and deliberative engagement practices by 30 June 2022

Section	Policy application	Community engagement method to be determined by Council	Deliberative Engagement
96 (p100)	Preparation of budget or revised budget	Develop the budget and any revised budget in accordance with Councils community engagement policy. Council may determine the most appropriate method of consultation in accordance with their community engagement policy. The first budget may be developed under section 94 in accordance with section 223 of the <i>Local Government Act</i> 1989 if the Council has not adopted its first community engagement policy at the time that the budget is being developed	
112 (p.113)	Acquisition and compensation	Council may determine the most appropriate method of consultation in accordance with their community engagement policy	
114 (p.113)	Restriction on power to sell or exchange land	Council may determine the most appropriate method of consultation in accordance with their community engagement policy	
239 (p.218)	Restructuring advisory panels	Council may determine the most appropriate method of consultation in accordance with their community engagement policy	

Table 6: The *Local Government Act* 2020 requirements for community engagement

Engagement Summary Report

Community Engagement Policy Review - 2025



East Gippsland Shire Council
Phone 5153 9500
Email feedback@egipps.vic.gov.au
Web eastgippsland.vic.gov.au

Background

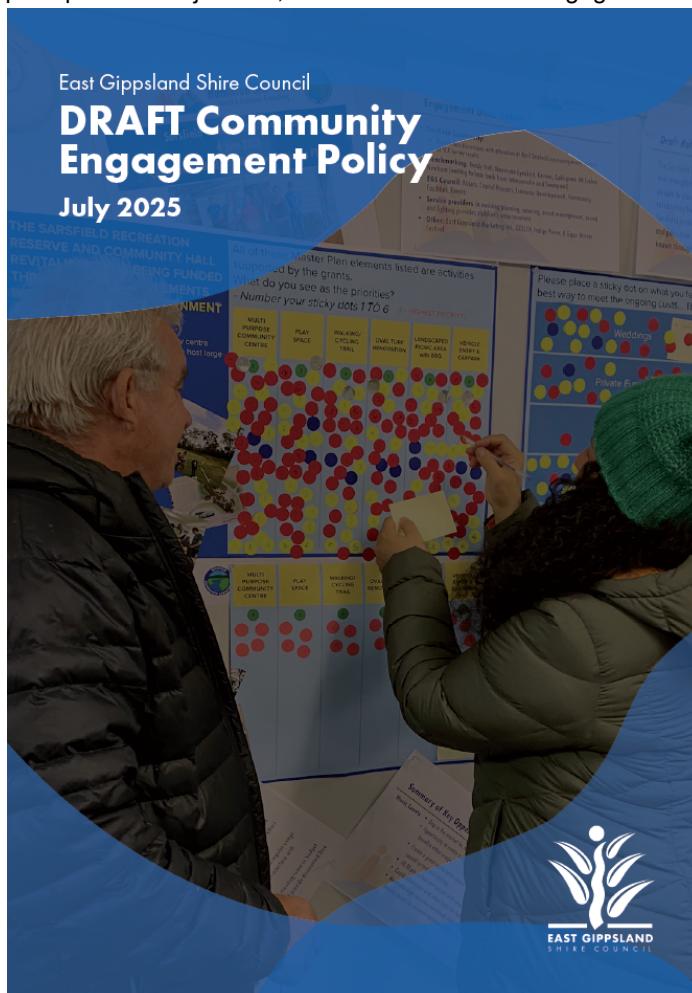
East Gippsland Shire Council reviewed and updated its existing Community Engagement Policy in 2025 to strengthen the organisation's framework for delivering inclusive, transparent, and responsive engagement practices, reflect community needs and expectations, and align with *Local Government Act 2020* requirements.

The updated policy strengthens engagement practices that deliver better outcomes and build trust in Council's decision-making processes and is guided by the International Association for Public Participation (IAP2) framework, which provides a globally recognised best practice model for public participation.

It sets out Council's commitment to seeking and incorporating community input across all areas of its work, defines engagement principles and objectives, and ensures inclusive engagement with diverse community groups including First Nations, youth, people with disability, older adults and CALD communities, through tailored and multi-faceted approaches that address barriers to participation.

It also incorporates a stronger focus on closing the feedback loop with the community, to keep them informed about how their feedback influenced Council decisions. It supports place-based engagement to reflect the unique needs of East Gippsland's varied communities and empowers residents through a variety of engagement approaches.

The updated draft policy was released for community feedback from 22 September to 20 October 2025. This consultation summary provides an overview of the engagement program used to collect feedback, the results of the public comment period and the changes that have been incorporated into the final policy as a result.

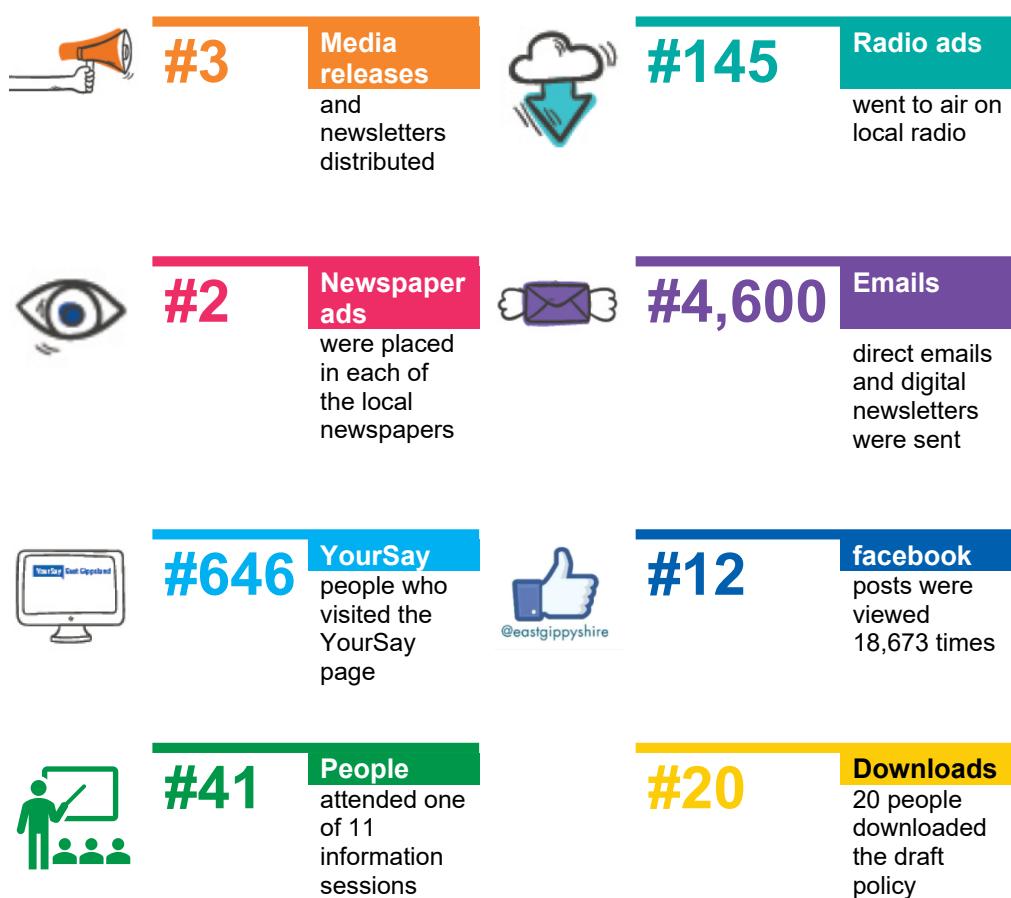


Consultation overview

Public engagement period

The engagement program for this policy review used the inform to consult levels of the IAP2 public participation spectrum. We kept the community in the loop, made sure their voice was heard, listened to their ideas and feedback and used what they told us to help shape the final policy.

The consultation period was promoted using a range of methods including media releases, radio advertising, Facebook posts, Shire Noticeboard advertisements in local newspapers, and direct emails and newsletters to key stakeholders and community members.



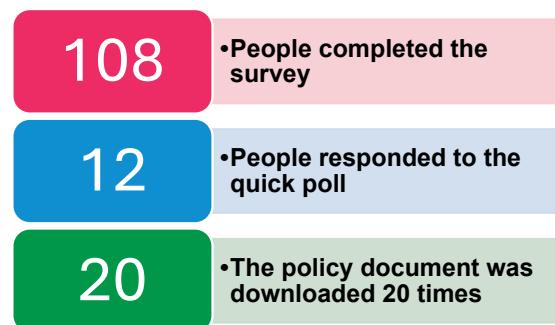
Consultation methods

Council's YourSay engagement platform was used to provide information about the policy review and featured an online survey and quick poll that stakeholders and community members could complete to leave their feedback. In addition to providing feedback about the policy, respondents were also given an opportunity to provide general feedback about Council's community engagement activities.

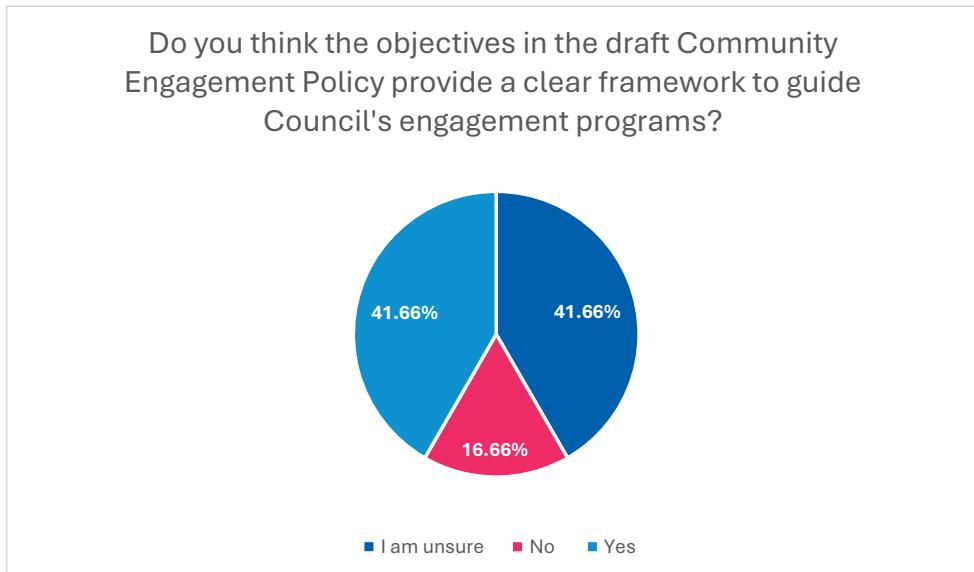
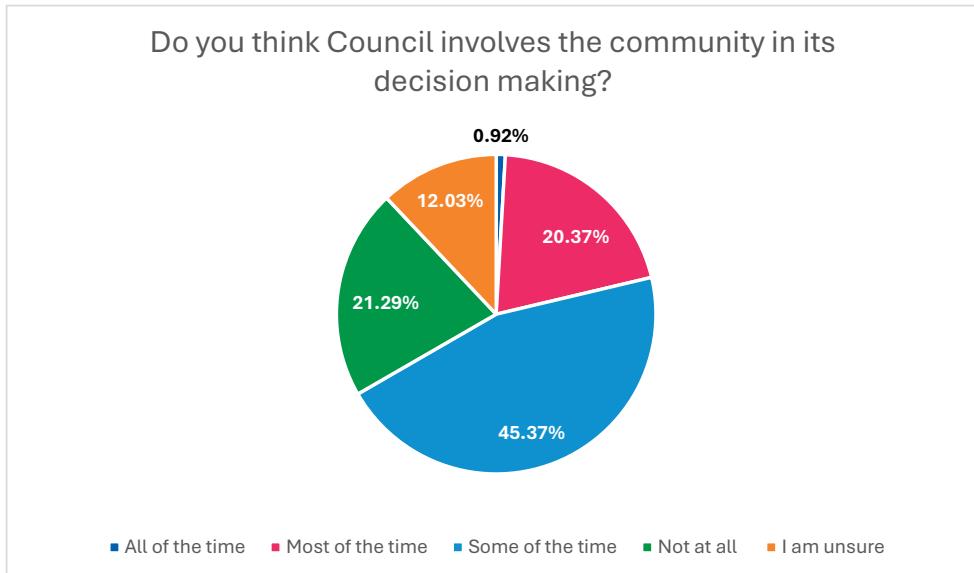
Council also hosted eight community drop-in sessions throughout October 2025 in Bairnsdale, Omeo, Mallacoota, Orbost, Cann River, Lakes Entrance, and Paynesville, along with two online feedback sessions. A total of 22 community members attended these sessions.

In addition, three internal staff drop-in sessions were held in Bairnsdale, Kalimna, and Lakes Entrance, with 19 staff members participating.

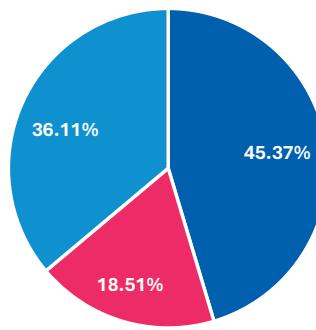
What we heard



- **26% of respondents** had never previously provided feedback on a Council project.
- **77% of respondents** like to provide feedback using online surveys and **45% of respondents** like to provide feedback through **drop-in sessions or in-person interactions**.
- **63% of respondents** were either **unsure or did not believe** the policy objectives provide a clear framework for community engagement, despite this, only **19% of participants** downloaded the policy document.
- **71% of respondents** felt the policy clearly defines who we will engage with and addresses barriers to engagement.
- **88% of respondents** were happy with how the policy defines how we will engage with our community and stakeholders, including what the negotiable and non-negotiable elements are.
- **36% believe** the policy will support **inclusive participation** in community engagement.
- **46% believe** the policy will allow for **appropriate levels of feedback** to be provided back to community members who have participated in Council's engagement programs.
- **50% of respondents** to the quick poll indicated the draft policy needed more work and **42%** were happy with the draft policy as it was.

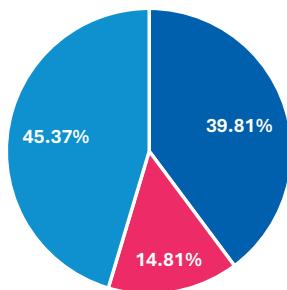


Do you think the engagement methods proposed will achieve inclusive participation?



■ I am unsure ■ No ■ Yes

Do you think the 'closing the loop' section of the policy will provide appropriate levels of feedback to people who have participated in our engagement programs?



■ I am unsure ■ No ■ Yes

Key themes

Several key themes emerged throughout the engagement process. Notably, community members expressed appreciation for the opportunity to contribute and shared that they felt genuinely heard during the sessions.

The feedback tells us that there is opportunity to increase transparency, trust and inclusiveness during our engagement activities. The following key themes were identified in the community feedback:



We received feedback about how we could strengthen engagement with First Nations peoples, as well as the policy not explicitly acknowledging other key groups like LGBTQIA+ individuals, culturally and linguistically diverse (CALD) communities, people with disability or access requirements, and older adults. This may limit the policy's inclusivity and reduce its effectiveness in addressing the needs of all community members.



Feedback indicated that the policy is perceived as complex and lacking clarity on key operational aspects. Specifically, respondents noted the absence of details regarding who is responsible for data collation, how data will be managed, the treatment of casual community feedback, and the inclusion of specific project-level information.



Participants acknowledged the need to strengthen trust between the community and Council. Feedback also indicated strong support for adopting the IAP2 framework, which is viewed as an effective structure for capturing community sentiment and improving consultation outcomes. Respondents believe this approach will help foster more transparent and collaborative relationships across East Gippsland.

General feedback

During the engagement process, community members used the opportunity to raise issues and provide feedback on matters not directly related to the policy. This feedback indicated a strong interest in sharing perspectives on a wider range of Council activities and services and the value of face-to-face connection.

Accessibility

Community feedback highlighted ongoing challenges in accessibility, communication, and service delivery. Digital engagement tools, such as QR codes and online platforms, were noted as inaccessible for some residents, particularly those with limited technological proficiency.

As a result, there is a strong preference for printed materials, including surveys and newsletters.

To enhance outreach and ensure broader community participation, respondents recommended the use of traditional communication channels. These included newsletters distributed within retirement villages, local noticeboards, newspapers, community bulletins, radio broadcasts, and more traditional advertising options.

Communication and transparency

Community feedback reveals concerns about unclear communication and limited transparency. Policies and engagement processes are often viewed as overly complex, and residents want clearer explanations for decisions and project changes. Many reported learning

about major changes through indirect channels rather than direct communication, leading to frustration and feelings of exclusion.

While some positive experiences occurred when Council closed the feedback loop, many believe their input is ignored. Previous consultation practices and communication protocols have contributed to a sense of being undervalued, resulting in disengagement and diminished trust.

Methods and community connection

Community feedback suggests that traditional drop-in sessions are generally ineffective, with low attendance, whereas visible engagement in public spaces such as local shops and post offices is perceived as more successful.

Respondents highlighted the value of interactive activities, including workshops, as effective ways to attract participation. Additionally, leveraging local interest groups presents further engagement opportunities, as well as participation via established community events.

Changes to the Community Engagement Policy

The following changes have been implemented based on consultation feedback to strengthen the policy and Council's approach to community engagement.



Inclusion statement

The incorporation of an inclusion statement in the policy to reflect all contributions from communities across East Gippsland:

To ensure our communities feel genuinely represented and included, we uphold our core values of respect, collaboration, integrity, and accountability. This policy is supported by East Gippsland Shire Council and reflects our commitment to fostering a culture where every voice is heard. We strive to promote inclusive engagement across all communities, and work hard to identify and engage with groups in our community who may be less represented in community engagement opportunities.



Policy summary

The creation of a concise, easy-to-read summary of the policy that clearly outlines its key points. This summary also includes high-level information on relevant operational processes for community engagement to enhance transparency and understanding.



IAP2 link

A hyperlink has been added within the policy to the official IAP2 website. This will enable the community to access detailed information about the public participation framework and support a greater understanding of best-practice engagement principles offered by East Gippsland Shire Council.



First Nations engagement

The updated policy includes new wording for the Acknowledgement of Country and how we will approach First Nations peoples engagement, which was recently endorsed by Council's Reconciliation Action Plan Working Group.

Additional considerations

In addition to the feedback received about the policy, community members also provided general feedback about Council's engagement methods. Council will be incorporating the following key feedback areas into its future community engagement activities:



IAP2 framework

Continue to implement the International Association for Public Participation (IAP2) framework to guide community consultation practices is expected to enhance communication, increase transparency, and strengthen trust between Council and the community.

A critical component of this approach will be ensuring the consultation process is clearly closed-out with the community by sharing outcomes of engagement and how community input has influenced Council decisions.



Information sessions

To improve the effectiveness of community engagement, Council will evaluate the use of traditional drop-in sessions at service centers, which have demonstrated low attendance.

Instead, greater emphasis will be placed on visible and interactive engagement in high-traffic public spaces such as local shops, post offices and community attended events.



Survey improvements

To improve engagement outcomes, Council should prioritise the development of short, accessible surveys (under five minutes).

Additionally, greater promotion of platforms such as YourSay through multiple communication channels is recommended to increase awareness and participation.

Where to find the Community Engagement Policy

A copy of the updated East Gippsland Shire Council Community Engagement Policy is available on Council's website – eastgippsland.vic.gov.au.

You can request a printed copy of the policy by emailing feedback@egipps.vic.gov.au or telephoning (03) 5153 9500.

Further information

- East Gippsland Shire Council's YourSay website – yoursay.eastgippsland.vic.gov.au
- East Gippsland Shire Council website – www.eastgippsland.vic.gov.au
- International Association for Public Participation - www.iap2.org

East Gippsland Shire Council Community Engagement Policy Summary

Purpose

The Community Engagement Policy outlines East Gippsland Shire Council's (Council) commitment to community engagement. It applies across the work Council delivers, from strategic planning to community development, service delivery and legislative requirements.

It provides guidance to prioritise a voice for the community through genuine, authentic, informative, and inclusive engagement and demonstrates transparency in Council's decision-making processes.

Objectives

The objectives of this policy are to:

- Establish the process for decision making used by Council based on community sentiment, legislative frameworks and budgets.
- Increase consideration of place-based, First Nations people and interest groups in community engagement activities.
- Establish the criteria for using deliberative engagement practices.
- Raise awareness of Council's community engagement practices and the different types and levels of engagement required for different projects.
- Provide Council employees with the framework to plan and execute community engagement projects.
- Acknowledge the need for cultural safety, respect and trust in all engagement processes.

When we will engage

Planning for community engagement should begin during project development, continue to completion and feedback should be provided to participants and the community.

We will provide timely and relevant information, be flexible and adaptable, engage early and use existing meeting schedules as a forum to present new ideas or information and provide feedback.

Who we engage

Participants in community engagement must be representative of the people and groups affected by the subject of the community engagement.

The target audience for engagement should be identified early in planning and any barriers for community should be recognised including gender, geographic location, age, culture and health.

First Nations people and Traditional Owner groups/organisations should have relevant information provided at agreed locations and times.

How we engage

Community engagement should be a planned process with a clearly defined objective, scope, negotiables/non-negotiables and activities.

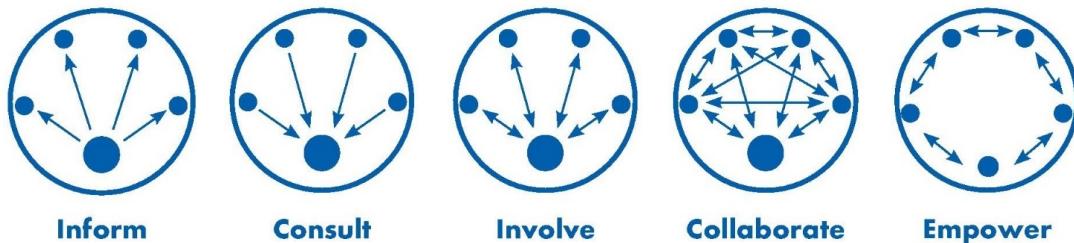
We will engage early before decisions are made and leave enough time for the community to digest information and provide feedback.

We will let the community know upfront what Council is wanting to achieve, how the engagement process will influence decision making, and the purpose and scope of community engagement activities.

We will be open about key issues or constraints which may influence the engagement and decision making, such as budget or legislation.

Our engagement approach

Our spectrum of engagement model provides a consistent approach to community engagement. It is based on the International Association for Public Participation Spectrum of Public Participation framework, which identifies five levels of engagement:



The level/s chosen for each engagement program will depend on the project stakeholders, scope, impact and available resources. We will also evaluate the complexity and likely impact of a decision against the significance of the outcome when developing community engagement activities.

Deliberative engagement

Deliberative engagement is a process used to reach an outcome or decision for complex issues and brings together a mix of voices to work through and consider issues in a supported environment. It is an inclusive and transparent process where support, time, information and purpose must be available to the people involved.

It should enable a diverse range of people in our community to be highly involved, including those most impacted by the decision.

Matters requiring deliberative engagement can be determined by Council, but as a minimum must include the Community Vision, Council Plan, Financial Plan and Asset Plan.

Closing the loop

When undertaking engagement activities, it is critical to close the loop with our contributors and community, so they know they have been heard.

Participants in community engagement will be informed of the ways in which the process will influence Council decision making and how their input will be used.

At the beginning of each engagement process, we will provide a timeframe for submissions, inform the community where and how they can access the feedback and update the community and stakeholders throughout the engagement.

Further information

A full copy of the East Gippsland Shire Council Community Engagement Policy is available on Council's website – eastgippsland.vic.gov.au.

You can request a printed copy of the policy by emailing feedback@eipps.vic.gov.au or telephoning (03) 5153 9500.

5.2 Assets and Environment

5.2.1 CON2026 1737 Construction of Church St Pedestrian Crossings, Lakes Entrance

Authorised by General Manager Assets and Environment

Confidentiality Notice

The information contained in **Confidential Attachments: 1 (CON2026 1737 Contract Award Summary), and 2 (Tender Evaluation Process)** are confidential under section 3(1) of the *Local Government Act 2020* because it relates to: (g) Private Commercial Information, being information provided by a business, commercial or financial undertaking that—(i) relates to trade secrets.

Pursuant to section 66(5)(b) of the *Local Government Act 2020*, if released, the information discussed or considered in relation to this agenda item would unreasonably expose the business, commercial or financial undertaking to disadvantage, by disclosing financial information to competitors.

Purpose

This report is presented to Council to seek formal consideration of a recommendation to award contract CON2026 1737 Construction of Church St Pedestrian Crossings, Lakes Entrance.

Key Points

Council has received funding from the Transport Accident Commission (TAC) through the Safer Local Roads and Streets Program to improve pedestrian safety on Church Street, Lakes Entrance.

The works under this contract involve: (See **Attachment 3** for details):

- The construction of two raised pedestrian crossings giving right-of-way to pedestrians on Church St near the intersection of Mechanics Street and near the intersection of Bulmer Street.
- The alteration of the existing raised platform at the intersection of Mechanics and Church Streets.
- Public lighting upgrades at both locations.
- Flashing lights at the Mechanics Street pedestrian crossing to help draw attention to the high number of people using it.

Church Street provides access to the main commercial precinct in Lakes Entrance. Several raised intersections are present along the road: at the T-intersection with Mechanics Street and further east at the staggered intersection with Carpenter Street. Despite the raised intersection at Mechanics Street, vehicle speeds were observed and measured to be more than the posted 50 km/h. Additionally, there is a high pedestrian demand between the main commercial precinct and the recreational and tourist attractions located north of Church Street.

An additional pedestrian demand is recorded across Church St at the intersection with Bulmer Street where pedestrians are seeking to access the Lake Entrance Bowls Club (approximately 240 metres east of Mechanics Street). Generally, the pedestrians are elderly with lower spatial orientation.

Recommendation

That Council:

- 1. accepts the tender submitted by _____ for CON2026 1737 Construction of Church St Pedestrian Crossings, Lakes Entrance for the Contract amount specified in the CON2026 1737 Contract Award Summary provided at Confidential Attachment 1;***
- 2. authorises the General Manager Assets and Environment to approve variations to CON2026 1737 Construction of Church St Pedestrian Crossings, Lakes Entrance up to the contingency amount specified in the CON2026 1737 Award Summary provided at Confidential Attachment 1, subject to the conditions specified in that summary;***
- 3. authorises the Chief Executive Officer or delegate to finalise the terms and to execute the necessary contract documents;***
- 4. notes that the successful tenderer and contract amount will be published on Council's website following execution of the contract documents and after unsuccessful tenderers have been formally notified; and***
- 5. resolves that the Confidential Attachments to this report and all discussions relating to them remain confidential.***

Strategic Alignment

This report has been prepared and aligned with the following theme in the Council Plan 2025-2029:

Theme 3: Making the most of what we've got

Outcome – Our assets are well maintained, utilised and meet community needs.

The project is also aligned with the community consultation and prioritisation of projects by the Lakes Entrance Action and Development Association (LEADA), the largest community representation body for Lakes Entrance.

Collaborative Procurement

Pursuant to section 109(2) of the *Local Government Act 2020* this report has been prepared in collaboration with TAC through Safer Local Roads and Streets Program.

Consultation/Community Engagement/Impacts

Ongoing community and stakeholder engagement is being undertaken in alignment with the principles of Council's engagement policy. This includes:

- A 'Your Say' page is live and provides the opportunity for community members to view information and project updates regarding the design and progress of the procurement process. The 'Your Say' page is supported by notifications through Council's existing communications channels, including the 'Your Say' newsletter which is distributed to over 300 people following Lakes Entrance projects, social media posts and Shire Noticeboard advertisements.
- Project information was included in a media release in November 2025 and letters to residents between Mechanics and Bulmer Streets.
- LEADA first raised the possibility for a pedestrian crossing in this location which was then further investigated by Officers and concluded to be a worthwhile project.
- Ambulance Victoria have raised concerns about pedestrian crossings. Church Street is now their main access route since signalised pedestrian crossings were installed by VicRoads on the Esplanade. TAC's designer advised that the congestion that may be associated from time to time with pedestrian crossings is generally accepted in the same way as congestion around schools, or cars lining up waiting for 19 metre trucks to move in-out of carparks (e.g. Woolworths on Church St). Visibility of the ambulance is key and there may be an opportunity for additional community education through media release ahead of the completion of works. Council's road safety team will also undertake monitoring before and after the installation to assess any impacts.

Opportunities and Risks

The TAC funding offers an opportunity to improve safety for pedestrians along a very busy street.

Climate change

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

Conflicts of Interest

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

Attachments

1. CONFIDENTIAL - CON 2026 1737- Contract Award Summary **[5.2.1.1 - 2 pages]**
2. CONFIDENTIAL - CON 2026 1737 - TEP Report - revised **[5.2.1.2 - 10 pages]**
3. CON 2026 1737 Design Plans **[5.2.1.3 - 3 pages]**



PLOTTED ON: 19/Oct/2025 2:33 PM

E	17.10.25	ISSUE FOR TENDER
D	10.10.25	ISSUE FOR REVIEW
C	08.08.25	ISSUE FOR REVIEW
B	12.05.25	ISSUE FOR REVIEW
A	25.02.25	ISSUE FOR REVIEW
ISSUE APP'D	DATE	AMENDMENT

GENERAL NOTES

DESIGNED

G. DIMACALI

17.10.25

APPROVED

D. MUSTATA

17.10.25

CAT:

PROJ:

FILE:



ISSUED FOR TENDER
FOR DISCUSSION PURPOSES ONLY
SUBJECT TO CHANGE WITHOUT
NOTIFICATION
DATE OF ISSUE: 19/10/2025

WARNING
BEWARE OF UNDERGROUND SERVICES
THE LOCATIONS OF UNDERGROUND SERVICES ARE
APPROXIMATE ONLY AND THEIR EXACT POSITION
SHOULD BE PROVEN ON SITE. NO GUARANTEE IS
GIVEN THAT ALL EXISTING SERVICES ARE SHOWN

CHURCH STREET
BETWEEN MECHANICS STREET AND BULWER STREET
EAST GIPPSLAND SHIRE
OVERVIEW PLAN

HOR
VER

SCALE OF METRES

SHEET NO.

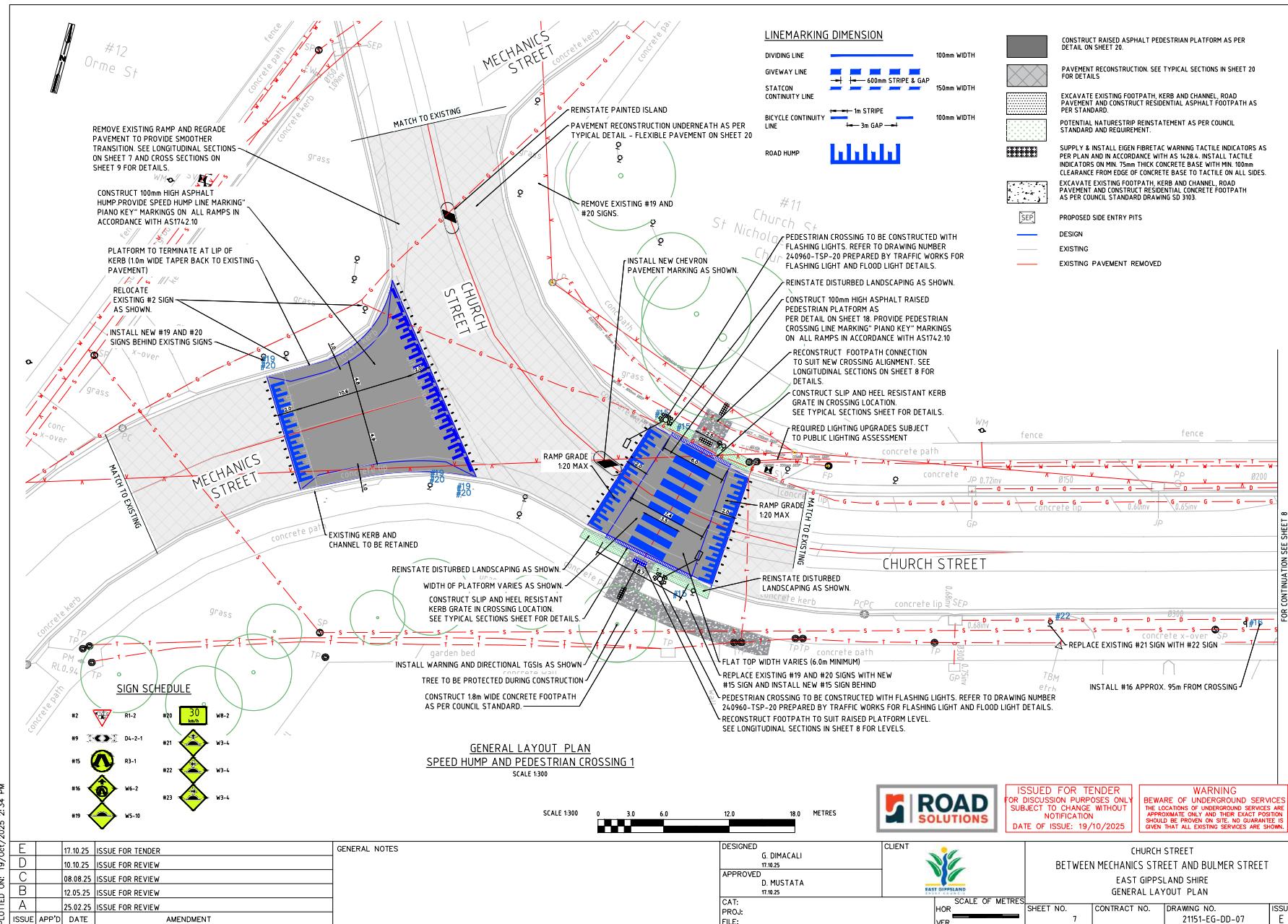
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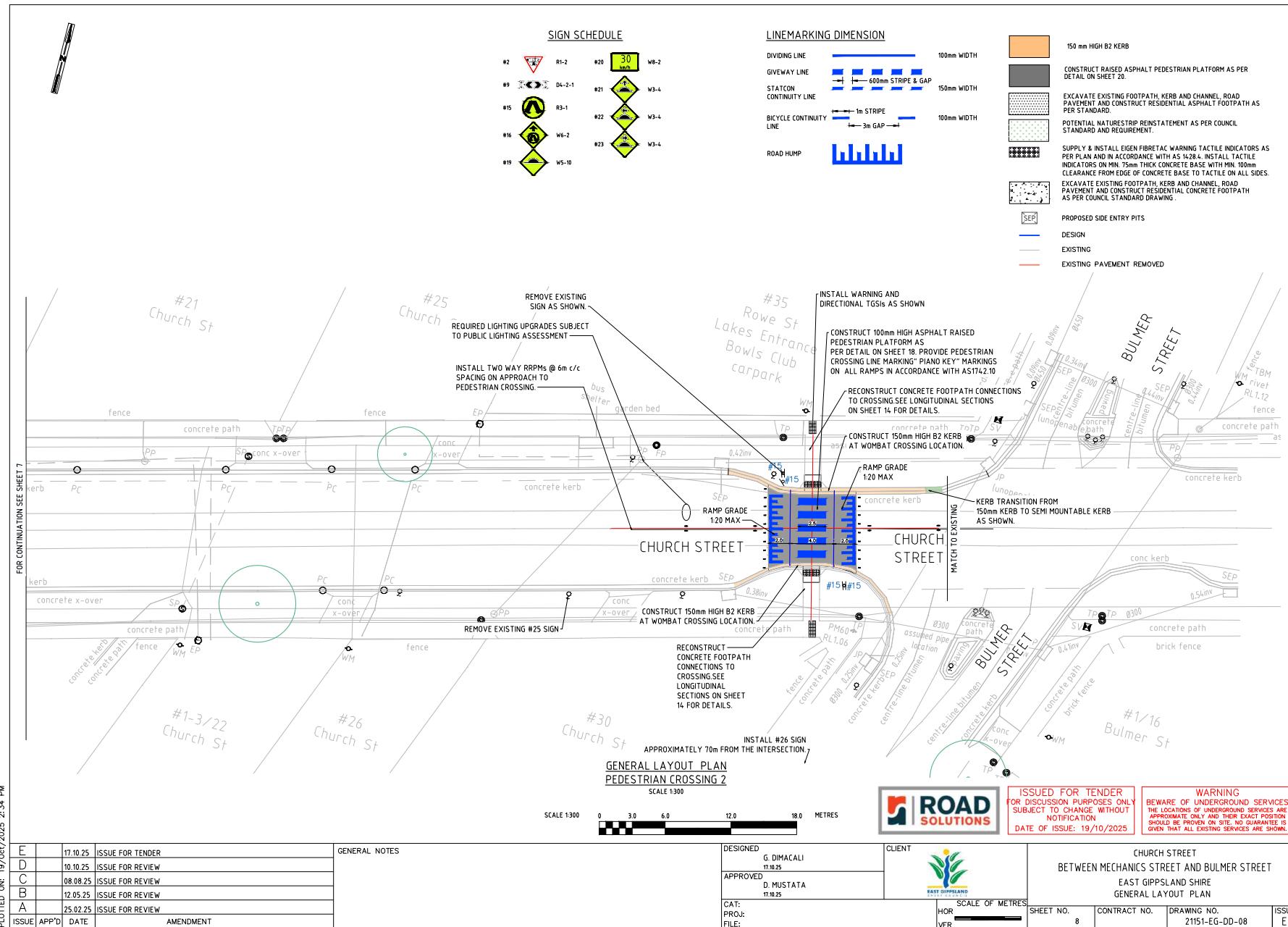
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DRAWING NO.

21151-EG-DD-02

ISSUE
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Authorised by General Manager Assets and Environment

Purpose

To seek Council's approval to exercise the first option to extend the existing Contract CON2023 1473 Cleaning of Nominated Buildings (the Contract), for the first extension term period of 24 months, to 26 February 2028.

Key Points

The Contract commenced on 27 February 2023 to a suitably qualified and experienced Contractor - Almery Pty Ltd ATF Vellios Family Trust (Almery), for the provision of cleaning services in various locations within East Gippsland with the initial term scheduled to end on 26 February 2026. Council has the option to extend the Contract for up to a further two 24-month terms. The intention is to extend the Contract for the full initial Contract extension term of 24 months with the completion date being 26 February 2028. This Contract is subject to adjustment for rise and fall in costs.

Cleaning services under the Contract are undertaken in Council buildings and structures either internally or externally across East Gippsland Shire at:

- **Area 1 – Bairnsdale / Paynesville**
 - Bairnsdale Corporate Office
 - Bairnsdale Library
 - Bairnsdale Corporate Annexe (Pyke Street Office)
 - BAC Admin. 265 Main Street
 - Bairnsdale Aquatic & Recreation Centre
 - Bairnsdale Aquatic & Recreation Centre Stadium
 - Bairnsdale Aquatic & Recreation Centre Auditorium Precinct (Forge Theatre)
 - Bairnsdale Aerodrome
 - Paynesville Community Centre (Library, Meeting Rooms Business Centre)
 - Eagle Point Foreshore Hub
- **Area 2 – Lakes Entrance**
 - Works Depot
 - Palmers Road Office
 - Library/customer service
 - Visitor Information Centre
 - Aquadome
- **Area 3 – Orbost / Marlo**
 - Library/customer service
 - Outdoor pool
 - Aerodrome Terminal Building
- **Area 4 – Omeo**
 - Library/customer service
 - Business Centre
- **Area 5 – Mallacoota**
 - Library/customer service/ Mallacoota Foreshore Holiday Park office

The Contractor supplies all staff, labour, cleaning materials and plant as required. Council provides consumables such as toilet paper, hand towel, liquid soaps, dish tablets or detergents and bin liners.

Council Officers conduct monthly contract review meetings to monitor delivery against the agreed service standards and key performance indicators (KPIs) set out in the Contract. These reviews include targeted site inspections, assessment of cleaning quality against the specification, verification of staffing and supervision arrangements, and analysis of response and rectification times for any issues raised. Where non-conformances occur, corrective actions are addressed through the contract terms and conditions. Based on performance records and meeting outcomes to date, Council Officers remain satisfied that Almery consistently meets contractual requirements and delivers a reliable, high-quality service across the nominated buildings.

Council has an existing separate 5-year contract with Almery – CON2023 1531 Cleaning and Minor Maintenance of East Gippsland Shire Council's Toilets, Barbeques and Slop Hoppers. CON2023 1531 was awarded on 1 August 2023 and expires on 31 July 2028.

The spend to date on the services delivered under this Contract GST exclusive are as follows:

Years of Contract	Annual Spend (\$)
Year 1 – March 2023 – February 2024	474,883.41
Year 2 – March 2024 – February 2025	515,102.87
Year 3 – March 2025 – February 2026 (inc. estimates for Orbost Outdoor pool Summer 25/26)	528,245.52
Total	1,518,231.80

The expenditure for the extension term is allocated in Council's Operating Budget for 2025/26 and draft 2026/27 budgets.

Recommendation

That Council:

- 1. approves the contract extension to the existing CON2023 1473 Cleaning of Nominated Buildings for a period of 24 months to 26 February 2028, for the tendered schedule of rates to Almery Pty Ltd ATF Velios Family Trust;***
- 2. authorises the Chief Executive Officer or delegate to finalise the terms and to sign the contract in the form proposed; and***
- 3. authorises the Chief Executive Officer or delegate to exercise the second and final extension option of up to 24 months, subject to satisfactory performance and assessment that the extension is in Council's interest.***

Strategic Alignment

This report has been prepared and aligned with the following theme/s in the Council Plan 2025-2029:

Theme 3: Making the most of what we've got

Outcome – Our assets are well maintained, utilised and meet community needs.

Consultation/Community Engagement/Impacts

The Contract was awarded to Almery following a public request for tender process in alignment with Council's Procurement Policy.

Opportunities and Risks

Retaining Almery as the Contractor ensures continuity of their institutional knowledge of site-specific requirements across Bairnsdale, Lakes Entrance, Orbost/Marlo, Omeo and Mallacoota facilities, reducing transition downtime and safeguarding cleaning standards at high-profile community assets (libraries, visitor information centres, aquatic facilities, aerodromes, etc.).

Council Officers can continue to build stronger working relationships with Almery to manage performance-based risks through established monthly contract review meetings to ensure compliance with KPIs and drive incremental improvements (e.g. response times, presentation standards, audit outcomes) over the next 24 months.

Exercising an option under an existing competitively procured Contract is consistent with Council's Procurement Policy principles of value for money, transparency and accountability.

With the contractor supplying labour, materials and plant, Council can continue focusing internal resources on contract governance while standardising consumable procurement to maximise volume efficiencies.

The current arrangements allow scaling for seasonal or event-driven demand (e.g. holiday periods in coastal towns), minimising service gaps across geographically dispersed sites.

Using the existing contract extensions also assists Council manage financial risk as the rates are known.

Climate Change

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

Conflicts of Interest

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

Attachments

Nil

5.3 Business Excellence

5.3.1 Council Meeting Resolution Register

Authorised by General Manager Business Excellence

Confidentiality Notice

The information contained in the confidential attachments are confidential under section 3(1) of the *Local Government Act 2020* because it relates to: (h) Confidential Meeting Information, being the records of meetings closed to the public under section 66(2)(a).

Pursuant to section 66(5)(b) of the *Local Government Act 2020*, if released, the information discussed or considered in relation to this agenda item could undermine the integrity of Council decision-making processes, disclose sensitive discussions or deliberations, or reveal personal, legal, or commercial information that may prejudice Council or third parties.

Purpose

To provide a status update on resolutions from Council meetings held between 1 October – 31 December 2025 provided at **Attachment 1** and **Confidential Attachment 2** and the status of actions that were reported as outstanding in the previous quarterly report provided at **Attachment 3** and **Confidential Attachment 4**.

Key Points

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 (2)(i) 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 October – 31 December 2025, there were 28 open Council resolutions (not including resolutions for noting only) in the reporting period, of which 25 have been completed, and three in progress. There were six closed Council resolutions (not including resolutions for noting only), of which four are completed, one is in progress and one is on hold.

Recommendation

That Council receives and notes this report and all attachments pertaining to this report.

Strategic Alignment

This report has been prepared in accordance with the *Local Government Act 2020*, specifically section 9 (2)(i) and section 58.

It aligns with the following strategic theme outlined in the following theme in the Council Plan 2025-2029:

Theme 4: Managing Council well

Outcome – Decision-making is streamlined, efficient, and responsive to community needs

Consultation/Community Engagement/Impacts

No community or external stakeholder engagement was conducted in developing this report, aside from the internal engagement to compile its content.

Opportunities and Risks

The report supports Council's commitment to good governance by providing an accessible and detailed update on resolution progress.

Climate change

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

Conflicts of Interest

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

Attachments

1. Open Council Meeting Resolutions from 1 October to 31 December 2025 [5.3.1.1 - 7 pages]
2. CONFIDENTIAL - Closed Council Meeting Resolutions from 1 October to 31 December 2025 [5.3.1.2 - 3 pages]
3. Open Council Meeting Outstanding Resolutions up to 30 September 2025 [5.3.1.3 - 1 page]
4. CONFIDENTIAL - Closed Council Meeting Resolutions up to 30 September 2025 [5.3.1.4 - 1 page]

Meeting Date	Item No.	Item	Resolution	Directorate	Status
7-10-2025	2.1.1	Annual Financial Statements 2024/25 and Performance Statement 2024/25	<p>That Council, having considered a recommendation from the East Gippsland Shire Council Audit and Risk Committee:</p> <ol style="list-style-type: none"> 1. provides 'in principle' approval to the Financial Statements 2024/25 as provided at Attachment 1, subject to the Victorian Auditor - General's review; 2. provides 'in principle' approval to the Performance Statement 2024/25 as provided at Attachment 2, subject to the Victorian Auditor - General's review; and 3. appoints Councillors John White and Jodie Ashworth to certify the Financial Statements 2024/25 and the Performance Statement 2024/25 in their final form. 	Business Excellence	Completed
21-10-2025	5.1.1	Adopt Annual Report 2024-25	That Council adopts the Annual Report 2024-25 provided at Attachment 1.	Business Excellence	Completed
21-10-2025	5.1.2	S5 Instrument of Delegation Council to Chief Executive Officer	<p>That Council, in the exercise of the power conferred by section 11(1)(b) of the Local Government Act 2020, resolves:</p> <ol style="list-style-type: none"> 1. to delegate to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the S5 Instrument of Delegation to the Chief Executive Officer (as presented at Attachment 1), subject to the conditions and limitations specified in that Instrument; 2. that the instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and Mayor; 3. that on the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked; and 4. that the duties and functions set out in the instrument must be performed, and the powers set out in the instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt. 	Business Excellence	Completed
21-10-2025	5.1.3	Risk Management Policy	That Council adopts the draft Risk Management Policy as presented at Attachment 1.	Business Excellence	Completed
21-10-2025	5.1.4	Summary of Councillor Briefing Sessions	<p>That Council</p> <ol style="list-style-type: none"> 1. receives and notes this report and all attachments pertaining to this report; and 2. authorises the Chief Executive Officer (or Delegate) to publish future Councillor Briefing summaries on Council's website, without the need for further Council resolutions, to promote transparency and public confidence in Council's decision-making processes. 	Business Excellence	Completed
21-10-2025	5.2.1	Planning Scheme Amendment C171egip - Implementation of Eagle Point Structure Plan (Panel Report)	<p>That Council:</p> <ol style="list-style-type: none"> 1. having considered the Planning Panel Report and the Panel recommendations for Amendment C171egip endorses the Officer's response to the recommendations as outlined in Attachment 2; 2. adopts the revised Eagle Point Structure Plan (2019, updated 2025) as provided at Attachment 3; 3. adopts Planning Scheme Amendment C171egip in accordance with section 29 of the Planning and Environment Act 1987, with changes as reflected in the final Amendment C171 documentation provided at Attachment 4; 4. submits the adopted Planning Scheme Amendment C171egip, together with the prescribed information, to the Minister for Planning for approval in accordance with section 31 of the Planning and Environment Act 1987; and 5. authorises the Chief Executive Officer or delegate to advise those persons who made written submissions to Planning Scheme Amendment C171egip of Council's decision. 	Place and Community	Completed

Meeting Date	Item No.	Item	Resolution	Directorate	Status
21-10-2025	5.2.2	Planning Scheme Amendment C172egip - Implementation of Paynesville Growth Area Structure Plan (Panel Report)	<p>That Council:</p> <ol style="list-style-type: none"> 1. <i>having considered the Planning Panel report and Panel recommendations for Planning Scheme Amendment C172egip, endorses the Officer's response to the recommendations as outlined in Attachment 2;</i> 2. <i>adopts the revised Paynesville Growth Area Structure Plan (2019, updated 2025) as provided at Attachment 3;</i> 3. <i>adopts Planning Scheme Amendment C172egip in accordance with section 29 of the Planning and Environment Act 1987, with changes as reflected in the final Amendment documentation provided at Attachment 4;</i> 4. <i>submits the adopted Planning Scheme Amendment C172egip, together with the prescribed information, to the Minister for Planning for approval in accordance with section 31 of the Planning and Environment Act 1987;</i> 5. <i>recognises the significance of community input into council decision making and commits that the preparation of the Development Plan will include consultation with community and stakeholders through a participatory and collaborative process; and</i> 6. <i>authorises the Chief Executive Officer or delegate to advise those persons who made written submissions to Planning Scheme Amendment C172egip of Council's decision.</i> 	Place and Community	Completed
21-10-2025	5.2.3	East Gippsland Shire Council Coastal and Marine Management Plan	<p>That Council:</p> <ol style="list-style-type: none"> 1. <i>adopts the East Gippsland Shire Council Coastal and Marine Management Plan as presented at Attachment 1; and</i> 2. <i>authorises the Chief Executive Officer or delegate to seek endorsement of the East Gippsland Shire Council Coastal and Marine Management Plan from the Minister for Environment.</i> 	Place and Community	Completed
18-11-2025	5.1.1	Project Management Overview	<p>That Council:</p> <ol style="list-style-type: none"> 1. <i>endorses the eight Guiding Principles for inclusion and implementation into Council's Project Management Framework, being:</i> <ol style="list-style-type: none"> a. <i>Needs Driven</i> b. <i>Value for Money</i> c. <i>Advocacy & Partnerships</i> d. <i>Quality</i> e. <i>Leveraging local strengths</i> f. <i>Strategic Alignment</i> g. <i>Belonging & Inclusion</i> h. <i>Sustainable future; and</i> 2. <i>endorses an organisational project management commitment to:</i> <ol style="list-style-type: none"> a. <i>due diligence at all stages, including project prioritisation;</i> b. <i>greater collaboration across Council;</i> c. <i>stronger engagement and communication;</i> d. <i>a thorough approach to identifying, reporting and managing risks;</i> e. <i>closing projects effectively; and</i> f. <i>continuous improvement through evaluating projects and capturing learnings.</i> 	Office of the CEO	In progress
18-11-2025	5.2.1	Planning Permit application 2024.373 - Buildings and works and removal of vegetation associated with Krauatungalung Walk Stage 4 - Lakes Entrance Foreshore	<p>That Council being the Responsible Authority and having considered all the relevant planning matters, determines that Planning Permit Application 5.2024.373.1 is consistent with the requirements and objectives of the East Gippsland Planning Scheme and therefore resolves to issue a Notice of Decision to Grant a Permit for the Buildings and Works and Removal of Vegetation Associated with Krauatungalung Walk Stage 4 (Lakes Entrance Foreshore), at Middle Street, Lakes Entrance, subject to permit conditions in Attachment 1.</p>	Place and Community	Completed

Meeting Date	Item No.	Item	Resolution	Directorate	Status
18-11-2025	5.2.2	Tiny Homes - Notice of Motion Response	<p>That Council:</p> <ol style="list-style-type: none"> notes that a tiny home built as the only dwelling on a lot is regulated in the same way as any other form of dwelling; notes changes to the East Gippsland Planning Scheme (VC253) that enable the construction of small second dwellings without the need for a planning permit, subject to certain conditions; monitors the Surf Coast Shire Council Tiny Homes on Wheels (THOW) pilot program and, subject to evaluation of program results, include advocacy for appropriate regulation for THOWs as part of the East Gippsland Advocacy Strategy; notes that through the review of the East Gippsland General Local Law, Council has the further ability to consider allowing the occupation of a Tiny Home on Wheels (THOW) on private land with a current residence without the need for a local laws permit. The review of the General Local Law could also be used to develop appropriate criteria to address community safety, amenity of the subject site and surrounding areas, and environmental impact; as part of the review of the East Gippsland General Local Law, consult with the community about removing the current requirement that limits occupancy of a caravan or tiny home on wheels to a maximum of 28 days. The proposed change would allow longer-term occupancy, provided the occupant has ready access to proper sanitation, bathing, and drainage facilities within the developed residence on which the caravan or tiny home on wheels is located and investigate if an expedited review of this section of the East Gippsland General Local Law is feasible; and continues to promote diverse housing opportunities in accordance with the Objectives and Strategies of the East Gippsland Housing and Settlement Strategy (2023), including, but not limited to: <ol style="list-style-type: none"> diverse infill housing development in appropriate locations; and advocacy for social and affordable housing. 	Place and Community	Completed
18-11-2025	5.3.1	Waste and Recycling Service Review and Transition Plan	<p>That Council:</p> <ol style="list-style-type: none"> endorses the Transition Plan provided at Attachment 1 as the guiding framework for the future delivery of Council's waste and recycling services; authorises the Chief Executive Officer or delegate to submit the endorsed Transition Plan to Recycling Victoria; confirms that the endorsed Transition Plan will be published on Council's website to ensure transparency and public access; and notes that any changes to specific waste services will be the subject of further community consultation and formal consideration by Council. 	Assets and Environment	Completed
18-11-2025	5.3.2	CON2026 1745 Expression of Interest for Construction and Operation of Compost Facility	Item 5.3.2 was withdrawn from business and will be considered at a future meeting.	Assets and Environment	Completed
18-11-2025	5.4.1	Service Review Policy	That Council adopts the draft Service Review Policy, as presented at Attachment 1.	Business Excellence	Completed

Meeting Date	Item No.	Item	Resolution	Directorate	Status														
18-11-2025	5.4.2	Organisational Performance Report July to September 2025	<p>That Council:</p> <ol style="list-style-type: none"> 1. <i>endorses the full year forecast changes for operating and capital budgets, as included in the Organisational Performance Report for the period to 1 July to 30 September 2025; and</i> 2. <i>notes that if endorsed, the Organisational Performance Report for the period to 30 September 2025, as provided at attachment 1 will be published on Council's website.</i> 	Business Excellence	Completed														
18-11-2025	5.4.3	S11A Instrument of Appointment and Authorisation Planning and Environment Act 1987	<p>That Council:</p> <ol style="list-style-type: none"> 1. <i>in the exercise of the powers conferred by section 147(4) of the Planning and Environment Act 1987, resolves that Hamish McIntosh, Statutory Planning Coordinator be appointed as an Authorised Officer for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act;</i> 2. <i>revokes the appointment of Royce Edwards as an Authorised Officer for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act resolved by Council on 16 December 2024;</i> 3. <i>authorises the Chief Executive Officer to remake and execute the S11A Instrument of Appointment and Authorisation to reflect the above changes to Authorised Officers; and</i> 4. <i>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.</i> 	Business Excellence	Completed														
18-11-2025	5.4.5	Council Meeting Schedule 2026	<p>That Council adopts the following Council Meeting dates for the 2026 Calendar year, to be held at the Corporate Centre, 273 Main Street Bairnsdale, commencing at 6.00 pm:</p> <table> <tr> <td><i>Tuesday, 17 February</i></td> <td><i>Tuesday, 18 August</i></td> </tr> <tr> <td><i>Tuesday, 17 March</i></td> <td><i>Tuesday, 15 September</i></td> </tr> <tr> <td><i>Tuesday, 21 April</i></td> <td><i>Tuesday, 20 October</i></td> </tr> <tr> <td><i>Tuesday, 19 May</i></td> <td><i>Thursday, 12 November (Statutory)</i></td> </tr> <tr> <td><i>Tuesday, 9 June</i></td> <td><i>Tuesday, 17 November</i></td> </tr> <tr> <td><i>Tuesday, 23 June</i></td> <td><i>Tuesday, 15 December</i></td> </tr> <tr> <td><i>Tuesday, 21 July</i></td> <td></td> </tr> </table>	<i>Tuesday, 17 February</i>	<i>Tuesday, 18 August</i>	<i>Tuesday, 17 March</i>	<i>Tuesday, 15 September</i>	<i>Tuesday, 21 April</i>	<i>Tuesday, 20 October</i>	<i>Tuesday, 19 May</i>	<i>Thursday, 12 November (Statutory)</i>	<i>Tuesday, 9 June</i>	<i>Tuesday, 17 November</i>	<i>Tuesday, 23 June</i>	<i>Tuesday, 15 December</i>	<i>Tuesday, 21 July</i>		Business Excellence	Completed
<i>Tuesday, 17 February</i>	<i>Tuesday, 18 August</i>																		
<i>Tuesday, 17 March</i>	<i>Tuesday, 15 September</i>																		
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<i>Tuesday, 23 June</i>	<i>Tuesday, 15 December</i>																		
<i>Tuesday, 21 July</i>																			
16-12-2025	1.8.1.1	Objection to Name Change of View Street, Lakes Entrance	<p>That Council:</p> <ol style="list-style-type: none"> 1. <i>receives the petition;</i> 2. <i>notes that the petition will be referred to General Manager Business Excellence for consideration and response; and</i> 3. <i>notes that the Chief Executive Officer will arrange for Council Officers to write to the head petitioner advising them of these actions.</i> 	Business Excellence	Completed														
16-12-2025	5.1.1	Councillor Representation Register 2024-2028 - Annual Review 2026	<p>That Council endorses the Councillor representation on various committees as shown in the Councillor Representation Register for the 2026 calendar year provided at Attachment 1, with the following amendments:</p> <ol style="list-style-type: none"> a. <i>to appoint Cr John White to the Agriculture Sector Advisory Committee, with Cr Barry Davis as substitute; and</i> b. <i>to appoint Cr Sonia Buckley as a delegate to the East Gippsland Local Community Road Safety Group, rather than a substitute.</i> 	Office of the CEO	Completed														

Meeting Date	Item No.	Item	Resolution	Directorate	Status
16-12-2025	5.2.1	CON2026 1745 Expression of Interest for Construction and Operation of Compost Facility	<p>That Council:</p> <ol style="list-style-type: none"> 1. endorses the selection of the nominated respondents to the Expression of Interest process as recommended in Confidential Attachment 1, to participate in a selective Request for Tender process for Contract CON2026 1745 for Council's proposed Organics Composting Facility; 2. approves an exemption under section 7.4 of the Procurement Policy to enter into a selective Request for Tender process, noting that it would be disadvantageous and unreasonable to proceed to a public request for tender process following a successful public Expression of Interest process, allowing progression to a selective Request for Tender; 3. notes that the selective Request for Tender for the proposed Organics Composting Facility will be undertaken as separable portions to allow future determination of preferred delivery models; and 4. resolves that the Confidential Attachments to this report and all discussions relating to those attachments remain confidential. 	Assets and Environment	In progress
16-12-2025	5.2.2	CON2026 1748 Old Slipway Seawall Storm Damage Repairs, Lakes Entrance	<p>That Council:</p> <ol style="list-style-type: none"> 1. accepts the tender submitted by Carter Marine Group Pty Ltd for CON2026 1748 Old Slipway Seawall Storm Damage Repairs, Lakes Entrance for the Contract amount specified in the CON2026 1748 Contract Award Summary provided at Confidential Attachment 1; 2. authorises the General Manager - Assets and Environment to approve variations to CON2026 1748 Old Slipway Seawall Storm Damage Repairs, Lakes Entrance up to the contingency amount specified in the CON2026 1748 Contract Award Summary provided at Confidential Attachment 1, subject to the conditions specified in that summary; 3. authorises the Chief Executive Officer or delegate to finalise the terms and to execute the necessary contract documents; 4. notes that the successful tenderer and contract amount will be published on Council's website following execution of the contract documents and after unsuccessful tenderers have been formally notified; and 5. resolves that the Confidential Attachments to this report and all discussions relating to them remain confidential. 	Assets and Environment	Completed
16-12-2025	5.2.3	CON2026 1751 Spillway and bridge replacement at Livingstone Park, Omeo	<p>That Council:</p> <ol style="list-style-type: none"> 1. accepts the tender submitted by Jarvis Norwood Constructions Pty Ltd for CON2026 1751 Spillway and bridge replacement at Livingstone Park, Omeo for the Contract amount specified in the Contract Award Summary provided at Confidential Attachment 1; 2. authorises the General Manager - Assets and Environment to approve variations to CON2026 1751 Spillway and bridge replacement at Livingstone Park, Omeo up to the contingency amount specified in the CON2026 1751 Contract Award Summary provided at Confidential Attachment 1, subject to the conditions specified in that summary; 3. authorises the Chief Executive Officer or delegate to finalise the terms and to execute the necessary contract documents; 4. notes that the successful tenderer and contract amount will be published on Council's website following execution of the contract documents and after unsuccessful tenderers have been formally notified; and 5. resolves that the Confidential Attachments to this report and all discussions relating to them remain confidential. 	Assets and Environment	Completed

Meeting Date	Item No.	Item	Resolution	Directorate	Status
16-12-2025	5.3.1	Endorse updated Procurement Policy	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. adopts the draft Procurement Policy, as presented at Attachment 1;</i> <i>2. gives approval for the Chief Executive Officer (or delegate) to approve minor contract variations up to \$20,000 (ex GST) for contracts approved by Council prior to the adoption of this Policy, to enable nonmaterial variations to be managed efficiently and service provision to continue for community, provided that:</i> <ol style="list-style-type: none"> <i>a. the variation can be funded within the existing approved budget; and</i> <i>b. the variation does not materially alter the scope or intent of the contract;</i> <ol style="list-style-type: none"> <i>3. notes that this approval in recommendation 2 applies only to existing contracts approved by Council before the adoption of the new Procurement Policy; and</i> <i>4. notes that the Audit and Risk Committee will review the Procurement Policy at its first meeting in 2026, subject to the Policy being adopted by Council.</i> 	Business Excellence	Completed
16-12-2025	5.3.2	Audit and Risk Committee Matters	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. notes the confirmed Notes of the Councillors and Audit and Risk Committee Annual Joint Meeting held 7 October 2025 as provided at Attachment 1;</i> <i>2. endorses the revised Audit and Risk Committee Charter, provided at Attachment 2;</i> <i>3. determines the Sitting Fees payable to Independent Members of the Committee be set as follows:</i> <ol style="list-style-type: none"> <i>a. \$1,100 per Audit and Risk Committee Meeting for the Chair; and</i> <i>b. \$850 per Audit and Risk Committee Meeting for each Independent Member; and</i> <i>4. approves an annual adjustment in Sitting Fees commencing in 2027, calculated in accordance with the Consumer Price Index for the preceding twelve-month period;</i> <i>5. appoints the preferred candidates as the Independent Chair and Independent Member of the East Gippsland Shire Council Audit and Risk as detailed in Confidential Attachment 4;</i> <i>6. authorises the Chief Executive Officer, or delegate, to advise all candidates of the outcome of their Expressions of Interest;</i> <i>7. resolves that the outcome of the appointments be made public following notification of candidates in accordance with Recommendation 4; and</i> <i>8. resolves that Confidential Attachment 4, and all discussions relating to the appointment of the Audit and Risk Committee members, remain confidential.</i> 	Business Excellence	Completed

Meeting Date	Item No.	Item	Resolution	Directorate	Status
16-12-2025	5.4.1	Use and Development of Land for Timber Production and the Removal of Native Vegetation at 400, 400A and 580 Aitkens Road, Bengworden	<p>That Council:</p> <ol style="list-style-type: none"> <i>endorses the submission in relation to the use and development of land for timber production and the removal of native vegetation at 400, 400A and 580 Aitkens Road, Bengworden (application reference PA2503991), as provided at Attachment 1;</i> <i>authorises the Chief Executive Officer or delegate to lodge the submission on behalf of Council; and</i> <i>requests the Chief Executive Officer or delegate to prepare a Position Paper on Timber Plantation Establishment and Management in East Gippsland for presentation at a future Council meeting.</i> 	Place and Community	Completed
16-12-2025	5.4.2	Open Space Strategy 2025-2035	That Council adopts the East Gippsland Shire Council Open Space Strategy 2025-2035 as presented at Attachment 1.	Place and Community	Completed
16-12-2025	5.4.3	Community Grants Impact 2025/26	<p>That Council:</p> <ol style="list-style-type: none"> <i>approves the 15 applications for funding through the East Gippsland Shire Council Community Impact Grants Program, as provided at Confidential Attachment 1, to the value of \$135,308.05;</i> <i>authorises the Chief Executive Officer or delegate to advise all applicants the outcome of this funding round and publicise the results on Council's website and via media release; and</i> <i>resolves that all attachments to this report and any discussions relating to them remain confidential.</i> 	Place and Community	Completed
16-12-2025	5.4.4	Seeking further Direction on Planning Scheme Amendment C170egip	<p>That Council</p> <ol style="list-style-type: none"> <i>notes that the proposed Planning Scheme Amendment C170egip relies on the East Gippsland Rural Land Use Strategy that was commenced almost a decade ago and therefore doesn't reflect recent changes in the region's primary industries and the increase in non-agricultural activity occurring within the Farm Zone;</i> <i>confirms its understanding that there are a range of views held across the East Gippsland community about the adopted East Gippsland Rural Land Use Strategy;</i> <i>requests that Officers report to Council on how a comprehensive review of the Rural Land Use Strategy could be undertaken to ensure that the Strategy considers contemporary trends and District-based needs. This report should also provide indicative timeframes; engagement requirements; and costs, so that these can potentially be built into the 2026/27 Annual Budget and Action Plan;</i> <i>defers any decision on Planning Scheme Amendment C170egip until such time as the report requested in Recommendation 3 is received and fully considered by Council;</i> <i>requests that the Chief Executive Officer ensures that the East Gippsland Rural Land Use Strategy (2023) is not further implemented or used to inform decision making until such time as the report requested in Recommendation 3 is fully considered by Council; and</i> <i>authorises the Chief Executive Officer or delegate to provide a public statement on this decision.</i> 	Place and Community	In progress

Meeting Date	Item No.	Item	Resolution	Directorate	Status
16-09-2025	5.1.1	Raymond Island Ferry Pass Review	<p>That Council:</p> <ol style="list-style-type: none"> <i>notes the challenges presented by the current portable pass system for Raymond Island residents and the feedback received from selected stakeholders and representatives of Raymond Island residents;</i> <i>adopts a preferred resident pass system based on:</i> <ol style="list-style-type: none"> <i>revocation of the current portable pass system;</i> <i>issue annually two free fixed "sticker" passes to the owners of developed land on Raymond Island; and</i> <i>issue one free fixed "sticker" pass to the lessee of a rental property on production of suitable evidence that they are renting a residential premises on Raymond Island (note that short-stay rentals are not eligible for a free pass);</i> <i>implements the new resident pass system for the 2026/27 year following further consultation with the residents of Raymond Island and other stakeholders and inclusion of any relevant refinements following consultation;</i> <i>issues a second pass (at no cost) to the owners of developed land on Raymond Island as an interim measure until the implementation of the new pass system in the 2026/27 financial year;</i> <i>issues one pass (at no cost) to the lessee of a rental property (on production of suitable evidence that they are renting a residential premises on Raymond Island, not including short-stay rental) as an interim measure until the implementation of the new pass system in the 2026/27 financial year;</i> <i>notes that officers will provide further advice to the Raymond Island community within the next two weeks about how and when the additional passes will be distributed;</i> <i>notes other elements of the Raymond Island Ferry Fees will remain unchanged from those adopted in the 2025/26 East Gippsland Shire Council budget;</i> <i>notes that where a person has purchased an annual pass for 2025/26 and no longer requires the pass due to any changes outlined in Recommendation 4 or 5 then a pro-rata refund will be offered;</i> <i>notes that officers will continue to investigate cost effective options to implement a walk-on fee for non-residents of Raymond Island and consult with relevant stakeholders with the intention to implement a walk on fee for non-residents of Raymond Island for 2026/27;</i> <i>determines that emergency services and not-for-profit entities providing regular services on Raymond Island are exempt from paying a fee to access the Raymond Island ferry; and</i> <i>notes that officers will continue to investigate more contemporary ways of managing access to the Raymond Island Ferry service.</i> 	Assets and Environment	In progress
16-09-2025	5.1.2	Bairnsdale Airport Runway Upgrade	<p>That Council:</p> <ol style="list-style-type: none"> <i>endorses the proposed lengthening, strengthening and widening of the Bairnsdale airport runway as outlined in this report to future proof the airport for use by emergency services and support community health, wellbeing and safety; and</i> <i>notes that a revised masterplan will be developed for Council approval prior to further development of the Bairnsdale airport (except for renewal of Taxiway C).</i> 	Assets and Environment	In progress

Authorised by General Manager Business Excellence

Purpose

This report seeks Council approval for an exemption from Council's Procurement Policy (Policy) public tender requirements for the JMAPP Industrial Special Risk Policy (Asset Protection) and Municipal Association of Victoria (MAV) LMI Public Liability and Professional Indemnity Policy.

Key Points

Council renews its insurance portfolio annually, including the JMAPP Industrial Special Risk Policy (Asset Protection) and MAV Liability Mutual Policy (Public Liability and Professional Indemnity). Premiums for these policies typically exceed the Chief Executive Officer's (CEO) financial delegation threshold and must be renewed within strict timeframes to ensure continuity of coverage.

Historically, Council considered an Annual Insurance Renewal Report seeking retrospective exemptions from the Policy market engagement requirements and approval of total premium expenditure. In October 2025, Council adopted a revised S5 Instrument of Delegation authorising the CEO to approve payment of non-statutory insurance premiums within the approved or revised budget, with Councillors advised of amounts paid. This enables timely renewal decisions and reduces the risk of uninsured or underinsured exposure.

From 2026, a streamlined insurance renewal approach has been implemented, whereby Council considers any required procurement exemptions in advance, the CEO exercises delegated authority to approve premiums during the renewal period where costs remain within budget, and Councillors are briefed on final insurance outcomes.

For the 2026/27 financial year, a total insurance budget of \$2.318 million (excluding GST) has been allocated, reflecting anticipated market increases across the portfolio. Budget provision has been made for the two largest policies, which typically exceed the CEO's financial delegation. Should final premium outcomes exceed the approved budget, a further report will be presented to Council in accordance with the recently updated S5 Instrument of Delegation.

Council's insurance cover is obtained through established brokerage and collaborative procurement arrangements, including JLT and MAV Insurance, which undertake market testing on Council's behalf and leverage collective buying power to achieve value for money. Section 13 of the Policy provides for exemptions from public tender requirements for insurance products sourced through brokerage services and collaborative procurement arrangements.

Recommendation

That Council:

- 1. approves an exemption from the market engagement requirements of the Procurement Policy for the 2026–27 Annual Insurance Program, including the JMAPP Discretionary Trust Industrial Special Risk Policy (Asset Protection) and the MAV Liability Mutual Insurance (Public Liability and Professional Indemnity Insurance), on the basis that the insurance policies are procured through established insurance brokerage services and collaborative procurement arrangements that undertake market testing on Council's behalf; and***
- 2. notes that Councillors will receive a Councillor Briefing Report outlining the final insurance program and premium outcomes following completion of the renewal process.***

Background

Each year, Council undertakes the renewal of its insurance portfolio, including (but not limited to) the JMAPP Discretionary Trust Industrial Special Risk Policy (Asset Protection) and the MAV Liability Mutual Insurance Policy (Public Liability and Professional Indemnity Insurance).

Historically, Council has considered a comprehensive Annual Insurance Renewal Report (typically in July), which sought:

- a retrospective exemption from the Procurement Policy market engagement requirements; and
- approval of the total insurance premium expenditure.

At its meeting on 21 October 2025, Council resolved a new S5 Instrument of Delegation which authorises the CEO to approve payment of non-statutory insurance premiums, provided the expenditure is consistent with the approved or revised budget, and that Councillors are advised of the premium amounts paid. This revised delegation enables the timely approval of insurance renewals, ensuring continuity of coverage.

Given that insurance policies must be renewed within tight timeframes, delays in approval may expose Council to periods of uninsured risk or increased operational and financial exposure. Granting an exemption from the market engagement requirements supports the efficient and timely renewal of insurance policies while maintaining appropriate governance oversight through reporting to Councillors.

Accordingly, from 2026, a streamlined insurance renewal approach has been implemented as follows:

1. **Pre-renewal period (February):** Council consideration of an exemption from the Policy market engagement requirements.
2. **Renewal period (March–June):** Officers complete the required renewal documentation and questionnaires; the CEO exercises delegated authority to approve the insurance premiums once the renewal outcomes are finalised, provided premiums remain within the approved or revised budget.
3. **Post-renewal (July onwards):** Councillors are provided with a briefing on the final insurance program and premium outcomes.

Insurance Brokerage

JLT provides insurance brokerage services to approximately 95% of Victorian Councils, with MAV being JLT's largest client. As a recognised industry leader, JLT has an opportunity to approach the insurance market utilising its strong collective buying power to achieve superior results for the councils it represents, thereby conducting the market testing on Council's behalf.

The coverage sought through JLT as a broker relates to 11 of the 13 policies in Council's insurance portfolio, including the JMAPP Discretionary Trust Industrial Special Risk Policy (Asset Protection).

Collaborative Procurement – Municipal Association of Victoria Insurance

As a peak industry body, MAV provides a range of reliable insurance products tailored to the needs of and risk of the local government sector.

With more than 20 years of experience, MAV Insurance has a not-for-profit structure and leverages its collaborative buying power to provide Value for Money to its members regardless of economic environment or market conditions.

The Liability Mutual Insurance (LMI) Scheme provides public liability and professional indemnity insurance cover up to \$600 million, tailored to meet the specific risks and exposure faced by members. Membership to the LMI Scheme is only available to Victorian and Tasmanian councils, water corporations and other local government bodies.

Procurement Exemption

Section 13.1 of the Policy requires a public tender process for goods or services valued at over \$300,001 (excluding GST). Under section 13.3 of the Policy, Council may grant an exemption from the public tender process for a few specified circumstances, including:

- ***Collaborative Arrangements:*** *Where a competitive process has been undertaken as part of a collaborative procurement arrangement (including through third party organisations e.g., MAV Procurement, Procurement Australia or State Government).*
- ***Insurance:*** *Where Council must take out specific insurance requirements specified by law or other instrument (e.g. WorkCover, motor vehicle compulsory third party) or where insurance products are sourced through the use of brokerage services.*

This report seeks an exemption from the Public RFT requirements of the Policy for the Industrial Special Risk Policy, on the basis that JLT has an opportunity to approach the insurance market utilising its strong collective buying power to achieve superior results for the Councils it represents, thereby conducting the market testing on Council's behalf.

Budget

Analysis of insurance premium movements since the 2021/22 financial year indicates that Council's total annual policy premiums have increased by an average of 15.32% per annum across the portfolio. This increase has not been uniform across policies. The JMAPP Industrial Special Risk Policy has experienced the most significant volatility, with an average annual premium increase of 26.08% over the period.

In contrast, the MAV Liability Mutual Insurance (Public Liability and Professional Indemnity) has remained comparatively stable since 2021/22, recording an average annual increase of 7.59%. These differing trends reflect broader market conditions, including asset valuation movements, claims experience, and insurer capacity within specific lines of cover.

The total expenditure for Council's insurance policy premiums for the 2025/26 financial year was \$1,931,316 (excluding GST). The two policies that typically exceed the Chief Executive Officer's financial delegation were the JMAPP Industrial Special Risk Policy (Asset Protection), with a premium of \$950,457, and the MAV Liability Mutual Insurance (Public Liability and Professional Indemnity), with a premium of \$636,857 (both excluding GST).

For the 2026/27 financial year, an indicative increase of 20% has been applied across the total insurance portfolio to inform budget planning. While this is higher than the long-term average across all policies, it reflects the ongoing unpredictability and volatility of the insurance market, particularly for asset-based cover. This approach is intended to ensure that sufficient provision is made within the budget to accommodate potential premium increases, reduce the risk of budget shortfalls, and avoid the need for unplanned funding adjustments during the renewal process.

The total budgeted amount for the 2026/27 insurance portfolio is \$2,318,000 (excluding GST). It is noted that actual premium increases may vary between individual policies and remain difficult to predict at this stage, as insurance pricing is influenced by a range of external factors including global market conditions, claims experience across the sector, and reinsurance costs.

These budget assumptions incorporate the reinstatement of building insurance coverage for Crown assets managed by a Crown Committee of Management, pending the completion of further strategic work to determine an appropriate long term insurance model.

If the final premium outcomes exceed the approved total budget, approval of the expenditure will be required in accordance with the updated S5 Instrument of Delegation. In such circumstances, a further report will be presented to Council following completion of the renewal process, prior to payment, to seek approval of the additional expenditure.

Insurance Premium Management and Cost Optimisation

Officers are actively reviewing opportunities to manage and reduce insurance premium costs, particularly in relation to the JMAPP Industrial Special Risk Policy (Asset Protection). This includes a risk-based review of Council-owned assets to ensure the insurance schedule remains aligned with Council's current operational needs and overall risk profile. An example is adopting a risk-based threshold for asset insurance, whereby assets with a replacement value below **\$20,000** are not routinely insured under the policy. This ensures the total quantum of insured assets remains proportionate to Council's risk exposure, reduces administrative complexity, and assists in moderating premium escalation over time, while maintaining adequate protection for higher-value and critical assets.

This approach supports informed decision-making, ensures insurance coverage is appropriate and proportionate, and seeks to optimise premium outcomes over time while maintaining adequate protection for Council's key assets.

Strategic Alignment

This report has been prepared and aligned with the following theme/s in the Council Plan 2025-2029:

Theme 4: Managing Council well

Outcome – Council operates transparently and effectively with public trust

Outcome – Decision-making is streamlined, efficient, and responsive to community needs

Consultation/Community Engagement/Impacts

Internal consultation during the renewal period is undertaken with stakeholders across the organisation to ensure all operational and risk considerations are addressed, while external consultation is conducted annually with brokers and insurers as part of the broader renewal process. Councillors will be provided with a full briefing once renewal terms have been finalised.

Opportunities and Risks

Opportunities

Approval of the exemption supports the timely and efficient renewal of Council's insurance program, ensuring continuous and uninterrupted insurance coverage. It enables the CEO to exercise delegated authority immediately upon receipt of renewal terms, consistent with the approved or revised budget, and aligned with Council's adopted governance framework.

The exemption also reduces administrative duplication by removing the need for a separate tender process where market testing is undertaken through established brokerage and collaborative procurement arrangements. This streamlined approach improves operational efficiency while maintaining transparency through post renewal briefing to Councillors.

Risks (if exemption is not approved)

In the absence of an approved exemption at this time, Council will be unable to place cover by 30 June 2026, resulting in a lapse of insurance from 1 July 2026. Consequences include exposure to uninsured (or underinsured) loss events, inability to execute certain operational activities or contracts that require evidence of insurance, potential breach of statutory or funding obligations, and an adverse impact on Council's financial and risk profile.

Climate change

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

Conflicts of Interest

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

Attachments

Nil

5.4 Place and Community

5.4.1 Planning Scheme Amendment C159egip - Update Erosion Management Overlay Schedule

Authorised by General Manager Place and Community

Purpose

To seek Council's approval to lodge Planning Scheme Amendment C159egip with the Minister for Planning for approval in accordance with the Planning and Environment Act 1987.

The amendment proposes to replace the existing Erosion Management Overlay (EMO) schedule with a new schedule to improve the control and ensure that a risk-based approach to erosion is embedded within the East Gippsland Planning Scheme.

The amendment documents that are proposed to be lodged for approval with the Minister for Planning can be found at **Attachment 1**.

Key Points

The EMO is a state-wide tool that is used to map and apply planning controls to areas where there is a known erosion risk. The EMO is an important planning control as it seeks to mitigate erosion risk to life and property by controlling use and development in affected areas. C159Egip is stage two of the review of the EMO and relates to the schedules only. The mapping was updated as part of stage one of the project.

Briefly, the new EMO schedule:

- Is drafted in accordance guidance from the Australian Geomechanics Society Practice Note – Guidelines for landslide risk management, 2007 (AGS 2007) and make it more consistent with EMO schedules elsewhere in the state that were drafted after the framework was established by AGS 2007 (recent examples include Colac Otway and Alpine Resorts Shires).
- Includes a Statement of Risk which clearly outlines what the risk is and how it is quantified.
- Includes an updated list of exemptions that are clearer and have been reviewed by a qualified Geotechnical Engineer.
- Relocates complex technical content from the schedule into an Incorporated Document: Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay (WSP, 2025) to serve as a detailed guide for engineering and geotechnical practitioners in preparing assessments for permit applications under the EMO.
- Provides Council with the discretion to waive requirements where the risk is deemed low, while also allowing Council to request an independent review of an assessment if necessary.

Overall, the new EMO Schedule will ensure a more robust assessment process for areas with high erosion risk, while providing a clear list of exemptions for low-risk scenarios. This provides greater clarity for landowners and will help reduce the number of unnecessary planning applications triggered by the EMO.

The Amendment was exhibited, and six submissions were received, copies of which can be found at **Attachment 2**. Four of the submissions were from referral authorities confirming that they were not making a submission. One submission sought changes to deal with minor subdivision matters such as boundary realignments and dwelling excisions. One submission was in support of the amendment.

All the submissions were either supportive or able to be resolved or were administrative replies and therefore appointment of an Independent Planning Panel is not required. A summary of the submissions and the officer's response can be found at **Attachment 3**.

As a result of one submission, minor changes were made to the amendment documentation and details of the changes can be found at **Attachment 4**. It is noted that technical advice was obtained from the consultant engineer who wrote the schedule prior to the specified changes being made.

Recommendation

That Council:

- 1. having formally considered all written submissions received to Amendment C159egip, notes the issues raised by the submissions and the officer's response to those issues, as outlined in Attachment 3;***
- 2. adopts Amendment C159egip with post exhibition changes, as outlined in Attachments 1 and 4, in accordance with section 29 of the Planning and Environment Act 1987;***
- 3. authorises the Chief Executive Officer or delegate to submit the adopted Amendment C159egip, being Attachment 1, together with the prescribed information, to the Minister for Planning for approval, in accordance with section 31 of the Planning and Environment Act 1987; and***
- 4. authorises the Chief Executive Officer or delegate to advise those persons who made written submissions to Amendment C159egip of Council's decision.***

Strategic Alignment

This report has been prepared and aligned with the following theme/s in the Council Plan 2025-2029:

Theme 2: Prosperity

Outcome – A well-functioning planning system that responds to our communities' needs.

Consultation/Community Engagement/Impacts

Planning Scheme Amendment C159egip affects all land within East Gippsland where the Erosion Management Overlay is mapped. The Amendment underwent 5 weeks of public exhibition, including notices in the newspaper and the use of YourSay and 6 submissions were received.

While the Amendment affects a large number of landowners, overall, it presents a huge improvement in the way that erosion risk is identified and managed through the planning scheme and will ultimately benefit the affected landowners.

Opportunities and Risks

Opportunities and risks arising from proposed Planning Scheme Amendment C159egip are detailed in the table below:

	Opportunities	Risks
Financial	Reduction in financial burden for landowners as only high-risk proposals will trigger a permit and further assessments by a suitably qualified practitioner.	Council incurs a moderate cost in fees and staff resourcing when a Planning Scheme Amendment is undertaken.
Environmental	If the amendment proceeds, it will achieve improved environmental outcomes by controlling development in areas with high erosion risk.	If the amendment does not proceed then there is a risk that inappropriate development will occur in high-risk areas.
Social	The amendment will provide a more robust planning control consistent with updated erosion controls across the State.	Nil
Operational	If the amendment proceeds, it will reduce the number of planning permits being triggered. The amendment will ensure that developments in high-risk locations provide adequate information to enable responsible decision making.	If the amendment does not proceed, the existing schedule will remain in the planning scheme. The existing schedule does not assist with decision making. Unnecessary planning permit applications are triggered.

Climate change

This report considers potential climate change risks and impacts relevant to the Officer recommendation and aligns with the applicable climate change functions, categories, and legislative obligations, as detailed below:

Legislation

Planning and Environment Act 1987 (including ss. 4, 6, 12, 12B, 60)

Category

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

Conflicts of Interest

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

Attachments

1. Combined C 159 egip documents [**5.4.1.1** - 69 pages]
2. Combined Submissions C 159 egip [**5.4.1.2** - 13 pages]
3. C 159 egip submissions summary [**5.4.1.3** - 1 page]
4. C 159 egip Changes Table [**5.4.1.4** - 1 page]

Design for a better *future* /

Department of Transport and
Planning

**East Gippsland Shire
Erosion Management
Overlay**

Basis for Amendment to
Erosion Management
Overlay

WSP

30 January 2025

Confidential

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East Gippsland Shire Erosion Management Overlay

Basis for Amendment to Erosion Management Overlay

Department of Transport and Planning

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Rev	Date	Details
A	7 January 2025	Draft for comment
0	30 January 2025	Final

	Name	Date	Signature
Prepared by:	Darren Paul	30 January 2025	
Reviewed and approved by:	Stuart Colls	30 January 2025	

WSP acknowledges that every project we work on takes place on First Peoples lands.
We recognise Aboriginal and Torres Strait Islander Peoples as the first scientists and engineers and pay our respects to Elders past and present.

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Our ref: PS213610-WSP-MEL-GEO-REP-001-REV0

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30 January 2025

Confidential

Katelin Johnson
Planning Support Officer
Regional Planning Services
Department of Transport and Planning
71 Hotham Street
Traralgon, VIC 3844

Dear Katelin

**East Gippsland Shire Erosion Management Overlay
Basis for Amendment to Erosion Management Overlay**

We have pleasure in providing the attached report which includes drafts of an amended schedule to the erosion management overlay and associated incorporated document for East Gippsland Shire along with the basis of the suggested provisions. We look forward to discussing this report with you in due course and further developing the schedule and incorporated document.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Darren Paul'.

Darren Paul
Technical Director



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Executive summary

East Gippsland Shire is subject to geotechnical hazards, including shallow landslide, which is managed through the planning scheme under the Erosion Management Overlay (EMO). In August 2024, planning scheme amendment C167egip was gazetted based on mapping by GHD Pty Ltd which substantially reduced the extent of the EMO by delineating areas susceptible to shallow landslides on moderately steep to steep slopes. The schedule to the EMO was not amended at that time. WSP has been engaged to review the outcomes and recommendations of the GHD mapping report and to recommend revised EMO provisions that could be adopted in a future planning scheme amendment. We note that East Gippsland has also been assessed as susceptible to other slope related hazards including debris flow and tunnel erosion, however further work is required to develop mapping to delineate susceptible areas and to incorporate them into the planning scheme.

Precedent from recently gazetted provisions adopted for the EMO in Colac Otway and Yarra Ranges was taken into consideration in drafting the provisions for East Gippsland. A key feature of those schemes is the simplification of the EMO schedule by removing technical jargon. The existing East Gippsland EMO schedule includes technical information intended to guide a geotechnical practitioner as to what information they must provide in support of a planning application. It is recommended this information be removed from the schedule and included in an incorporated document intended primarily for geotechnical practitioners.

Key features of the provisions of the EMO schedule and incorporated document appended to this report are set out below.

EMO Schedule (Appendix A)

- Includes a statement of risk which clearly sets out what level of risk Council will accept for development that is at risk from geotechnical hazards and therefore subject to the EMO. The level of risk nominated is consistent with that recommended in the Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007 and with recent precedent adopted by other Victorian Councils.
- Includes an updated list of exemptions which is not as broad as the current list on the basis that the revised mapping removes areas on flatter slopes and future applications are more likely to apply in areas with identifiable geotechnical hazards. The list of exemptions has also been made consistent with precedent adopted by other Councils.
- Summarises the information that must be provided in support of an application subject to the EMO with reference to the incorporated document which sets out the detail needed.
- Describes separate requirements needed for buildings and works and subdivision noting that Council requires different geotechnical information to inform the assessments.
- Includes decision guidelines similar to those set out in the existing schedule and the schedules of other Councils.

Incorporated Document (Appendix B)

- Sets out the qualifications required of a person who can prepare a geotechnical assessment in support of a planning application. The current schedule does not specify qualifications noting that the Victorian Engineers Bill 2019 requires assessment of competence and registration for all engineers who practice in Victoria. This or a similar registration is specified as a requirement to prepare a geotechnical, landslide risk, or landslide hazard assessment in support of a planning application in East Gippsland.
- In recognition that no landslide mapping can be error free, includes provision for a geotechnical practitioner to advise Council if there are no credible landslide hazards associated with a development.
- Sets out a two-tier process to assess risks from geotechnical hazards that requires a simplified assessment and report on lower risk sites and a more comprehensive risk assessment only on higher risk sites. The intent of this process is for applicants to pay only for the assessment they need.

- Sets out the information that is to be included in a geotechnical assessment or landslide risk assessment.
- Introduces a requirement for a different type of report specifically for subdivision: a geotechnical hazard assessment. The purpose of this report is for Council to receive a map of a proposed subdivision showing areas that are unsuitable for development, suitable for development subject to mitigation prior to subdivision or suitable for development subject to normal EMO requirements, with constraints or risk mitigation implemented.

1 Project background

1.1 Basis to review the East Gippsland EMO

Studies into landslide and erosion susceptibility within the East Gippsland Shire were undertaken by GHD Pty Ltd (GHD) as part of the bushfire recovery program between 2020 and 2023 with the outcomes of these studies presented in GHD's report (ref: 12528003 Rev0) dated 19 January 2023 (GHD Report). Geological and geomorphological studies have been undertaken to identify areas within East Gippsland that could be susceptible to landslide, debris flow and tunnel erosion processes and it is recommended in the GHD Report that planning controls are implemented in the East Gippsland Erosion Management Overlay (EMO) to manage geotechnical hazards associated with these susceptible areas. An example EMO schedule is provided in the GHD Report for shallow landslide and GHD recommends that separate schedules be provided for tunnel erosion and debris flow, which would result in three separate schedules.

The Victorian Department of Transport and Planning (DTP) has requested WSP reviews the outcomes and recommendations of the GHD Report with a view to developing a draft EMO schedule which includes provision for managing the geotechnical hazards described in the GHD Report. This report, updated from the draft dated 7 January 2025 in response to comments from DTP, sets out the basis for the planning provisions set out in the draft EMO schedule and associated incorporated document provided in Appendices A and B of this report respectively.

This work has been undertaken by WSP in accordance with our proposal dated 20 March 2024 (ref: PP213610-GEO-PPL-RevA) and the short form agreement executed between DTP and WSP on 13 October 2024.

1.2 Current Status of the East Gippsland EMO

East Gippsland Shire currently has an EMO. The mapping which defines the extent of the EMO includes areas identified in the GHD Report as being susceptible to shallow landslides on moderately steep to steep slopes (shallow landslide). It does not include areas identified in the GHD Report as susceptible to debris flow or erosion except where areas susceptible to those hazards are coincident with those susceptible to shallow landslide. Areas susceptible to shallow landslide on moderately steep to steep slopes are used as the basis of a mapping amendment which was gazetted on 1 August 2024 via amendment C167egip.

The current EMO schedule was gazetted via amendment C153egip on 10 October 2019 and applied to previous mapping which was less refined and affected a greater area than that of the current mapping. The current schedule sets out a relatively extensive list of exemptions and includes provision for Council to waive the requirement for a geotechnical risk assessment if it is assessed to be irrelevant by a suitably qualified geotechnical practitioner.

In drafting the revised EMO schedule (Appendix A) and incorporated document (Appendix B), the provisions of the current schedule have been considered and either retained, removed or amended as appropriate.

Note that the words landslip and landslide are used interchangeably in this report and accompanying documents.

1.3 Potential Improvements to the EMO Schedule

The GHD Report includes feedback solicited from stakeholders involved in the administration of the current East Gippsland EMO and a comparison between the schedule to the East Gippsland EMO with those of other local government areas, including Colac Otway Shire. A series of recommendations for updates to the schedule are presented in the GHD Report. Furthermore, DTP has provided some suggestions with respect to how the EMO schedule could be improved. The potential EMO improvements conveyed from various sources are set out in Table 1.1 and have been used to help guide the development of the appended draft schedule and incorporated documents. Note that our comments in Table 1.1 relate to updates to the EMO schedule only, not the mapping.

Table 1.1 Summary of Suggested Improvements to the East Gippsland EMO Schedule

Source	Suggested Improvement	WSP Comment
GHD Report 5.1.1	Provide three separate schedules (EMO1, EMO2 and EMO3) separately covering shallow landslides, debris flow and tunnel erosion.	Three schedules is not desirable for planning efficiency reasons (see DTP comment below). Mapping covers only shallow landslides.
GHD Report, Table 5	Only 2% to 5% of planning applications have a geotechnical risk assessment included.	Implies that most development affected by the EMO to date has not been subject to significant landslide hazards.
GHD Report, Table 5	There are some shallow landslide hazards in East Gippsland, but the predominant hazards that have arisen through the planning process include debris flow and erosion.	The current EMO mapping covers shallow landslide only.
GHD Report 5.1.2	The recently amended Colac Otway Shire schedule is identified as a suitable basis for the East Gippsland EMO schedule, including the list of exemptions set out in that schedule.	More recently to the Colac Otway Shire EMO amendment, the Yarra Ranges EMO amendment has been developed and also provides precedent to consult in the preparation of the East Gippsland EMO.
GHD Report 5.1.3	Technical guidance should be developed to assist planners to interpret the requirements of applications made under the EMO.	We have not provided technical guidance within this document, however this point speaks to a need to keep the EMO application process as simple as possible.
DTP	There is a desire to use a single schedule rather than three separate schedules to simplify the EMO application process for both applicants and planners.	A single schedule is proposed.

2 Project aims

The aims of the project are to:

- Review the GHD Report and recommend planning provisions to manage the geotechnical hazards described in that report.
- Develop and workshop a draft of a revised EMO schedule East Gippsland Shire.
- Prepare an incorporated document to support the schedules proposed.

Note that we have not attempted to repeat or verify the mapping undertaken by GHD and take no responsibility for the accuracy or suitability of the mapping to form the basis of the East Gippsland EMO.

3 Geotechnical Hazards

3.1 Summary of Geotechnical Hazards Identified

The GHD Report provides separate susceptibility maps for three hazards: shallow landslide, debris flow and tunnel erosion. Recognising the differences between these hazards, GHD recommends separate schedules with differing planning controls for each. The current mapping considers only shallow landslide. However, notably, the areas susceptible to shallow landslide are mostly coincident with those assessed as susceptible to debris flow and erosion. Figure 3.1 is an extract from the GHD Report which shows areas mapped as susceptible to shallow landslide and debris flow with areas where the two are coincident is shown in orange. Whilst there are some areas assessed as susceptible to debris flow and not shallow landslide (brown areas) in the main areas susceptible to debris flow and shallow landslide coincide (green).

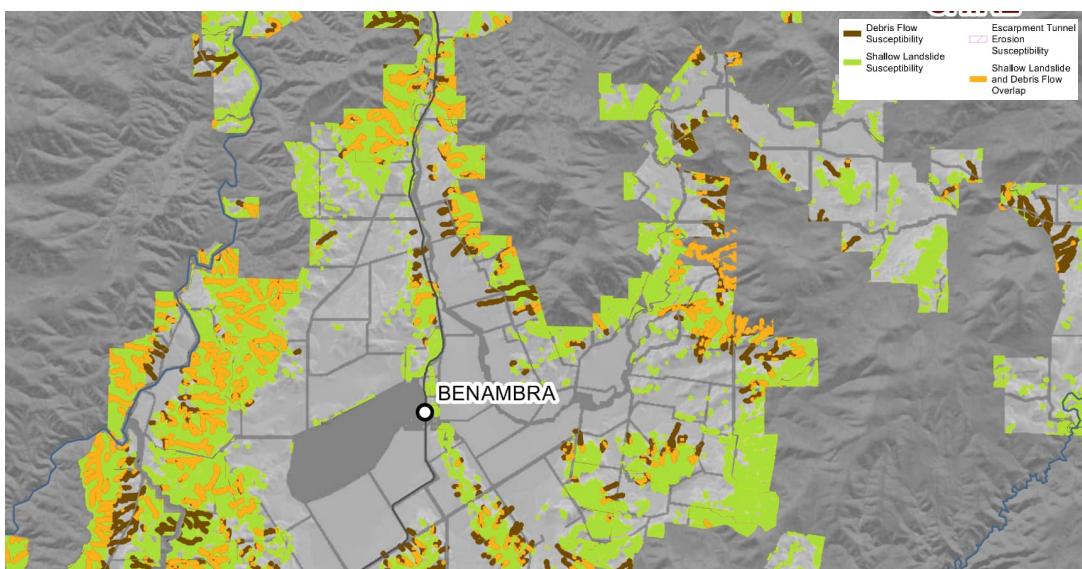


Figure 3.1 Extract from GHD Report (Benambra area) showing debris flow and shallow landslide susceptibility.

Areas identified in the GHD Report as susceptible to erosion are generally coincident with areas susceptible to shallow landslide as indicated in Figure 3.2. However, the areas identified as susceptible to erosion (pink hatching) extend beyond those areas identified as susceptible to shallow landslide (green) to cover a broader area. Those broader areas have slope angles less than what has been assessed as susceptible to shallow landslide. The EMO mapping does not include the broader areas identified as susceptible to erosion.

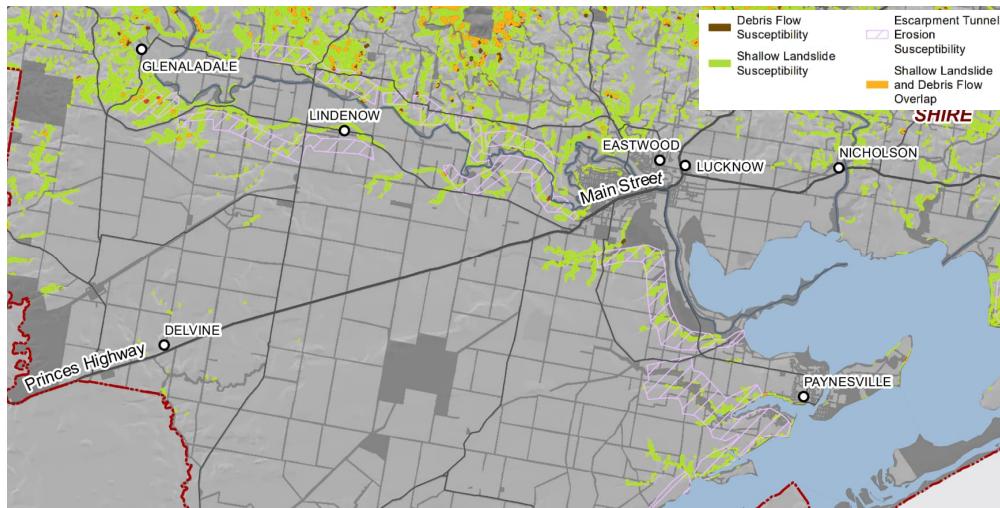


Figure 3.2 Extract from GHD Report (Bairnsdale area) showing tunnel erosion and shallow landslide susceptibility.

The development of planning controls that seek to manage risks associated with all three hazards requires an understanding of these hazards and their implication for planning controls. A summary of each hazard is subsequently provided.

3.1.1 Shallow Landslides

Shallow landslides are landslides that would predominately originate within soils on moderately steep to steep slopes, affecting soil to a depth of up to a few metres. They most commonly occur on slopes that have been over-steepened such as the banks of water courses or road cut and fill batters. Soils may travel a short distance presenting a risk to property and in some cases a risk to life or be more fluid and develop into debris flows as described in Section 3.1.2. With the exception of roads, there appear to be few locations where the built environment within East Gippsland interacts with an area assessed as having susceptibility to shallow landslides, which is consistent with the reported low number of planning applications received with accompanying landslide risk assessments. In most cases, it can be expected there will be means of managing risks associated with shallow landslide, such as through avoidance, or if this is not possible through engineering measures such as drainage and retaining walls. However, it is not always feasible to implement landslide risk mitigations due to practical constraints such as land boundary locations and economic constraints.

Where a development could be exposed to a shallow landslide or could cause a shallow landslide (for example through earthworks and drainage) there is a basis to apply planning controls to ensure that:

- A competent person identifies shallow landslide hazards and the risk they present to a proposed development.
- The requirement to avoid potential landslides and for landslide mitigation measures to be provided is identified at planning stage allowing early assessment of the practicality of implementing those measures.
- Where required, landslide risk mitigation measures are incorporated into the design of new buildings and works.
- Subdivision planning and layout is undertaken to avoid areas susceptible to shallow landslide.

The current EMO mapping includes areas that have been assessed by GHD as susceptible to shallow landslide.

3.1.2 Debris Flow

Debris flow can begin as a shallow landslide but is distinguished from shallow landslide on the basis of the distance travelled by debris arising from the landslide. If the landslide is fluid, the debris arising can flow downslope, entraining more material and vegetation as it flows. The debris flow would usually follow the landform meaning that gullies and watercourses are susceptible to impact from debris flow. It is possible for debris flow to travel several kilometres from its source, meaning it can impact relatively flat land on which landslide initiation might be very unlikely. Susceptibility to debris flow can increase after bushfire and there are several examples of debris flow having occurred in East Gippsland following bushfires in 2019/20. The debris flow channels extending out from the areas susceptible to shallow landslide and shown in Figure 3.1 are indicative of this mechanism.

Debris flows can be rapid and if large enough can destroy structures and kill people they impact. There is little that can be done within the confines of a site boundary to provide engineering measures to mitigate against debris flow because the source will usually be remote from the site. The best form of mitigation is to avoid development in or near gullies that are susceptible to debris flow. Where development is proposed in an area susceptible to debris flow, planning controls should ensure that:

- A competent person identifies debris flow hazards and the risk they might present to the proposed development.
- The requirement to avoid areas susceptible to debris flow is identified at planning stage.
- Subdivision planning and layout is undertaken to avoid areas susceptible to impact from debris flow.

The current EMO mapping does not include areas susceptible to debris flow. Based on the GHD report, additional work may need to be undertaken to better delineate these areas for inclusion in a potential mapping update.

3.1.3 Tunnel Erosion

Some areas susceptible to tunnel erosion have been identified in the GHD Report, based mainly on earlier studies undertaken by the Department of Primary Industries. It is rare that tunnel erosion would present a risk to life. However, it can present a risk to property. Hazards associated with erosion can generally be managed by avoiding development in erosion prone areas, or if development cannot be avoided by providing engineered erosion protection. The risk to life from tunnel erosion would generally be less than the risk to life from shallow landslide or debris flow and less onerous planning provisions could reasonably apply compared to those for shallow landslide and debris flow. Unlike landslide, erosion is a relatively continuous process, whereby soil is removed over time. There may not be a single hazardous 'event' as might be the case with landslide and so impact to development from erosion might not lend itself as well to the risk assessment process compared to risks associated with landslide and debris flow.

Planning controls in areas susceptible to tunnel erosion should ensure that:

- A suitably qualified person assesses erosion hazards that could affect the proposed development.
- Where required, measures to protect proposed development from erosion are identified at planning stage and incorporated into development.
- Subdivision planning and layout is undertaken to avoid areas susceptible to erosion or to provide erosion mitigation as appropriate.

The current EMO mapping does not include areas susceptible to tunnel erosion. Based on the GHD report, additional work may need to be undertaken to better delineate these areas for inclusion in a potential mapping update.

3.2 Summary of Planning Implications of Identified Hazards

A summary of implications of the geotechnical hazards identified in the GHD Report is set out in Table 3.1.

Table 3.1 Summary of planning implications for geotechnical hazards

Hazard	Typical Risk to property if impacted*	Typical Risk to life if impacted*	Prevalence in East Gippsland (based on indications in the GHD Report)	Typical Risk Controls
Shallow Landslide	High	Moderate	Common problem on existing road batters and excavations. Less common for new buildings and works.	Assess risks. Avoid development in susceptible areas. Design engineered mitigation.
Debris Flow	High	High	Prevalent following bushfire. Impact on roads. Limited impact on buildings and works.	Assess risks. Avoid development in susceptible areas.
Tunnel Erosion	High	Low	Affects some areas where new subdivision, buildings and works are proposed in the Glenaladale, Bairnsdale and Paynesville areas.	Identify susceptible areas relative to the development. Avoid development in susceptible areas. Design engineered mitigation.

*Nominal risk ranking based on the qualitative risk level implications in Appendix C of the Australian Geomechanics Society (AGS) Practice Note Guidelines for Landslide Risk Management 2007.

4 Basis of Recommended Planning Provisions

4.1 Objectives of Amended Provisions

Based on our understanding of the GHD Report, the geotechnical hazards identified and described in that report and the suggested feedback from stakeholders, the amended provisions to the EMO schedule seek to meet the following overarching objectives:

- Allow for management of multiple geotechnical hazards under a single schedule and with consideration given to the current mapping which is based on areas susceptible to shallow landslide on moderately steep to steep slopes.
- Incorporate less onerous provisions to manage tunnel erosion hazards that avoid the requirement for risk assessment with focus on avoidance and engineered erosion protection.
- Ensure risk to life from geotechnical hazards is tolerable.
- Include exemptions that are simple to interpret.
- Provides discretion for Council to waive the requirements of a geotechnical assessment where geotechnical hazards are insignificant.
- Is consistent with precedent from recently gazetted EMO controls in other local government areas.
- Provides clear guidance on when a geotechnical assessment is required and what information it needs to contain.
- Reduces the administrative burden on applicants and statutory planners.

The following sections discuss how the schedule and incorporated document appended to this report seek to meet these overarching objectives.

4.2 EMO Schedule

The purpose and basis of each key section of the draft EMO schedule included in Appendix A is discussed below.

4.2.1 Statement of Risk

The existing schedule does not include a statement of risk. However, for consistency with other schedules, a statement of risk has been added. This section describes the geotechnical hazards to which East Gippsland is exposed and the key areas exposed to those hazards. Importantly, it describes the level of risk to life and property that East Gippsland Shire will tolerate for new buildings and works exposed to geotechnical hazards and how those risks should be estimated. Risk estimation is undertaken in accordance with the methods described in the Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management¹ (AGS 2007), which is widely adopted nationally and has been adopted by several other local government authorities to estimate the risk from geotechnical hazards (Colac Otway, Yarra Ranges, Frankston City Council, Alpine Resorts, Mornington).

¹ Australian Geomechanics Society (2007), Practice Note Guidelines for Landslide Risk Management, Australian Geomechanics, Vol 42, No 1 March 2007.

As set out in AGS 2007, the risk tolerance threshold is to be set by the relevant regulatory authority. Whilst this decision resides with East Gippsland Shire, precedent can be taken from recently gazetted EMO schedules including Colac Otway and Yarra Ranges.

The qualitative risk assessment to property set out in AGS 2007 requires two key inputs – the *Likelihood* and the *Consequence*. The *Likelihood* describes the annual probability of the development being impacted by a landslide. The *Consequence* describes the severity of the impact that the landslide has on the property. These two inputs are combined in a matrix (Figure 4.1) to indicate a risk level, reported on a five-level scale: Very High, High, Moderate, Low, Very Low. The implications of the assessed risk are further discussed subsequently.

QUALITATIVE RISK ANALYSIS MATRIX – LEVEL OF RISK TO PROPERTY

LIKELIHOOD		CONSEQUENCES TO PROPERTY (With Indicative Approximate Cost of Damage)				
	Indicative Value of Approximate Annual Probability	1: CATASTROPHIC 200%	2: MAJOR 60%	3: MEDIUM 20%	4: MINOR 5%	5: INSIGNIFICANT 0.5%
A – ALMOST CERTAIN	10^{-1}	VH	VH	VH	H	M or L (5)
B – LIKELY	10^{-2}	VH	VH	H	M	L
C – POSSIBLE	10^{-3}	VH	H	M	M	VL
D – UNLIKELY	10^{-4}	H	M	L	L	VL
E – RARE	10^{-5}	M	L	L	VL	VL
F – BARELY CREDIBLE	10^{-6}	L	VL	VL	VL	VL

Notes: (5) For Cell A5, may be subdivided such that a consequence of less than 0.1% is Low Risk.
 (6) When considering a risk assessment it must be clearly stated whether it is for existing conditions or with risk control measures which may not be implemented at the current time.

RISK LEVEL IMPLICATIONS

Risk Level		Example Implications (7)
VH	VERY HIGH RISK	Unacceptable without treatment. Extensive detailed investigation and research, planning and implementation of treatment options essential to reduce risk to Low, may be too expensive and not practical. Work likely to cost more than value of the property.
H	HIGH RISK	Unacceptable without treatment. Detailed investigation, planning and implementation of treatment options required to reduce risk to Low. Work would cost a substantial sum in relation to the value of the property.
M	MODERATE RISK	May be tolerated in certain circumstances (subject to regulator's approval) but requires investigation, planning and implementation of treatment options to reduce the risk to Low. Treatment options to reduce to Low risk should be implemented as soon as practicable.
L	LOW RISK	Usually acceptable to regulators. Where treatment has been required to reduce the risk to this level, ongoing maintenance is required.
VL	VERY LOW RISK	Acceptable. Manage by normal slope maintenance procedures.

Note: (7) The implications for a particular situation are to be determined by all parties to the risk assessment and may depend on the nature of the property at risk; these are only given as a general guide.

Figure 4.1: Extract from AGS 2007 showing the matrix for qualitative risk assessment for property.

‘Tolerable’ risk which sets the threshold in the EMO schedule is taken as one order of magnitude greater than ‘Acceptable’ risk. Acceptable risk is a risk that requires no assessment or specific management. Tolerable risk is a risk that can be tolerated, subject to appropriate management – i.e. it remains a consideration into the future.

The risk level implications set out in Figure 4.1 indicate that Moderate Risk may be tolerated in some circumstances but that investigation and treatment options should be implemented to reduce the risk to Low. However, there is guidance within AGS 2007 which discusses adjustment to the tolerable risk criteria based on the societal value or ‘importance’ level of the structure, as distinct from the dollar value. The importance level is rated from 1 through 4 as indicated in Figure 4.2, with 1 being less important structures and 4 being more important structures. Notably, low rise residential construction is nominated as an importance level 2 structure.

Importance Level of Structure	Explanation	Examples (Regulatory authorities may designate any structure to any classification type when local conditions make such desirable)
1	Buildings or structures generally presenting a low risk to life and property (including other property).	Farm buildings. Isolated minor storage facilities. Minor temporary facilities. Towers in rural situations.
2	Buildings and structures not covered by Importance Levels 1, 3 or 4.	Low-rise residential construction. Buildings and facilities below the limits set for Importance Level 3.
3	Buildings or structures that as a whole may contain people in crowds, or contents of high value to the community, or that pose hazards to people in crowds.	Buildings and facilities where more than 300 people can congregate in one area. Buildings and facilities with primary school, secondary school or day-care facilities with capacity greater than 250. Buildings and facilities for colleges or adult education facilities with a capacity greater than 500. Health care facilities with a capacity of 50 or more residents but no having surgery or emergency treatment facilities. Jails and detention facilities. Any occupancy with an occupant load greater than 5,000. Power generating facilities, water treatment and waste water treatment facilities, any other public utilities not included in Importance Level 4. Buildings and facilities not included in Importance Level 4 containing hazardous materials capable of causing hazardous conditions that do not extend beyond property boundaries.
4	Buildings or structures that are essential to post-disaster recovery, or with significant post-disaster functions, or that contain hazardous materials.	Buildings and facilities designated as essential facilities. Buildings and facilities with special post-disaster functions. Medical emergency or surgery facilities. Emergency service facilities: fire, rescue, police station and emergency vehicle garages. Utilities required as back-up for buildings and facilities of Importance Level 4. Designated emergency shelters. Designated emergency centres and ancillary facilities. Buildings and facilities containing hazardous (toxic or explosive) materials in sufficient quantities capable of causing hazardous conditions that extend beyond property boundaries.

Figure 4.2: Extract from AGS 2007 indicating importance level of structure.

Figure 4.3 indicates the suggested ‘Acceptable’ level of qualitative risk set out in AGS 2007. For development within the EMO, risk mitigation measures will usually be recommended through the geotechnical assessment process, so tolerable risk is the appropriate threshold to apply. For clarity, the table in Figure 4.3 has been amended in Table 4.1 to indicate the AGS 2007 suggested tolerable risk for structures of different importance levels.

Table C10: AGS suggested Acceptable qualitative risk to property criteria.

Importance Level of Structure (1)	Suggested Upper Limit of Acceptable Qualitative Risk Property (2)	
	Existing Slope (3) / Existing Development (4)	New Constructed Slope (5) / New Development (6) / Existing Landslide (7)
1	Moderate	Moderate
2	Low	Low
3	Low	Low
4	Very Low	Very Low

Figure 4.3: Extract from AGS 2007 providing the suggested upper limit of Acceptable level of risk.

Table 4.1: Upper limit of Tolerable risk level, taken as one probability order of magnitude higher than the AGS 2007 suggested upper limit of Acceptable risk as indicated in Figure 4.3.

Importance Level of Structure	AGS 2007 Suggested Upper Limit of Tolerable Qualitative Risk to Property	
	Existing Development	New Development
1	High	High
2	Moderate	Moderate
3	Moderate	Moderate
4	Low	Low

Table 4.1 suggests Moderate risk as the upper limit of tolerable risk to inhabited property. AGS 2007 provides some context to the nomination of Moderate risk as the upper limit of tolerable risk for low rise, importance level 2 structures:

The recommendation to the regulator that MODERATE risk is tolerable and that LOW (and Very Low) Risk is acceptable for Importance Level 2 and 3 structures is based on the assessment of implied cost impact of damage on most home owners and the fact that most home owners will be risk averse in the light of lack of insurance availability. If insurance was available then an annualised dollar value equivalent to an insurance policy cost would be a reasonable benchmark for acceptability.

This statement is effectively saying that the nomination of Moderate risk assumes the property is not insured against landslide. The tolerable risk to property could feasibly be increased further if insurance were available because the cost of the damage would be equal to the cost of the insurance policy rather than the actual cost of stabilisation and rebuild. However, we note that most home insurance policies do not cover landslide or subsidence unless it is caused by another event such as a storm or earthquake and occurs within 72 hours of the storm or earthquake. Many of the landslides that occur within East Gippsland are triggered by rainfall, with preceding bushfire often a causal factor meaning insurance may cover many, but not all of the landslides that occur within East Gippsland.

Whilst AGS 2007 clearly recommends Moderate risk as an appropriate threshold for the evaluation of risk to property, there is some ambiguity with respect to the example implications of Moderate risk set out in the Risk Evaluation Table in Figure 4.1. Whilst this table indicates Moderate risk to property can be tolerated, it recommends measures are implemented to reduce the risk to Low. This raises the question as to whether a situation in which there are no practical measures available to reduce the risk from Moderate to Low can be tolerated and in the context of the EMO, whether a development can be approved.

Other planning schemes, for example Colac Otway Shire and Yarra Ranges have interpreted Moderate risk as tolerable, including in cases where the risk cannot practically be reduced from Moderate to Low. We agree with this interpretation. Notwithstanding this, where Moderate risk has been assessed, a principle of 'As Low as Reasonably Practical' (ALARP) should apply. That is, if there are practical measures that can be implemented to reduce risk, they should be. In line with ALARP principles, a geotechnical assessment or landslide risk assessment undertaken by a geotechnical practitioner should include recommendations to reduce risk to as low as reasonably practical. This approach is in line with the tolerable risk threshold to which their risk assessment is compared and the guidance in AGS 2007 that where tolerable risk has been assessed, measures to reduce the risk should be implemented. Implementation of the recommended measures would then become a condition of the planning permit. It is recommended that consideration be given to adopting 'Tolerable' levels to assess risk to property in line with building importance as set out in Table 4.1. Under these levels, the risk to property for residential development would have a tolerable threshold of Moderate.

The AGS 2007 guidelines recommend that risk to property be assessed qualitatively and risk to life quantitatively. The AGS 2007 guidelines provide a 'Tolerable' threshold for the quantitative assessment of risk to life of 10^{-5} (1 in 100,000) per annum for loss of life of the individual most at risk and assuming new development. This approach is consistent with

criteria provided in other EMO schedules within Victoria, including Colac Otway, Frankston, Yarra Ranges, Alpine Resorts. It is recommended that this risk tolerance threshold be introduced to the East Gippsland EMO schedule.

As the regulator, East Gippsland Shire should confirm if it supports the recommended 'Tolerable' risk thresholds for property and life discussed above.

4.2.2 *Permit Requirements and Exemptions*

The existing East Gippsland EMO schedule includes a relatively long list of exemptions which exempts most development if it does not require earthworks. Based on our review of the basis of Amendment C153egip, these exemptions were introduced because the mapping of landslide susceptible areas was broader than it otherwise needed to be and a requirement for a planning permit was perceived to be unnecessarily triggered in some circumstances. Rather than amend the mapping at that time, the list of exemptions was broadened. With refinement of the mapping, through amendment C167egip, and on the basis that there are less likely to be permit applications triggered where there are no significant hazards, there is a basis to review the exemptions. The following sets out the exemptions in the draft schedule along with the basis for its inclusion as an exemption.

Water holding structures

Water holding structures such as tanks, pools and spas present a landslide risk because they could leak, leading to a concentration of water in the subsurface which could lead to instability. Tanks can also impose a significant surcharge load to the slope. Notwithstanding this, small, engineered, impervious water holding structures such as engineered water tanks, spas and pools can be expected to have a low likelihood of leakage. If these water holding structures are fitted with underdrainage, typically an underlying granular aggregate layer provided to allow water leakage from the tank to drain out on to the slope surface rather than infiltrate into the slope, there is a low likelihood of the water holding structure reducing the stability of a slope and there may be a basis to exempt. Note that the earthworks required to level an area for a tank or water holding structure could introduce a landslide risk and may not be exempt.

Larger impermeable water holding structures or pervious water holding structures such as dams or ponds are generally more prone to developing a leak than smaller ones. Larger engineered water holding structures and unlined water holding structures are not exempt.

Fences

Fences generally do not change or introduce landslide or erosion risks unless:

- They are impermeable at ground surface level and could cause disruption or redirection and concentration of surface water flow leading to erosion or landslide.
- They are heavy, for example masonry that could present a risk to life if it were to be constructed on unstable ground and were to topple.

There is a basis to exempt most fences including permeable, lightweight fences such as agricultural fences. Freestanding masonry walls higher than 1 m and fences impermeable at ground level should not be exempt.

Earthworks

Earthworks can cause or exacerbate geotechnical hazards because they can be potentially unstable causing soil or rock to collapse on to buildings or people, noting that this appears to be the most prevalent contributing factor to landslides in East Gippsland, principally on the road network. Furthermore, earthworks can trigger landslides on natural slopes by changing the distribution of stresses in the ground. However, it is not practical to require a planning permit for any form of ground disturbance no matter how minor if the consequences of instability are not significant.

It is recommended that minor earthworks, which could change the natural ground surface by a vertical height of less than 1 m, be exempt. It is important to note that the 1 m is measured relative to the natural ground surface. If for example existing earthworks which exceed a depth of 1 m are deepened by 0.5 m, the earthworks would not be exempt because the overall depth of excavation relative to the natural ground surface would be 1.5 m. Similarly, existing earthworks near a proposed development, for example a cut, could present a risk to a new development even if the new development does

not require new earthworks. To account for this, a clause that triggers a geotechnical assessment if there are existing earthworks greater than 1 m high within 5 m of a proposed development is recommended.

The consequences of 1 m of soil collapsing on to a person, as might occur in a scenario of somebody standing at the base of or below a 1 m high cut, are not typically fatal. For example, Work Safe Victoria guidelines restrict persons from entering an excavation deeper than 1.5 m (Worksafe Victoria 2019²), unless appropriate safety controls are in place. The Work Safe Victoria guidelines refer to construction sites and generally temporary excavation. In a residential setting, where persons may be more vulnerable to impact from soil compared to on a construction site, and for permanent excavation, a more onerous criteria of 1 m is recommended as a trigger for a planning permit, noting that this threshold has been adopted in other local government areas.

Minor Buildings and Works and Extensions, including Temporary Buildings

Minor extensions are exempt under the current schedule and may not significantly alter landslide risk if they do not require earthworks, are not heavily loaded, nor alter surface drainage or the volume of on-site wastewater disposal. It is too onerous to require a planning permit for very minor extensions if they do not significantly alter the landslide risk. However, given the revised mapping better represents steeper landslide prone slopes and given development on steeper slopes could be susceptible to landslide, a nominal maximum area of 40 m² for minor buildings and works (including temporary buildings) and extensions is proposed, below which an exemption applies. This area has been selected for consistency with other planning schemes. Note that if earthworks requiring excavation or filling greater than 1 m are required as part of the extension, they would not be exempt.

Non-Habitable Structures and Temporary Buildings

Non-habitable structures including sheds and agricultural buildings are exempt under the current schedule unless they have an area that exceeds 200 m². In the proposed schedule it is proposed that agricultural buildings are addressed separately from other non-habitable buildings, as discussed below. Non-habitable buildings would not generally be associated with a significant risk to life due to the much lower proportion of time a person is in the structure compared to a dwelling. This risk is also reduced if the structure is built from lightweight materials unlikely to cause a fatality if they were to collapse. The consequences of the risk to property depends on the value of the non-habitable asset. There is a basis to exempt non-habitable structures from the requirements of a planning permit if they are lightweight, flexible structures of low value which require no significant earthworks or changes to surface water discharge. It is difficult to assign a cost value threshold. However, taking precedent from other planning schemes and maintaining the threshold adopted in the existing schedule, the size of the structure can be used as a proxy for value. A nominal size of 40 m² is recommended below which an exemption could apply for non-habitable or temporary structures, excluding agricultural buildings as discussed below.

If earthworks requiring excavation or filling greater than 1 m are required for non-habitable structures, they would not be exempt.

Agricultural Buildings

For agricultural buildings involved in primary production, and for which stormwater and drainage alterations caused by the building are not expected to have a significant impact, no size limit is applied. Note that an agricultural building of reasonable size within the sloping ground of the EMO is likely to require significant earthworks and would otherwise trigger a permit on that basis.

Retaining Walls

If retaining walls are proposed to support minor excavation, for example as might be provided for landscaping, then it is reasonable for an exemption to apply. An exemption is nominated for retaining walls with height of less than 1 m. Note

² WorkSafe Victoria Compliance Code, Excavation, Edition 2, December 2019.

that in addition to a planning permit, a building permit would usually be required for any retaining wall higher than 1 m making this planning provision consistent with building provisions.

Soil Erosion

The existing schedule includes an exemption for development provided specifically to address soil erosion and it is recommended this exemption be retained. This exemption applies where measures are provided to address an existing soil erosion issue, and they are reducing erosion hazards.

Work by a Public Authority

Works undertaken by a public authority are exempt under the current schedule. For repair and maintenance works, this exemption is probably reasonable. However, for new works in areas susceptible to geotechnical hazards, we recommend a geotechnical assessment be required. Wherever possible, infrastructure and services, in particular water bearing services should avoid areas susceptible to landslide and erosion and where avoidance is not possible, the requirement for mitigation to manage landslide or erosion risk should be assessed.

Vegetation

A loss of vegetation can cause slope instability because it facilitates change in the soil moisture conditions and the soil may be mechanically strengthened by the root systems of living vegetation. Bushfire, for example, followed by heavy rainfall in the following months, is inferred to be a primary cause of debris flow in East Gippsland. Good landslide and slope stability management would usually involve the retention of vegetation as far as is practical.

Where removal or modification of vegetation does not substantially change the capacity of the vegetation to remove moisture from the soil, there is a basis for an exemption. This includes:

- cropping and minor removal associated with agricultural activities;
- the removal of dead vegetation;
- pruning works that do not involve the removal of a significant proportion of vegetation; and
- the removal of shallow rooted vegetation such as grasses.

The current EMO schedule includes an exemption for tree removal where the vegetation removal is undertaken on slopes with an angle of less than 20%. Given the revised mapping, all parts of the EMO are expected to be underlain by slopes with an angle of approximately 20% or more. There is also provision for an exemption where a tree is pruned and less than one third of the foliage is removed which would apply on slopes steeper than 20%. There is no way to know definitively how much vegetation removal would introduce geotechnical hazards as it is very site specific. Based on experience in other local government areas, it is recommended that the exemption for vegetation removal be made consistent with exemptions included in other planning controls, for example the Environmental Significance Overlay or Tree Protection Provisions.

The requirements of the Bushfire Management Overlay (BMO) allow vegetation removal within 30 m of a dwelling, whereas for landslide as much vegetation should be retained as possible. It is recommended that an exemption be applied for vegetation removal within 2 m of a dwelling, consistent with the objectives of the EMO. However, where there is conflict with the requirements of the BMO, the requirements of the BMO would take precedent over those of the EMO.

4.2.3 Application Requirements

Plans

The existing schedule to the East Gippsland EMO includes a requirement to provide plans setting out the proposed development along with features relevant to the assessment of erosion and landslide hazards. There is a requirement for plans to show existing areas of erosion. It is recommended that this requirement be removed on the basis that it is unreasonable for a surveyor or draftsperson who might prepare a site plan and is not trained as a geotechnical practitioner to identify areas affected by erosion. Rather, the requirement to identify and document existing erosion is included as a requirement of a geotechnical assessment which would be undertaken by a suitably qualified geotechnical engineer.

The approach to assessing geotechnical hazards associated with subdivision differs from the approach that might be adopted for assessing buildings and works. These are technical differences which can be set out in the incorporated document to the EMO to convey the relevant information to a geotechnical practitioner. In line with that approach, an additional section which covers information to be shown on plans of subdivision is recommended for inclusion, noting that the information to be shown on plans is similar to that required for buildings and works.

Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment

The current schedule includes a requirement to provide what is termed a 'geotechnical risk assessment'. This term is not defined, nor is there a reference to a guideline or code that should be followed when undertaking the geotechnical risk assessment nor reference to who can perform the geotechnical risk assessment. We consider there to be a requirement to better define the geotechnical reporting requirements needed to support a planning application in an area subject to landslide or erosion hazards noting there is precedent from multiple Victorian Councils which have recently introduced an incorporated document setting out what must be included in a geotechnical report provided in support of a planning application.

The requirements of a geotechnical report prepared to inform landslide or erosion risk as part of a planning application are technical and unlikely to be readily comprehended by a lay person. It is recommended that the technical requirements be removed from the EMO schedule and included in an incorporated document, referenced by the schedule. An example document is provided in Appendix B, noting that other local government areas, for example Colac Otway and Yarra Ranges, have adopted this approach. The incorporated document can then be updated separately from the schedule. Recommended inclusions in the incorporated document are set out in Section 4.3.

Waiver

The existing schedule includes provision for Council to waive the requirements of a geotechnical assessment subject to advice from a geotechnical practitioner that a geotechnical assessment is not relevant. A similar waiver is recommended, however slightly amended to allow Council to provide a waiver at its discretion. This provision might be enacted where a development is not listed in the schedule as an exempt development, but is sufficiently minor such that it is similar in nature to an exempt development or where Council seeks its own geotechnical advice as to whether it is reasonable to apply an exemption in any particular situation.

Independent Review

The provision for Council to seek an independent review of a geotechnical report provided in support of a planning application is included in the current EMO schedule and it is recommended that this provision be retained. This approach is consistent with precedent in other schedules.

4.2.4 Decision Guidelines

The current schedule includes decision guidelines which include consideration of the risk to life and property and the recommendations set out in geotechnical reports. These guidelines have been retained, but with modifications to the wording to achieve better consistency with other recently gazetted schedules including Yarra Ranges and Colac Otway.

4.3 Incorporated Document

It is recommended that the technical requirements of a geotechnical assessment, landslide risk assessment or landslide hazard assessment (for subdivision, see further comments below) be included in an incorporated document that is referenced in the schedule to the EMO. A draft incorporated document is included in Appendix B and the basis for the provisions set out in that document is described below.

The existing schedule does not set out what qualifications a person must have to prepare a geotechnical assessment provided in support of a planning application. Provision is included in the incorporated document to set out the required qualifications with these being persons who have been assessed as competent by a recognised accrediting authority. This approach is in line with requirements introduced more broadly for all engineers through the Victorian Professional

Engineers Registration Bill in 2019, which describes the required competence of engineers practicing within Victoria and the maintenance of a register of persons assessed as competent. A list of minimum qualifications that geotechnical practitioners and engineering geologists should hold is recommended for inclusion in the incorporated document.

The existing EMO schedule describes a requirement for a geotechnical risk assessment but does not define what a geotechnical risk assessment is, what it must include or what codes or guidelines should inform it. It is recommended that the incorporated document include a tiered approach to geotechnical assessment, clearly setting out what geotechnical information is required under what circumstances, and what guidelines should be followed to develop and provide that advice.

The tiered approach allows for an initial basic level geotechnical assessment to be undertaken for all development, with a more onerous landslide risk assessment only undertaken on sites where there are clearly landslide hazards that present a credible risk to life or property. This approach is intended to avoid unnecessary impost on applicants. Notwithstanding this, there are cases that could arise where a particular development does not alter landslide risk and is not otherwise exempt from a permit application. Recognising that the list of exemptions set out in the schedule cannot cover every conceivable development that could warrant an exemption, a third initial tier for geotechnical assessment is suggested. This initial assessment provides an opportunity for an applicant's geotechnical engineer to identify cases where there are no landslide or slope stability hazards applicable and a geotechnical assessment is not warranted, similar to the provisions in the current schedule to the EMO which allow for less onerous application requirements where a geotechnical practitioner does not identify significant risks to the proposed development. Subject to the additional appropriate evidence, this initial assessment can be communicated in writing without the impost of a full geotechnical assessment. We note that this approach would apply only in exceptional cases and that for almost all applications within the EMO a geotechnical assessment is expected to be required.

A more onerous landslide risk assessment is required only on higher risk sites such as those subject to debris flow or where through the course of undertaking a geotechnical assessment the geotechnical practitioner identifies evidence for past landslide or other significant landslide hazards.

A separate type of geotechnical assessment, a landslide *hazard* assessment, is recommended where subdivision is proposed. Rather than assess risks to particular new buildings or works, the details of which are not usually known at subdivision stage, this type of assessment seeks to recommend areas in which development constraints should be applied due to geotechnical hazards.

The basis of the requirements of each type of report set out in the incorporated document at Appendix B is subsequently discussed.

4.3.1 Geotechnical Assessment (New Buildings and Works)

In almost all cases, a geotechnical assessment will be required. The overarching objective of the geotechnical assessment is to assess whether the proposed development could be subject to significant geotechnical hazards. The assessment documents the geotechnical conditions on the site and describes the hazards that the proposed development could be subject to.

In an effort to achieve consistency between geotechnical assessments provided by different practitioners, the incorporated document sets out the minimum information that a report setting out the results of a geotechnical assessment must contain. These requirements are consistent with guidance provided in AGS 2007 which is referenced in the incorporated document. As these requirements are set out in an incorporated document, any changes to AGS 2007, or any required changes to the contents of a geotechnical interpretive report, can be updated without the need to alter the schedule to the EMO.

In line with the requirements of other local government areas, the practitioner who prepares the geotechnical assessment must provide a geotechnical declaration form, which is a requirement recommended in AGS 2007. This declaration requires the geotechnical practitioner who assessed the risks to confirm they have viewed the proposed development plans, have assessed the risk to life and property and can confirm (or otherwise) that the requirements to meet tolerable risk as set out in the schedule to the EMO have been satisfied. Council then receives a concise 2-page form confirming

that a competent person has assessed the proposed development and that the risk to life and property from geotechnical hazards has been assessed as tolerable as defined in the statement of risk in the schedule.

Where required, the geotechnical assessment must be accompanied by a landslide risk assessment, which could be included in the same report or appended.

4.3.2 *Landslide Risk Assessment (Buildings and Works)*

The landslide risk assessment includes an assessment of the risk to life and property and an evaluation of the assessed risk with respect to the criteria set out in the schedule. The requirement to prepare a landslide risk assessment rests with the geotechnical practitioner and should be undertaken where the results of a geotechnical assessment indicate that landslide has previously occurred on the site (either mapped in the landslide inventory, or identified by the geotechnical practitioner), where the proposed development is on very steep slopes, or that the site is susceptible to debris flow. Alternatively, if Council considers there to be a requirement for a more comprehensive assessment of geotechnical risk than is afforded by a geotechnical assessment, there is provision for it to request a landslide risk assessment.

The report of the landslide risk assessment will be required to recommend measures to mitigate identified landslide risks with the aim of reducing the landslide risk to as low as reasonably practical and to at least a tolerable level. Where warranted, the landslide risk assessment could also conclude that the risk associated with the proposed development cannot practically be mitigated to the extent that the proposed development cannot proceed.

With the objective of achieving consistency between different geotechnical practitioners, the technical requirements of a landslide risk assessment are set out in the incorporated document. The landslide risk assessment must be undertaken in accordance with AGS 2007. Where AGS2007 is updated or superseded, the incorporated document can be amended without the need to update the schedule to the EMO. A geotechnical declaration must accompany the landslide risk assessment.

4.3.3 *Landslide Hazard Assessment (Subdivision)*

The requirements for the assessment of landslide risk for subdivision are different to those for buildings and works. This is because the consequences of landslide to life or property are not known at subdivision stage and cannot be assessed. Rather, at subdivision stage, landslide hazard assessment (rather than a landslide risk assessment) should be undertaken that seeks to identify hazards that could affect future development within the subdivision and recommends constraints on development. For example, the assessment may identify areas that might not be suitable for a building envelope or provide restrictions on allotment sizes based on capacity for onsite wastewater disposal. The incorporated document sets out the requirements of a landslide hazard assessment prepared in accordance with the requirements set out in AGS 2007.

The landslide hazard assessment is required to include a map of the subdivision which indicates to Council:

- Areas unsuitable for future building development.
- Areas suitable for future building development subject to the implementation of risk mitigation measures prior to subdivision (different measures may be recommended to apply to different parts of the subject subdivision). For example, this could include earthworks to reduce slope angles, retaining walls or drainage to stabilise parts of the proposed subdivision.
- Areas suitable for development applying the normal EMO controls.

Future buildings and works within the subdivision would be subject to the requirements of the EMO schedule and would require a geotechnical assessment or landslide risk assessment as described in the preceding sections and which specifically addresses the buildings and works proposed.

4.4 *Landslide Inventory and Resources*

The GHD Report includes a landslide inventory which is a database that collates landslides and erosion known to have previously occurred with East Gippsland. This information is important for informing geotechnical assessments and

landslide risk assessments and it is recommended that this information be made available to geotechnical practitioners. In Yarra Ranges for example, this information is made available to geotechnical practitioners via an online GIS system which is accessed via a password. Geotechnical practitioners can request access to the database through Council. The platform could include the following information to assist geotechnical practitioners with their assessments:

- The landslide inventory.
- Aerial photography and LiDAR derived hillshade.
- GHD susceptibility mapping for shallow landslide, debris flow and erosion.

The provision of this information to geotechnical practitioners is intended to ensure that previous work is taken into account and that the need for rework or reassessment by geotechnical practitioners preparing assessments for planning applications is avoided. We consider that making the GHD mapping available to practitioners is a key action for East Gippsland Shire to avoid having multiple schedules for landslide, debris flow and erosion.

4.5 Other Considerations

As recommended in the GHD Report, further assessment may be required to identify areas that could be affected by tunnel erosion. The East Gippsland EMO mapping does not include areas assessed as susceptible to erosion, meaning that assessment of the impact of tunnel erosion on proposed development or subdivision might not be triggered under the provisions of the EMO unless it is within an area that coincides with susceptibility to shallow landslide.

Whilst the EMO mapping identifies areas where shallow landslide could originate on moderately steep to steep slopes, it does not include all areas that could be impacted by the debris arising from a shallow landslide. For example, it may not include some flatter land at the toe of steeper slopes which could be impacted by debris originating from landslides upslope. Based on the GHD report, additional work may need to be undertaken to better delineate these debris flow areas for inclusion in a potential mapping update.

We recommend planners or those engaged in the implementation of the East Gippsland EMO be made aware of these limitations, which should be flagged for further study with a view to these limitations being addressed through future amendments.

5 Conclusions

It is recommended that the schedule to the East Gippsland EMO be revised to better reflect the revised mapping, make it more consistent with geotechnical hazard management in other local government areas and to reduce the burden on planners and applicants. The key provision recommended for achieving this outcome is the introduction of an incorporated document which sets out what geotechnical studies must be performed by geotechnical practitioner and provided to Council to assist with the assessment of planning applications within the EMO. By removing technical requirements from the schedule, the schedule itself is simplified and differing geotechnical requirements for subdivision and new buildings and works are rationalised.

A draft schedule and incorporated document are included in Appendix A and B respectively.

6 Limitations

This Report is provided by WSP Australia Pty Limited (WSP) for the Department of Transport and Planning (*Client*) in response to specific instructions from the Client and in accordance with WSP's proposal dated 16 July 2024 and agreement with the Client dated 15 October 2024 (*Agreement*).

6.1 Permitted purpose

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Appendix A

Draft EMO Schedule



EAST GIPPSLAND PLANNING SCHEME

~~-----~~
Proposed XXXXX**SCHEDULE 1 TO CLAUSE 44.01 EROSION MANAGEMENT OVERLAY**Shown on the planning scheme map as **EMO1**.**EROSION MANAGEMENT OVERLAY - SCHEDULE****1.0**
~~-----~~
Proposed XXXXX**Erosion management objectives to be achieved**

To ensure that development can be undertaken at a tolerable risk to human life and property from landslip and slope degradation hazards including shallow landslides on moderately steep to steep slopes.

2.0
~~-----~~
Proposed XXXXX**Statement of risk**

Parts of East Gippsland are prone to hazards caused by landslip and other slope degradation process including shallow landslides on moderately steep to steep slopes. These hazards involve the unplanned movement of soil or rock through collapse or its movement downslope under the action of gravity. There are areas of the highlands within East Gippsland Shire, that are prone to landslip including slopes on alpine valleys, escarpments and water courses.

Hazards caused by landslip within East Gippsland have historically caused damage to property and the environment and present an ongoing risk to human life. Geological studies have identified historical landslip occurrences and sought to identify areas susceptible to future occurrence.

All land included in the Erosion Management Overlay has been identified as having a sufficiently high risk of impact from landslip to warrant specific review of these risks prior to the issue of a planning permit for buildings and works or subdivision. The control of environmental factors and development relating to vegetation cover, drainage, rock, earthworks, soil disturbance and effluent and stormwater disposal are all important for managing the risks from these hazards.

Risk from landslip and erosion hazards needs to achieve a Tolerable Risk level to be considered suitable for new development.

Tolerable Risk is risk within a range that society can live with so as to secure certain net benefits. It is a range of risk that is regarded as non-negligible and requires ongoing review and reduction if possible. The maximum tolerable risk is defined as:

- For loss of life for the person(s) most at risk, it is taken as having a probability of no greater than 10^{-5} (1 in 100,000) per annum calculated in accordance with the *Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007*.
- For property loss it is assessed qualitatively using the *Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007*, Appendix C. The tolerable risk level is selected depending on the new development type in accordance with Table 1.

EAST GIPPSLAND PLANNING SCHEME

Table 1 - Maximum tolerable risk to property

Development Type	Maximum Qualitative Tolerable Risk
Essential facilities, Including hospitals, medical and surgery facilities, emergency services facilities, designated emergency shelters and facilities, buildings and facilities containing toxic or explosive materials in sufficient quantity capable of causing hazardous conditions that extend beyond property boundaries.	Low
All other construction of buildings or construction and carrying out of works.	Moderate

3.0~~Proposed~~ Xxxxxx**Permit requirement****A permit is not required to:**

- Construct or carry out works associated with:
 - Ponded or dammed water, or open, impervious water holding structure with a capacity of less than 5,000 litres.
 - Landscaping water features provided it does not entail ponding of more than 500 litres.
 - A domestic rainwater tank with capacity of not more than 4500 litres provided it is constructed at ground level or above.
 - A masonry wall, if the height of the wall does not exceed one metre and the wall does not alter surface water drainage.
 - A fence of lightweight construction, and with low probability of causing injury or death if it were to fall and impact a person and, where the fence is permeable or the base of the fence is at least 50 millimetres above the ground surface and does not obstruct surface water flow.
 - A spa and associated mechanical and safety equipment if the spa has a capacity not exceeding 5000 litres and is constructed at or above ground level.
- Construct or carry out earthworks that result in a modified ground surface that is less than 1000 millimetres above or below the natural ground level and does not allow water ponding.
- Extend a building or carry out new building works, provided:
 - The gross ground floor area is not increased by more than 40 square metres.
 - Stormwater from the building is drained to a legal point of discharge.
 - There are no existing earthworks (cut or fill) higher than 1 metre within 5 metres of the proposed extension.
- Construct a building associated with productive agricultural activities provided:
 - The building is constructed from lightweight, flexible materials (not bricks, concrete blocks or similar) and with low probability of causing injury or death if it were to collapse and impact a person.

EAST GIPPSLAND PLANNING SCHEME

- There are no existing earthworks (cut or fill) higher than 1 metre within 5 metres of the proposed building.
- Stormwater from the roof is drained to the legal point of discharge.
- Construct a temporary building used for the storage of building materials and equipment, provided:
 - The building does not exceed 40 square metres in floor area.
 - The building is temporarily located on the subject property for the duration of building construction works allowed or approved under this scheme.
- Construct a retaining wall if all of the following apply:
 - the retaining wall and associated earthworks result in a modified ground surface that is less than 1 m above or below the natural ground level;
 - the retaining wall is less than 1 metre high;
 - the retaining wall is not attached to or part of a building structure, and
 - the retaining wall is not within 1 metre of a boundary.
- Construct any structures necessary to prevent or control soil erosion, or to ensure soil conservation and or reclamation.
- Construct a non-habitable structure ancillary to a dwelling, including carports and sheds, provided:
 - The structure is constructed of lightweight, flexible materials (not bricks, concrete blocks or similar).
 - The ground surface area occupied by all such structures on the property does not exceed 40 square metres.
 - There are no existing earthworks (cut or fill) higher than 1 metre within 5 metres of the proposed structure.
 - Stormwater from the roof is drained to the legal point of discharge.
- Construct or carry out repair or maintenance works undertaken by or on behalf of a public authority relating to watercourse management, environmental improvements or infrastructure services.
- Remove, destroy or lop vegetation, either separately or as part of building works if any of the following apply:
 - The trunk circumference is 0.5 metres or less measured 1.3 metres above ground level.
 - The vegetation is within 2 metres of a building.
 - Dead vegetation where the ground surface is reinstated.
 - Lopping necessary to improve the health or structural stability of a tree.
 - The vegetation removal is part of agricultural activities such as ploughing, grazing and slashing of substantially cleared areas maintained for pasture or crop raising.

EAST GIPPSLAND PLANNING SCHEME

- Removal of the minimum extent of vegetation necessary for the establishment and maintenance of fences in a rural zone.
- Construct a bore, advertising structure, jetty, wind turbine or solar energy facility, if these are associated with accommodation or agricultural uses.

4.0

Application requirements

Proposed XXXX

The following application requirements apply to an application for a permit under Clause 44.01, in addition to those specified elsewhere in Clause 44.01 and elsewhere in the scheme, and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- For an application to construct a building or construct or carry out works, plans drawn to scale and dimensioned, showing as appropriate:
 - The proposed new development, including as appropriate a site plan, land contours, building elevations, access, cut and fill, retaining walls and effluent disposal system.
 - Any existing development, including buildings, water tanks and pools or dams on both the subject lot(s) and adjacent land.
 - Any existing earthworks and water infrastructure on the subject lot(s), including cut and fill, stormwater drainage, subsurface drainage, water supply pipelines, sewerage pipelines or effluent disposal installations and pipelines and any otherwise identified geotechnical hazard.
 - Details and locations of existing vegetation, including any vegetation to be removed.
- For an application to subdivide land, plans drawn to scale and dimensioned, showing as appropriate:
 - The proposed subdivision layout and land contours.
 - Any existing development, including buildings, water tanks and pools or dams on both the subject lot(s) and adjacent land.
 - Any existing earthworks or water infrastructure on the subject lot(s), including cut and fill, stormwater drainage, subsurface drainage, water supply pipelines, sewerage pipelines or effluent disposal installations and pipelines and any otherwise identified geotechnical hazard.
 - Details and location of existing vegetation, including any vegetation to be removed.
- A geotechnical assessment, landslide hazard assessment or geotechnical risk assessment as required by and prepared in accordance with the Incorporated Document titled '*Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay (EMO) <<date>>*' and to the satisfaction of the responsible authority.

A written geotechnical assessment, hazard assessment or risk assessment (as appropriate) is not required where, in the opinion of the responsible authority, the application for a subdivision or development will not adversely increase the risk to life or property affecting the subject lot(s) or adjoining or nearby land caused by a geotechnical hazard.

EAST GIPPSLAND PLANNING SCHEME

Proposed XXXX The responsible authority may require a Geotechnical Assessment, Geotechnical Hazard Assessment and/or a Geotechnical Risk Assessment that has been submitted with an application, to be reviewed by an independent geotechnical practitioner at the applicant's cost.

6.0**Decision guidelines**

Proposed XXXX

The following decision guidelines apply to an application for a permit under Clause 44.01, in addition to those specified elsewhere in Clause 44.01 and elsewhere in the scheme must be considered, as appropriate, by the responsible authority:

- The risk to human life and property is tolerable.
- The recommendations of the Geotechnical Assessment, Geotechnical Hazard assessment or any Geotechnical Risk Assessment and independent review.
- The risks associated with the need for any ongoing monitoring and maintenance for mitigation measures.

7.0**Transitional arrangements**

The requirements of Clause 44.01 Erosion Management Overlay, as modified by Amendment XXXX, do not apply to a planning permit application under the *Planning and Environment Act 1987* that was lodged before the commencement of Amendment XXXX.

Appendix B

Draft Incorporated Document



East Gippsland Planning Scheme
Amendment CXXXXXX

Incorporated Document
Requirements for a Geotechnical Assessment, Landslide
Risk Assessment or Landslide Hazard Assessment prepared
in support of a planning permit application under the
Erosion Management Overlay (EMO1)

<<DATE>>

This document is an Incorporated document pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.

1. INTRODUCTION

This document is an Incorporated Document to Schedule 1 of Clause 44.01, and Clause 72.04 of the East Gippsland Planning Scheme (the Scheme), pursuant to section 6(2)(j) of the *Planning and Environment Act 1987* (the Act).

This document sets out the requirements for geotechnical assessment and reporting in support of planning applications required under the provisions of the East Gippsland Erosion Management Overlay relating to risk from landslip and other land degradation processes.

The documentation described herein is to be prepared by a Geotechnical Practitioner, being an Engineer or Engineering Geologist who has experience in the management of slope stability and degradation problems and landslide risk management as a core competence, is degree qualified, and who has current professional status as a:

- Chartered Professional Engineer (CPEng); or
- Registered Professional Engineer, Victoria, meaning a person who is registered under Part 2 of the *Victorian Professional Engineers Registration Act 2019*; or
- Chartered Professional Geologist (CPGeo); or
- Registered Professional Geologist (RPGeo).

There are different assessment and reporting requirements for Subdivision and Buildings and Works, where:

- Buildings and works – is Buildings or Works as specified in the *Planning and Environment Act 1987*.
- Subdivision – is a subdivision as specified in the *Subdivision Act 1988*.

The geotechnical documentation required to inform the assessment of landslide risk for buildings and works or subdivision is set out below.

The AGS 2007 Guidelines referred to in this document are the *Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007* referred to in Section 8 of this document and any updates to that document.

2. LAND DESCRIPTION

This Incorporated Document applies to all land covered by the Erosion Management Overlay (EMO) in the East Gippsland Planning Scheme which has been assessed as having susceptibility to shallow landslides on moderately steep to steep slopes.

3. APPLICATION OF PLANNING SCHEME PROVISIONS

In the event of any inconsistency between the specific controls contained in this document and the general provisions of the scheme, the specific controls contained in this document will prevail.

4. PURPOSE

The purpose of this document is to set out how to respond to the application requirements of Clause 44.01-6 of the Erosion Management Overlay and Clause 4.0 of the Erosion Management Overlay Schedule.

5. EXPIRY OF THIS SPECIFIC CONTROL

No expiry provisions apply.

6. CONTROLS

6.1 Buildings and works

6.1.1 Assessment Requirements

If the geotechnical practitioner assesses that the site has:

- a slope angle of less than 20 percent at and within 20 m of the proposed new development; and
- has not previously been affected by landslide; and

- there are no credible landslides that could affect the proposed development;

a Geotechnical Assessment (as described at 6.1.2) may not be required. However, the Geotechnical Practitioner should provide written advice stating that these requirements have been met. Written evidence should include a site description and evidence to support the advice. Where these requirements have not been met, a Geotechnical Assessment prepared in accordance with the requirements set out in Section 4.2.2 is required.

A written Landslide Risk Assessment prepared in accordance with the requirements of Section 6.1.3 is required *in addition* to a Geotechnical Assessment if any of the following apply:

- The Geotechnical Assessment or other landform data (a detailed site survey) indicates natural slopes on or immediately adjacent to the subject lot which:
 - are steeper than 17 degrees (30%); or
 - exhibit evidence of possible or past landsliding on or immediately adjacent to the site.
- The Geotechnical Assessment concludes there are landslide hazards affecting the new development that require a Landslide Risk Assessment.
- In the opinion of the Responsible Authority, the Geotechnical Assessment is not sufficient to determine that the development can be carried out in a manner which will not adversely increase the landslide risk to life or property affecting the subject lot or adjoining or nearby land.

6.1.2 Geotechnical Assessment

Where a Geotechnical Assessment is required, it must be prepared in accordance with the methodology described below and with reference to the AGS 2007 Guidelines. The Geotechnical Assessment must be for the development proposed in the application, and include:

- Details of the Geotechnical Practitioner and their qualifications and experience including but not limited to experience in the management of landslide issues.
- A statement that the assessment is based on field survey measurements undertaken not more than 12 months prior to the relevant application for development.
- A detailed site description.
- Site assessment plans and cross-sections of the subject lot and relevant surrounds for the area potentially subject to landslide hazards. Plans and cross sections are to be based on field measurements, with measured ground slopes shown and drawn to scale and dimensioned. Where applicable, plans should show the areas of the site subject to landslide.
- A detailed assessment of subsurface conditions, including the underlying geology.
- A statement indicating whether there is natural ground on or immediately adjacent to the subject lot which exhibits evidence of being affected by landslide.
- Relevant entries in the *East Gippsland landslide inventory* (GHD 2023).
- Details of all site investigations and any other information used in preparation of the Geotechnical Assessment.
- A statement indicating whether subsurface investigation involving boreholes and/or test pit excavations or other methods is necessary to assess the geotechnical/geological model for the subject lot and details of all such investigations, boreholes, test pits or other methods.
- For sites susceptible to landslide, a statement indicating that in the opinion of the Geotechnical Practitioner, the proposed new development is not subject to significant landslide hazards and is not expected to be subject to significant landslide hazards over the design life of the development. Where significant landslide hazards are identified and this statement cannot be made, a Landslide Risk Assessment undertaken in accordance with the requirements of Section 6.1.3 is required and a statement should be made in the Geotechnical Assessment that a Landslide Risk Assessment is required.
- A statement indicating whether or not new development should only be approved subject to conditions, and if so, recommend what conditions are required that may be related to, but not limited to:
 - The positioning of buildings and works on site to avoid landslide hazards.
 - The provision of appropriate footing types, base levels and foundation materials in any structural works, including all retaining walls.
 - The location/s of and depth/s of soil and rock cut and fill.
 - The construction of any excavations and fill and the method of retention of such works.

- Any details of surface and sub-surface drainage.
- The selection and design of a building structure system.
- Retention, replanting and new planting of vegetation.
- The provision of erosion protection and control measures.
- Any effluent drainage and discharge.
- Any necessary ongoing mitigation and maintenance measures and any recommended periodic inspections, including performance measures and thresholds.
- The time within which works must be completed after commencement and the location/s and maximum time period that materials associated with the development can be stockpiled.
- Any requirements for geotechnical inspections and approvals to be incorporated into a construction work plan for building approval.
- For sites susceptible to landslide, be accompanied by a Geotechnical Declaration and Verification Form (Form A of the AGS 2007 Guidelines).

6.1.3 Landslide Risk Assessment

A written Landslide Risk Assessment is to be prepared by a suitably qualified and experienced Geotechnical Practitioner in accordance with the methodology set out in the AGS 2007 Guidelines. The Landslide Risk Assessment must be for the new development proposed in the application and include:

- A copy of the Geotechnical Assessment prepared for the subject land and proposal and, if not prepared by the Geotechnical Practitioner preparing the Landslide Risk Assessment, contain a response by the Geotechnical Practitioner preparing the Landslide Risk Assessment, agreeing with the findings and conclusions of the Geotechnical Assessment.
- If reported in conjunction with a Geotechnical Assessment, include all the requirements of a Geotechnical Assessment as set out in Section 6.1.2 in addition to those of a Landslide Risk Assessment.
- If the Geotechnical Practitioner preparing the Landslide Risk Assessment does not support the findings and conclusions of the Geotechnical Assessment for new development, the Geotechnical Practitioner must prepare an additional Geotechnical Assessment.
- An assessment supported by field observations and measurements that have been undertaken not more than 12 months prior to the lodgement of the application for a planning permit.
- A full assessment of the risk posed by all reasonably identified landslide and slope degradation hazards which could impact or be caused by the new development and which have the potential to either individually or cumulatively impact upon people or property, in accordance with the AGS 2007 Guidelines.
- An assessment of the risk posed by potential future vegetation removal, including by bushfire or for bushfire protection if undertaken to the maximum extent permissible under the conditions of any planning permit and under permit exemptions in the Planning Scheme.
- A statement indicating that in the opinion of the Geotechnical Practitioner, the proposed new development can be undertaken such that the risk to life and property does not exceed a tolerable level and will not exceed a tolerable level over the life of the proposed development.
- Be accompanied by a Geotechnical Declaration and Verification Form (Form A of the AGS 2007 Guidelines).

6.2 Subdivision

Where subdivision is proposed, a Landslide Hazard Assessment should be prepared by a Geotechnical Practitioner in accordance with the methodology set out in the *Australian Geomechanics Society Guidelines for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning 2007* or any revision to that document. The objective of the Landslide Hazard Assessment is to identify landslide hazards that could affect future development within a proposed subdivision and to recommend constraints on subdivision and future development. The Landslide Hazard Assessment should include as a minimum:

- A definition of scope establishing the purpose and scope of the hazard assessment.

- A data gathering / desktop phase assembling relevant data and recording the sources of the data. The *East Gippsland landslide inventory* (GHD 2023) and landslide susceptibility mapping should be consulted as part of the desktop study.
- Completion of investigations sufficient to establish a geotechnical model, identify geomorphic processes associated with landslide and associated process rates.
- Inspection of the site and surrounds including field mapping of the geomorphic features, including but not limited to scarps or hummocky ground indicative of landslide.
- A landslide inventory map (as applicable) covering the proposed subdivision and relevant surrounding areas and associated information on entries in the inventory (if available) process rates or date of occurrence (if known), volume or scale and a description of limitations of the inventory.
- Landslide susceptibility zoning maps prepared in accordance with the AGS 2007 Guidelines including related information on how susceptibility was assessed and a description of validation and limitations of the zoning.
- General commentary regarding the nature of the landslide, frequency and potential impacts or consequences and their implications for levels of associated risk.
- Recommendations as to whether the proposed subdivision is viable in its current format and an indication of areas that in the opinion of the geotechnical practitioner:
 - are not suitable for development; or
 - are suitable for development subject to landslide risk mitigation implemented prior to subdivision as set out in the Landslide Hazard Assessment.
 - are suitable for development in accordance with normal EMO requirements.
- Discussion of potential impacts to adjacent land due to the proposed subdivision.

7. REFERENCES

- Guidelines for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning, Journal of Australian Geomechanics Society, Vol. 42: No 1, March 2007.
- Commentary on Guidelines for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning, Journal of Australian Geomechanics Society, Vol. 42: No 1, March 2007.
- Practice Note Guidelines for Landslide Risk Management 2007, Journal of Australian Geomechanics Society, Vol. 42: No 1, March 2007.
- Commentary on Practice Note Guidelines for Landslide Risk Management 2007, Journal of Australian Geomechanics Society, Vol. 42: No 1, March 2007.
- Landslide and Erosion Hazard and Planning Review East Gippsland Shire, GHD Pty Ltd, 19 January 2023.

Planning and Environment Act 1987

East Gippsland Planning Scheme

Amendment C159egip

Explanatory Report

Overview

Amendment C159egip replaces the current Erosion Management Overlay (EMO) Schedule with a new Schedule 1 to improve clarity and provide consistency with the Statewide approach to risk based planning controls. The amendment also includes *Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay* (WSP, 2025) as an Incorporated Document at Clause 72.04, includes *Basis for Amendment to Erosion Management Overlay* (WSP, 2025) as a Background Document at Clause 72.08 and updates the Further Strategic Work at Clause 72.04 of the East Gippsland Planning Scheme.

Where you may inspect this amendment

The amendment can be inspected free of charge at the East Gippsland Shire Council website at www.eastgippsland.vic.gov.au

And/or

The amendment is available for public inspection, free of charge, during office hours at the following places:

East Gippsland Shire Council
273 Main Street, Bairnsdale Vic 3875

The amendment can also be inspected free of charge at the Department of Transport and Planning website at planning.vic.gov.au/public-inspection or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Details of the amendment

Who is the planning authority?

This amendment has been prepared by the East Gippsland Shire Council which is the planning authority for this amendment.

The amendment has been made at the request of East Gippsland Shire Council.

Land affected by the amendment

The amendment applies to all land affected by the Erosion Management Overlay within the municipality of East Gippsland.

What the amendment does

The amendment proposes to replace the current Erosion Management Overlay Schedule with a new Schedule and insert supporting documents into the East Gippsland Planning Scheme. Specifically, the amendment:

- Deletes the existing Schedule to Clause 44.01 Erosion Management Overlay (EMO) and replaces it with a new Schedule 1.
- Updates the Schedule to Clause 72.04 (Incorporated Documents) to include *Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay* (WSP, 2025) as an incorporated document to the planning scheme.
- Updates the Schedule to Clause 72.08 (Background documents) to include *Basis for Amendment to Erosion Management Overlay* (WSP, 2025) as a background document to the planning scheme and delete other outdated documents.
- Updates the Schedule to Clause 74.02 (Further Strategic Work) to delete further strategic work relating to updating the EMO and insert a new action to review tunnel erosion mapping in the future.

Strategic assessment of the amendment

Why is the amendment required?

The EMO was first introduced into the East Gippsland Planning Scheme around 25 years ago and was applied to large areas of the municipality. The application of the EMO was based upon soil studies undertaken in the 1990's and 2000's by the former Department of Primary Industries (now Department of Energy, Environment and Climate Action). These soil studies looked specifically at the impact of agriculture on soil erosion but did not consider landslides or other erosion risks.

The result was that the EMO was mapped to title boundaries across broad areas of the municipality. The EMO schedule that was produced at the time did not specify the geotechnical risk or how it should be assessed. A large number of planning permit applications have been triggered by the EMO since its implementation where Council's assessment under the EMO does not add any value to the process or where the risk is not present or where minor works have triggered copious

application requirements. In short, this has resulted in a huge resource and cost burden to both Council and landowners.

The extent of the EMO mapping was reviewed in 2024 and based on updated erosion data, Planning Scheme Amendment C167egip (gazetted on 1 August 2024) removed the EMO from thousands of properties across the municipality. The revised EMO mapping extent now accurately reflects where there is a landslide erosion risk in East Gippsland.

The current EMO mapping does not reflect tunnel erosion or debris flow risks which affects approximately an additional 2-5% of land within East Gippsland. Therefore, debris flow has not been included with this amendment. Tunnel erosion has also not been included as the data was not accurate enough to produce adequate mapping and so in response, Council has listed this as further strategic work as part of this amendment.

Amendment C159egip is the next step in improving the EMO within East Gippsland. It is proposed that the existing EMO Schedule be replaced with a new Schedule to revise permit requirements and exemptions and to ensure that the level of assessment triggered is commensurate with the level of risk. The Schedule also needs to be updated to reflect guidance from the *Australian Geomechanics Society Practice Note – Guidelines for landslide risk management, 2007* (AGS 2007) and make it more consistent with EMO schedules elsewhere in the state that were drafted after the framework was established by AGS 2007.

The changes will align the tiered approach to the amount of geotechnical assessment required and the level of risk associated with a planning application triggered under the EMO. It is also required to move all the complex technical material out of the schedules and into an Incorporated Document, to guide engineering and geotechnical assessment practitioners in preparing assessments for permit applications under the EMO.

Amendment C159egip will ensure that the EMO Schedule is fit for purpose and balances the erosion risk against any proposed works or development. Furthermore, it will reduce resources and costs for Council and landowners by significantly reducing the number of planning permit applications triggered under the EMO. In situations where a planning permit is triggered under the new EMO schedule, the risk will be able to be better identified, mitigated and controlled based upon advice from a qualified engineer or practitioner.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives in section 4(1) of the Planning and Environment Act 1987 (the Act). In particular, it supports the objectives to:

- (a) *to provide for the fair, orderly, economic and sustainable use, and development of land;*
- (c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- (f) *to facilitate development in accordance with the objectives set out in paragraphs (a) and (c).*
- (g) *to balance the present and future interests of all Victorians.*

The amendment applies a revised planning control to ensure that development can appropriately address the level of erosion risk posed and protect life and property from erosion risk. This change will ensure fair and orderly planning and secure better environmental and safety outcomes for all Victorians.

How does the amendment address any environmental, social and economic effects?

Environmental effects

The amendment will assist in addressing a significant environmental hazard through the application of appropriate planning controls which focus on a more robust assessment for use and development in high risk areas. By adequately controlling how land that is sensitive to landslip is developed, the amendment will positively impact biodiversity, habitat value, species and genetic diversity and waterways. Properly engineered structures will also reduce the risk of landslide affecting the natural environment downslope.

Social effects

Erosion can be a significant risk to human life, impact accessibility for people moving in, out and through risk areas, impact health and wellbeing as well as people's way of life through service disruptions or damage to infrastructure.

The community has an expectation that its safety is a high priority. The amendment addresses this by applying the best available knowledge about landslip risk in the East Gippsland Shire to decision making systems, to ensure that an appropriate level of risk assessment is applied proportionally to the level of hazard.

Economic effects

Erosion can have a high economic impact on people affected and those responsible for managing the risk. Conversely, requiring a detailed geotechnical assessment of land that is not at risk of landslip is a burden to proponents. The amendment seeks to only trigger a planning permit and detailed assessment for high risk proposals which will in turn reduce unnecessary costs to applicants and reduce red tape.

Does the amendment address climate change?

The amendment does not trigger the requirements of with Ministerial Direction 22 Climate Change Consideration under section 12A of the Act. However the amendment does consider climate change.

Under climate change predictions, the increase in rainfall intensity is likely to present an increase in erosion. The amendment seeks to address this risk by requiring a higher level of analysis where potential erosion presents an unacceptable level of risk.

Does the amendment address relevant bushfire risk?

The amendment meets bushfire policy in Clause 13.02 of the Planning Scheme because it does increase the risk to life and property and it does not remove any requirement for assessment of bushfire risk via a planning permit application where one is required under the Bushfire Management Overlay.

Does the amendment comply with the requirements of any other Minister's Direction applicable to the amendment?

The amendment is consistent with the following Ministerial Directions:

- The amendment complies with the *Ministerial Direction on the Form and Content of Planning Schemes* by using the correct templates and through the revised EMO schedule which brings it into line with the direction and recent Statewide changes to the planning scheme.
- The amendment complies with *Ministerial Direction No. 11 (Strategic Assessment of Amendments)* under section 12 of the Planning and Environment Act 1987. A thorough strategic evaluation of the amendment has been undertaken and also reflected in this explanatory report. Changes to the planning scheme have been carefully assessed for their impact and alignment with strategic planning objectives.
- The amendment complies with *Ministerial Direction No. 15 (The planning scheme amendment process)* which sets out statutory timeframes and requirements for amendments. This amendment has complies with those requirements and exemptions sought where certain timeframes were not met.

- The amendment complies with *Ministerial Direction No. 22 (Climate Change Consideration)* as discussed earlier within this report.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment is consistent with the Planning Policy Framework at:

- Clause 13.04-2S (Erosion and landslip) which seeks to protect areas prone to erosion, landslip or other land degradation processes.
- Clause 13.04-2L (Erosion) which applies to all land within the Erosion Management Overlay with strategies to:
 - *Direct use and development to locations that minimise its vulnerability to the threat of erosion.*
 - *Minimise the impact of development in areas subject to high erosion hazard.*
 - *Prevent soil erosion in the design and construction of roads in subdivisions.*

The amendment is consistent with the objectives and the strategies of these policies by applying controls in a targeted manner, based on the best available information, to areas subject to erosion hazard including shallow landslides in areas with moderately steep to steep slopes. The amendment has the effect of ensuring that proportionate planning controls are applied, as appropriate to land affected by the EMO, and provides exemptions where the risk is low.

Is the amendment consistent with the delivery of the relevant housing target set out in the Planning Policy Framework?

East Gippsland Shire Council is required to deliver 11,000 new homes by 2051. This amendment does not affect Council's ability to deliver on this target.

How does the amendment support or implement the Municipal Planning Strategy?

The amendment is consistent with and supports the Municipal Planning Strategy at Clause 02.03-3 (Environmental risks and amenity) by updating appropriate erosion management measures in areas of known erosion risk in the local EMO schedule. The relevant strategic directions identified by this clause are:

- *Prioritising the planning and management responses and adaptation strategies to vulnerable areas, such as protect, redesign, rebuild, elevate, relocate and retreat.*
- *Minimising land degradation and tree decline in some rural areas.*
- *Using geotechnical risk assessments in evaluating proposals for use and development in erosion risk areas.*

Does the amendment make proper use of the Victoria Planning Provisions?

The Victorian Planning Provisions include the EMO in its suite of controls. The purpose of this overlay is to identify areas prone to erosion, landslip or other land degradation processes and implement controls to minimise land disturbance and avoid inappropriate development.

The amendment seeks to update the EMO schedule to ensure that proposed use and development in high risk areas is appropriately managed through the planning system. The revised schedule is consistent with a Statewide approach to managing risk based planning controls and will provide greater clarity to landowners and lower the erosion risk to life and property. This constitutes an appropriate use of the Victoria Planning Provisions.

How does the amendment address the views of any relevant agency?

The following agencies were consulted with as part of the exhibition of the amendment:

- Department of Energy, Environment & Climate Action
- Environment Protection Authority Victoria
- Country Fire Authority
- West Gippsland Catchment Management Authority
- East Gippsland Water
- Department of Transport & Planning
- GunaiKurnai Land and Waters Corporation
- Agriculture Victoria
- Goulburn Murray Water
- Southern Rural Water

No submissions were received.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment will not result in any negative impact on the transport system as defined by Section 3 of the *Transport Integration Act 2010*.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The amendment will have a positive impact on the resource and administrative costs of council by significantly reducing the number of EMO related enquiries and planning permit applications.

Planning and Environment Act 1987

East Gippsland Planning Scheme

Amendment C159egip

Instruction sheet

The planning authority for this amendment is the East Gippsland Shire Council.

The East Gippsland Planning Scheme is amended as follows:

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

1. In **Overlays** – Clause 44.01, delete the Schedule.
2. In **Overlays** – Clause 44.01, insert a new Schedule 1 in the form of the attached document.
3. In **Operational Provisions** – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.
4. In **Operational Provisions** – Clause 72.08, replace the Schedule with a new Schedule in the form of the attached document.
5. In **Operational Provisions** – Clause 74.02, replace the Schedule with a new Schedule in the form of the attached document.

End of document

Unofficial

East Gippsland Planning Scheme
Amendment C159egip

Incorporated Document
Requirements for a Geotechnical Assessment, Landslide
Risk Assessment or Landslide Hazard Assessment prepared
in support of a planning permit application under the
Erosion Management Overlay (EMO)

January 2025

This document is an Incorporated document pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.

1. INTRODUCTION

This document is an Incorporated Document to Schedule 1 of Clause 44.01, and Clause 72.04 of the East Gippsland Planning Scheme (the Scheme), pursuant to section 6(2)(j) of the *Planning and Environment Act 1987* (the Act).

This document sets out the requirements for geotechnical assessment and reporting in support of planning applications required under the provisions of the East Gippsland Erosion Management Overlay relating to risk from landslip and other land degradation processes.

The documentation described herein is to be prepared by a Geotechnical Practitioner, being an Engineer or Engineering Geologist who has experience in the management of slope stability and degradation problems and landslide risk management as a core competence, is degree qualified, and who has current professional status as a:

- Chartered Professional Engineer (CPEng); or
- Registered Professional Engineer, Victoria, meaning a person who is registered under Part 2 of the *Victorian Professional Engineers Registration Act 2019*; or
- Chartered Professional Geologist (CPGeo); or
- Registered Professional Geologist (RPGeo).

There are different assessment and reporting requirements for Subdivision and Buildings and Works, where:

- Buildings and works – is Buildings or Works as specified in the *Planning and Environment Act 1987*.
- Subdivision – is a subdivision as specified in the *Subdivision Act 1988*.

The geotechnical documentation required to inform the assessment of landslide risk for buildings and works or subdivision is set out below.

The AGS 2007 Guidelines referred to in this document are the *Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007* referred to in Section 8 of this document and any updates to that document.

2. LAND DESCRIPTION

This Incorporated Document applies to all land covered by the Erosion Management Overlay (EMO) in the East Gippsland Planning Scheme which has been assessed as having susceptibility to shallow landslides.

3. APPLICATION OF PLANNING SCHEME PROVISIONS

In the event of any inconsistency between the specific controls contained in this document and the general provisions of the scheme, the specific controls contained in this document will prevail.

4. PURPOSE

The purpose of this document is to set out how to respond to the application requirements of Clause 44.01-6 of the Erosion Management Overlay and Clause 4.0 of the Erosion Management Overlay Schedule.

5. EXPIRY OF THIS SPECIFIC CONTROL

No expiry provisions apply.

6. CONTROLS

6.1 Buildings and works

6.1.1 Assessment Requirements

If the geotechnical practitioner assesses that the site has:

- a slope angle of less than 20 percent at and within 20 m of the proposed new development; and
- has not previously been affected by landslide; and

- there are no credible landslides that could affect the proposed development;

a Geotechnical Assessment (as described at 6.1.2) may not be required. However, the Geotechnical Practitioner should provide written advice stating that these requirements have been met. Written evidence should include a site description and evidence to support the advice. Where these requirements have not been met, a Geotechnical Assessment prepared in accordance with the requirements set out in Section 6.1.2 is required.

A written Landslide Risk Assessment prepared in accordance with the requirements of Section 6.1.3 is required *in addition* to a Geotechnical Assessment if any of the following apply:

- The Geotechnical Assessment or other landform data (a detailed site survey) indicates natural slopes on or immediately adjacent to the subject lot which:
 - are steeper than 17 degrees (30%); or
 - exhibit evidence of possible or past landsliding on or immediately adjacent to the site.
- The Geotechnical Assessment concludes there are landslide hazards affecting the new development that require a Landslide Risk Assessment.
- In the opinion of the Responsible Authority, the Geotechnical Assessment is not sufficient to determine that the development can be carried out in a manner which will not adversely increase the landslide risk to life or property affecting the subject lot or adjoining or nearby land.

6.1.2 Geotechnical Assessment

Where a Geotechnical Assessment is required, it must be prepared in accordance with the methodology described below and with reference to the AGS 2007 Guidelines. The Geotechnical Assessment must be for the development proposed in the application, and include:

- Details of the Geotechnical Practitioner and their qualifications and experience including but not limited to experience in the management of landslide issues.
- A statement that the assessment is based on field survey measurements undertaken not more than 12 months prior to the relevant application for development.
- A detailed site description.
- Site assessment plans and cross-sections of the subject lot and relevant surrounds for the area potentially subject to landslide hazards. Plans and cross sections are to be based on field measurements, with measured ground slopes shown and drawn to scale and dimensioned. Where applicable, plans should show the areas of the site subject to landslide.
- A detailed assessment of subsurface conditions, including the underlying geology.
- A statement indicating whether there is natural ground on or immediately adjacent to the subject lot which exhibits evidence of being affected by landslide.
- Relevant entries in the *East Gippsland landslide inventory* (GHD 2023).
- Details of all site investigations and any other information used in preparation of the Geotechnical Assessment.
- A statement indicating whether subsurface investigation involving boreholes and/or test pit excavations or other methods is necessary to assess the geotechnical/geological model for the subject lot and details of all such investigations, boreholes, test pits or other methods.
- For sites susceptible to landslide, a statement indicating that in the opinion of the Geotechnical Practitioner, the proposed new development is not subject to significant landslide hazards and is not expected to be subject to significant landslide hazards over the design life of the development. Where significant landslide hazards are identified and this statement cannot be made, a Landslide Risk Assessment undertaken in accordance with the requirements of Section 6.1.3 is required and a statement should be made in the Geotechnical Assessment that a Landslide Risk Assessment is required.
- A statement indicating whether or not new development should only be approved subject to conditions, and if so, recommend what conditions are required that may be related to, but not limited to:
 - The positioning of buildings and works on site to avoid landslide hazards.
 - The provision of appropriate footing types, base levels and foundation materials in any structural works, including all retaining walls.
 - The location/s of and depth/s of soil and rock cut and fill.
 - The construction of any excavations and fill and the method of retention of such works.

- Any details of surface and sub-surface drainage.
- The selection and design of a building structure system.
- Retention, replanting and new planting of vegetation.
- The provision of erosion protection and control measures.
- Any effluent drainage and discharge.
- Any necessary ongoing mitigation and maintenance measures and any recommended periodic inspections, including performance measures and thresholds.
- The time within which works must be completed after commencement and the location/s and maximum time period that materials associated with the development can be stockpiled.
- Any requirements for geotechnical inspections and approvals to be incorporated into a construction work plan for building approval.

▪ For sites susceptible to landslide, be accompanied by a Geotechnical Declaration and Verification Form (Form A of the AGS 2007 Guidelines).

6.1.3 Landslide Risk Assessment

A written Landslide Risk Assessment is to be prepared by a suitably qualified and experienced Geotechnical Practitioner in accordance with the methodology set out in the AGS 2007 Guidelines. The Landslide Risk Assessment must be for the new development proposed in the application and include:

- A copy of the Geotechnical Assessment prepared for the subject land and proposal and, if not prepared by the Geotechnical Practitioner preparing the Landslide Risk Assessment, contain a response by the Geotechnical Practitioner preparing the Landslide Risk Assessment, agreeing with the findings and conclusions of the Geotechnical Assessment.
- If reported in conjunction with a Geotechnical Assessment, include all the requirements of a Geotechnical Assessment as set out in Section 6.1.2 in addition to those of a Landslide Risk Assessment.
- If the Geotechnical Practitioner preparing the Landslide Risk Assessment does not support the findings and conclusions of the Geotechnical Assessment for new development, the Geotechnical Practitioner must prepare an additional Geotechnical Assessment.
- An assessment supported by field observations and measurements that have been undertaken not more than 12 months prior to the lodgement of the application for a planning permit.
- A full assessment of the risk posed by all reasonably identified landslide and slope degradation hazards which could impact or be caused by the new development and which have the potential to either individually or cumulatively impact upon people or property, in accordance with the AGS 2007 Guidelines.
- An assessment of the risk posed by potential future vegetation removal, including by bushfire or for bushfire protection if undertaken to the maximum extent permissible under the conditions of any planning permit and under permit exemptions in the Planning Scheme.
- A statement indicating that in the opinion of the Geotechnical Practitioner, the proposed new development can be undertaken such that the risk to life and property does not exceed a tolerable level and will not exceed a tolerable level over the life of the proposed development.

▪ Be accompanied by a Geotechnical Declaration and Verification Form (Form A of the AGS 2007 Guidelines).

6.2 Subdivision

6.2.1 Assessment Requirements

If the geotechnical practitioner assesses that the site has:

- a slope angle of less than 20 percent; and
- has not previously been affected by landslide; and
- there are no credible landslides that could affect the proposed development.

an Assessment may not be required. However, the Geotechnical Practitioner should provide written advice stating that these requirements have been met. Written evidence should include a site description and evidence to support the advice.

Where these requirements have not been met, a Landslide Hazard Assessment should be prepared by a Geotechnical Practitioner in accordance with the methodology set out in the *Australian Geomechanics Society Guidelines for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning 2007* or any revision to that document. The objective of the Landslide Hazard Assessment is to identify landslide hazards that could affect future development within a proposed subdivision and to recommend constraints on subdivision and future development. The Landslide Hazard Assessment should include as a minimum:

- A definition of scope establishing the purpose and scope of the hazard assessment.
- A data gathering / desktop phase assembling relevant data and recording the sources of the data. The *East Gippsland landslide inventory* (GHD 2023) and landslide susceptibility mapping should be consulted as part of the desktop study.
- Completion of investigations sufficient to establish a geotechnical model, identify geomorphic processes associated with landslide and associated process rates.
- Inspection of the site and surrounds including field mapping of the geomorphic features, including but not limited to scarps or hummocky ground indicative of landslide.
- A landslide inventory map (as applicable) covering the proposed subdivision and relevant surrounding areas and associated information on entries in the inventory (if available) process rates or date of occurrence (if known), volume or scale and a description of limitations of the inventory.
- Landslide susceptibility zoning maps prepared in accordance with the AGS 2007 Guidelines including related information on how susceptibility was assessed and a description of validation and limitations of the zoning.
- General commentary regarding the nature of the landslide, frequency and potential impacts or consequences and their implications for levels of associated risk.
- Recommendations as to whether the proposed subdivision is viable in its current format and an indication of areas that in the opinion of the geotechnical practitioner:
 - are not suitable for development; or
 - are suitable for development subject to landslide risk mitigation implemented prior to subdivision as set out in the Landslide Hazard Assessment.
 - are suitable for development in accordance with normal EMO requirements.
- Discussion of potential impacts to adjacent land due to the proposed subdivision.

7. REFERENCES

- Guidelines for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning, Journal of Australian Geomechanics Society, Vol. 42: No 1, March 2007.
- Commentary on Guidelines for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning, Journal of Australian Geomechanics Society, Vol. 42: No 1, March 2007.
- Practice Note Guidelines for Landslide Risk Management 2007, Journal of Australian Geomechanics Society, Vol. 42: No 1, March 2007.
- Commentary on Practice Note Guidelines for Landslide Risk Management 2007, Journal of Australian Geomechanics Society, Vol. 42: No 1, March 2007.
- Landslide and Erosion Hazard and Planning Review East Gippsland Shire, GHD Pty Ltd, 19 January 2023.

EAST GIPPSLAND PLANNING SCHEME

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Proposed C159egip**SCHEDULE 1 TO CLAUSE 44.01 EROSION MANAGEMENT OVERLAY**Shown on the planning scheme map as **EMO1**.**AREAS SUSCEPTIBLE TO LANDSLIP****1.0**~~-----~~
Proposed C159egip**Erosion management objectives to be achieved**

To ensure that development can be undertaken at a tolerable risk to human life and property from landslip and slope degradation hazards including shallow landslides.

2.0~~-----~~
Proposed C159egip**Statement of risk**

Parts of East Gippsland are prone to hazards caused by landslip and other slope degradation processes including shallow landslides. These hazards involve the unplanned movement of soil or rock through collapse or its movement downslope under the action of gravity. There are areas of the highlands within East Gippsland Shire, that are prone to landslip including slopes on alpine valleys, escarpments and water courses.

Hazards caused by landslip and erosion within East Gippsland have historically caused damage to property and the environment and present an ongoing risk to human life. Geological studies have identified historical landslip and erosion occurrences and sought to identify areas susceptible to future occurrence.

All land included in the Erosion Management Overlay has been identified as having a sufficiently high susceptibility to landslip or erosion hazards to warrant specific review of these risks prior to the issue of a planning permit for buildings and works or subdivision. The control of environmental factors and development relating to vegetation cover, drainage, rock, earthworks, soil disturbance and effluent and stormwater disposal are all important for managing the risk from these hazards.

Risk from landslip and erosion hazards needs to achieve a Tolerable Risk level to be considered suitable for new development.

Tolerable Risk is risk within a range that society can live with to secure certain net benefits. It is a range of risk that is regarded as non-negligible and requires ongoing review and reduction if possible. The maximum tolerable risk is defined as:

- For loss of life for the person(s) most at risk, it is taken as having a probability of no greater than 10^{-5} (1 in 100,000) per annum calculated in accordance with the *Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007*.
- For property loss it is assessed qualitatively using the *Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007*, Appendix C. The tolerable risk level is selected depending on the new development type in accordance with Table 1.

Table 1 - Maximum tolerable risk to property

New Development Type	Maximum Qualitative Tolerable Risk
Essential facilities including hospitals, medical and surgery facilities, emergency services facilities, designated emergency shelters and facilities, buildings and facilities containing toxic or explosive materials in sufficient quantity capable of causing hazardous conditions that extend beyond property boundaries.	Low
All other construction of buildings or construction and carrying out of works.	Moderate

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3.0 Permit requirement

Proposed C159egip

A permit is not required to:

- Construct or carry out works associated with:
 - A dam, pond or open impervious water holding structure with a capacity of less than 500 litres.
 - Landscaping water feature(s) provided it does not entail ponding of more than 500 litres.
 - A domestic rainwater tank with capacity of not more than 4500 litres, constructed at ground level or above.
 - A spa and associated mechanical and safety equipment, provided that the spa has a capacity not exceeding 5000 litres and is constructed at or above ground level.
 - A masonry wall with a wall height that does not exceed 1000 millimetres and the wall does not alter surface water drainage.
 - A fence of lightweight construction provided it is either permeable or the base of the fence is at least 50 millimetres above the ground surface level and does not obstruct surface water flow.
- Construct or carry out earthworks that result in a modified ground surface less than 1000 millimetres above or below the natural ground level and does not allow water ponding.
- Extend or alter a building, provided all of the following are met:
 - The gross ground floor area is not increased by more than 40 square metres.
 - Stormwater from the building is drained to a legal point of discharge.
 - There are no existing earthworks (cut or fill) higher than 1 metre, within 5 metres of the proposed extension.
- Construct a building associated with agricultural activities, provided all of the following are met:
 - The building is constructed of lightweight, flexible materials (not bricks, concrete blocks or similar).
 - There are no existing earthworks (cut or fill) higher than 1 metre, within 5 metres of the proposed building.
 - Stormwater from the building is drained to a legal point of discharge.
- Construct a retaining wall, providing all of the following are met:
 - The retaining wall is less than 1 metre high.
 - The retaining wall is not attached to or part of a building structure.
 - The retaining wall is not within 1 metre of a boundary.
- Construct any structure necessary to prevent or control soil erosion, or to ensure soil conservation and/or reclamation.
- Construct a non-habitable structure ancillary to a dwelling (including carports and sheds), provided all of the following are met:
 - The structure is constructed of lightweight, flexible materials (not bricks, concrete blocks or similar).
 - The ground surface area occupied by all such structures on the property does not exceed 40 square metres.

EAST GIPPSLAND PLANNING SCHEME

- There are no existing earthworks (cut or fill) higher than 1 metre, within 5 metres of the proposed structure.
- Stormwater from the building is drained to the legal point of discharge.
- Construct or carry out repair or maintenance works undertaken by or on behalf of a public authority relating to watercourse management, environmental improvements or infrastructure services.
- Remove, lop or destroy vegetation if any of the following apply:
 - The trunk circumference is 0.5 metres or less when measured at 1.3 metres above ground level.
 - The vegetation is within 2 metres of a building.
 - Dead vegetation where the natural ground surface is reinstated.
 - Lopping necessary to improve the health or structural stability of a tree.
 - The vegetation removal is part of agricultural activities such as ploughing, grazing or slashing of substantially cleared areas maintained for pasture or crop raising.
 - Removal of the minimum extent of vegetation necessary for the establishment and/or maintenance of fences in a rural zone.
- Construct a bore, advertising structure, jetty, wind turbine or solar energy facility associated with accommodation or agricultural uses.
- Undertake a subdivision which:
 - Relocates an existing boundary, or
 - Excises an existing dwelling, or
 - Does not create new allotment which are within the Erosion Management Overlay.

4.0

Proposed C159egip

Application requirements

The following application requirements apply to an application for a permit under Clause 44.01, in addition to those specified in Clause 44.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- For an application to construct a building or construct or carry out works, plans drawn to scale and dimensioned, showing as appropriate:
 - The proposed new development, including a site plan, land contours, building elevations, access, cut and fill, retaining walls and effluent disposal system.
 - Any existing development, including buildings, water tanks and pools or dams on both the subject lot(s) and adjacent land.
 - Any existing earthworks and water infrastructure on the subject lot(s), including cut and fill, stormwater drainage, subsurface drainage, water supply pipelines, sewerage pipelines or effluent disposal installations and pipelines and any otherwise identified geotechnical hazards.
 - Details and locations of existing vegetation, including any vegetation to be removed.
- For an application to subdivide land, plans drawn to scale and dimensioned, showing as appropriate:
 - The proposed subdivision layout and land contours.
 - Any existing development, including buildings, water tanks and pools or dams on both the subject lot(s) and adjacent land.

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- Any existing earthworks or water infrastructure on the subject lot(s), including cut and fill, stormwater drainage, subsurface drainage, water supply pipelines, sewerage pipelines or effluent disposal installations and pipelines and any otherwise identified geotechnical hazards.
- Details and location of existing vegetation, including any vegetation to be removed.
- A geotechnical assessment, landslide risk assessment or landslide hazard assessment as required by and prepared in accordance with the Incorporated Document titled '*Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay (WSP, 2025)*' and to the satisfaction of the responsible authority.

A geotechnical assessment, landslide risk assessment or landslide hazard assessment (as appropriate) is not required where in the opinion of the responsible authority, the application for a subdivision or development will not adversely increase the risk to life or property affecting the subject lot(s) or adjoining or nearby land caused by a geotechnical hazard.

The responsible authority may require a geotechnical assessment, landslide risk assessment or landslide hazard assessment that has been submitted with an application, to be reviewed by an independent geotechnical practitioner.

5.0

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Proposed C159egip

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 44.01, in addition to those specified in Clause 44.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the risk to life and property is tolerable.
- The recommendations of the geotechnical assessment, landslide risk assessment or landslide hazard assessment and any independent review.
- The risks associated with the need for any ongoing monitoring and maintenance for mitigation measures.

EAST GIPPSLAND PLANNING SCHEME

10/10/2019
G153egip**SCHEDULE TO CLAUSE 44.01 EROSION MANAGEMENT OVERLAY**Shown on the planning scheme map as **EMO**.**MANAGEMENT OF GEOTECHNICAL HAZARD****1.0**10/10/2019
G153egip**Erosion management objectives to be achieved**

To ensure that applications for the development of land subject to high or very high geotechnical hazard are accompanied by expert geotechnical risk assessments.

To ensure that development is designed and carried out in accordance with the recommendations of expert geotechnical risk assessments.

To ensure that development does not increase the risk of geotechnical hazard to life or property.

To encourage the rehabilitation of land affected by geotechnical hazard.

2.010/10/2019
G153egip**Statement of risk**

None specified.

3.001/09/2024
G167egip**Permit requirement**

A permit is not required to:

- Construct a dwelling, including a replacement dwelling or a small second dwelling.
- Construct or carry out works ancillary to an existing dwelling including domestic swimming pools or spas (and associated mechanical and safety equipment).
- Construct a non-habitable building with a gross floor area that does not exceed 200 square metres.
- Alter or extend existing buildings.
- Construct or carry out works associated with water tanks, bores, wind turbines or solar energy facilities associated with accommodation or agriculture uses.
- Undertake agricultural activities such as ploughing, grazing and slashing of substantially cleared areas maintained for pasture or crop raising.
- Construct or carry out works associated with advertising structures.
- Construct or carry out works associated with a jetty.
- Construct or carry out earthworks that result in a modified ground surface that is less than one metre above or below the natural ground level.
- Construct any structures necessary to prevent soil erosion, or to ensure soil conservation or reclamation.
- Construct or carry out buildings and works generally in accordance with the approved Brookfield Lakes Development Plan.
- Undertake buildings or works carried out by or on behalf of a public authority, government department or municipal council.
- Remove, destroy or lop vegetation if any of the following apply:
 - The cutting of reasonable amounts of firewood and fencing timber for personal use by the owner or occupier of the subject land.
 - Removal of the minimum extent of vegetation necessary for the establishment and maintenance of fences.

EAST GIPPSLAND PLANNING SCHEME

- Removal of vegetation on a lot in a residential zone with a lot area no larger than 0.4 hectares and where the slope of the site of vegetation removal does not exceed 20 per cent;
- Removal of no more than five trees on a lot in a rural zone where the slope of the site of vegetation removal does not exceed 20 per cent;
- Pruning or lopping of vegetation where no more than one third of the foliage is removed from any individual plant and the trunk is not pruned or lopped;
- Vegetation removal carried out by or on behalf of a public authority, government department or municipal council.

4.001/08/2024
G467egip**Application requirements**

The following application requirements apply to an application for a permit under Clause 44.01, in addition to those specified in Clause 44.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of responsible authority:

- A Site and Surrounds Plan must be drawn to scale with dimensions and show:
 - Details of the land and adjoining land including areas of existing erosion, topography, waterways, vegetation, all existing development, retaining walls, drainage, other infrastructure and any other relevant site and locality features;
 - All proposed development including details of excavations and fill, vegetation removal, driveways, retaining walls and effluent disposal systems;
 - Details of any existing and/or proposed building envelopes on the land.
- A geotechnical risk assessment which is to include as appropriate:
 - Details of the date and methodology of the geotechnical assessment undertaken;
 - Details of the geotechnical hazards relevant to the proposed development and to adjoining land;
 - Recommendations about measures to be taken to manage geotechnical hazards including but not limited to:
 - The suitability of the land for the proposed development;
 - Measures to manage geotechnical hazard during the development period;
 - Limitations to excavations and fill;
 - Soil rehabilitation techniques for disturbed areas;
 - Drainage design and capacity;
 - Footings and foundation design including any required retaining walls;
 - The design of structural elements including load bearing capacities;
 - Any other measures required to be undertaken on- or off-site to manage geotechnical hazard;
 - Recommendations to minimise the residual risk to life and property after the development is completed;
- If a suitably qualified and experienced geotechnical practitioner demonstrates to the satisfaction of the responsible authority that a geotechnical risk assessment is not relevant to the assessment of an application, the responsible authority may reduce or waive the requirement for a geotechnical risk assessment;
- The responsible authority may require an independent peer review of any application documentation at the applicant's cost;

EAST GIPPSLAND PLANNING SCHEME**5.0**

01/09/2024

G167egip

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 44.01, in addition to those specified in Clause 44.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The risk to life, property and community infrastructure from geotechnical hazard.
- The recommendations of any geotechnical risk assessment and application documentation.
- The recommendations of any independent review of the geotechnical risk assessment and application documentation.
- The need for any ongoing geotechnical risk management measures.

EAST GIPPSLAND PLANNING SCHEME

15/01/2024
VC249

SCHEDULE TO CLAUSE 72.04 INCORPORATED DOCUMENTS

1.0
Proposed C159egip

Incorporated documents

Name of document	Introduced by:
220 Baades Road Subdivision of Approved Development, (June 1999)	NPS1
598-610 Main Street, Bairnsdale (November 2021)	C163egip
Bullock Island - Lakes Entrance Concept Plan, (November 2011)	C88
Ellasville Road, Nicholson, Subdivision Process	C1
Extract from Lake Tyers Beach and Surrounding Strategy Plan (1991) being Plan 4 Residential Opportunities	C32
Extract from Lakes Entrance Strategy Plan (1987) Figure 4.3 Outline Development Plan	C33
Fernbank Restructure Plan	NPS1
Glen Wills Restructure Plan 1995 – (Updated 2013)	C116
Healeys Road Overall Development Plan	C63
<i>Hospital Emergency Medical Services - Helicopter Flight Path Protection Areas (Victorian Health Building Authority, October 2024)</i>	GC242
<i>Lakes Entrance Northern Growth Area Development Contributions Plan (Urban Enterprise, December 2023)</i>	VC249
<i>Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan (East Gippsland Shire Council, October 2023)</i>	C168egip
Newlands Arm Estate Restructure Plan, Version 7, (March 2017)	C138
Newspaper Printing and Production Facility (March 2011)	C71
Patricia Baleen Gas Plant, (June 2014)	C120
<i>Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay (WSP, 2025)</i>	C159egip
Resort Hotel/Motel and Convention Facility Development, (May 1999)	NPS1
Site Specific control – 26 Phillips Lane, Lucknow – (May 2012)	C109
Specific control for land at 1015 Bairnsdale-Dargo Road, Hillside (October 2010)	C86
Stockman Base Metals Project Incorporated Document, (2020)	C130
Storth Ryes Boat Harbour and Marina Development, (May 1999)	NPS1
Storth Ryes Incorporated Plan, (June 2000)	C2
Storth Ryes Service Commercial Centre, (May 1999)	NPS1
Tambo Bluff Restructure Plan (2018)	C139egip
Township of Sunnyside Restructure Plan	NPS1

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15/01/2024
VC249

SCHEDULE TO CLAUSE 72.04 INCORPORATED DOCUMENTS

1.0 Incorporated documents

24/03/2025 -/-
GC242Proposed C159egip

Name of document	Introduced by:
220 Baades Road Subdivision of Approved Development, (June 1999)	NPS1
598-610 Main Street, Bairnsdale (November 2021)	C163egip
Bullock Island - Lakes Entrance Concept Plan, (November 2011)	C88
Ellasville Road, Nicholson, Subdivision Process	C1
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Healeys Road Overall Development Plan	C63
<i>Hospital Emergency Medical Services - Helicopter Flight Path Protection Areas (Victorian Health Building Authority, October 2024)</i>	GC242
<i>Lakes Entrance Northern Growth Area Development Contributions Plan (Urban Enterprise, December 2023)</i>	VC249
<i>Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan (East Gippsland Shire Council, October 2023)</i>	C168egip
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Resort Hotel/Motel and Convention Facility Development, (May 1999)	NPS1
Site Specific control – 26 Phillips Lane, Lucknow – (May 2012)	C109
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Storth Ryes Service Commercial Centre, (May 1999)	NPS1
Tambo Bluff Restructure Plan (2018)	C139egip
Township of Sunnyside Restructure Plan	NPS1

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20/04/2020
GC112

SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS

1.0
Proposed C159egip

Background documents

Name of background document	Amendment number - clause reference
<i>A Land Capability Study of the Cassilis Valley, Swifts Creek. Technical Report No. 27, Centre for Land Protection Research, D. M. Rees (Department of Conservation and Natural Resources, Victoria, 1995).</i>	Clause 44.01s1
<i>Basis for Amendment to Erosion Management Overlay (WSP, 2025)</i>	Clause 44.01s1
<i>Draft East Gippsland Native Vegetation Plan (Government of Victoria and East Gippsland Catchment Management Authority, 2000)</i>	Clause 42.02s8
<i>East Gippsland Shire Municipal Reference Document, Coastal Spaces Landscape Assessment Study(Planisphere, 2006)</i>	Clause 42.03s1 Clause 42.03s2 Clause 42.03s3 Clause 42.03s4 Clause 42.03s5 Clause 42.03s6
<i>East Gippsland Sites of Biological Significance, (Department of Natural Resources and Environment, 1997)</i>	Clause 42.01
<i>Gippsland Lakes Coastal Action Plan (Gippsland Coastal Board, 1999)</i>	Clause 42.02s2 Clause 42.02s4 Clause 42.02s5 Clause 42.02s6
<i>Gippsland Lakes Environs Survey. D. F. Howe and T. Poutsma (Department of Conservation, Forests and Lands, unpublished)</i>	Clause 44.01s1
<i>Infrastructure Design Manual (2020, Local Government Infrastructure Design Association)</i>	GC112 - Clause 21.11-6
<i>Input to Twin Rivers Land Use Plan – Economic Assessment of Future land Requirements (Essential Economics Pty Ltd, August 2011)</i>	Clause 43.04s9
<i>Lakes Entrance Northern Growth Area Social Impact Assessment (East Gippsland Shire Council, August 2012)</i>	Clause 43.04s8
<i>Lakes Entrance Urban Design Framework (Meinhardt Infrastructure and Environment, March 2007)</i>	Clause 43.02s13
<i>Mallacoota Urban Design Framework (Meinhardt Infrastructure and Environment, March 2007)</i>	Clause 43.02s12
<i>North Arm Action Plan. Friends of North Arm (East Gippsland Shire and Department of Natural Resources and Environment, 1996)</i>	Clause 42.02s7
<i>Northern Growth Area Lakes Entrance Development Concept Plan Hydrology, Water Technology (Water Technology Pty Ltd, October 2013)</i>	Clause 43.04s8
<i>Paynesville Urban Design Framework (Meinhardt Infrastructure and Environment, March 2007)</i>	Clause 43.02s14
<i>Raymond Island Strategy (Shire of Bairnsdale, 1992)</i>	Clause 42.02s2
<i>Revegetation Planting Standards</i>	Clause 43.04s4 Clause 43.04s7
<i>Roadside Management Plan (East Gippsland Shire Council, 1995)</i>	Clause 42.02s1

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Name of background document	Amendment number - clause reference
<i>Salinity Hazard Map, Bairnsdale Region (1:100,000) based on Aldrick, J. M. et al., A study of the land in the catchment of the Gippsland Lakes (Vols. 1 & 2) (Department of Conservation and Natural Resources, Victoria, 1992)</i>	Clause 44.02s
<i>The Siting and Design Guidelines for Structures on the Victorian Coast (Victorian Coastal Council, 1998)</i>	Clause 42.03s1 Clause 42.03s2 Clause 42.03s3 Clause 42.03s4 Clause 42.03s5 Clause 42.03s6
<i>State Overview Report, Coastal Spaces Landscape Assessment Study (Planisphere, 2006)</i>	Clause 42.03s1 Clause 42.03s2 Clause 42.03s3 Clause 42.03s4 Clause 42.03s5 Clause 42.03s6
<i>Twin Rivers Land Use Plan – Final Report (Meinhardt Infrastructure & Environment Pty Ltd, May 2012)</i>	Clause 43.04s9
<i>Twin Rivers Land Use Plan, Nicholson – Options for future Township Zone growth Desktop Analysis (Meinhardt, 2012)</i>	Clause 43.04s9
<i>Victoria's Native Vegetation Management – A Framework for Action</i>	Clause 43.04s3 Clause 43.04s4 Clause 43.04s7
<i>Urban Design Frameworks for Bemm River, Eagle Point, Gipsy Point, Lake Tyers Beach, Marlo, Metung, Newlands Arm, Nungurner, Raymond Island and Tambo Bluff (Meinhardt Infrastructure and Environment, March 2007)</i>	Clause 43.02s11
<i>Urban Waterway Guidelines (East Gippsland Shire Council, March 2013)</i>	Clause 43.04s9

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20/04/2020
GC112

SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS

1.0 Background documents

25/11/2022 -/-
G162egipProposed C159egip

Name of background document	Amendment number - clause reference
<i>A Land Capability Study of the Cassilis Valley, Swifts Creek. Technical Report No. 27, Centre for Land Protection Research, D. M. Rees (Department of Conservation and Natural Resources, Victoria, 1995).</i>	Clause 44.01s44.01s1
<i>Basis for Amendment to Erosion Management Overlay (WSP, 2025)</i>	Clause 44.01s1
<i>Draft East Gippsland Native Vegetation Plan (Government of Victoria and East Gippsland Catchment Management Authority, 2000)</i>	Clause 42.02s8
<i>East Gippsland Shire Municipal Reference Document, Coastal Spaces Landscape Assessment Study(Planisphere, 2006)</i>	Clause 42.03s1 Clause 42.03s2 Clause 42.03s3 Clause 42.03s4 Clause 42.03s5 Clause 42.03s6
<i>East Gippsland Sites of Biological Significance, (Department of Natural Resources and Environment, 1997)</i>	Clause 42.01
<i>East Gippsland Soil Erosion Management Plan (Department of Primary Industries, 2009)</i>	Clause 44.01s
<i>Erosion Hazard Map, Bairnsdale Region (1:100,000) based on Aldrick, J. M. et al., A study of the land in the catchment of the Gippsland Lakes (Vols. 1& 2) (Department of Conservation and Natural Resources, Victoria, 1992)</i>	Clause 44.01s
<i>Gippsland Lakes Coastal Action Plan (Gippsland Coastal Board, 1999)</i>	Clause 42.02s2 Clause 42.02s4 Clause 42.02s5 Clause 42.02s6
<i>Gippsland Lakes Environs Survey. D. F. Howe and T. Poutsma (Department of Conservation, Forests and Lands, unpublished)</i>	Clause 44.01s44.01s1
<i>Infrastructure Design Manual (2020, Local Government Infrastructure Design Association)</i>	GC112 - Clause 21.11-6
<i>Input to Twin Rivers Land Use Plan – Economic Assessment of Future land Requirements (Essential Economics Pty Ltd, August 2011)Input to Twin Rivers Land Use Plan – Economic Assessment of Future land Requirements (Essential Economics Pty Ltd, August 2011)</i>	Clause 43.04s9
<i>Lakes Entrance Northern Growth Area Social Impact Assessment (East Gippsland Shire Council, August 2012)</i>	Clause 43.04s8
<i>Lakes Entrance Urban Design Framework (Meinhardt Infrastructure and Environment, March 2007)</i>	Clause 43.02s13
<i>Mallacoota Urban Design Framework (Meinhardt Infrastructure and Environment, March 2007)</i>	Clause 43.02s12
<i>North Arm Action Plan. Friends of North Arm North Arm Action Plan. Friends of North Arm (East Gippsland Shire and Department of Natural Resources and Environment, 1996)</i>	Clause 42.02s7

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Name of background document	Amendment number - clause reference
<i>Northern Growth Area Lakes Entrance Development Concept Plan Hydrology, Water Technology</i> (Water Technology Pty Ltd, October 2013)	Clause 43.04s8
<i>Paynesville Urban Design Framework</i> (Meinhardt Infrastructure and Environment, March 2007)	Clause 43.02s14
<i>Raymond Island Strategy</i> (Shire of Bairnsdale, 1992)	Clause 42.02s2
<i>Revegetation Planting Standards</i>	Clause 43.04s4 Clause 43.04s7
<i>Roadside Management Plan</i> (East Gippsland Shire Council, 1995)	Clause 42.02s1
<i>Salinity Hazard Map, Bairnsdale Region (1:100,000) based on Aldrick, J. M. et al., 'A study of the land in the catchment of the Gippsland Lakes (Vols. 1 & 2)</i> (Department of Conservation and Natural Resources, Victoria, 1992)	Clause 44.02s
<i>The Siting and Design Guidelines for Structures on the Victorian Coast</i> (Victorian Coastal Council, 1998)	Clause 42.03s1 Clause 42.03s2 Clause 42.03s3 Clause 42.03s4 Clause 42.03s5 Clause 42.03s6
<i>State Overview Report, Coastal Spaces Landscape Assessment Study</i> (Planisphere, 2006)	Clause 42.03s1 Clause 42.03s2 Clause 42.03s3 Clause 42.03s4 Clause 42.03s5 Clause 42.03s6
<i>Twin Rivers Land Use Plan – Final Report (Meinhardt Infrastructure & Environment Pty Ltd, May 2012)</i> <i>Twin Rivers Land Use Plan – Final Report</i> (Meinhardt Infrastructure & Environment Pty Ltd, May 2012)	Clause 43.04s9
<i>Twin Rivers Land Use Plan, Nicholson – Options for future Township Zone growth Desktop Analysis – 2012; Meinhardt Twin Rivers Land Use Plan, Nicholson – Options for future Township Zone growth Desktop Analysis</i> (Meinhardt, 2012)	Clause 43.04s9
<i>Victoria's Native Vegetation Management – A Framework for Action</i>	Clause 43.04s3 Clause 43.04s4 Clause 43.04s7
<i>Urban Design Frameworks for Bemm River, Eagle Point, Gipsy Point, Lake Tyers Beach, Marlo, Metung, Newlands Arm, Nungurner, Raymond Island and Tambo Bluff</i> (Meinhardt Infrastructure and Environment, March 2007)	Clause 43.02s11
<i>Urban Waterway Guidelines</i> (East Gippsland Shire Council, March 2013)	Clause 43.04s9

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25/11/2022
C162egip

SCHEDULE TO CLAUSE 74.02 FURTHER STRATEGIC WORK

1.0

~~Proposed C159egip~~**Further strategic work**

Review of the Coastal Settlements Design and Development Overlays.

Prepare a planning scheme amendment to update municipal planning statement, including a municipal overview and integration of the Council Plan 2021-2025.

Review Heritage Gap Study, prepare local planning policy and update schedule to the Heritage Overlay.

Prepare and implement into the planning scheme the Rural Land Use Strategy.

Undertake a review of the land demand and supply for rural living.

Prepare and implement into the planning scheme the Settlement and Housing Strategy.

Prepare a land supply and demand analysis for residential land at a municipal wide level.

Review Coastal Inundation and Erosion Policy as part of the Update to the flooding mapping, policy and schedules.

Prepare a Planning Scheme Amendment to implement planning controls to protect landfill and water infrastructure.

Prepare Planning Scheme Amendment to implement the Paynesville Growth Area Structure Plan (PGASP).

Prepare Planning Scheme Amendment to implement the Eagle Point Structure Plan.

Review and update Bairnsdale Growth Strategy.

Prepare a land demand and supply analysis for industrial land at a municipal wide level.

Prepare a Structure Plan for Lindenow.

Review and update the Flooding mapping, schedules and planning policy.

Consider planning policy implications of climate change, sea level rise and coastal inundation as part of the update of the planning scheme flooding controls.

Review and update the Bushfire Management mapping, schedules, planning policy and develop schedules for strategically identified townships.

Prepare an Industrial land demand and supply analysis.

Review and update the mapping and schedule to the Environmental Significance Overlay.

Review and update the development contributions plans for Lakes Entrance Northern Growth Area.

Prepare a Planning Scheme Amendment to update planning policy, zoning review and residential land supply for Omeo.

Prepare an Open Space Strategy.

Work with the landowner to prepare a Structure Plan for Lake Tyers Beach.

Review Master Plans contained in the Urban Design Frameworks on a township and needs basis as part of the review and preparation of structure plans.

Review data associated with tunnel erosion and update the EMO mapping accordingly.

EAST GIPPSLAND PLANNING SCHEME

25/11/2022
C162egip

SCHEDULE TO CLAUSE 74.02 FURTHER STRATEGIC WORK

1.0 **Further strategic work**

~~25/11/2022 -/-~~
~~C162egip~~Proposed C159egip Review of the Coastal Settlements Design and Development Overlays. |

Prepare a planning scheme amendment to update municipal planning statement, including a municipal overview and integration of the Council Plan 2021-2025.

Review Heritage Gap Study, prepare local planning policy and update schedule to the Heritage Overlay.

Prepare and implement into the planning scheme the Rural Land Use Strategy.

Undertake a review of the land demand and supply for rural living.

Prepare and implement into the planning scheme the Settlement and Housing Strategy.

Prepare a land supply and demand analysis for residential land at a municipal wide level.

Review Coastal Inundation and Erosion Policy as part of the Update to the flooding mapping, policy and schedules.

Prepare a Planning Scheme Amendment to implement planning controls to protect landfill and water infrastructure.

Prepare Planning Scheme Amendment to implement the Paynesville Growth Area Structure Plan (PGASP).

Prepare Planning Scheme Amendment to implement the Eagle Point Structure Plan.

Review and update Bairnsdale Growth Strategy.

Prepare a land demand and supply analysis for industrial land at a municipal wide level.

Prepare a Structure Plan for Lindenow.

Review and update the Erosion Management Overlay mapping, schedules and local policy. |

Review and update the Flooding mapping, schedules and planning policy.

Consider planning policy implications of climate change, sea level rise and coastal inundation as part of the update of the planning scheme flooding controls.

Review and update the Bushfire Management mapping, schedules, planning policy and develop schedules for strategically identified townships.

Prepare an Industrial land demand and supply analysis.

Review and update the mapping and schedule to the Environmental Significance Overlay.

Review and update the development contributions plans for Lakes Entrance Northern Growth Area.

Prepare a Planning Scheme Amendment to update planning policy, zoning review and residential land supply for Omeo.

Prepare an Open Space Strategy.

Work with the landowner to prepare a Structure Plan for Lake Tyers Beach.

Review Master Plans contained in the Urban Design Frameworks on a township and needs basis as part of the review and preparation of structure plans.

Review data associated with tunnel erosion and update the EMO mapping accordingly. |

Crowther & Sadler Submission – C159egip

**Note* this was a verbal submission during a meeting on 27 May 2025*

Crowther and Sadler requests that:

'The schedule considers low impact subdivisions such as dwelling excisions, boundary realignments and subdivisions where no new allotments are created within the mapped EMO area.'

From: [AgVic Planning \(DEECA\)](#)
To: [Strategic Planning](#)
Subject: OFFICIAL: RE: UPDATE: Amendment C159egip to the East Gippsland Planning Scheme - Replace Erosion Management Overlay Schedule
Date: Friday, 24 October 2025 8:28:08 AM
Attachments: [image004.png](#)
[image005.png](#)

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

Hi Amber,

Thank you for the Notice of Preparation of Amendment - *C159egip to the East Gippsland Planning Scheme - Replace Erosion Management Overlay Schedule*.

Agriculture Victoria will not be making a submission as it is considered that the amendment does not directly relate to rural land use and or impacts to rural land use for the purpose of agriculture.

Regards,

Steve Hicks
Agriculture Victoria Planning and Advisory Service
Agriculture Sector Development and Services
Department of Energy, Environment and Climate Action
Agriculture Victoria
255 Ferguson Road, Tatura, Victoria 3616
M: 0436 934 574 | E: steve.hicks@agriculture.vic.gov.au

Please direct agricultural planning enquiries and planning permit referrals to: agvic.planning@agriculture.vic.gov.au



We acknowledge Victorian Traditional Owners and their Elders past and present as the original custodians of Victoria's land and waters and commit to genuinely partnering with them and Victoria's Aboriginal community to progress their aspirations.

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If you would prefer not to be contacted for evaluation or future events or do not consent to be on the Agriculture Services contact

database, please reply to this email with a statement to that effect and we will ensure your wishes are adhered to.

OFFICIAL

From: Strategic Planning <StrategicPlanning@egipps.vic.gov.au>
Sent: Monday, 13 October 2025 4:46 PM
To: Planning and Environment Assessment (DEECA) (DEECA) <pe.assessment@deeca.vic.gov.au>; 'development.advisory@epa.vic.gov.au' <development.advisory@epa.vic.gov.au>; 'firesafetyreferrals@cfa.vic.gov.au' <firesafetyreferrals@cfa.vic.gov.au>; planning@wgcma.vic.gov.au; 'egw@egwater.vic.gov.au' <egw@egwater.vic.gov.au>; 'statutory.planning@transport.vic.gov.au' <statutory.planning@transport.vic.gov.au>; 'admin@glawac.com.au' <admin@glawac.com.au>; AgVic Planning (DEECA) <agvic.planning@agriculture.vic.gov.au>; 'Property Services' <propertyservices@gmwater.com.au>; srw@srw.com.au
Subject: UPDATE: Amendment C159egip to the East Gippsland Planning Scheme - Replace Erosion Management Overlay Schedule

Good afternoon

My apologies, please find updated email to include the Notice of Preparation of amendment.

Further information can be now found at <https://yoursay.eastgippsland.vic.gov.au/c159egip-erosion-management-overlay>

Kind regards

■ **Amber Parker** ■ *Planning Projects Support Officer*

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From: Strategic Planning
Sent: Monday, 13 October 2025 4:23 PM
To: 'pe.assessment@deeca.vic.gov.au' <pe.assessment@deeca.vic.gov.au>; 'development.advisory@epa.vic.gov.au' <development.advisory@epa.vic.gov.au>; 'firesafetyreferrals@cfa.vic.gov.au' <firesafetyreferrals@cfa.vic.gov.au>; 'planning@wgcma.vic.gov.au' <planning@wgcma.vic.gov.au>; 'egw@egwater.vic.gov.au' <egw@egwater.vic.gov.au>; 'statutory.planning@transport.vic.gov.au' <statutory.planning@transport.vic.gov.au>; 'admin@glawac.com.au' <admin@glawac.com.au>; AgVic Planning (DEECA) <agvic.planning@agriculture.vic.gov.au>; 'Property Services' <propertyservices@gmwater.com.au>; 'srw@srw.com.au' <srw@srw.com.au>
Subject: Amendment C159egip to the East Gippsland Planning Scheme - Replace Erosion Management Overlay Schedule

Good afternoon

Council has prepared Amendment C159egip to the East Gippsland Planning Scheme (the Amendment). We are writing to you as a public authority that may be materially affected by the proposed Amendment.

Attached is a letter and the formal Notice of Preparation of the Amendment required to be given under Section 19 of the Planning & Environment Act 1987.

Further information can be found at <https://yoursay.eastgippsland.vic.gov.au/c159egip-erosion-management-overlay> from Wednesday 15 October 2025.

Kind regards

Amber



Amber Parker ■ *Planning Projects Support Officer* ■ [East Gippsland Shire Council](#)

■ **P:** 03 5153 9500 ■ PO Box 1618, Bairnsdale, Vic 3875

■ **Have Your Say:** Find information about our projects and strategies, and give feedback as part of our consultation process.

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East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and the Bidawel people as the Traditional Custodians of the land that encompasses East Gippsland Shire.
We pay our respects to all Aboriginal and Torres Strait Islander people living in East Gippsland, their Elders past and present.



EAST GIPPSLAND
CATCHMENT
MANAGEMENT
AUTHORITY

OFFICIAL

574 Main Street
(PO Box 1012)
Bairnsdale Vic 3875

EGCMA Ref: EGCMA-F-2025-00235
Document No: 1
Council Ref: C159
Date: 27 November 2025

Kellinde Chester
Strategic Planning Coordinator
East Gippsland Shire Council

Dear Kellinde,

Planning Permit Application No.: C159

Regarding: Planning Scheme Amendment C159 Erosion Management Overlay

I refer to your correspondence received at the East Gippsland Catchment Management Authority ('the EGCMA') on 13 October 2025 in relation to Planning Scheme Amendment C159 to replace the schedule to the Erosion Management Overlay (EMO). The EGCMA understands that the amendment will:

1. replace the existing Schedule 1 to clause 44.01 Erosion Management Overlay
2. include a new Incorporated Document at clause 72.04 (*Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay (WSP, 2025)*)
3. include a new Background Document at clause 72.08 (*Basis for Amendment to Erosion Management Overlay (WSP, 2025)*)
4. update the requirements for further strategic work at clause 74.02.

The EGCMA **supports** the proposed amendment which will improve the implementation of the EMO across East Gippsland.

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 EGCMA in handling any enquiries please quote **EGCMA-F-2025-00235** in your correspondence with us.

Yours sincerely,

Adam Dunn
Gippsland Floodplain Officer

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.

From: [Development Advisory](#)
To: [Strategic Planning](#)
Cc: [Development Advisory](#)
Subject: RE: UPDATE: Amendment C159egip to the East Gippsland Planning Scheme - Replace Erosion Management Overlay Schedule
Date: Friday, 17 October 2025 11:00:25 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

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OFFICIAL

Good morning Kellinde,

Thank you for your email.

Given that Council have confirmed that MD19 is not triggered by the proposal, EPA will not be providing a response.

Please reach out if any particular matter comes to light that Council wishes to discuss with EPA, having regard to MD19.

Kind regards,
Shauna Cagney
Support Officer
Development Advisory



E Shauna.Cagney@epa.vic.gov.au
P
A 664 Collins Street, Docklands

epa.vic.gov.au



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From: Strategic Planning <StrategicPlanning@egipps.vic.gov.au>
Sent: Friday, 17 October 2025 10:08 AM
To: Development Advisory <development.advisory@epa.vic.gov.au>
Subject: RE: UPDATE: Amendment C159egip to the East Gippsland Planning Scheme - Replace Erosion Management Overlay Schedule

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

Planning Scheme Amendment C159egip proposes changes to the Erosion Management Overlay schedule and does not trigger MD19 because:

- Does not allow the use of potentially contaminated land nor does it trigger MD1.
- Does not result in developments that could cause impacts on the environment or human health in terms of noise, water, air or land pollution.
- Does not result in impacts on buffers or separation distances.

Kindest,

■ **Kellinde Chester** ■ *Strategic Planning Projects Coordinator*

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From: Development Advisory <development.advisory@epa.vic.gov.au>

Sent: Tuesday, 14 October 2025 12:18 PM

To: Strategic Planning <StrategicPlanning@egipps.vic.gov.au>

Cc: Development Advisory <development.advisory@epa.vic.gov.au>

Subject: RE: UPDATE: Amendment C159egip to the East Gippsland Planning Scheme - Replace Erosion Management Overlay Schedule

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OFFICIAL

Good afternoon,

EPA are in receipt of your email requesting our views on the Amendment C159egip to the East Gippsland Planning Scheme - Replace Erosion Management Overlay Schedule. The information you have provided does not contain sufficient detail for us to provide our views having regard to Ministerial Direction 19 (MD19). EPA requests that you provide more detail regarding the project, to allow us to provide our views.

Please confirm if in your view, what aspect(s) of MD19 is/are triggered in respect of the proposal.

- *Does the referral apply to the review of planning schemes, preparation of planning scheme amendments and any strategies, policies, plans or reviews forming the strategic basis for a review or amendment, including precinct structure plans, that would:*
- *Allow the use or development of potentially contaminated land, and/or trigger the requirements of Ministerial Direction No. 1*
- *Allow the use or development of land that could result in water, noise, air or land pollution impacts on the environment, amenity or human health*
- *Allow the use or development of land within a buffer or separation distance for industry, (EPA Publication 1518 replaced by EPA Separation Distance Guidelines)*
- *Allow the use or development of land within a buffer or separation distance for an industry engaged in materials recycling, refuse disposal, transfer station (waste and resource recovery facility) (refer EPA Separation Distance Guideline and EPA Landfill Buffer Guideline).*

If MD19 is triggered by this proposal, your response must include the following information:

- *the description of the relevant circumstances under clause 2 of Ministerial Direction 19, that is, include how the MD19 criteria have been triggered as part of the proposal that may result in significant impacts on the environment, amenity and human health due to pollution and waste.*
- *a response to relevant guidelines and legal requirements, including ministerial directions and Planning Practice Notes, and*
- *an assessment of risk, including any technical assessments to support the proposal.*

Please also refer to: [Planning requests and referrals | epa.vic.gov.au](https://epa.vic.gov.au/planning-requests-and-referrals)

Please direct your enquiries and further information to EPA Strategic Planning at development.advisory@epa.vic.gov.au.

Kind Regards
Shauna Cagney
Support Officer
Development Advisory



E Shauna.Cagney@epa.vic.gov.au
P
A 664 Collins Street, Docklands

epa.vic.gov.au



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From: Strategic Planning <StrategicPlanning@egipps.vic.gov.au>
Sent: Monday, 13 October 2025 4:46 PM
To: 'pe.assessment@deeca.vic.gov.au' <pe.assessment@deeca.vic.gov.au>; Development Advisory <development.advisory@epa.vic.gov.au>; 'firesafetyreferrals@cfa.vic.gov.au' <firesafetyreferrals@cfa.vic.gov.au>; 'planning@wgcma.vic.gov.au' <planning@wgcma.vic.gov.au>; 'egw@egwater.vic.gov.au' <egw@egwater.vic.gov.au>; 'statutory.planning@transport.vic.gov.au' <statutory.planning@transport.vic.gov.au>; 'admin@glawac.com.au' <admin@glawac.com.au>; 'AgVic Planning (DEECA)' <agvic.planning@agriculture.vic.gov.au>; 'Property Services' <propertyservices@gmwater.com.au>; 'srw@srw.com.au' <srw@srw.com.au>
Subject: UPDATE: Amendment C159egip to the East Gippsland Planning Scheme - Replace Erosion Management Overlay Schedule

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Good afternoon

My apologies, please find updated email to include the Notice of Preparation of amendment.

Further information can be now found at <https://yoursay.eastgippsland.vic.gov.au/c159egip-erosion-management-overlay>

Kind regards

■ **Amber Parker** ■ *Planning Projects Support Officer*

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From: Strategic Planning

Sent: Monday, 13 October 2025 4:23 PM

To: 'pe.assessment@deeca.vic.gov.au' <pe.assessment@deeca.vic.gov.au>; 'development.advisory@epa.vic.gov.au' <development.advisory@epa.vic.gov.au>; 'firesafetyreferrals@cfa.vic.gov.au' <firesafetyreferrals@cfa.vic.gov.au>; 'planning@wgcma.vic.gov.au' <planning@wgcma.vic.gov.au>; 'egw@egwater.vic.gov.au' <egw@egwater.vic.gov.au>; 'statutory.planning@transport.vic.gov.au' <statutory.planning@transport.vic.gov.au>; 'admin@glawac.com.au' <admin@glawac.com.au>; 'AgVic Planning (DEECA)' <agvic.planning@agriculture.vic.gov.au>; 'Property Services' <propertyservices@gmwater.com.au>; 'srw@srw.com.au' <srw@srw.com.au>

Subject: Amendment C159egip to the East Gippsland Planning Scheme - Replace Erosion Management Overlay Schedule

Good afternoon

Council has prepared Amendment C159egip to the East Gippsland Planning Scheme (the Amendment). We are writing to you as a public authority that may be materially affected by the proposed Amendment.

Attached is a letter and the formal Notice of Preparation of the Amendment required to be given under Section 19 of the Planning & Environment Act 1987.

Further information can be found at <https://yoursay.eastgippsland.vic.gov.au/c159egip-erosion-management-overlay> from Wednesday 15 October 2025.

Kind regards

Amber

Amber Parker ■ *Planning Projects Support Officer* ■ *East Gippsland Shire Council*

■ **P:** 03 5153 9500 ■ PO Box 1618, Bairnsdale, Vic 3875



■ Have Your Say: Find information about our projects and strategies, and give feedback as part of our consultation process.

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OFFICIAL



GMW Ref: PSA-25-00015
 Doc ID: A5559666

East Gippsland Shire Council
 Planning Department
 planning@egipps.vic.gov.au

26 November 2025

Dear Sir and/or Madam,

Planning Scheme Amendment C159egip

Thank you for your letter and information received 13 October 2025 giving Goulburn-Murray Water (GMW) the opportunity to consider this Planning Scheme Amendment.

Goulburn Murray Water's (GMW) areas of interest are surface water and groundwater quality, use and disposal. GMW requires that development proposals do not impact detrimentally on GMW's infrastructure and the flow and quality of surface water and groundwater. Applicants must ensure that any required water supplies are available from an approved source.

GMW understands Council are seeking feedback in relation to Planning Scheme Amendment C159egip. The Amendment proposes to replace the current Erosion Management Overlay (EMO) Schedule with a new schedule into the East Gippsland Planning Scheme. The key changes proposed in the Amendment include:

- Replace the Erosion Management Overlay Schedule at Clause 44.01 with a new Schedule.
- Update the Schedule to Clause 72.04 to include Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay (WSP, 2025) as an Incorporated Document.
- Update the Schedule to Clause 72.08 to include Basis for Amendment to Erosion Management Overlay (WSP, 2025) as a Background Document and remove other outdated documents.
- Replace the Schedule to Clause 74.02 to with a new Schedule to delete further strategic work relating to updating the EMO and inserting a new action to review tunnel erosion mapping in the future.

Based on the information provided, GMW has no objection to Planning Scheme Amendment C159egip.

If you require further information please e-mail propertyservices@gmwater.com.au or contact 1800 013 357.

Yours sincerely

Roey Walls
 STATUTORY PLANNING PARTNER

PO Box 165 Tatura Victoria 3616 Australia

reception@gmwater.com.au

1800 013 357

www.gmwater.com.au

ABN: 46 761 336 846

- 1 -

OFFICIAL

From: [Ken Griffiths](#)
To: [Kellinde Chester](#)
Subject: East Gipp C159
Date: Wednesday, 22 October 2025 2:44:17 PM
Attachments: [image001.png](#)
Importance: Low

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

Hi Kellinde

I'm snooping on your C159. Is the below a typo?

It's a massive bit of work, and I'll be super interested if it goes to Panel. We really struggled with the question of when you require the high level Geotech reports. It is such boffin stuff and so expensive it is really difficult to balance. I'm not wishing a panel on you, but it would be interesting. Hum...maybe I should object!

Good luck with the amendment.

Cheers

Ken



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No.	Customer Name (to be redacted)	Property Address (to be redacted)	Contact details	Support	Submission Summary	Officer Response	Action taken	Resolved	Withdrawn
1	Agriculture Victoria	-	agovic_planning@agriculture.vic.gov.au	NA	No submission as the amendment does not directly relate to rural land use or agriculture	Noted	Nil	NA	NA
2	EPA Victoria	-	development.advisory@epa.vic.gov.au	NA	No submission as the amendment does not trigger MD19	Noted	Nil	NA	NA
3	South Gippsland Shire Council	-	Ken.Griffiths@southgippsland.vic.gov.au	NA	Picked up a spelling mistake in the Incorporated Document	Noted	Fixed spelling mistake	Yes	NA
4	Crowther & Sadler *note* this was a verbal submission during a meeting	-	kate@crowthersadler.com.au	Yes, with changes	Requests that the schedule considers low impact subdivisions such as dwelling excisions, boundary realignments and subdivisions where no new allotments are created within the mapped EMO area	It is reasonable to provide some additional permit exemptions around these matters as they are low risk	Updated Clause 3.0 of the schedule to exempt subdivisions which realign and existing boundary, excises an existing dwelling or where no new allotments are created within the EMO	Yes	Yes
5	Goulburn Murray Water	-	propertyservices@gmwwater.com.au	NA	No submission	Noted	Nil	NA	NA
6	East Gippsland Shire Council Management Authority	-	planning@wgcmca.vic.gov.au	Yes	EGCMA supports the amendment	Noted	Nil	NA	NA

Post Exhibition Changes for C159egip			
Item	What is changing	What is the reason for the change	Related submission/s
1	In the EMO Schedule, at Clause 3.0, add the following: <i>Undertake a subdivision which:</i> - Religns an existing boundary, or - Excises an existing dwelling, or - Does not create new allotments which are within the Erosion Management Overlay	This change provides an exemption for the low risk subdivisions as specified.	Submission 4
2	In the EMO Schedule: <i>Remove the words 'on moderately steep slopes' from the whole control.</i>	This term is not defined, for example in terms of slope angle. Furthermore the slope angle threshold for inclusion is different on different geology types. Implies this schedule only applies where slopes are 'Moderately Steep', which is not the case. For example, the mapping includes run out zones which area flatter areas at the base of steeper slopes but which can be impacted by landslides that originate on the steeper slopes above.	Based on advice from technical expert.
3	In the EMO Schedule, at Clause 2.0, replace: <i>Replace 'risk' with 'sufficiently high susceptibility to landslip'</i>	Risk isn't the right word here because to have risk there needs to be something at risk, like people or property.	Based on advice from technical expert.
4	In the EMO Schedule, at Clause 3.0, add: <i>'Engineered' to domestic rainwater tank provision</i>	It needs to be a tank that has been built to an Australian Standard and so is less likely to develop a leak compared to a home made tank.	Based on advice from technical expert.
5	In the Incorporated document: <i>Remove the words 'on moderately steep slopes' from the whole document.</i>	As per above and this could be construed as meaning these requirement do not apply on flatter land, for example a cut to fill bench on an otherwise steep slope or a flat area at risk from landslide impact originating on steep slopes above.	Based on advice from technical expert.
6	Updated the Explanatory Report to be on the new template	This was requested by DTP	None

Authorised by General Manager Place and Community

Purpose

This report seeks Council endorsement on the introduction of a Travel Allowance provision within the Agriculture Sector Advisory Committee (ASAC) Charter to enable the reimbursement of costs incurred by the external industry members who are required to travel further than 60 km to attend the meetings.

Key Points

ASAC meets four times a year, with meetings commencing at 8.00am. There are ten external industry members, and representation is sought from across section of agricultural related industries and geographic location. So as not to disadvantage members from outer reaches of the Shire, it is proposed to introduce a Travel Allowance provision within the Charter. This would enable reimbursement of fuel costs for those that reside more than 60 kilometres from Bairnsdale and reimbursement of accommodation expenses for those located more than 90 kilometres to support in person attendance at meetings.

Background

At the Council meeting on 5 June 2020, Council approved the ASAC Charter and the formation of the Committee.

The ASAC Charter, as amended (**Attachment 1**) on the 20 May 2025 sets out a committee of sixteen members as follows:

- Two Councillors, one of whom will be the Mayor
- One representative each from four key partners organisations
 - Agriculture Victoria
 - East Gippsland Catchment Management Authority
 - Gippsland Agriculture Group
 - Food & Fibre Gippsland and
- Ten industry members.

An independent review of the Committee was undertaken in early 2025, coinciding with the end of term for a large cohort of members. During engagement with both outgoing and continuing Committee members, the subject of remuneration was not raised, and no recommendations to this effect were included in the summary report or associated actions. Separate to this review, renumeration had been raised by members in discussion with council staff.

At the first meeting of the newly appointed committee on 20 August 2025, a request was made for Council to consider financial support in recognition of out-of-pocket expenses incurred, particularly for those members who are required to travel significant distances and, in some cases, arrange overnight accommodation to attend meetings.

In light of this request from the new committee, this report is now seeking Council consideration of financial support to industry Committee members, via a travel allowance provision in the Charter and as outlined below.

Renumeration for travel

It is proposed to introduce two reimbursement types for fuel costs and accommodation. The accommodation reimbursement would be made on provision of a valid tax receipt and up to the maximum threshold as applied under the Australian Tax Office (ATO) reasonable rate for accommodation, which currently sits at \$176 per night for Bairnsdale and would only be available to members who reside more than 90 kilometres from Bairnsdale. Fuel cost reimbursement would be based on \$0.98 per kilometre for members who reside more than 60 kilometres from Bairnsdale.

Reimbursement type	Meeting Type & Duration	Fee (ex GST) per day
Travel Allowance Accommodation	Overnight Accommodation for those more than 90 km from Bairnsdale	\$176
Travel Allowance Fuel per kilometer	Fuel for travel over 60 km	\$0.98

Financials

The budget for the operation of the Committee is allocated through the Economic Development budget.

Payment of the travel allowance would need to be absorbed from the existing Agriculture Industry Economic Development budget, with a corresponding reduction in other works.

The Committee meets at least four times per year, excluding extraordinary meetings. Under the current membership base, the maximum cost per annum of reimbursement would be \$2,880.

Recommendation

That Council:

- 1. approves payment of a travel allowance to the appointed industry members of the Agriculture Sector Advisory Committee;**
- 2. approves amendments to Agriculture Sector Advisory Committee Charter (Attachment 2) to reflect the approved travel allowance provisions; and**
- 3. notes that external advice is currently being sought regarding the appropriate and consistent management of conflict of interest in the engagement and appointment of community members across Council advisory groups, and that once received, all relevant Terms of Reference, including the Agriculture Sector Advisory Committee Charter, will be updated as an administrative change to reflect that advice.**

Strategic Alignment

This report has been prepared and aligned with the following theme/s in the Council Plan 2025-2029:

Theme 4: Managing Council well

Outcome – Decision-making is streamlined, efficient, and responsive to community needs

Consultation/Community Engagement/Impacts

This report has been prepared in response to actions arising from the Agriculture Sector Advisory Committee meeting.

Opportunities and Risks

Advantages of Implementing a Travel Allowance:

- **Encourages Participation** - Travel allowance helps offset costs for members from outlying communities, ensuring equitable participation and reducing barriers.
- **Strengthens Engagement** - Members regularly consult with networks and provide feedback to Council, enhancing community representation and informed decision-making.

Challenges and Risks:

- **Precedent for Other Committees** - Offering travel allowance could open Council to future requests for remuneration from other advisory committees, creating budgetary and policy implications.
- **Budget Impact** - Additional costs for the travel allowances need to be justified against Council's financial priorities. The annual cost of adopting the travel allowance equates to \$2,880.
- **Equity Considerations** - Balancing fairness for ASAC members with consistency across other committees will require clear policy rationale.

Climate change

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

Options

Alternative Option: No Remuneration

Council resolves not to provide travel allowances to members of the Agriculture Sector Advisory Committee. This option maintains the current voluntary arrangement and avoids setting a precedent for other advisory committees but may limit participation from members in remote areas due to travel costs.

Conflicts of Interest

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

Attachments

1. Agriculture Sector Advisory Committee Charter V 3 2025 [**5.4.2.1** - 12 pages]
2. Clean version - Charter Agriculture Sector Advisory Committee 2026 V4 [**5.4.2.2** - 14 pages]
3. Tracked changes Charter Agriculture Sector Advisory Committee 2026 V4 [**5.4.2.3** - 16 pages]



Agriculture Sector Advisory Committee Charter

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1. Purpose

The East Gippsland Agriculture Sector Advisory Committee (the Committee) will provide advice, guidance and recommendations to East Gippsland Shire Council (Council) on matters that affect the **agriculture sector** in East Gippsland and its communities.

2. Scope

This Charter will guide the operation of the Committee and apply to all its members.

3. Context

A strong, competitive and sustainable economy is essential for the future of rural and regional areas. In the case of East Gippsland, Council recognises the importance of a strong and resilient agriculture sector to the generation of the confidence, investment and job opportunities that are key to providing quality of life for current and future generations.

Food manufacturing and production are fundamental drivers of East Gippsland's economy. The Victorian Government has identified the food and fibre sector as one of the growth areas vital to the future economic prosperity of Victoria.

The Committee will provide a valuable forum through which Council can gain timely and informed insight into the issues that are impacting on individual agriculture 'streams', and/or the agriculture sector more broadly.

4. The Committee

4.1 Formation, Powers and Limitations

The Committee will be an Advisory Committee established by Council.

The Committee is not a Delegated Committee within the meaning of section 63 of the *Local Government Act 2020*. Accordingly, neither the Committee nor its members are authorised to make decisions, act or speak publicly on behalf of Council.

The Committee shall:

- provide advice to Council on agriculture sector issues and priorities;
- provide an effective communication channel between Council and members of the agriculture sector;
- make enquiries and canvas public views relating to issues of importance to the agriculture sector; and
- advocate for decisions of Council in respect of matters that fall within the Committee's Charter.

Because Council maintains an Economic Development Advisory Committee, the Committee's Charter does not include working with Council, the Economic Development Advisory Committee or any other group on initiatives to encourage or facilitate new agribusiness in East Gippsland. However, the Committee may refer matters to Council or another Council Advisory Committee for consideration (see also).

4.2 Committee Objectives

The Committee's primary role is to advise Council on matters that are important to the prosperity and sustainability of agriculture in East Gippsland and the wellbeing of those engaged in it.

It will do this through the provision of advice and recommendations on matters relevant to its Charter and Duties (detailed at clause 3) to facilitate decision-making by Council and its officers in discharging their responsibilities.

4.3 Charter and Duties

The Committee will:

1. Discuss and provide input on significant initiatives or programs Council is considering implementing to support the agriculture sector in East Gippsland and/or improve its resilience in the longer term.
2. Assist Council to formulate appropriate responses to significant existing or emerging issues that are impacting or are likely to affect the sector (e.g. fire, flood, drought, pest plagues).
3. Discuss and provide feedback on strategic documents of Council that impact on the sector, e.g:
 - planning scheme amendments;
 - policies;
 - draft Council Plan, draft Budget (including draft Capital Works program) and draft Rating Strategy;
 - any other matter likely to impact significantly on the use of land in East Gippsland for agricultural purposes.
4. Act as an Advisory Committee and provide recommendations to Council and other stakeholders on matters that fall within the Committee's Charter or are otherwise consistent with the intent and purpose of the Committee.
5. Act as a communication channel for the agriculture sector and its communities in East Gippsland.
6. Refer matters for consideration by Council or another Council Advisory Committee if they are relevant to the agriculture sector but fall outside the East Gippsland Agriculture Sector Advisory Committee's Charter.

4.4 Membership

The Committee will comprise of a maximum of 16 members, as follows:

- Two East Gippsland Shire **Councillors**, one of whom will be the Mayor¹.
- One representative of each of the following organisations:
 - Agriculture Victoria;
 - East Gippsland Catchment Management Authority;
 - Food & Fibre Gippsland; and

¹ *If the Mayor chooses to relinquish their ex officio membership to the Committee, a second Councillor will be elected through the same mechanism and for the same term as the other Councillor representative.*

- Gippsland Agriculture Group
- Ten representatives of companies, businesses, families and single practitioners who are actively engaged in the agriculture sector in East Gippsland. Ideally, these members will be broadly representative of the sector, to engender the widest possible range of views. To achieve this, diversity in membership will be actively sought across such aspects as:
 - companies / businesses / family or individual practitioners;
 - nature of operation (e.g. retail, manufacturing, service provision, fishing/aquaculture, cropping, animal agriculture, apiary, viticulture, dairy, etc.);
 - location of operation;
 - size of operation (e.g. large, medium, small); and
 - gender, age, etc.

From time-to-time additional representatives and stakeholders can be co-opted to the Committee for limited periods, to provide advice or assistance on specific issues. Co-opted representatives and stakeholders will not be entitled to vote.

The size and composition of membership may be varied at any time by Council resolution.

Council may resolve to remove a Member of the Committee if they fail to attend three (3) consecutive meetings without leave of the Committee, or on the recommendation of the Committee.

A Member may resign by giving at least 1 month's notice to the Committee Coordinator.

If at any time the Committee has less than the required number of Members, the Committee may continue to operate (but it must still comply with the quorum requirements set out in section 4.4). In this instance, Council will as soon as reasonably possible appoint a new Member or Members who meet the required criteria so that the Committee has the required number of Members, with the required criteria.

The **responsible General Manager** will attend Committee meetings but will not be a member of the Advisory Committee. The General Manager will ensure that appropriate secretariat services are provided to support the work of the Committee.

Term of Membership

Appointments to the Committee will be made for the following terms, using the appointment method nominated:

Membership type	Appointment method	Length of tenure
Two Councillors, comprising: <ul style="list-style-type: none"> • the Mayor; and • one other Councillor 	<i>Ex officio</i> unless Mayor chooses to relinquish that right ² Formal resolution of Council	Duration of their term as Mayor 12 months, reviewed annually following Council's Statutory Council Meeting.

² If the Mayor chooses to relinquish their *ex officio* membership to the Committee, a second Councillor will be elected through the same mechanism and for the same term as the 'one other Councillor'.

One representative of each of the following organisations: <ul style="list-style-type: none">• Agriculture Victoria• East Gippsland Catchment Management Authority• Food & Fibre Gippsland• Gippsland Agriculture Group	Direct appointment by the organisation that will be represented	Four years
Ten representatives, each of whom will represent a company, business, family or individual practitioner that is actively engaged in the agriculture sector in East Gippsland.	Formal resolution of Council following a public expression of interest process and consideration of a recommendation from a Panel comprising the Chair and responsible General Manager. In evaluating candidates, the Panel will make every effort to ensure broad representation from a diverse range of agriculture sector practitioners and businesses.	Two years with the option to extend for a further two years.

Committee members (other than Councillors) may serve a maximum of two consecutive terms. Following a break of one term's duration, a former member may re-apply for membership. If appointed, the two-term provision would then recommence.

4.5 Chairperson

The Chair of the Committee will be the Mayor. If the Mayor chooses not to take up membership of the Committee, the Chair will be another Councillor appointed by resolution of Council.

In the absence of the Chair, another Councillor or their delegate will chair the meeting.

(Also see 'Roles and Responsibilities' section of this Charter)

4.6 Meetings

- The Committee will meet at least four (4) times per year, once in each quarter.
- Additional meetings may be convened at the written request of any member of the Committee or as considered necessary by the Chair or responsible General Manager.
- A quorum will exist if at least eight Committee members are present.
- Decisions of the Committee will generally be made by consensus. If consensus is not possible, matters will be resolved by a show of hands and a simple majority of votes cast by members in attendance. The Chair will have the casting vote if the votes are equal.

- Members of the Committee must comply with conflict of interest obligations set out in section 131 of the Act and Council's Governance Rules (as if the Members were Councillors). In particular:
 - a. all Committee Members must disclose any material or general conflicts of interest that they may have in relation to a matter discussed or to be discussed at a Committee meeting, at a time specified in the agenda or at any time that the matter in which they have a conflict of interest is discussed;
 - b. Committee Members may not participate in discussions, decision making, or any action in relation to any matter in which they have a conflict of interest, and must leave the room as those discussions, decision making processes or actions take place;
 - c. after disclosing a conflict of interest, the Committee member must complete the *Notice of Disclosure of Conflict of Interest Form* and submit it to the Committee Coordinator who will forward to the Governance Helpdesk for recording; and
 - d. If, according to the Committee Coordinator or another Member, a Member has a conflict of interest in respect of a matter and does not disclose it, or fails to leave a Committee meeting, the remaining Members present at the meeting may vote to require that Member to leave the Committee meeting for the duration of the consideration of that matter.
- Councillors who are not members of the Committee may attend its meetings as observers and through the Chair, may ask questions in relation to matters listed on the agenda.
- Agenda items can be submitted to the responsible General Manager for inclusion in the agenda. The final composition of the agenda and associated documents will be determined by the responsible General Manager in consultation with the Chair.
- Minutes of Committee meetings will be kept and when the draft minutes have been approved by the Chair, circulated to Committee members and East Gippsland Shire Councillors as Unconfirmed Minutes. The Unconfirmed Minutes will be confirmed at the next meeting of the Committee.
- A report on the activities of the Committee will be presented to the next Ordinary Meeting of Council following each quarterly meeting of the Committee.

4.7 Confidentiality

Members of the Committee will be bound by the confidentiality requirements of the Act. Agenda items deemed to be confidential within the meaning of the Act will clearly identified with a Confidentiality Notice. In this regard, members are expected to maintain confidentiality in relation to matters under consideration from time to time that have been declared as confidential.

4.8 Responsibilities

Committee members will:

1. Actively participate in and contribute to the work of Committee.
2. Proactively make the Committee aware of changes or proposed changes to relevant strategic directions of key stakeholders (e.g. actual or impending legislative, regulatory or other changes that may impact adversely on the agriculture sector).

3. Bring matters to the attention of the Committee as necessary to ensure Council retains a good understanding of what is happening 'on the ground'. Examples could include:
 - Longer-term environmental factors such as climate adaption and water security, and their impact on farming individuals, communities and industries.
 - Inability to benefit from technological advances for any reason.
 - Any other matters impacting on the health and wellbeing of businesses, practitioners and communities engaged in agriculture.
4. Participate in community engagement as advocates for the agriculture sector and its communities.

(Also see the 'Roles and Responsibilities' section of this Charter)

4.9 Conduct

Committee Members will:

- Conduct itself in accordance with Council's organisational values: Respect, Collaboration, Integrity and Accountability;
- Strive to attend all meetings, sending apologies to the Chair for necessary absences;
- Prepare for the meeting by reading the agenda, papers and any emails before the meeting;
- Talk to the Chair before the meeting if you need to clarify anything;
- Arrive on time. Stay to the end;
- Participate fully in the meeting;
- Listen to what others have to say and keep an open mind;
- Contribute positively to the discussions;
- Try to be concise and avoid long drawn-out explanations;
- Help others concentrate on the meeting. Discourage side conversations;
- Have the best interests of the organisation/beneficiaries in mind at all times;
- Draw attention to any potential conflicts of interest that may arise in the meeting;
- Fulfil any responsibilities assigned to you at the meeting and be prepared to report back on your progress at the next meeting;
- Treat all Committee Members and Council officers with respect and courtesy at all times;
- Not interrupt or speak over another person speaking;
- Direct all questions through the Chair;
- Direct any requests for Council officers to provide information or perform an action through the Chair to the CEO;
- Not criticise, chastise or insult an officer or the Council during the meeting; and
- Provide constructive feedback which will not offend, imply incompetence of an officer or humiliate an officer attending the meeting.

4.10 Availability of General Advice

The Committee, through the Chief Executive Officer, may obtain information and advice on any Council matter that falls within the Committee's jurisdiction.

4.11 Indemnity

Members of the Committee will be covered by Council's insurance when engaged on or attending to their duties in accordance with this Charter.

5. Roles and Responsibilities

Following is a list of positions with designated responsibilities under this Charter:

Party / Parties	Roles and Responsibilities
Chair	<p>Conduct meetings efficiently to ensure all matters listed for consideration are afforded appropriate time and attention.</p> <p>Exercise a casting vote where:</p> <ul style="list-style-type: none"> (a) consensus cannot be reached; and (b) a formal vote is required to resolve the matter; and (c) voting numbers are equal. <p>Approve the Unconfirmed Minutes of each meeting for circulation to Committee members, Councillors and others.</p> <p>Consider applications from Committee members for leave of absence.</p> <p>Together with the responsible General Manager, participate in the selection process for relevant Committee members.</p> <p>Together with the responsible General Manager, ensure compliance with this Charter by Committee members and address any matters of concern arising in respect of a Committee member's conduct.</p>
Committee members	<p>Make every effort to attend scheduled meetings of the Committee.</p> <p>Ensure that matters are considered fairly and consistently and facilitate open and respectful sharing of opinions.</p> <p>Form conclusions and recommendations based on the best available information.</p> <p>Keep confidential any matter or documents that have been declared to be confidential.</p> <p>Declare all conflicts of interest prior to discussion of the matter for which the conflict of interest has arisen. Further, having declared such a conflict, leave the room and remain outside the room and any gallery or other area in view or hearing of the room until the matter has been concluded.</p> <p>Members must not misuse their position on the Committee to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or cause, or attempt to cause, detriment to Council or any person.</p>

Party / Parties	Roles and Responsibilities
Responsible General Manager	<p>Responsible for the implementation, review and updating of this Charter.</p> <p>While not a member of the Committee, attend all meetings of the Committee (or arrange for another General Manager to do so) and provide guidance and advice.</p> <p>Also:</p> <ul style="list-style-type: none"> ensure that an appropriate agenda is formulated for scheduled meetings and circulated to members in a timely fashion; facilitate meetings by arranging for appropriate Council officers or others to attend to provide pertinent information, as necessary; provide secretariat services in respect of matters before the Committee; after each quarterly meeting, ensure that a report describing the activities of the Committee and explaining any recommendations or key findings is tabled at an ordinary meeting of Council and the Economic Development Advisory Committee; ensure that accurate minutes of Committee meetings are taken, circulated to Committee members, Councillors and others in a timely fashion and once confirmed, stored securely in Council's electronic document record management system; coordinate the selection process for relevant Committee positions and together with the Committee's Chair, comprise the interview panel for these positions; and together with the Committee's Chair, address any matters of concern arising in respect of a Committee member's conduct.
Officers in Attendance	<p>Together with the responsible General Manager, the Manager Economic Development or their delegate, and Council's Agribusiness Development Officer will attend all meetings of the Committee.</p> <p>The Chief Executive Officer or other members of Council's staff may attend the Committee's meetings from time to time to provide information or respond to queries.</p>

6. References and Supporting Documents

6.1 Applicable Legislation

Local Government Act 2020

6.2 Applicable Policy and Procedure

Governance Rules

Conflict of Interest Procedure

6.3 Supporting Documents

- Council Plan

7. Definitions

Term	Meaning
Advisory Committee	A committee established by the Council, other than a delegated committee, that provides advice to Council.
Agriculture sector	Organisations, businesses, enterprises, trusts and individuals involved in the cultivation of crops, timber, animals, fish, and other life forms for commercial purposes, and the processing of these commodities into finished products for food and fibre.
Committee member	A member of East Gippsland Shire Council's East Gippsland Agriculture Sector Advisory Committee.
Chief Executive Officer	Person appointed by Council to the position of Chief Executive Officer.
Conflict of Interest	As defined by Part 6, Division 2 of the Local Government Act 2020. Disclosing Conflicts of Interest demonstrates that in performing the role to which they were appointed, Committee members are not attempting to serve their own interests or the interests of someone close to them.
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.
Officers in Attendance	Council officers attending Committee meetings to provide information or respond to queries. No officers hold membership of the Committee.
Mayor	Councillor elected by other Councillors to fill the role of Mayor.
Responsible General Manager	General Manager delegated by the Chief Executive Officer to support the work of the Committee.

8. Review and Revision History

Version Number	Date Approved	Approved By	Review Summary
1	05/05/2020	Council	Original Version
2	03/08/2021	Council	Change the member terms from four year to two-year terms with the option of a further two-year term. To increase the number of industry representatives from 10 to 11.
3	20/05/2025	Council	Change Gippsland Agriculture Group to hold an organisation seat. Adjust the number of industry representatives from eleven to ten to account for this. Administrative changes to align with current legislation and Council Policies



Agriculture Sector Advisory Committee Charter

VERSION 4

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1. Purpose

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This Charter will guide the operation of the Committee and apply to all its members.

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A strong, competitive and sustainable economy is essential for the future of rural and regional areas. In the case of East Gippsland, Council recognises the importance of a strong and resilient agriculture sector to the generation of the confidence, investment and job opportunities that are key to providing quality of life for current and future generations.

Food manufacturing and production are fundamental drivers of East Gippsland's economy. The Victorian Government has identified the food and fibre sector as one of the growth areas vital to the future economic prosperity of Victoria.

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4.1 Formation, Powers and Limitations

The Committee will be an Advisory Committee established by Council.

The Committee is not a Delegated Committee within the meaning of section 63 of the *Local Government Act 2020*. Accordingly, neither the Committee nor its members are authorised to make decisions, act or speak publicly on behalf of Council.

The Committee shall:

- provide advice to Council on agriculture sector issues and priorities;
- provide an effective communication channel between Council and members of the agriculture sector;
- make enquiries and canvas public views relating to issues of importance to the agriculture sector; and
- advocate for decisions of Council in respect of matters that fall within the Committee's Charter.

4.2 Committee Objectives

The Committee's primary role is to advise Council on matters that are important to the prosperity and sustainability of agriculture in East Gippsland and the wellbeing of those engaged in it.

It will do this through the provision of advice and recommendations on matters relevant to its Charter and Duties (detailed at Section 4.3) to facilitate decision-making by Council and its officers in discharging their responsibilities.

4.3 Charter and Duties

The Committee will:

1. Discuss and provide input on significant initiatives or programs Council is considering implementing to support the agriculture sector in East Gippsland and/or improve its resilience in the longer term.
2. Assist Council to formulate appropriate responses to significant existing or emerging issues that are impacting or are likely to affect the sector (e.g. fire, flood, drought, pest plagues).
3. Discuss and provide feedback on strategic documents of Council that impact on the sector, e.g:
 - planning scheme amendments;
 - policies;
 - draft Council Plan, draft Budget (including draft Capital Works program) and draft Rating Strategy; and
 - any other matter likely to impact significantly on the use of land in East Gippsland for agricultural purposes.
4. Act as an Advisory Committee and provide recommendations to Council and other stakeholders on matters that fall within the Committee's Charter or are otherwise consistent with the intent and purpose of the Committee.
5. Act as a communication channel for the agriculture sector and its communities in East Gippsland.
6. Refer matters for consideration by Council or another Council Advisory Committee if they are relevant to the agriculture sector but fall outside the East Gippsland Agriculture Sector Advisory Committee's Charter.

4.4 Membership

The Committee will comprise of a maximum of 16 members, as follows:

- Two East Gippsland Shire **Councillors**, one of whom will be the Mayor¹.
- One representative of each of the following organisations:
 - Agriculture Victoria;
 - East Gippsland Catchment Management Authority;
 - Food & Fibre Gippsland; and
 - Gippsland Agriculture Group.
- Ten representatives of companies, businesses, families and single practitioners who are actively engaged in the agriculture sector in East Gippsland. Ideally, these members will be broadly representative of the sector, to engender the widest possible range of views. To achieve this, diversity in membership will be actively sought across such aspects as:
 - companies / businesses / family or individual practitioners;
 - nature of operation (e.g. retail, manufacturing, service provision, fishing/aquaculture, cropping, animal agriculture, apiary, viticulture, dairy, etc.);
 - location of operation;
 - size of operation (e.g. large, medium, small); and
 - gender, age, etc.

From time-to-time additional representatives and stakeholders can be co-opted to the Committee for limited periods, to provide advice or assistance on specific issues. Co-opted representatives and stakeholders will not be entitled to vote.

The size and composition of membership may be varied at any time by Council resolution.

Council may resolve to remove a Member of the Committee if they fail to attend three consecutive meetings without leave of the Committee, or on the recommendation of the Committee.

A Member may resign by giving at least one month's notice to the Committee Coordinator.

If at any time the Committee has less than the required number of Members, the Committee may continue to operate (but it must still comply with the quorum requirements set out in section 4.7). In this instance, Council will as soon as reasonably possible appoint a new Member or Members who meet the required criteria to restore the Committee to its full membership.

The **responsible General Manager** will attend Committee meetings but will not be a member of the Advisory Committee. The General Manager will ensure that appropriate secretariat services are provided to support the work of the Committee.

¹ *If the Mayor chooses to relinquish their ex officio membership to the Committee, a second Councillor will be elected through the same mechanism and for the same term as the other Councillor representative.*

Term of Membership

Appointments to the Committee will be made for the following terms, using the appointment method nominated:

Membership type	Appointment method	Length of tenure
Two Councillors, comprising: <ul style="list-style-type: none"> the Mayor; and one other Councillor 	<i>Ex officio</i> unless Mayor chooses to relinquish that right ² Formal resolution of Council	Duration of their term as Mayor 12 months, reviewed annually following Council's Statutory Council Meeting.
One representative of each of the following organisations: <ul style="list-style-type: none"> Agriculture Victoria East Gippsland Catchment Management Authority Food & Fibre Gippsland Gippsland Agriculture Group 	Direct appointment by the organisation that will be represented	Four years
Ten representatives, each of whom will represent a company, business, family or individual practitioner that is actively engaged in the agriculture sector in East Gippsland.	Formal resolution of Council following a public expression of interest process and consideration of a recommendation from a Panel comprising the Chair and responsible General Manager. In evaluating candidates, the Panel will make every effort to ensure broad representation from a diverse range of agriculture sector practitioners and businesses.	Two years with the option to extend for a further two years.

Committee members (other than Councillors) may serve a maximum of two consecutive terms. Following a break of one term's duration, a former member may re-apply for membership. If appointed, the two-term provision would then recommence.

² If the Mayor chooses to relinquish their *ex officio* membership to the Committee, a second Councillor will be elected through the same mechanism and for the same term as the 'one other Councillor'.

4.5 Travel Allowance Provision

Council provides a travel allowance for the external industry members of the Committee to support attendance at Committee meetings.

An external industry member is eligible to claim:

- fuel expenses where travel exceeds 60 kilometres (one way) by the shortest practicable road distance to attend a Committee meeting, at a rate of \$0.98 per kilometre.
- accommodation expenses where travel exceeds 90 kilometres (one way), in accordance with the Australia Tax Office (ATO) reasonable rate for accommodation.

Travel allowance payments apply only in respect of attendance at Committee meetings and are not payable where a meeting is not attended.

Claims must be submitted using the travel allowance claim form. Receipts are required for accommodation expenses only. Approved claims will be reimbursed within one month of the relevant meeting.

4.6 Chairperson

The Chair of the Committee will be the Mayor. If the Mayor chooses not to take up membership of the Committee, the Chair will be another Councillor appointed by resolution of Council.

In the absence of the Chair, another Councillor or their delegate will chair the meeting.
(Also see 'Roles and Responsibilities' section of this Charter.)

4.7 Meetings

- The Committee will meet at least four times per year, once in each quarter.
- Additional meetings may be convened at the written request of any member of the Committee or as considered necessary by the Chair or responsible General Manager.
- A quorum will exist if at least eight Committee members are present.
- Decisions of the Committee will generally be made by consensus. If consensus is not possible, matters will be resolved by a show of hands and a simple majority of votes cast by members in attendance. The Chair will have the casting vote if the votes are equal.
- Members of the Committee are not subject to the statutory conflict of interest provisions of the *Local Government Act 2020*. However, to promote transparency, integrity and public confidence in the Committee's work, Members are expected to act in accordance with conflict of interest principles consistent with those applied to Council advisory committees. In particular:
 - all Committee Members must disclose any actual, potential or perceived conflicts of interest (whether material or general) that they may have in relation to a matter discussed or to be discussed at a Committee meeting, at a time specified in the agenda or at any time that the matter in which they have a conflict of interest is discussed;

- b. Committee Members may not participate in discussions, deliberations or any action in relation to any matter in which they have a conflict of interest, and must leave the meeting as those discussions, deliberations or actions take place;
- c. following disclosure of a conflict of interest, the Committee member must complete the *Notice of Disclosure of Conflict of Interest Form* and submit it to the Committee Coordinator who will forward to the Governance Helpdesk for recording; and
- d. if, according to the Committee Coordinator or another Member, a Member has a conflict of interest in respect of a matter and does not disclose it, or fails to leave a Committee meeting, the remaining Members present at the meeting may vote to require that Member to leave the Committee meeting for the duration of the consideration of that matter.

- Councillors who are not members of the Committee may attend its meetings as observers and through the Chair, may ask questions in relation to matters listed on the agenda.
- Agenda items can be submitted to the responsible General Manager for inclusion in the agenda. The final composition of the agenda and associated documents will be determined by the responsible General Manager in consultation with the Chair.
- Minutes of Committee meetings will be kept and when the draft minutes have been approved by the Chair, circulated to Committee members and East Gippsland Shire Councillors as Unconfirmed Minutes. The Unconfirmed Minutes will be confirmed at the next meeting of the Committee.
- A report on the activities of the Committee will be presented to the next Ordinary Meeting of Council following each quarterly meeting of the Committee.

4.8 Confidentiality

Members of the Committee are not subject to the statutory confidentiality provisions of the *Local Government Act 2020*. However, to support the integrity of Council processes, Members are expected to comply with confidentiality requirements consistent with those applying under the Act.

Agenda items deemed to be confidential within the meaning of the Act will clearly identified with a Confidentiality Notice. In addition, members are expected to maintain confidentiality in relation to any sensitive information, being information that, if prematurely released, would be contrary to the public interest.

Members are expected to maintain confidentiality in relation to confidential or sensitive matters under consideration from time to time, both during and after their appointment to the Committee. A breach of these confidentiality expectations may result in the termination of a Member's appointment to the Committee.

4.9 Responsibilities

Committee members will:

1. Actively participate in and contribute to the work of Committee.
2. Proactively make the Committee aware of changes or proposed changes to relevant strategic directions of key stakeholders (e.g. actual or impending legislative, regulatory or other changes that may impact adversely on the agriculture sector).
3. Bring matters to the attention of the Committee as necessary to ensure Council retains a good understanding of what is happening 'on the ground'. Examples could include:
 - Longer-term environmental factors such as climate adaption and water security, and their impact on farming individuals, communities and industries.
 - Inability to benefit from technological advances for any reason.
 - Any other matters impacting on the health and wellbeing of businesses, practitioners and communities engaged in agriculture.
4. Participate in community engagement as advocates for the agriculture sector and its communities.

(Also see the 'Roles and Responsibilities' section of this Charter)

4.10 Conduct

Committee Members will:

- conduct itself in accordance with Council's organisational values: Respect, Collaboration, Integrity and Accountability;
- strive to attend all meetings, sending apologies to the Chair for necessary absences;
- prepare for the meeting by reading the agenda, papers and any emails before the meeting;
- talk to the Chair before the meeting if you need to clarify anything;
- arrive on time - stay to the end;
- participate fully in the meeting;
- listen to what others have to say and keep an open mind;
- contribute positively to the discussions;
- try to be concise and avoid long drawn-out explanations;
- help others concentrate on the meeting. Discourage side conversations;
- have the best interests of the organisation/beneficiaries in mind at all times;
- draw attention to any potential conflicts of interest that may arise in the meeting;

- fulfil any responsibilities assigned to you at the meeting and be prepared to report back on your progress at the next meeting;
- treat all Committee Members and Council officers with respect and courtesy at all times;
- not interrupt or speak over another person speaking;
- direct all questions through the Chair;
- direct any requests for Council officers to provide information or perform an action through the Chair to the Chief Executive Officer;
- not criticise, chastise or insult an officer or the Council during the meeting; and
- provide constructive feedback which will not offend, imply incompetence of an officer or humiliate an officer attending the meeting.

4.11 Availability of General Advice

The Committee, through the Chief Executive Officer, may obtain information and advice on any Council matter that falls within the Committee's jurisdiction.

4.12 Indemnity

Members of the Committee will be covered by Council's insurance when engaged on or attending to their duties in accordance with this Charter.

5. Roles and Responsibilities

Following is a list of positions with designated responsibilities under this Charter:

Party / Parties	Roles and Responsibilities
Chair	<p>Conduct meetings efficiently to ensure all matters listed for consideration are afforded appropriate time and attention.</p> <p>Exercise a casting vote where:</p> <ul style="list-style-type: none"> (a) consensus cannot be reached; and (b) a formal vote is required to resolve the matter; and (c) voting numbers are equal. <p>Approve the Unconfirmed Minutes of each meeting for circulation to Committee members, Councillors and others.</p> <p>Consider applications from Committee members for leave of the committee.</p> <p>Together with the responsible General Manager, participate in the selection process for relevant Committee members.</p> <p>Together with the responsible General Manager, ensure compliance with this Charter by Committee members and address any matters of concern arising in respect of an Committee member's conduct.</p>
Committee members	<p>Make every effort to attend scheduled meetings of the Committee.</p> <p>Ensure that matters are considered fairly and consistently and facilitate open and respectful sharing of opinions.</p> <p>Form conclusions and recommendations based on the best available information.</p> <p>Keep confidential any matter or documents that have been declared to be confidential.</p> <p>Declare all conflicts of interest prior to discussion of the matter for which the conflict of interest has arisen. Further, having declared such a conflict, leave the room and remain outside the room and any gallery or other area in view or hearing of the room until the matter has been concluded.</p> <p>Members must not misuse their position on the Committee to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or cause, or attempt to cause, detriment to Council or any person.</p>

Party / Parties	Roles and Responsibilities
Responsible General Manager	<p>Responsible for the implementation, review and updating of this Charter.</p> <p>While not a member of the Committee, attend all meetings of the Committee (or arrange for another General Manager to do so) and provide guidance and advice.</p> <p>Also:</p> <ul style="list-style-type: none"> ensure that an appropriate agenda is formulated for scheduled meetings and circulated to members in a timely fashion; facilitate meetings by arranging for appropriate Council officers or others to attend to provide pertinent information, as necessary; provide secretariat services in respect of matters before the Committee; after each quarterly meeting, ensure that a report describing the activities of the Committee and explaining any recommendations or key findings is tabled at an ordinary meeting of Council; ensure that accurate minutes of Committee meetings are taken, circulated to Committee members, Councillors and others in a timely fashion and once confirmed, stored securely in Council's electronic document record management system; coordinate the selection process for relevant Committee positions and together with the Committee's Chair, comprise the interview panel for these positions; and together with the Committee's Chair, address any matters of concern arising in respect of a Committee member's conduct.
Officers in Attendance	<p>Together with the responsible General Manager, the Manager Economic Development or their delegate, and Council's Agribusiness Development Officer will attend all meetings of the Committee.</p> <p>The Chief Executive Officer or other members of Council's staff may attend the Committee's meetings from time to time to provide information or respond to queries.</p>

6. References and Supporting Documents

6.1 Applicable Legislation

Local Government Act 2020

6.2 Applicable Policy and Procedure

Governance Rules
Conflict of Interest Procedure

6.3 Supporting Documents

Council Plan

7. Definitions

Term	Meaning
Advisory Committee	A committee established by the Council, other than a delegated committee, that provides advice to Council.
Agriculture sector	Organisations, businesses, enterprises, trusts and individuals involved in the cultivation of crops, timber, animals, fish, and other life forms for commercial purposes, and the processing of these commodities into finished products for food and fibre.
Committee member	A member of the East Gippsland Agriculture Sector Advisory Committee.
Chief Executive Officer	Person appointed by Council to the position of Chief Executive Officer.
Conflict of Interest	As defined by Part 6, Division 2 of the <i>Local Government Act 2020</i> . Disclosing Conflicts of Interest demonstrates that in performing the role to which they were appointed, Committee members are not attempting to serve their own interests or the interests of someone close to them.
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.
Officers in Attendance	Council officers attending Committee meetings to provide information or respond to queries. No officers hold membership of the Committee.
Mayor	Councillor elected by other Councillors to fill the role of Mayor.
Responsible General Manager	General Manager delegated by the Chief Executive Officer to support the work of the Committee.

8. Review and Revision History

Version Number	Date Approved	Approved By	Review Summary
1	05/05/2020	Council	Original Version
2	03/08/2021	Council	Change the member terms from four year to two-year terms with the option of a further two-year term. To increase the number of industry representatives from 10 to 11.
3	20/5/2025	Council	Change Gippsland Agriculture Group to hold an organisation seat. Adjust the number of industry representatives from eleven to ten to account for this. Administrative changes to align with current legislation and Council Policies
4	16/01/2026		Addition of 4.5 Travel Allowance Provision Administrative changes to align with current legislation, Council Policies and procedures.



Agriculture Sector Advisory Committee Charter

VERSION 4

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1. Purpose

The East Gippsland Agriculture Sector Advisory Committee (the Committee) will provide advice, guidance and recommendations to East Gippsland Shire Council (Council) on matters that affect the **agriculture sector** in East Gippsland and its communities.

2. Scope

This Charter will guide the operation of the Committee and apply to all its members.

3. Context

A strong, competitive and sustainable economy is essential for the future of rural and regional areas. In the case of East Gippsland, Council recognises the importance of a strong and resilient agriculture sector to the generation of the confidence, investment and job opportunities that are key to providing quality of life for current and future generations.

Food manufacturing and production are fundamental drivers of East Gippsland's economy. The Victorian Government has identified the food and fibre sector as one of the growth areas vital to the future economic prosperity of Victoria.

The Committee will provide a valuable forum through which Council can gain timely and informed insight into the issues that are impacting on individual agriculture 'streams', and/or the agriculture sector more broadly.

4. The Committee

4.1 Formation, Powers and Limitations

The Committee will be an Advisory Committee established by Council.

The Committee is not a Delegated Committee within the meaning of section 63 of the *Local Government Act 2020*. Accordingly, neither the Committee nor its members are authorised to make decisions, act or speak publicly on behalf of Council.

The Committee shall:

- provide advice to Council on agriculture sector issues and priorities;
- provide an effective communication channel between Council and members of the agriculture sector;
- make enquiries and canvas public views relating to issues of importance to the agriculture sector; and
- advocate for decisions of Council in respect of matters that fall within the Committee's Charter.

Because Council maintains an Economic Development Advisory Committee, the Committee's Charter does not include working with Council, the Economic Development Advisory Committee or any other group on initiatives to encourage or facilitate new agribusiness in East Gippsland. However, the Committee may refer matters to Council or another Council Advisory Committee for consideration (see also).

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4.2 Committee Objectives

The Committee's primary role is to advise Council on matters that are important to the prosperity and sustainability of agriculture in East Gippsland and the wellbeing of those engaged in it.

It will do this through the provision of advice and recommendations on matters relevant to its Charter and Duties (detailed at [Section 4.3 Clause 3](#)) to facilitate decision-making by Council and its officers in discharging their responsibilities.

4.3 Charter and Duties

The Committee will:

1. Discuss and provide input on significant initiatives or programs Council is considering implementing to support the agriculture sector in East Gippsland and/or improve its resilience in the longer term.
2. Assist Council to formulate appropriate responses to significant existing or emerging issues that are impacting or are likely to affect the sector (e.g. fire, flood, drought, pest plagues).
3. Discuss and provide feedback on strategic documents of Council that impact on the sector, e.g:
 - planning scheme amendments;
 - policies;
 - draft Council Plan, draft Budget (including draft Capital Works program) and draft Rating Strategy; and
 - any other matter likely to impact significantly on the use of land in East Gippsland for agricultural purposes.
4. Act as an Advisory Committee and provide recommendations to Council and other stakeholders on matters that fall within the Committee's Charter or are otherwise consistent with the intent and purpose of the Committee.
5. Act as a communication channel for the agriculture sector and its communities in East Gippsland.
6. Refer matters for consideration by Council or another Council Advisory Committee if they are relevant to the agriculture sector but fall outside the East Gippsland Agriculture Sector Advisory Committee's Charter.

4.4 Membership

The Committee will comprise of a maximum of 16 members, as follows:

- Two East Gippsland Shire **Councillors**, one of whom will be the Mayor¹.
- One representative of each of the following organisations:
 - Agriculture Victoria;
 - East Gippsland Catchment Management Authority;
 - Food & Fibre Gippsland; and
 - Gippsland Agriculture Group.
- Ten representatives of companies, businesses, families and single practitioners who are actively engaged in the agriculture sector in East Gippsland. Ideally, these members will be broadly representative of the sector, to engender the widest possible range of views. To achieve this, diversity in membership will be actively sought across such aspects as:
 - companies / businesses / family or individual practitioners;
 - nature of operation (e.g. retail, manufacturing, service provision, fishing/aquaculture, cropping, animal agriculture, apiary, viticulture, dairy, etc.);
 - location of operation;
 - size of operation (e.g. large, medium, small); and
 - gender, age, etc.

From time-to-time additional representatives and stakeholders can be co-opted to the Committee for limited periods, to provide advice or assistance on specific issues. Co-opted representatives and stakeholders will not be entitled to vote.

The size and composition of membership may be varied at any time by Council resolution.

Council may resolve to remove a Member of the Committee if they fail to attend three consecutive meetings without leave of the Committee, or on the recommendation of the Committee.

A Member may resign by giving at least one month's notice to the Committee Coordinator.

If at any time the Committee has less than the required number of Members, the Committee may continue to operate (but it must still comply with the quorum requirements set out in section 4.74). In this instance, Council will as soon as reasonably possible appoint a new Member or Members who meet the required criteria- to restore the Committee to its full membership ~~so that the Committee has the required number of Members, with the required criteria.~~

The **responsible General Manager** will attend Committee meetings but will not be a member of the Advisory Committee. The General Manager will ensure that appropriate secretariat services are provided to support the work of the Committee.

¹ *If the Mayor chooses to relinquish their ex officio membership to the Committee, a second Councillor will be elected through the same mechanism and for the same term as the other Councillor representative.*

Term of Membership

Appointments to the Committee will be made for the following terms, using the appointment method nominated:

Membership type	Appointment method	Length of tenure
Two Councillors, comprising: <ul style="list-style-type: none"> the Mayor; and one other Councillor 	<i>Ex officio</i> unless Mayor chooses to relinquish that right ² Formal resolution of Council	Duration of their term as Mayor 12 months, reviewed annually following Council's Statutory Council Meeting.
One representative of each of the following organisations: <ul style="list-style-type: none"> Agriculture Victoria East Gippsland Catchment Management Authority Food & Fibre Gippsland Gippsland Agriculture Group 	Direct appointment by the organisation that will be represented	Four years
Ten representatives, each of whom will represent a company, business, family or individual practitioner that is actively engaged in the agriculture sector in East Gippsland.	Formal resolution of Council following a public expression of interest process and consideration of a recommendation from a Panel comprising the Chair and responsible General Manager. In evaluating candidates, the Panel will make every effort to ensure broad representation from a diverse range of agriculture sector practitioners and businesses.	Two years with the option to extend for a further two years.

Committee members (other than Councillors) may serve a maximum of two consecutive terms. Following a break of one term's duration, a former member may re-apply for membership. If appointed, the two-term provision would then recommence.

² If the Mayor chooses to relinquish their *ex officio* membership to the Committee, a second Councillor will be elected through the same mechanism and for the same term as the 'one other Councillor'.

4.5 Travel Allowance Provision

Council provides a travel allowance for the external industry members of the Committee to support attendance at Committee meetings.

An external industry member is eligible to claim:

- fuel expenses where travel exceeds 60 kilometres (one way) by the shortest practicable road distance to attend a Committee meeting, at a rate of \$0.98 per kilometre.
- accommodation expenses where travel exceeds 90 kilometres (one way), in accordance with the Australia Tax Office (ATO) reasonable rate for accommodation.

Travel allowance payments apply only in respect of attendance at Committee meetings and are not payable where a meeting is not attended.

Claims must be submitted using the travel allowance claim form. Receipts are required for accommodation expenses only. Approved claims will be reimbursed within one month of the relevant meeting.

4.54.6 Chairperson

The Chair of the Committee will be the Mayor. If the Mayor chooses not to take up membership of the Committee, the Chair will be another Councillor appointed by resolution of Council.

In the absence of the Chair, another Councillor or their delegate will chair the meeting.
(Also see 'Roles and Responsibilities' section of this Charter.)

4.64.7 Meetings

- The Committee will meet at least four times per year, once in each quarter.
- Additional meetings may be convened at the written request of any member of the Committee or as considered necessary by the Chair or responsible General Manager.
- A quorum will exist if at least eight Committee members are present.
- Decisions of the Committee will generally be made by consensus. If consensus is not possible, matters will be resolved by a show of hands and a simple majority of votes cast by members in attendance. The Chair will have the casting vote if the votes are equal.
- Members of the Committee are not subject to the statutory conflict of interest provisions of themust comply with conflict of interest obligations set out in section 131 of the Local Government Act 2020. However, to promote transparency, integrity and public confidence in the Committee's work, Members are expected to act in accordance with conflict of interest principles consistent with those applied to Council advisory committees and Council's Governance Rules (as if the Members were Councillors). In particular:
 - all Committee Members must disclose any actual, potential or perceived conflicts of interest (whether material or general) conflicts of interest that they may have in relation to a matter discussed or to be discussed at a Committee meeting, at a time

specified in the agenda or at any time that the matter in which they have a conflict of interest is discussed;

- b. Committee Members may not participate in discussions, ~~deliberations decision making~~, or any action in relation to any matter in which they have a conflict of interest, and must leave the ~~room meeting~~ as those discussions, ~~deliberations decision making processes~~ or actions take place;
- c. ~~after following disclosing disclosure of~~ a conflict of interest, the Committee member must complete the *Notice of Disclosure of Conflict of Interest Form* and submit it to the Committee Coordinator who will forward to the Governance Helpdesk for recording; and
- d. if, according to the Committee Coordinator or another Member, a Member has a conflict of interest in respect of a matter and does not disclose it, or fails to leave a Committee meeting, the remaining Members present at the meeting may vote to require that Member to leave the Committee meeting for the duration of the consideration of that matter.

- Councillors who are not members of the Committee may attend its meetings as observers and through the Chair, may ask questions in relation to matters listed on the agenda.
- Agenda items can be submitted to the responsible General Manager for inclusion in the agenda. The final composition of the agenda and associated documents will be determined by the responsible General Manager in consultation with the Chair.
- Minutes of Committee meetings will be kept and when the draft minutes have been approved by the Chair, circulated to Committee members and East Gippsland Shire Councillors as Unconfirmed Minutes. The Unconfirmed Minutes will be confirmed at the next meeting of the Committee.
- A report on the activities of the Committee will be presented to the next Ordinary Meeting of Council following each quarterly meeting of the Committee.

4.74.8 Confidentiality

~~Members of the Committee are not subject to the statutory confidentiality provisions of the *Local Government Act 2020*. However, to support the integrity of Council processes, Members are expected to comply with confidentiality requirements consistent with those applying under the Act. Members of the Committee will be bound by the confidentiality requirements of the *Local Government Act 2020*.~~

Agenda items deemed to be confidential within the meaning of the Act will clearly identified with a Confidentiality Notice. In ~~this regard~~^{addition}, members are expected to maintain confidentiality in relation to ~~any sensitive information, being information that, if prematurely released, would be contrary to the public interest.~~ matters under consideration from time to time that have been declared as confidential.

~~Members are expected to maintain confidentiality in relation to confidential or sensitive matters under consideration from time to time, both during and after their appointment to the Committee. A breach of these confidentiality expectations may result in the termination of a Member's appointment to the Committee.~~

4.84.9 Responsibilities

Committee members will:

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4. Participate in community engagement as advocates for the agriculture sector and its communities.

(Also see the 'Roles and Responsibilities' section of this Charter)

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Committee Members will:

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- strive to attend all meetings, sending apologies to the Chair for necessary absences;
- prepare for the meeting by reading the agenda, papers and any emails before the meeting;
- talk to the Chair before the meeting if you need to clarify anything;
- arrive on time ~~-S~~ stay to the end;
- participate fully in the meeting;
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- contribute positively to the discussions;
- try to be concise and avoid long drawn-out explanations;
- help others concentrate on the meeting. Discourage side conversations;
- have the best interests of the organisation/beneficiaries in mind at all times;

- draw attention to any potential conflicts of interest that may arise in the meeting;
- fulfil any responsibilities assigned to you at the meeting and be prepared to report back on your progress at the next meeting;
- treat all Committee Members and Council officers with respect and courtesy at all times;
- not interrupt or speak over another person speaking;
- direct all questions through the Chair;
- direct any requests for Council officers to provide information or perform an action through the Chair to the Chief Executive Officer;¹⁵
- not criticise, chastise or insult an officer or the Council during the meeting; and
- provide constructive feedback which will not offend, imply incompetence of an officer or humiliate an officer attending the meeting.

4.104.11 Availability of General Advice

The Committee, through the Chief Executive Officer, may obtain information and advice on any Council matter that falls within the Committee's jurisdiction.

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Members of the Committee will be covered by Council's insurance when engaged on or attending to their duties in accordance with this Charter.

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Following is a list of positions with designated responsibilities under this Charter:

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Chair	<p>Conduct meetings efficiently to ensure all matters listed for consideration are afforded appropriate time and attention.</p> <p>Exercise a casting vote where:</p> <ul style="list-style-type: none"> (a) consensus cannot be reached; and (b) a formal vote is required to resolve the matter; and (c) voting numbers are equal. <p>Approve the Unconfirmed Minutes of each meeting for circulation to Committee members, Councillors and others.</p> <p>Consider applications from Committee members for leave of <u>absence</u> <u>the committee</u>.</p> <p>Together with the responsible General Manager, participate in the selection process for relevant Committee members.</p> <p>Together with the responsible General Manager, ensure compliance with this Charter by Committee members and address any matters of concern arising in respect of an Committee member's conduct.</p>
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Officers in Attendance	<p>Together with the responsible General Manager, the Manager Economic Development or their delegate, and Council's Agribusiness Development Officer will attend all meetings of the Committee.</p> <p>The Chief Executive Officer or other members of Council's staff may attend the Committee's meetings from time to time to provide information or respond to queries.</p>

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Version Number	Date Approved	Approved By	Review Summary
1	05/05/2020	Council	Original Version
2	03/08/2021	Council	Change the member terms from four year to two-year terms with the option of a further two-year term. To increase the number of industry representatives from 10 to 11.
3	20/5/2025	Council	<p>Change Gippsland Agriculture Group to hold an organisation seat.</p> <p>Adjust the number of industry representatives from eleven to ten to account for this.</p> <p>Administrative changes to align with current legislation and Council Policies</p>
4	16/01/2026		<p>Addition of 4.5 Travel Allowance Provision</p> <p>Administrative changes to align with current legislation, Council Policies and procedures.</p>

Authorised by General Manager Place and Community

Purpose

This report provides Council the minutes for the Agricultural Sector Advisory Committee (Committee) meeting held Thursday 6 November 2025, provided at **Attachment 1** for noting.

Key Points

The Committee 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 Committee are set out in its Charter Version 3 (2025).

Key agenda items for discussion at the 6 November 2025 meeting included a presentation from Agriculture Victoria on Avian Influenza (H5N1) preparedness. Feedback was sought from ASAC members to inform Council's Pest Animal Advocacy Strategy. Sam Forbes summarised actions arising from Tom McIntosh MP's visit, focusing on regional agricultural priorities. A proposal was tabled recommending funding be sought to investigate on-farm water storage. Concerns were noted regarding reduced government staffing and associated impact on extension services. Council presented the Gracemere Plantation application and requested ASAC's advice on environmental and economic considerations. An update was provided on the review of the East Gippsland Livestock Exchange operating. The CEO announced the Skeens Creek Farm Partnership with Gippsland Agricultural Group, which was positively received by members.

The following advice for Council was minuted:

- Current biosecurity information: Agriculture Victoria to circulate up to date biosecurity information on Avian Influenza.
- Pest Animal Advocacy: Council to email draft paper to members seeking data, insights and evidence to strengthen the advocacy.
- Connect water security pilot concept to Forestry Transition Futures projects: Council to connect with Swifts Creek Futures Agriculture Innovation Working Group to consider water security pilot and potential funding partners and pathways.
- Water Security: Council to commence conversations with industry partners to revisit the "Looking Ahead" drought preparedness document.
- Government Staffing and Services: Include concerns of recent retraction of state government services regionally into Pest Animal Advocacy.
- Planning Feedback: Council to email Sumitomo plantation reports for members to provide relevant feedback.
- Livestock Exchange Review Outcome: Council staff to present on the outcome of the Livestock Exchange Review at the February meeting.

Council Officers are progressing these recommendations.

Recommendation

That Council receives and notes the Unconfirmed Minutes from the Agricultural Sector Advisory Committee (ASAC) meeting held on 6 November 2025.

Strategic Alignment

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

This report has been prepared and aligned with the following theme/s in the Council Plan 2025-2029:

Theme 1: Community wellbeing and social responsibility

Outcome – A stronger collaborative community that is actively engaged and supported

Consultation/Community Engagement/Impacts

The Committee is a Council Consultative Committee who raise matters for consideration to council.

Opportunities and Risks

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

Climate change

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

Conflicts of Interest

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

Attachments

1. ASAC DRAFT Unconfirmed 6 November Minutes [5.4.3.1 - 3 pages]

East Gippsland Shire Council
Agriculture Sector Advisory Committee
Unconfirmed Minutes
For meeting held on
Thursday 6 November 2025
8.00am to 10.00am
Council Chambers 273 Main Street Bairnsdale



1. Procedural

Attendees: Alister Micallef, Joanna Trevaskis, Rob Lightfoot, Rohan Reynolds, Ty Mason, Edward Mauger, Emily Richardson, Bec Hemming (EGCMA), Dianne Phillips (AgVic), Leecia Angus (GAgG), Simon Johnson (Food and Fiber Gippsland), Cr. John White, Fiona Weigall, Chris Stephenson, Prue McTaggart, Kaylene Wickham

Online: Kate Commins, Chris Jehu

Chair: Mayor Cr. John White.

Minute taker: Kaylene Wickham (EGSC).

Item 1.1 **Acknowledgement of Country and welcome**

Item 1.2 **Apologies**

Apologies were noted from Wayne Dredge and Cr. Barry Davis.

Item 1.3 **Confirmation of previous minutes**

Moved: Ty Mason

Seconded: Alister McCallef

Item 1.4 **Declaration of conflict of interest**

No conflicts of interest declared.

Item 1.5 **Actions from previous minutes – Thursday 20 August 2025**

- Planning subcommittee met Item 3.5 has arisen as a result
- Rates subcommittee will be formed next year
- A summary of ASAC meetings will be included in the Agrinews and media each quarter.

2. Discussion

Item 2.1 **Biosecurity: Avian Influenza outbreaks preparedness**

Dr Dianne Phillips, Agriculture Victoria

Authorities are closely monitoring the risk of H5N1 avian influenza reaching Australia, which could happen through migratory birds or contaminated materials, this would pose a risk to wild birds and mammals with potential zoonotic transmission. Unlike previous outbreaks, the response will be more complex due to its spread in wild populations. Ongoing surveillance and public reporting are critical, while carcass disposal strategies must balance biosecurity with environmental considerations. Preparedness efforts face staffing challenges, though federal funding has been allocated to strengthen response capacity.

ACTION:

Current biosecurity information: Ag Vic to circulate up to date biosecurity information.

Item 2.2 **Animal Pest Advocacy**

Prue McTaggart, Manager Economic Development

A draft advocacy paper has been circulated for feedback, highlighting growing concerns about rising deer populations, incursion of feral pigs and the wild dog population and the impacts they have on

agricultural productivity, wellbeing and the natural environment. Stakeholders have suggested practical measures to support landholders, including improved access to advanced pest control technologies and streamlining the approval process for silencers to enhance control efforts.

ACTION:

Pest Animal Advocacy: Council to email paper to members seeking data, insights and evidence to strengthen the paper to be returned by 27 November.

3. Agricultural Matters

Item 3.1 **Update from Tom McIntosh MP visit**
Sam Forbes

As a result of the visit the MP has raised key priorities in parliament, these included delivering targeted drought support, strengthening pest and weed management, concerns around the Emergency Services Levy and farm rebates, as well as guiding forestry transition and improving public land management practices. It was recommended that Council ensure consistent advocacy messaging across all levels of government when actioning a particular issue.

Item 3.2 **Water security: High Country Pilot**
Eddie Mauger

Eddie Mauger has proposed a pilot program to construct plastic-lined farm reservoirs aimed at improving drought resilience. The initiative emphasizes cost-effective water storage solutions and infrastructure improvements, with discussions including evaporation barriers, dam liners, and overall feasibility. There is potential to integrate this program with the Swift Creeks Futures project and leverage Community Development Fund (CDF) support. Additionally, stakeholders suggested revisiting the "Looking Ahead" drought strategy to align long-term planning with innovative water management approaches.

ACTIONS:

Connect water security pilot concept to Forestry Transition Futures projects: Council to connect with Swifts Creek Futures Agriculture Innovation Working Group to consider water security pilot and potential funding partners and pathways.

Water Security: Council to commence conversations with industry partners to revisit the "Looking Ahead" drought preparedness document.

Item 3.3 **Retraction of Government Staffing and Services**
Kate Commins

Kate raised concerns about the recent retraction of local coordination in Agriculture Victoria, highlighting uncertainty around state program funding and roles. The loss of a local coordinator has created worries about the wild dog / dingo and animal pest program continually, and stakeholders have requested clearer communication regarding changes and funding sources.

It was suggested that these issues be incorporated into the upcoming pest animal advocacy submission to ensure they are addressed at a broader level.

ACTION:

Government Staffing and Services: Include concerns of recent retraction of state government services regionally into Pest Animal Advocacy.

Item 3.4 **Offshore wind farm impacts**

Conversation did not proceed due to member unable to attend.

Item 3.5 **Gracemere plantation briefing**
Martin Richardson, Manager Planning and Development

Council is seeking advice from ASAC to inform its response to a State Government referral regarding a proposed 503-hectare radiata pine plantation by Sumitomo Forestry Australia. The planning referral, issued under Ministerial authority due to the project's scale, requires consideration of environmental impacts, agricultural land use, cultural heritage, and the balance between economic benefits and potential grazing losses.

Environmental and agricultural impact assessments have been reviewed, with concerns raised about wildlife management and opportunities for local processing. Public notification and submission processes will follow, ensuring community input into the decision-making.

ACTION:

Planning Feedback: Council to email Sumitomo plantation reports for members to provide relevant feedback.

Item 3.6 Opportunity for members to raise matters

Members raised various issues, including composting trials and freight costs for clean compost and commercial opportunities. Interest in local compost production and the trails that will occur on Skeene Creek Farm.

4. Reports**Item 4.1 Council updates**

Martin Richardson Planning Subcommittee briefing was included in item 3.5.

Item 4.2 East Gippsland Livestock Exchange (EGLE) Review

Tegan VanDerSlik, Manager Council Enterprises

The East Gippsland Livestock Exchange Review is currently considering three governance models: maintaining the current structure, adopting a hybrid approach, or establishing a subsidiary. Community feedback emphasizes the importance of local control, transparency, and cost-effectiveness in any future arrangement. Additionally, the potential for emergency use of the facility, such as during bushfires, will be factored into planning for the preferred model.

ACTION:

Livestock Exchange Review Outcome: Council staff to present on the outcome of the Livestock Exchange Review at the February meeting.

Item 4.3 Skeene Creek Farm Partnership

Fiona Weigall, CEO

Council is partnering with Gippsland Agriculture Group to conduct compost trials aimed at reducing landfill emissions and improving soil health. The initiative also explores opportunities for commercial composting to support sustainable agriculture. Trials are expected to run for more than 24 months, with EPA approvals currently pending before commencement.

Great Outdoors Taskforce

Information included in meeting notes as an update to members.

Item 4.4 Circulated reports for noting by exception

Updates from Council, East Gippsland Catchment Management Authority, Food & Fibre Gippsland, Agriculture Victoria, and Gippsland Agriculture Group provided.

5. Meeting Close**Item 5.1 Meeting close**

Cr. White expressed appreciation for the committee's contributions and noted he may not chair future meetings but hopes to remain involved.

The meeting was declared closed by Cr. John White, Mayor at 10.14am.

6 Urgent Business

7 Confidential Business

8 Close of Meeting