



# **COUNCIL MEETING AGENDA**

**NOTICE IS HEREBY GIVEN THAT AN ORDINARY MEETING  
OF THE EAST GIPPSLAND SHIRE COUNCIL WILL BE HELD ON**

**TUESDAY, 3 AUGUST 2010**

**IN THE COUNCIL CHAMBER, CORPORATE CENTRE  
1<sup>ST</sup> FLOOR, 273 MAIN STREET, BAIRNSDALE**

**COMMENCING AT 6.00 P.M.**

## INDEX

<b>1.</b>	<b>PROCEDURAL</b>	<b>4</b>
1.1.	<b>APOLOGIES</b>	4
1.2.	<b>DECLARATION OF CONFLICT OF INTEREST</b>	4
1.3.	<b>CONFIRMATION OF MINUTES</b>	4
1.4.	<b>NEXT MEETING</b>	4
1.5.	<b>REQUESTS FOR LEAVE OF ABSENCE</b>	4
1.6.	<b>PUBLIC QUESTION TIME</b>	4
1.7.	<b>PETITIONS</b>	5
	1.7.1. PETITION REQUESTING ALTERNATIVE ROAD ACCESS TO TAMBO BLUFF, METUNG	5
<b>2.</b>	<b>COUNCILLORS' REPORTS</b>	<b>6</b>
<b>3.</b>	<b>NOTICES OF MOTION AND/OR RESCISSION</b>	<b>7</b>
<b>4.</b>	<b>DEFERRED BUSINESS</b>	<b>8</b>
<b>5.</b>	<b>OFFICERS' REPORTS</b>	<b>9</b>
5.1.	<b>LIVEABILITY</b>	9
	5.1.1. EAST GIPPSLAND SHIRE COUNCIL COMMUNITY PLANNING ADVISORY BOARD MEETING 21 JUNE 2010	9
	5.1.2. PETITION REQUESTING ALTERNATIVE ROAD ACCESS TO TAMBO BLUFF, METUNG	12
5.2.	<b>SUSTAINABILITY</b>	14
	5.2.1. EAST GIPPSLAND PLANNING SCHEME AMENDMENT C88 – BULLOCK ISLAND CONCEPT PLAN	14
	5.2.2. PLANNING SCHEME AMENDMENT C92 – 95 NICHOLSON-SARFIELD ROAD, NICHOLSON	17
	5.2.3. STATUTORY PLANNING MONTHLY REPORT – JUNE 2010	21
	5.2.4. REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM GRANTS	24
	5.2.5. PROPOSED SPECIAL CHARGE SCHEME - PROVISION OF DEDICATED FIRE SERVICES WATER MAIN, SOUTH BAIRNSDALE INDUSTRIAL ESTATE	28

<b>5.3.</b>	<b>PRODUCTIVITY</b>	<b>34</b>
5.3.1.	PROPOSED LEASE OF LAND AT 8 CLARKE STREET, ORBOST	34
5.3.2.	MALLACOOTA OCEAN ACCESS BOAT RAMP - SUBMISSION OF PROJECT DOCUMENTATION FOR COASTAL MANAGEMENT ACT CONSENT	37
<b>5.4.</b>	<b>GOVERNANCE</b>	<b>43</b>
5.4.1.	COUNCIL PLAN PROGRESS REPORT - 30 JUNE 2010	43
5.4.2.	AUDIT COMMITTEE REPORT FOR MEETING HELD 19 JULY 2010	46
5.4.3.	ANNUAL COMMUNITY SATISFACTION SURVEY 2010	50
5.4.4.	GIPPSLAND REGIONAL PLAN	53
<b>6.</b>	<b>URGENT AND OTHER BUSINESS</b>	<b>56</b>
<b>7.</b>	<b>FOR CONSIDERATION <i>IN CAMERA</i></b>	<b>57</b>
7.1.	UNDERGROUND STORAGE TANKS 201-205 MAIN STREET, BAIRNSDALE	57
7.2.	CONTRACT 935/910 CONSTRUCTION OF NEW CONCRETE BRIDGE AND ROAD APPROACHES OVER EMU CREEK NO 2 LINDENOW-MEERLIEU ROAD, SOUTH LINDENOW	58

**Steve Kozlowski**  
**Chief Executive Officer**

**5.3.2. MALLACOOTA OCEAN ACCESS BOAT RAMP - SUBMISSION OF PROJECT DOCUMENTATION FOR COASTAL MANAGEMENT ACT CONSENT**

**DEPARTMENT** Development

**AUTHORED BY** Chris Waites, Director Projects

**DOCUMENT NO.** 3968427

**1 OBJECTIVE**

The purpose of this report is to provide Council with detailed information in regard to the Mallacoota Ocean Access Boat Ramp and to seek Council endorsement to submit the required documentation to the Minister for Environment and Climate Change to gain Coastal Management Act consent for the project.

**2 BACKGROUND**

East Gippsland Shire Council was the proponent for preparation of an Environmental Effects Statement (EES) for an Ocean Access Boat Ramp at Bastion Point Mallacoota. Upon completion of the EES the document was assessed by a Panel appointed by the Minister for Planning, Minister Justin Madden. The Panel completed its assessment of the EES in October 2008, providing a report of some 171 pages to the Minister for his consideration. In summary the Panel suggested a minor upgrade of the existing Ocean Access Boat Ramp at Bastion Point without the need to construct breakwaters.

In June 2009 Minister Madden, having considered the Panel Report and visited Bastion Point himself, provided his assessment. In summary the Minister supported a more significant Ocean Access Boat Ramp upgrade than that suggested by the Panel, to be located to the southeast of the current ramp at a location referred to as 'Option 3B'. The Minister's response states in-part as follows;

*'It is my assessment that EGSC, DSE, MSV and Gippsland Ports determine the specific construction design and associated operational, safety and management arrangements for a new ramp to be constructed generally along the lines of Option 3B.'*

Having considered the Panel Report and the Minister's Assessment, Council resolved at the Ordinary Council Meeting of 7 July 2009 (Item 4.1) to proceed with the design of the facility. The resolution is provided below.

*'That Council notes the Planning Minister's findings and recommendations in relation to the proposed Ocean Access Boat Ramp, Bastion Point, Mallacoota and establishes a Community Advisory Committee as detailed in its decision of 23 August 2005 to assist Council in working with Department of Sustainability and Environment, Marine Safety Victoria and Gippsland Ports to develop the specific construction design as highlighted in the Minister's Assessment, subject to receiving Government financial assistance to undertake the design work, and that such committee provide safety and economic analysis of such construction designs as at the current date and that such designs and reports be brought forward to Council for final assessment prior to submission to the Minister for Environment and Climate Change to seek Coastal Management Act consent.'*

The Terms of Reference for the Mallacoota Ocean Access Boat Ramp Community Advisory Committee (MOABRCAC) was developed and presented to Council for endorsement. At the Ordinary Council Meeting of 4 August 2009 (Item 6.3.2) Council resolved as follows;

*'That Council:*

- 1. endorses the Terms of Reference for the Mallacoota Ocean Access Boat Ramp Community Advisory Committee as set out at Appendix 1; and*
  
- 2. Requests the Mallacoota Ocean Access Committee Inc., the Friends of Mallacoota Inc., the Mallacoota and District Business and Tourism Association Inc. and Save Bastion Point Mallacoota to each nominate one (1) representative for appointment to the Mallacoota Ocean Access Boat Ramp Community Advisory Committee.'*

The representation on this Committee provided opportunity for both supporters and opposers of the proposed boat ramp to have equal ability to provide comments and inform the design process. The Committee also included representation from relevant government agencies that had a stake or interest in the project.

Council Officers undertook the necessary tender process to enable Council to award the design of the boat ramp, jetty, access road, carpark area and pedestrian boardwalk. The awarding of the design contract occurred at the Special Council Meeting of 15 December 2009 (Item 2.1). Bairnsdale based engineering and environmental consultants Crossco Pty Ltd was awarded the design contract. Crossco's design team included sub-consultants with extensive experience in marine projects.

### **3 CURRENT STATUS AND/OR ISSUES**

Subsequent to the 15 December 2009 Council decision, the design team in consultation with MOABRCAC and all relevant government agencies has completed those elements requested by Council, specifically the Detailed Design, Safety Audit and an Economic analysis.

In addition there are various other requirements that have been undertaken in parallel with the design to complete the 'package' of documents necessary to obtain Coastal Management Act Consent. Progress on these items is noted below.

Detailed Design - Detailed design (Refer **Appendix 1**) has been completed. In accordance with the MOABRCAC Terms of Reference, the committee met at strategic milestones during the design process to discuss the information presented and to provide feedback which then informed the design. MOABRCAC met on four occasions being December 2009, March 2010, May 2010 and July 2010.

A key consideration during the design process was to ensure safety concerns that had been raised during the EES process were acknowledged. These concerns were considered and documented in the Safety Audit which was developed by the Maritime College of Australia at the request of Marine Safety Victoria (MSV). This document was completed on 3 May 2010 (Refer **Attachment 1**) and recommendations within Section 14 of that report that were of a design nature were incorporated into the design. The Safety Audit is addressed in greater detail below.

Economic Analysis – 'Buchan Consulting Group' were engaged to produce an economic analysis of the proposal, taking into account both the capital cost to construct the facility and the ongoing operational costs (Refer **Attachment 2**). Buchan considered earlier

information produced by Pryor Knowledge Pty Ltd in the EES. They also undertook their own assessment of the economic impact that the ramp would have to the Mallacoota area.

The capital cost of the facility of \$5.25M also allows for design and project management costs and is consistent with the construction estimate provided by Crossco which includes the purchase of a small trailerable dredge of a type suggested by the design consultants. The annual operating costs are based on information provided to the design team by Gippsland Ports and include dredging, kelp removal, monitoring, routine maintenance of elements such as the jetty, ramp, breakwater, signage etc (excl. the carpark area) and an inspection regime to meet the requirements of the safety audit.

The report details a clear benefit to the Mallacoota region due primarily to the increased usage and usability of the facility by recreational boat users. By amortising the construction cost over a 20 year period, and with the inclusion of operating costs the Benefit Cost Ratio (BCR) has been calculated to be 6.4.

Safety Audit – As noted above a Safety Audit was produced by the Maritime College of Australia and is based upon an Ocean Access Boat Ramp at Bastion Point at location 3B (the site nominated in the Minister's Assessment). The audit assessed potential risks of operating such a facility at the site and nominated a list of recommended actions to minimise these risks. It is important to note that it is not possible to eliminate all of the risks identified as some are inherent risks associated with offshore boating. However it is possible through design modifications and operating procedures to minimise risks where possible. The timing of completion of the audit enabled design modifications to be incorporated. A document summarising mitigation measures taken to address the audit recommendations is provided as **Attachment 3**.

With regard to minimising operational risks, an Operational Management Plan has been completed. This document addresses the audit recommendations and is provided as **Attachment 4**.

Vegetation Removal – An application for vegetation removal was submitted to the Minister for Planning, as part of the EES. In response a draft Vegetation Removal Permit was granted. Minister Madden requested in his assessment of June 2009 that an amended application be submitted for his consideration. This amended application, which reflects the vegetation to be removed based on the recently completed detailed design, has been submitted to the Minister for decision. It is relevant to note that the revised access road location has resulted in a significant reduction in the amount of vegetation to be removed. A revised permit is likely to require vegetation offsets to be confirmed prior to construction being allowed to commence. Council Officers have investigated potential offset options and it would appear likely that a solution will be available in close proximity to the site, thereby satisfying the requirement for 'like-for-like' protection.

Cultural Heritage Assessment – To obtain *Coastal Management Act* 1995 Consent it will be necessary to complete a Cultural Heritage Management Plan (CHMP). The majority of the required cultural heritage investigations were completed as part of the EES however cultural heritage legislation changes and alterations to the excavation foot-print since completion of the EES require a CHMP to be prepared. Vincent Clark & Associates has been commissioned to do this work which is programmed to be completed by the end of August 2009. The CHMP for Bastion Point, as for other projects undertaken by Council, does not require Council endorsement but is assessed by Aboriginal Affairs Victoria as part of the referral process.

Coastal Hazard Vulnerability Assessment (CHVA) – At the most recent MOABRCAC meeting the Department of Sustainability and Environment (DSE) suggested that it would be prudent to prepare a CHVA for the project. These documents are most relevant for residential type developments where there are human safety risks associated with sea-level rise and storm surge events. Nevertheless a CHVA has been completed. In summary the document comments on the potential need to increase the height of the access road and breakwater in the long term should sea levels rise. It is relevant to note that physical scale modelling of storm events has shown that although significantly over-topped, the breakwater will withstand the expected increase in storm surge and intensity of wave activity in the Year 2100 with only limited damage. It is noted in the CHVA that this damage would not compromise the ability to use the ramp.

Councillors were previously provided with copies of and briefed on the detailed design, Safety Audit Report, Economic Analysis and the Coastal Hazard Vulnerability Assessment.

Consistent with the Minister for Planning's directions, Council Officers have met with representatives from the Department of Transport (DOT), Department of Sustainability and Environment (DSE), Department of Planning and Community Development (DPCD), Gippsland Ports and representatives from the Department of Innovation Industry and Resources (DIIRD) on a number of occasions in regard to the project.

#### **4 IMPLICATIONS**

##### **Financial**

The financial implications of construction an Ocean Access Boat Ramp at Bastion Point are two-fold. Firstly, there is the issue of the initial capital cost to construct the infrastructure and secondly, the ongoing operating costs.

Council has accepted being proponent for the project on the understanding that it would obtain significant external funds to build the facility should *Coastal Management Act* Consent for construction be obtained. The only component of the works that Council has suggested it would contribute to is the construction of the upgraded carpark. Council has in the past suggested that its expected contribution would not exceed \$300K for this element of the project. The total project cost excluding design costs but including project management is approximately \$5M.

Council Officers are currently preparing two Grant Applications on this basis. The first is under the Marine Safety Victoria (MSV) 'Boating Safety Program' and that application is to be submitted prior to the closing date in mid August 2010. The total funding pool under this program is approximately \$3M state-wide. An application for \$500K has been lodged. The second application seeking the majority of the required funds has been lodged under the Regional Infrastructure Development Fund.

The operating cost for the boat ramp and associated infrastructure has been estimated by the Gippsland Port Authority to be approximately \$225K per year. It is relevant to note that even with the limited facility that currently exists at Bastion Point, Council spent approximately \$118K in the 2009/2010 financial year to remove sand and maintain the existing ramp. The 'Buchan' report suggests that it would be possible to recover approximately half of this ongoing cost by charging a fee to commercial users. This would appear reasonable considering the significant cost that these users are currently incurring due to shortened life of launching vehicles due to unavoidable and direct contact with salt

water. Should the operator wish, it may determine to levy recreational boat users on a 'fee per launch' basis to recover the remainder of the operating costs.

It would be anticipated that any operating arrangement would need to include EGSC and Gippsland Ports (GP) given that there are certain on-water activities that attract operating costs (mainly on a monitoring and minor maintenance basis), eg navigation aids that EGSC do not regulate. It is likely that operational costs will therefore be shared to some extent.

### **Amenity/Environment**

The proposed Mallacoota Ocean Access Boat Ramp is located in an environmentally sensitive and relatively unspoilt section of the Victorian coast-line. The project proposal has undergone an extensive Environmental Effects assessment over a period of years that resulted in the Minister for Planning issuing directions on how the project may proceed. The design of the facility has been undertaken in such a way as to minimise the footprint of the works thereby reducing the area of vegetation to be removed. This was achieved most significantly by creating the access road to the ramp along the beach rather than the initial proposal to run along the headland and excavate to a depth in excess of four metres through the escarpment. The beach access also avoids one of the key areas of cultural significance which lies along the headland. Unfortunately the beach access road is also visually intrusive in this natural environment however it is considered a more sympathetic solution than extensive disturbance to the headland.

During the design process, Council engaged the services of a landscape consultant who has provided guidance in regard to soft landscape elements eg planting of roadside areas with appropriate native species. Advice was also provided with respect to a nautical theme being incorporated by way of timber bollards linked with robust marine type rope.

One of the key reasons for considering an upgraded boat ramp at Bastion Point is to ensure improved amenity for offshore boating. For the recreational boater the existing facility is unusable in most conditions. Not only is it often too difficult to safely launch or retrieve boats, there is also a significant risk of damaging both the launching vehicle and the vessel itself. The upgraded facility will allow access to the ocean on more days of the year and provide a more reliable and protected ramp upon return. In this regard the benefit to both recreational and commercial users cannot be denied.

### **Human Resources**

To date Council has expended significant internal resources to progress this project. Should Council resolve to take the next step, proceed successfully through the *Coastal Management Act* Consent process and attract funding to construct the facility, it will likely be involved in certain aspects of the ongoing operation of the facility. It would be possible to use existing Council staff in Mallacoota to undertake the periodic inspection and minor maintenance functions however external assistance will be required to undertake dredging and kelp removal.

### **Legislative**

The detailed design for the project has been developed in accordance with the directions issued by the Minister for Planning that resulted from the completion of the Environmental Effects Statement process for the project. Construction of this facility requires *Coastal Management Act* Consent through the Minister for Environment and Climate Change.

## Planning Scheme and Strategies

As proponent for this project the only requirement of the East Gippsland Planning Scheme is to obtain a Planning Permit for the removal of native vegetation. As detailed earlier in this report, an amended Vegetation Removal Permit application has recently been submitted for consideration of the Minister for Planning.

## 5 CONSULTATION WITH STAKEHOLDERS

The proposal to provide an upgraded ocean access boat ramp at Bastion point has been considered for in excess of twenty years. Over this time there has been extensive consultation with the Mallacoota community including a plebiscite to gauge support for the project. The plebiscite resulted in a significant majority vote supporting an upgraded facility with a breakwater. An Environmental Effects Statement process was conducted for the project. A community consultative committee was used to provide input into the detailed design process. Key government stakeholder agencies have been extensively involved in discussions about the project in line with the directions of the Minister for Planning.

## 6 CONCLUSIONS

Following Council's decision of 7 July 2009 to proceed with design of an upgraded ocean access boat ramp at Bastion Point, Mallacoota, a design tender was let at the Special Council meeting of 15 December 2009. The design team, in consultation with the Mallacoota Ocean Access Boat Ramp Community Advisory Committee, has subsequently completed the detailed design process. This work has been undertaken with full regard to the Safety Audit recommendations provided by Marine Safety Victoria in conjunction with the Maritime College of Australia.

The completed design documents, in conjunction with associated reports, places Council in a position to be able to submit the project to the Minister for Environment and Climate Change to seek *Coastal Management Act* Consent for construction of the facility.

## 7 APPENDICES

- 1 Detailed Design Drawings – Crossco Consulting Pty Ltd.

## 8 ATTACHMENTS

- 1 Safety Audit - Marine Safety Victoria/Maritime College of Australia.
- 2 Economic Analysis – Buchan Consulting Group.
- 3 Summary of risk mitigation actions – Crossco Consulting Pty Ltd.
- 4 Operational Management Plan – Crossco Consulting Pty Ltd.

---

## RECOMMENDATION

***That Council authorises Officers to submit the Detailed Design of the Mallacoota Ocean Access Boat Ramp and associated car/trailer parking as provided at Appendix 1, and supporting documentation, to the Minister for Environment and Climate Change to seek Coastal Management Act Consent and to construct the facility upon receipt of such consent and sufficient external funding for the project.***