

Council Meeting Agenda

Tuesday 15 March 2022 at 6:00 pm Council Chambers (and by video conferencing) East Gippsland Shire Council Corporate Centre 273 Main Street, Bairnsdale 3875



Acknowledgement to country

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

Council value their living culture and practices and their right to selfdetermination. 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.

The Victorian Government has amended the *COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Act* 2020 that enables Council meetings to be conducted by electronic means (videoconferencing) until 26 April 2022. The Minister for Local Government re-issued the Ministerial Good Practice Guideline for Virtual Meetings on 20 October 2020 outlining the provisions relating to the Local Government Act 2020 allow Councillors to attend Council meetings electronically, and the requirement where Council meetings are open to the public will be satisfied where the meeting is livestreamed. The amendments do not preclude Councillors from attending a meeting in person in the Council chambers.

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

Photo supplied by Destination Gippsland

Councillors

Cr Mark Reeves (Mayor) Cr Arthur Allen (Deputy Mayor) Cr Sonia Buckley Cr Tom Crook Cr Jane Greacen OAM Cr Trevor Stow Cr Mendy Urie Cr Kirsten Van Diggele Cr John White

Executive Leadership Team Anthony Basford Chief Executive Officer Fiona Weigall General Manager Assets and Environment

Peter Cannizzaro General Manager Business Excellence Stuart McConnell General Manager Place and Community

Purpose of Council meetings

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

Governance Rules

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

Councillors pledge

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

Vision

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

Our Strategic Objectives

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

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1 Procedural

1.1 Recognition of Traditional Custodians

East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and the 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 2 February 2022 be confirmed.

1.5 Next meeting

The next Council Meeting of Tuesday 5 April 2022 to be held at the Buchan Mechanics Hall, 45 Main Road, Buchan commencing at 1.30 pm.

1.6 Requests for leave of absence

1.7 Open Forum

- 1.7.1 Petitions
- 1.7.2 Questions of Council
- 1.7.3 Public Submissions

2 Notices of Motion

2.1 2/2022 Support for the people of Ukraine

Take notice that it is my intention to move at the Council Meeting to be held on Tuesday 15 March 2022 at 6.00 pm or at any adjournment of that meeting:

That Council officers be asked to light the East Gippsland Shire Council Corporate Centre Building, 273 Main Street Bairnsdale, in the colours of the Ukraine flag (blue and yellow) each evening and night for a period of one week.

Signed: Councillor Mendy Urie Date: 07/03/22

RATIONALE

East Gippsland Shire Council wishes to make a public and heartfelt gesture of care and concern for the people of Ukraine whose country is currently subject to invading and hostile forces, whose lives and livelihoods, homes and communities they know and love are being deliberately demolished.

By this small gesture of lighting up the Corporate Centre in blue and yellow, we join with many others around the globe to say that the people of East Gippsland are thinking of the people in Ukraine and holding them in our hearts.

3 **Deferred Business**

4 Councillor and Delegate Reports

5 Officer Reports

5.1 Business Excellence

5.1.1 Finance report - period ending 31 December 2021

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

The forecast operating result for the 2021/22 financial year is \$22.241 million compared to the adopted operating surplus of \$35.735 million. This is a forecast reduction in operating surplus of \$13.494 million.

There are capital grant income reductions of \$10.2 million as a result of some capital projects now being planned for completion in the 2022/23 financial year, and the associated grant funding will now be received in that year. Offsetting the reduction in capital grants are a number of new operating grants for projects totalling \$6.1 million, the most significant being the Fire 2019 Resourcing and Bushfire Rebuilding support grants totalling \$4.3 million. There is also \$8.2 million of operating projects that were incomplete at the end of the 2020/21 year that will now be completed in the current financial year. The majority of these projects are funded from grants received in the 2020/21 year. There is also an increase in the expected employee costs as a result of the new grants received. Additional unbudgeted revenue from the reimbursement for the bushfire restoration works of \$4.6 million has been received, noting that the expenditure for these works was included in the 2020/21 financial year.

The expected end-of-year cash position of \$57.787 million is \$17.550 million greater than the adopted budget as a result of the more favourable 2020/21 end-of-year cash position than the estimated result at the time of adopting the 2021/22 budget together with the estimated value of capital works cash flow being less than the adopted budget by \$16.2 million noting that \$19.86 million of capital projects from the current financial are expected to be now completed in the 2022/23 year. The cashflow from capital grants is also expected to decrease due to grants that were received in advance in the last financial year as well as some capital grants that are now not expected to be received until the 2022/23 year as a result of the timing of associated project expenditure. The cash flow expenditure increases for employee costs and suppliers relate to additional expenditure associated with new operating grants together with expenditure of \$8.2 million for works that were incomplete in 2020/21 year that were primarily funded from grants received in that year.

The capital works adopted budget was \$88.758 million and has been adjusted to the current forecast of \$73.983 million with an estimated \$14.775 million of works now to be completed in the 2022/23 financial year. There were also additional projects carried forward from the 2020/21 year that were incomplete at year end amounting to \$4.467 million, and the carry forward of capital projects into the 2022/23 year is now estimated to be \$19.242 million in total. Landfill rehabilitation projects forecast expenditure has increased from \$810,394 (including actual carry forwards from 2021/22) to \$1.207 million as a result of additional costs for the Lakes Entrance landfill rehabilitation.

Details of the forecast variances and other financial information are included in **Attachments 1 to 7**.

The *Local Government Act 2020* Section 97 (3) now requires that the second quarterly finance report to Council includes a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required. The Chief Executive Officer has determined that a revised budget will not be required for the 2021/22 financial year.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;
- 2. notes that the Chief Executive Officer has determined that no revised budget is required for the 2021/22 financial year; and
- 3. adopts the Finance Report for the six-month period ended 31 December 2021, as outlined in Attachments 1 to 7.

Background

Overview of Financial Performance

Provided in this report as at the end of December 2021, is an overview of the year-to-date (YTD) operating and capital expenditure compared to the forecast result, and adjustments to the adopted budget for the full year that have been incorporated into the full year forecast result.

Year-to-Date

Net Comprehensive Result

The YTD favourable variance of \$3.745 million is primarily the result of the timing for works, together with employee expenses being less that year to date forecast as a result of a number of vacancies across the organisation.

Refer to Attachment 1 for a full explanation of all variances.

Full Year – Budget

Net Comprehensive Result

The expected operating surplus for the year is \$22.241 million which is \$13.494 million less than the adopted budget of \$35.735 million.

There were capital grants included in the adopted budget totalling \$10.957 million that will not be accounted for until the 2022/23 year as a result of the associated projects now not being undertaken or completed until next financial year. There was also \$8.2 million of costs associated with incomplete projects and programs where the funding was included in the 2020/21 financial year but will not be completed in the 2021/22 year. The increase in reimbursement income of \$4.677 million from bushfire related works undertaken in 2020/21 offsets these reductions in income and increases in expenditure. *Adjusted Underlying result*

The adjusted underlying surplus is the net surplus for the year adjusted for non-recurrent capital grants, non-monetary contributions and capital contributions from other sources. The unfavourable variance of \$2.683 million is primarily a result of the forecast reduction in operating surplus of \$13.494 million offset by a reduction in non-recurrent capital funding of \$10.957 million.

Attachment 1 provides further explanation of the variances discussed above.

Cash Position

Year-to-Date:

As at 31 December 2021, Council held cash of \$96.588 million. This is greater than YTD expectations as a result of the timing of works and services and the delivery of the capital works and landfill rehabilitation program.

Full Year

The end-of-year forecast cash position of \$57.787 million is \$17.550 million greater than the adopted budget of \$40.237 million. This forecast cash position takes into account the actual 2020/21 end-of-year result that was more favourable than estimated at the time of adopting the 2021/22 budget as well as a net \$8.595 million of 2021/22 capital projects that will not be completed until the 2022/23 financial year. The increase in cash though is restricted in nature and committed to various provisions, that are required to be cash funded, for landfill rehabilitation projects and employee annual and long service leave. The use of this cash happens over time as landfill rehabilitation works are undertaken and employees take leave entitlements.

For further details, please refer to the Balance Sheet variance explanations in **Attachment 2** and Statement of Cash Flows at **Attachment 3**.

Capital Works and Landfill Rehabilitation Projects

Year-to-Date:

The adopted budget for the 2021/22 financial year was \$88.758 million in capital works and a further \$536,000 in landfill rehabilitation projects, giving a total of \$89.294 million. There were also additional projects from the 2020/21 year that were incomplete at year end and were carried forward into 2021/22 which added a total of \$4.741 million to the adopted budgets for capital and landfill rehabilitation projects.

Actual YTD capital and landfill rehabilitation projects expenditure at the end of December 2021 was \$14.833 million.

Full Year:

The forecast capital and landfill rehabilitation expenditure for the 2021/22 year is \$75.191 million. There has been a forecast reduction in capital works expenditure of \$19.86 million from the adopted budget plus the additional carry forward projects for projects that will now be completed in the 2022/23 year. There has also been an increase in landfill rehabilitation projects of \$397,000 from the adopted and carry forward budgets as a result of additional costs associated with the Lakes Entrance Landfill rehabilitation project.

Legislation

On 24 March 2020 the Government passed the *Local Government Act* 2020 (the new Act). As of 1 July 2021, all provisions from the new Act have commenced. Some provisions of the *Local Government Act* 1989, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with *Local Government Act* 2020. Section 97 of the *Local Government Act* 2020 requires a quarterly budget report be presented to the Council at a Council meeting which is open to the public. The quarterly budget report must include a comparison of the actual and budgeted results to date and an explanation of material variances. The second quarterly report of a financial year must include a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required.

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

The implications of this report have been assessed and align with the principles and objects of the Gender Equality Act 2020.

Collaborative procurement

This is not applicable for this report.

Council Plan

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

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

Council Policy

Not applicable for this report

Options

Not applicable for this report.

Resourcing

Financial

Refer to the following attachments:

- 1. Income and Expenditure Statement and Explanation of Variances
- 2. Balance Sheet and Explanation of Variances
- 3. Statement of Cash Flows and Explanation of Variances
- 4. Reconciliation of Adopted (Operating) budget to Forecast budget
- 5. Summary of Capital Works and Landfill Rehabilitation
- 6. Rates Performance
- 7. Financial Performance Indicators

Plant and equipment

Not applicable for this report.

Human Resources

Not applicable for this report.

Risk

The risks of this proposal have been considered and are not applicable to this report.

Economic

Not applicable for this report.

Social

Not applicable for this report.

Gender Impact Statement

Given that this report provides and overview of the Finance Report for the period ending 31 December 2021, a gender impact assessment is not applicable.

Environmental

Not applicable for this report.

Climate change

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

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

Engagement

Not applicable for this report.

Attachments

- 1. Income and Expendigure statement and Explanation of Variances [5.1.1.1 9 pages]
- 2. Balance Sheet and Explanation of Variances.docx [5.1.1.2 3 pages]
- 3. Statement of cash flows and explanation of variances [5.1.1.3 2 pages]
- 4. Reconciliation of Adopted (Operating) budget to Forecast budget [5.1.1.4 1 page]
- 5. Summary of Capital Works and Landfill Rehabilitation [5.1.1.5 2 pages]
- 6. Rates Performance [5.1.1.6 1 page]
- 7. Financial Performance Indicators [5.1.1.7 1 page]

Attachment 1

Income Statement for the period ended 31 December 2021

ltem	Item Year-to-date		Note	Full Year			Note	
	Forecast			Adopted Forecast				
	Actual	Budget	Variance		Budget	Budget	Variance	
	(\$'000)	(\$'000)	(\$'000)		(\$'000)	(\$'000)	(\$'000)	
Revenues								
Rates	62,199	62,000	199	A1	62,182	62,182	0	
Statutory Charges	1,284	1,123	161	A2	2,101	2,119	18	
User Charges	4,982	5,590	(608)	A3	11,746	11,106	(640)	B1
Recurrent Operating Grants	5,389	5,316	73	A4	9,519	10,127	608	B2
Non Recurrent Operating Grants	6,478	6,417	61	A5	3,083	8,582	5,499	B3
Recurrent Capital Grants	1,993	2,468	(475)	A6	3,591	4,258	667	B4
Non Recurrent Capital Grants	17,173	18,898	(1,725)	A7	40,697	29,740	(10,957)	B5
Interest on Investment	102	165	(63)	A8	590	340	(250)	B6
Contributed Assets Non monetary	0	0	Ó		2,000	2,000	Ó	
Contributions Monetary	175	364	(189)	A9	850	996	146	B7
Reimbursements and other			, í					
contributions	5,185	5,035	150	A10	648	5,325	4,677	B8
Gain (Loss) on Sale of Assets	161	0	161	A11	0	0	0	
Other Income	740	429	311	A12	1,014	1,014	0	
Total operating revenues	105,861	107,805	(1,944)		138,021	137,789	(232)	
Expenses								
Employee Benefits	17,581	18,738	(1,157)	A13	34,318	36,795	2.477	B9
Materials and services	18,554	23,158	(4,604)	A14	42,723	53,371	10,648	B10
Depreciation and Amortisation	11,671	11,579	92	A15	23,163	23,163	0	010
Bad and doubtful debts	0	4	(4)	7110	38	38	0	
Borrowing costs	122	170	(4)		353	340	(13)	
Finance cost - leases	0	0	0		1	1	0	
Other expenses	951	919	32		1,690	1,840	150	B11
Total operating expenses	48,879	54,568	(5,689)		102,286	115,548	13,262	DIT
	10,010	0 1,000	(0,000)		,200			
Operating Surplus/(Deficit)	56,982	53,237	3,745		35,735	22,241	(13,494)	B12
Other Comprehensive Income								
Net Asset revaluation								
Increment/(Decrement)	0	0	0		106,842	106,842	0	
Net Comprehensive surplus	56,982	53,237	3,745		142,577	129,083	(13,494)	
Non Recurrent Capital Grants	(17,173)	(18,898)	1,725		(40,697)	(29,740)	10,957	
Contributed Assets	0	0	0		(2,000)	(2,000)	0	
Capital contributions - Monetary	(175)	(364)	189		(850)	(996)	(146)	
Adjusted Underlying Surplus/	, , , , , , , , , , , , , , , , , , ,					, í	, , , , , , , , , , , , , , , , , , ,	
(Deficit) excluding Asset								
valuation	39,634	33,975	5,659		(7,812)	(10,495)	(2,683)	B13

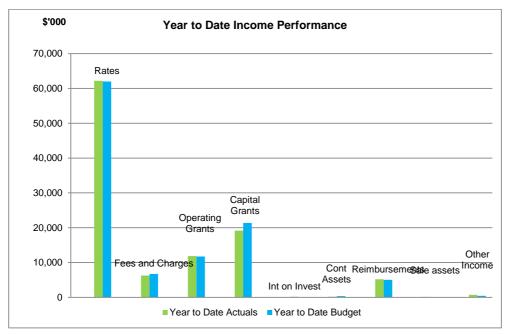
(Note: this report has not been audited)

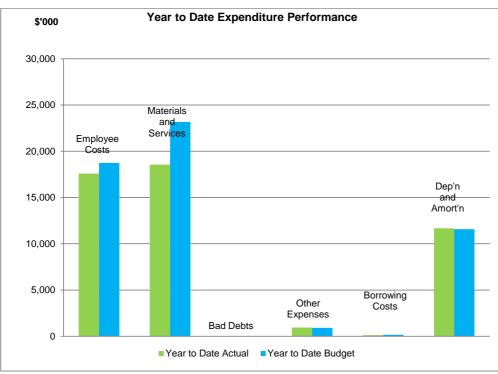
Please see the next page for an explanation of variances

 Positive Variance Negative Variance - Less

 Greater income or less
 income or greater

 expenditure
 expenditure





EXPLANATION OF VARIANCES

INCOME AND EXPENDITURE STATEMENT

PERIOD ENDING - 31 DECEMBER 2021

Note: Reference to timing differences through these notes mean that the actual income or expenditure has or will be received or expended at a different time to when it had been budgeted for; but will have no impact on the expected end of year result.

Year-to-Date (YTD) Variances

Notes (for category variances greater than 10 per cent or \$50,000)

A1	Favourable Variance \$199k
	Rates are \$199k greater than YTD budget as a result of a number of valuation objections that were outstanding at the end of December 2021.
A2	Favourable Variance \$161k
	Statutory Charges are \$161k greater than YTD budget mainly as a result of building and planning fees being ahead of year to date forecasts as at the end of December 2021.
A3	Unfavourable Variance \$608k
	User Charges are \$608k less than YTD budget. COVID closures have impacted year to date user fees. The most significant services impacted are Forge Theatre (less than budget by \$81k), Bairnsdale Recreation and Aquatic Centre less than budget by \$91k, Lakes Aquatic and Recreation Centre (less than budget by \$95k and the Livestock Exchange is also less than YTD budget by \$102k. Landfill operations is less than YTD budget by \$226k as a result of December invoices not being processed until January. Eagle Point Caravan Park is less than YTD budget by \$97k and Visitor Information Centres are less than YTD budget by \$38k. Mallacoota Holiday Park though is YTD greater than budget by \$67k.
A4	Favourable Variance \$73k
	Recurrent Operating Grants are \$73k greater than YTD budget as a result of a number of grants being received earlier than expected.

A5	Favourable Variance \$61k
	Non-Recurrent Operating Grants are \$61k greater than YTD budget as a result of a number of grants being received earlier than anticipated.
A6	Unfavourable Variance \$475k
	Recurrent Capital Grants are \$475k less than YTD budget as a result of the timing of when the grant will now be received.
A7	Unfavourable Variance \$1.725M
	Non-Recurrent Capital Grants are \$1.725M less than YTD budget as a result of the timing of the capital works and the claiming process for the related grants.
A8	Unfavourable Variance \$63k
	Interest on Investments is \$63k less than YTD budget as a result of the low interest rates currently being received on the investment of surplus cash.
A9	Unfavourable Variance \$189k
	Contributions Monetary are \$189k less than YTD budget as a result of the timing of works to which the monetary contributions relate.
A10	Favourable Variance \$150k
	Reimbursements income is \$150k greater than the YTD budget. This is due to reimbursements for bushfire natural disaster claim expenditure from the previous financial year being received in the current financial year.
A11	Favourable Variance \$161K
	Gain (Loss) on Sale of Assets The gain on sale of assets is \$161k greater than expected at the end of December as a result of the written down value of some assets sold yet to be brought to account.
A12	Favourable Variance \$311K
	Other Income is \$311K greater than the YTD budget. This is mainly the result of some leases being raised earlier than expected
A13	Favourable Variance \$1.157M
	Employee Benefits expenditure is \$1.157M less than the YTD budget. This is partly a result of a number of vacant positions across the organisation. Parks and Gardens is \$270k less than budget, Planning is \$148k less than budget, Visitor Information Centres are less than budget by \$38k, Human Resources \$95k less than budget, Organisation Development \$66k less than budget, Financial Services \$71k less than YTD budget, Bairnsdale Recreation and Aquatic Centre \$148k less than budget, Community Laws \$117k less than

	budget, Community programs \$112k less than budget, Building Maintenance \$57k less than budget, Community Recovery less than budget by \$99k, Strategic Projects Planning Open Space underbudget by \$66k, Most of these relate to vacant positions with some though impacted from COVID-19 facility closures. There are some areas that are greater than year to date budget and this has mostly related to increased employee costs to maintain services such as landfill and transfer station operations through the COVID restriction/rules being adhered to for employees. This YTD over expenditure for Waste Services is \$115k. There have also been some addition YTD costs for project management, which is offset by additional overhead recovery from capital projects and that YTD additional cost is \$104k.
A14	Favourable Variance \$4.604M
	Materials and Services expenditure is \$4.604M less than the YTD budget. There are many programs and projects that have been unable to be delivered in the first six months of the year as a result of COVID-19 restrictions. It is expected that those projects and programs though will be able to be delivered over the balance of the financial year.
A15	Unfavourable Variance \$92k
	Depreciation and Amortisation is \$92k greater than the YTD budget mainly as a result of the timing for capitalisation of assets that have been completed during the year.

Full Year Variances

B1	Unfavourable Variance \$640k
	User Charges: The full year forecast budget is estimated to be less than the adopted budget by \$640k. As a result of facility closures during COVID restrictions the forecast full year user charge income for recreation centres has been revised. The forecast reduction in user charges for the recreation centres is \$680k. There has been a forecast increase in user charge income of \$40k for marinas.
B2	Favourable Variance \$608k
	Recurrent Operating Grants: The full year forecast budget is estimated to be greater than the adopted budget by \$608K. This is a result of the final Victoria Grants Commission allocation for the 2021/22 year being greater than the amount included in the adopted budget by \$533k. There was also recurrent funding for Roadside Weed and Pest Management of \$75k that had not been included in the adopted budget.
B3	Favourable Variance \$5.499M
	Non-Recurrent Operating Grants: The full year forecast budget is estimated to be greater than the adopted budget by \$5.499M. The most significant variances are as follows:
	- \$3.2M for Bushfire Recovery Resourcing grant from BVR. Additional funding has now been received that was not in the adopted budget.
	- \$1.178M for Bushfire Rebuilding Support Services.
	- \$990k for Economic Activation and Outdoor Activation projects
	- (\$555k) – The final amount for the Working for Victoria program will be less than in the adopted budget.
B4	Favourable Variance \$667k
	Recurrent Capital Grants: The full year forecast budget is estimated to be greater than the adopted budget by \$667k as a result of some additional funding to be received in the 2021/22 financial year.
B5	Unfavourable Variance \$10.957M
	Non-Recurrent Capital Grants: The full year forecast budget is estimated to be less than the adopted budget by \$10.957M as a result of some capital projects now being identified for completion in the 2022/23 financial year and

Notes (for variances greater than 10 per cent or \$50,000)

	therefore the related grant funding will now be received in the next financial year.
B6	Unfavourable Variance \$250k
	Interest on Investments: The full year forecast budget is estimated to be less than the adopted budget by \$250k as a result of the current low interest rates for investments.
B7	Favourable Variance \$146k
	Contributions Monetary: The full year forecast budget is estimated to be greater than the adopted budget by \$146k as a result of additional land use planning contributions.
B8	Favourable Variance \$4.677M
	Reimbursements: The full year forecast budget is estimated to be greater than the adopted budget by \$4.677M. This is due to reimbursement for the 2019/20 fire natural disaster event being greater than the adopted budget as a result of the timing for reimbursements for some expenditure incurred in 2020/21 not being received until the current financial year.
B9	Unfavourable Variance \$2.477M
	Employee Benefits: The full year forecast budget is estimated to be greater than the adopted budget by \$2.477M. This is primarily the result of expenditure relating to grant funding that was unspent at the end of the 2020/21 year and will be expended during the 2021/22 year. There is also an additional cost for workcover as a result of the MAV Workcover scheme ceasing to operate from 30 June 2021. Council's liability as a result of the scheme ending has added \$532k to the forecast employee costs.
B10	Unfavourable Variance \$10.648M
	Materials and Services: The full year forecast budget is estimated to be greater than the adopted budget by \$10.648M. Additional expenditure will be incurred for the completion of grant funded projects from the previous financial year together with some operational expenditure for incomplete projects from the 2020/21 year. This has added \$7M to materials and expenditure. There will also be additional expenditure for new grant funded programs, the most significant being the Bushfire Recovery Resourcing Grant (\$3.2M).
B11	Unfavourable Variance \$150k
	Other expenses: The full year forecast budget is expected to be greater than the adopted budget by \$150k mainly as a result of additional leasing costs for

	the Bushfire Administration Centre, legal costs as well as additional membership costs.
B12	Unfavourable Variance \$13.494M Operating Surplus/(Deficit): The decrease in operating surplus is a net result of the variances explained above; but partly the result of projects and programs that have been carried over from the previous financial year for completion in the 2021/22 year of \$8.2M. The funding for these programs was included in the previous financial year and reflected in the end of year surplus. A reduction in overall Capital grants income of \$10.29M has also impacted on the forecast surplus at year end. These additional expenses and reduction in capital grants were offset by the additional Victoria Grants Commission funding of \$533k, and additional reimbursements of \$4.677M.
B13	Unfavourable Variance \$2.683M Underlying Surplus: This is a result of the change in operating surplus, taking into account the change to non-recurrent capital grants and other capital contributions.

		Revised	
	Adopted		New/Increase
Grant Name	Budget	Budget	/ (Decrease
	\$	\$	
1106 - Senior Citizens Support	44,614	44,614	
1108 - Roadside Weeds and Pest Management	0	75,000	75,00
1113 - Immunisations	26,565	26,565	10,00
1116 - Library Program - Local Priorities	17,500	17,500	
1120 - FreeZA	12,250	12,250	
1133 - East Gippsland Sporting Facilities Plan	3,000	3,000	
1136 - Tobacco Education	2,425	2,425	
1140 - Municipal Emergency Resourcing	120,000	120,000	
1144 - Get Online Week	0	4,000	4,00
1147 - Free From Violence	0	25,000	25,00
1165 - Best Start Program	119,663	119,663	23,00
1170 - Vulnerable Persons Project	91,082	91,082	
1175 - Art Gallery - Creative Victoria MOU	40,000		
1180 - Forge Theatre - Creative Victoria MOU	40,000 60,000	40,000 60,000	
1185 - Victorian Seniors Festival		-	
1220 - VGC - General Purpose Grant	2,700	2,700	E14 11
1225 - VGC - Local Roads Grant	5,948,283	6,462,402	514,11
1235 - Children's Week Event	2,496,827 700	2,515,929 700	19,10
1305 - Libraries After Dark			20.00
	6,000	44,681	38,68
1336 - Concierge Business Support - Baw Baw - Eco	0	50.000	50.00
Develop	0	50,000	50,00
1340 - South Bairnsdale Indutrial Estate	380,000	380,000	05.00
1350 - Omeo Mountain Bike Park Event	0	95,000	95,00
1380 - Australia Day COVID Safe	0	16,000	16,00
1390 - Hearing our Voice	39,600	39,600	
1405 - Buchan Streetscape - Footpath (Vic Roads Assets)	377,875	377,875	
1406 - Buchan Streetscape - Economic Activation	0	505,000	505,00
1407 - Bruthen Streetscape - Economic Activation	0	235,000	235,00
1410 - Mallacoota War on Weeds	0	99,140	99,14
1415 - Street Lights LED Upgrade	1,400,000	1,400,000	
1420 - East Gippsland Roadside War on Weeds	0	148,786	148,78
1445 - Road Safety Strategy	0	15,000	15,00
1446 - VMS/Billboards 21/22	0	9,000	9,00
1450 - RV Council Feasibilty - Bairndale Landfill	0	20,000	20,00
1455 - Kerbside Reform Support Fund	0	114,482	114,48
1460 - Outdoor activation 2021/22	0	250,000	250,00
1465 - Shop Front Improvement Program - Bass Coast	0	50,000	50,00
2029 - Fire - Relief December 2019	17,500	17,500	
2033 - Fire 2019 - Resourcing Grant - State Govt	0	3,200,000	3,200,00
2038 - Fire 2019 - Bushfire Rebuilding Support Service	0	1,178,500	1,178,50
2210 - Working For Victoria	859,898	305,038	(554,860
3006 - Beach Cleaning	2,000	2,000	
library Operations	345,000	345,000	
School Crossing Supervision	98,784	98,784	
_ake Tyers Trust	90,000	90,000	
Fotal	12,602,266	18,709,216	6,106,95

Attachment 2

East Gippsland Shire Council Balance Sheet - Period ended 31 December 2021

Prior Year	ltem	Year-to-date		Full Year		Note
			Adopted	Forecast		
Actual		Actual	Budget	Budget	Variance	
(\$'000)		(\$'000)	(\$'000)	(\$'000)	(\$'000)	
	Current assets	Y				
92,198	Cash and investments	96,588	40,237	57,787	17,550	A1
10,993	Receivables	42,388	12,742	11,152	(1,590)	A2
7,726	Other Current Assets	1,593	4,307	4,307	0	
110,917	Total Current Assets	140,569	57,286	73,246	15,960	
	Non-current assets					
1,237,274		1,240,296	1,305,519	1,287,969	(17,550)	A3
8,882		8,883	8,704	8,882	178	A4
785	5	784	869	869	0	
1,882	Intangible Assets	1,385	4,321	3,478	(843)	A5
241	Receivables	241	0	111	111	A6
1,249,064	Total Non- Current Assets	1,251,589	1,319,413	1,301,309	(18,104)	
1,359,981	Total assets	1,392,158	1,376,699	1,374,555	(2,144)	
	Current liabilities					
9,474	Payables	560	10,699	9,731	(968)	A7
2,835	Trust Funds and Other Deposits	2,553	2,799	2,835	36	
20,977	Unearned Income	5,929	2,452	5,929	3,477	A8
9,571	Current Provisions	8,883	10,684	13,070	2,386	A9
62	Lease Liabilities	62	72	62	(10)	
1,700	Interest Bearing Liabilities	1,700	0	0	0	
44,619	Total Current Liabilities	19,687	26,706	31,627	4,921	
	Non-current liabilities					
9,417	Non - Current Provisions	9,417	12,154	8,975	(3,179)	A10
383	Unearned Income	510	527	383	(144)	A11
759	Lease Liabilities	759	809	759	(50)	
1,650	Interest Bearing Liabilities	1,650	7,717	7,417	(300)	A12
12,209	Total Non - Current Liabilities	12,336	21,207	17,534	(3,673)	
56,828	Total liabilities	32,023	47,913	49,161	1,248	
1,303,153	Net assets	1,360,135	1,328,786	1,325,394	(3,392)	
	Equity					
884,867	Reserves	884,867	877,161	884,867	7,706	A13
418,286	Total Retained Earnings	475,268	451,625	440,527	(11,098)	A14
1,303,153	Total Equity	1,360,135	1,328,786	1,325,394	(3,392)	
	Net Surplus for year	56,982	35,735	22,241	(13,494)	

(Note: this report has not been audited)

Please see the next page for an explanation of variances

EXPLANATION OF VARIANCES

BALANCE SHEET – PERIOD ENDING 31 DECEMBER 2021

Full Year Variances

Notes (for variances greater than 10 per cent or \$50,000)

Favourable Variance \$17.550M
Cash and Investments: The end-of-year forecast cash position of \$55.787M is \$17.550M greater than the adopted budget of \$40.237M. The increase in the forecast cash position is mainly a result the reduction in the payments for capital work as a result of some projects now being forecast to be completed in the 2022/23 year.
Unfavourable Variance \$1.590M
Receivables: The year-end forecast is \$1.590M less than the adopted budget to reflect a reduction in general debtors at the end of the 2020/21 year that was less than the forecast in the adopted budget.
Unfavourable Variance \$17.550M
Property, Infrastructure and Equipment are forecast to be \$17.550M less than the adopted budget primarily as a result of the actual capitalisation at the end of the 2020/21 year and the forecast decrease in the 2021/22 capital expenditure of \$14.77M.
Favourable Variance \$178K
Investment Properties are expected to be \$178k greater than the adopted budget as a result of the end of 2020/21 year actual result.
Unfavourable Variance \$843K
Intangible Assets are expected to be \$843k less than the adopted budget as a result of the end of 2020/21 year actual result.
Favourable Variance \$111K
Non-current Receivables are expected to be \$111K greater than the adopted budget as a result of the end of 2020/21 year actual result.
Favourable Variance \$968k
Payables are expected to be \$968k less than the adopted budget as a result of a reduction in actual payables at the end of the 2020/21 financial year being less than the adopted budget together with adjustments for the 2021/22 year.
Unfavourable Variance \$3.477M
Unearned Income is expected to be \$3.477M greater than the adopted budget as a result of the expected advance grant income that will be received
-

	for capital projects in 2021/22 but will not be applied to projects until 2022/23 year.
A9	Unfavourable Variance \$2.386M
	Current Provisions are expected to be \$2.386M greater than the adopted budget as a result of the timing of landfill rehabilitation projects.
A10	Favourable Variance \$3.179M
	Non-Current Provisions: The decrease of \$3.179M is a result of the landfill rehabilitation provision timing for landfill rehabilitation works to be undertaken in future years.
A11	Favourable Variance \$144K
	Non-Current Unearned Income: The decrease of \$144K is a result of the end of 2020/21 year balance for prepaid multi year marina licence fees being less than the forecast result included in the adopted budget.
A12	Favourable Variance \$300K
	Non-current Interest Bearing Liabilities: The year-end forecast is less than the adopted budget as a result of the timing for the proceeds from new loans.
A13	Favourable Variance \$7.706M
	Reserves: The year-end forecast is greater than the adopted budget as a result of the actual result at the end of the previous financial year relating to the indexation adjustment for infrastructure assets.
A14	Unfavourable Variance \$11.098M
	Retained Earnings: The year-end forecast is less than the adopted budget as a direct result of the actual result at the end of the 2020/21 year being greater than forecast at the time of adopting the 2020/21 budget by \$2.462M less the \$13.494M operating surplus reduction forecast for the 2021/22 year and the movement in the other statutory reserve balances.

ltem	Year-to-date		Full Year		Note
		Adopted	Forecast		
	Actual	Budget	Budget	Variance	
	(\$'000)	(\$'000)	(\$'000)	(\$'000)	
Cashflows from Operating Activities					
Ratepayer receipts	29,374	62,059	62,387	328	
Statutory fees and fines	1,240	2,101	1,890	(211)	
User fees	12,895	11,731	15,163	3,432	
Operating Grants	12,121	12,602	21,401	8,799	
Capital Grants	4,139	44,288	18,565	(25,723)	
Contributions	175	850	996	146	
Interest Received	104	500	250	(250)	
Trust funds and deposits taken	(282)	6,650	8,500	1,850	
Other Receipts and reimbursements	5,999	1,752	6,729	4,977	
Net GST refund/payment	(1,753)	0	1,613	1,613	
Payments to Employees	(17,898)	(33,921)	(37,501)	(3,580)	
Payments to Suppliers	(26,521)	(40,795)	(55,564)	(14,769)	
Trust funds and deposits repaid	0	(6,650)	(8,500)	(1,850)	
Other Payments	(1,046)	(1,690)	(2,024)	(334)	
Net Cash Provided by Operating	18,547	59,477	33,905	(25,572)	A1
Cashflows from Investing Activities					
Payments for Property/ Plant	(14,462)	(88,759)	(72,553)	16,206	
Proceeds from Investments	0	0	0	0	
Proceeds from sale of assets	427	600	600	0	
Net Cash Used in Investing	(14,035)	(88,159)	(71,953)	16,206	A2
Cashflows from Financing Activities					
Finance costs	(122)	(354)	(344)	10	
Loan Principal Repayments	0	(1,700)	(1,700)	0	
New Loans	0	5,767	5,767	0	
Interest paid-lease liability	0	0	(1)	(1)	
Repayment of lease liabilities	0	0	(85)	(85)	
Net Cash Used in Financing	(122)	3,713	3,637	(76)	
Net Increase / (Decrease) in Cash	4,390	(24,969)	(34,411)	(9,442)	
Cash At Beginning of Period/Year	92,198	65,206	92,198	26,992	A3
Cash at End of Period/Year	96,588	40,237	57,787	17,550	

Attachment 3 Statement of Cashflows period ended 31 December 2021

(Note: this report has not been audited)

Please see the next page for an explanation of variances

EXPLANATION OF VARIANCES

STATEMENT OF CASHFLOWS - PERIOD ENDING 31 DECEMBER 2021

Full Year Variances

A1	Unfavourable Variance \$25.572M
	Net cash Operating: The change to the budget for cash inflows and outflows from operating activities is partly due to the revision to budgets for operating income and expenditures discussed in Attachment 1 above. There are also cash inflows and outflows, particularly for user fees and supplier payments that are a result of accruals at 2020/21 year end where the cash for the user fees will be received in 2021/22 and the payments made to suppliers were made in 2021/22. The most significant variance relates to income received in 2020/21 for capital projects in 2021/22 of \$20.977M together with a reduction in some capital grants that were budgeted to be received in 2021/22 but will now not be received until 2022/23 as a result of the timing for the works to be undertaken for some capital projects.
A2	Favourable Variance \$16.206M
	Net cash investing: The change to the cash used in investing activities is due to the revised estimate of capital works expenditure to be completed and paid in the 2021/22 year.
A3	Favourable Variance \$26.992M
	Cash and Investments at the beginning of the year: Cash at the beginning of the year is greater than the adopted budget primarily as a result of projects that were not completed at year end and will now be completed in the 2021/22 year and the advance income received in 2020/21 for capital projects that will be undertaken in 2021/22.
A4	Favourable Variance \$17.550M
	Cash and Investments at the end of the year: Cash and investments at the end of the year are expected to be \$17.550M greater than the adopted budget. This is the result of the end of year cash position from 30 June 2021 less the additional cash outflow as a result of projects that have been carried forward from 2020/21 for completion in the 2021/22 year together with the reduction in cash for the capital program in 2021/22 and some related capital grant income that will now not be received until the 2022/23 year.

ATTACHMENT 4 RECONCILIATION OF ADOPTED BUDGET TO FORECAST BUDGET INCOME STATEMENT PERIOD ENDING 31 DECEMBER 2021

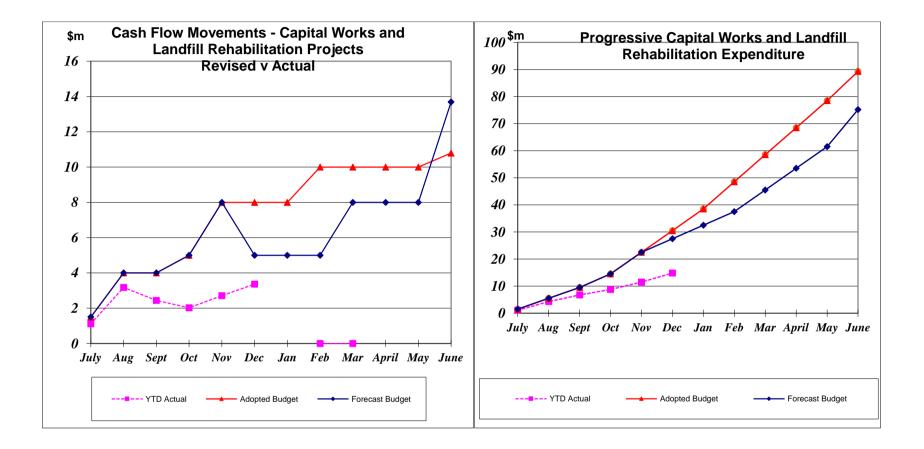
	(\$'000)
Net operating surplus per Adopted Budget	35,735
Budget Variations:	
Budget Revisions:	
Other Income Revision Increases	3,951
Expenditure Revision increases - other	(3,201)
Expenditure Revision increases for incomplete projects carried forward from previous year	(2,827)
Capital Works Program	
Increase in Capital and major projects Income per Capex review	(10,290)
New and adjusted Grants 21/22	
Victoria Grants Commission adjusted allocation increase	533
Other Operating Grants Income	5,574
Expenditure relating to new/adjusted Grants (including carry forward unspent grants)	(7,234)
Net operating surplus per Forecast Budget	22,241

ATTACHMENT 5

Summary of Capital Works and Landfill Rehabilitation Projects as at 31 December 2021

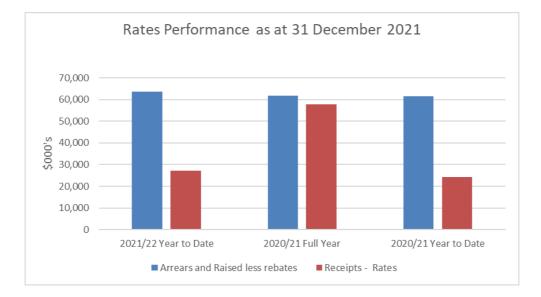
		Year-to-date			
	Forecast				
	Actual	Budget	Variance		
Description	(\$'000)	(\$'000)	(\$'000)		
Capital Projects	14,462,287	27,100,000	(12,637,713)		
Landfill Rehabilitation Projects	370,521	400,000	(29,479)		
Total	14,832,808	27,500,000	(12,667,192)		

	Full Year				
		Adopted		Variance	
		Budget with		Forecast v	
	Adopted	actual c'fwds	Forecast	adopted with	
	Budget	from 2020/21	Budget	C'fwds	
Description	(\$'000)	(\$'000)	(\$'000)	(\$'000)	
Capital Projects	88,758,160	93,225,158	73,983,592	(19,241,566)	
Landfill Rehabilitation Projects	536,000	810,394	1,207,394	397,000	
Total	89,294,160	94,035,552	75,190,986	(18,844,566)	



ATTACHMENT 6 RATES PERFORMANCE FOR THE PERIOD ENDING 31 DECEMBER 2021

		2	2020/21 Year
	2021/22 year to	2020/21 Full	to date to
	date to 31/12/21	Year	31/12/2020
	(\$'000)	(\$'000)	(\$'000)
Arrears as at the start of the year	3,936	4,406	4,406
Rates raised 2021/22 including			
supplementary rates to 31/12/2021	62,107	60,215	60,031
Interest raised on arrears	92	320	101
Legal Fees added to rate arrears	11	18	4
Government Pension Rebates applied	(1,630)	(1,656)	(1,598)
Council Pension Rebate applied	(392)	(402)	(388)
Rebates and Waivers	(598)	(1,165)	(1,070)
Receipts - Rates	(27,230)	(57,800)	(24,192)
Balance outstanding	36,296	3,936	37,294
	2021/22 Year to	2020/21 Full 2	2020/21 Year
	Date	Year	to Date
Arrears and Raised less rebates	63,526	61,736	61,486
Receipts - Rates	27,230	57,800	24,192
	43%	94%	39%



ATTACHMENT 7

Financial performance indicators

The following table highlights Council's budgeted and forecast performance across a range of key financial performance indicators. These indicators provide a useful analysis of Council's financial position and performance based on the current years forecast results.

Indicator	Measure	Notes	Budget	Forecast 2021/22	Trend
	-		2021/22		+/0/-
Operating position					
Adjusted underlying result	Adjusted underlying surplus (deficit) / Adjusted underlying revenue	1	(7.76)%	(9.99)%	-
Liquidity					
Working Capital	Current assets / current liabilities	2	215%	227.78%	0
Unrestricted cash	Unrestricted cash / current liabilities	3	128.97%	139.22%	0
Obligations					
Loans and borrowings	Interest bearing loans and borrowings / rate revenue	4	12.41%	11.93%	o
Loans and borrowings	Interest and principal repayments on interest bearing loans and borrowings / rate revenue	4	3.3%	3.29%	0
Indebtedness	Non-current liabilities / own source revenue	5	27.09%	21.36%	+
Asset renewal	Asset renewal expenditure / depreciation	6	218.79%	245.91%	+
Stability					
Rates concentration	Rate revenue / adjusted underlying revenue	7	65.51%	59.19%	+
Rates effort	Rate revenue / CIV of rateable properties in the municipality	8	0.51%	0.51%	ο
Efficiency	· · ·				
Expenditure level	Total expenditure / no. of property assessments	9	\$3,159	\$3,568	-
Revenue level	Residential rate revenue / No. of residential property assessments	10	\$1,920	\$1,920	ο

Key to Forecast Trend:

+ Forecasts improvement in Council's financial performance/financial position indicator

o Forecasts that Council's financial performance/financial position indicator will be steady

- Forecasts deterioration in Council's financial performance/financial position indicator

Notes to indicators

1 Adjusted underlying result – An indicator of the sustainable operating result required to enable Council to continue to provide core services and meet its objectives. A result of more than 0% indicates surpluses are being generated consistently and represents a lower risk of Council not being able to fund works and services. The advance payment of \$8.2M of the 2021/22 Grants Commission allocation in the 2020/21 year together with other grants and incomplete projects of \$7.7M received or budgeted in 2020/21 that were unspent at year end and will be expended in the 2021/22 year has impacted on this indictor negatively as the indicator only measures an annual result and therefore does not show the the average underlying result over time which is a positive result for Council.

2 Working Capital - The proportion of current liabilities represented by current assets. Working capital is forecast to remain steady at an acceptable level. Council aims to have a working capital ratio on average of at least 150%.

3 Unrestricted cash - Cash and cash equivalents held by Council are restricted in part and are not fully available for Council's operations. This indicator measures Council's ability to fund current liabilities with unrestricted cash if they fell due at year end. Council would be targeting a result of 100% or greater for this indicator.

4 Debt compared to rates - The percentage for this indicator shows Council has a low reliance on borrowings at this point in time.

5 Indebtedness - This is a measure of Council's use of it's own source revenue compared to longer term liabilities. This level of indebtedness is low even though there are new borrowings proposed in the 2021/22 year.

6 Asset renewal - This percentage indicates the extent of Council's renewals against its depreciation charge (an indication of the decline in value of its existing capital assets). A percentage greater than 100 indicates Council is maintaining its existing assets, while a percentage less than 100 means its assets are deteriorating faster than they are being renewed and future capital expenditure will be required to renew assets. The forecast results for this indicator are based on the current estimate of capital works to be completed in the 2021/22 financial year.

7 Rates concentration - Reflects the extent of reliance on rate revenues to fund all of Council's on-going services. The forecast result is indicating that Council's reliance of rate revenue is slightly less than the budget expectation.

8 Expenditure Level - Reflects the expenditure on average per ratepayer for the financial year. The forecast result is indicating that this will be slightly more than the budget expectation as a result of additional forecast expenditure for programs that were carried forward from the 2020/21 year for completion in the current financial year.

5.1.2 Sale of Land - Tambo Bluff Estate

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

The Tambo Bluff Estate (Estate) situated at Metung, contains a number of Council-owned properties.

The Council-owned properties within the Estate are either freehold and are waiting to be consolidated with adjoining privately owned properties when the owners and/or executors are able to be located or, identified public open space that Council are required to retain as the properties are considered to be undevelopable due to their topography.

Officers have identified three properties within the Estate that are vacant properties that are able to be offered for sale without any further planning or evaluation:

- 3 Gannet Grove Metung (450 square metres);
- 6 Kookaburra Avenue Metung (929 square metres); and
- 13 Curlew Grove Metung (1,756 square metres).

Provided at **Attachment 1** is a copy of site plans for each property and a Tambo Bluff Restructure Plan 2018 showing the location of each of the properties.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;
- 2. determines that the properties described as:
 - a. 3 Gannet Grove Metung (450 square metres);
 - b. 6 Kookaburra Avenue Metung (929 square metres); and
 - c. 13 Curlew Grove Metung (1,756 square metres)

are not required for public access or any other municipal or public use;

- 3. gives notice of its intention to sell the properties described as:
 - a. 3 Gannet Grove Metung (450 square metres);
 - b. 6 Kookaburra Avenue Metung (929 square metres); and
 - c. 13 Curlew Grove Metung (1,756 square metres)

in accordance with the provisions of section 114 of the Local Government Act 2020;

- 4. notes that in accordance with section 3.3 of Council's Sale of Council-owned Land Policy, the properties will be sold for at least market valuation, unless Council specifically resolves otherwise;
- 5. notes that the property known as 3 Gannet Grove Metung will be sold by private treaty to the adjoining owner at 5 Gannet Grove Metung to accord with the Tambo Bluff Restructure Plan 2018;
- 6. notes that the properties known as 6 Kookaburra Avenue Metung and 13 Curlew Gove Metung will be sold by public tender on the open market; and
- 7. notes that a community engagement process will be undertaken in respect of the sale of the properties described as:
 - a. 3 Gannet Grove Metung (450 square metres);
 - b. 6 Kookaburra Avenue Metung (929 square metres); and
 - c. 13 Curlew Grove Metung (1,756 square metres).

Background

The properties are located in an area known as the Tambo Bluff Estate located on Lake King approximately 4 kilometres west of the Metung coastal settlement. The Estate has a long history of restructure activity, and infrastructure development to enable appropriate urban development. The *Blue Horizons Estate*, as it was known at the time of creation in the 1960s, also created a legacy of small lots in an environmentally sensitive area with little to no infrastructure, services or community facilities and poor connections to nearby communities.

Restructure processes have been undertaken for decades to address the legacy issues with the Estate. Council Officers undertook a review of progress with the restructure process in 2020. A detailed assessment was undertaken of properties in Tambo Bluff Estate that have not been able to be developed or consolidated due to site constraints, ownership patterns or inappropriate layouts, and have identified three Council-owned properties that are readily available to be sold on the open market.

The three properties within the Estate that are proposed to be sold are all zoned low-density residential zone under the East Gippsland Planning Scheme.

3 Gannet Grove Metung

Council acquired this property for unpaid rates on 13 February 1998. This property is required to be consolidated with the adjoining property at 5 Gannet Grove Metung as per the Tambo Bluff Restructure Plan 2018.

The owner of 5 Gannett Grove Metung has expressed an interest to purchase the property at 3 Gannet Grove Metung (450 square metres) for consolidation with their existing property at 5 Gannet Grove Metung. As the sale of this property to the adjoining land owner is consistent with the Tambo Bluff Restructure Plan 2018 and will achieve a consolidation of allotments to further the restructure of an inappropriate subdivision under the East Gippsland Planning Scheme, the land will be sold by private treaty to the adjoining land owner.

6 Kookaburra Avenue Metung

This property was formerly known as Lot 935, Lot 396 and Lot 937 Kookaburra Avenue Metung. Council has owned these three properties since 2007.

This property was placed on the market as three allotments in 2014 by resolution of Council on 17 December 2013 (Item 5.4.3) and failed to sell. Council withdrew the property from the market in 2018. The failure to sell may have been as a result of three individual unconsolidated lots that were required to be consolidated prior to being developed.

Council officers have consolidated the three lots into one developable property known as 6 Kookaburra Avenue Metung (929 square metres) in accordance with the Tambo Bluff Restructure Plan 2018. This property will be sold by public tender on the open market.

13 Curlew Grove Metung

This property was formerly known as 13 Curlew Grove Metung and 14 Brolga Grove Metung.

Council acquired the property known as 13 Curlew Grove Metung for unpaid rates on 13 February 1998. Council could not sell the property at the time as it was required to be consolidated with the property known as 14 Brolga Grove Metung, which was in private ownership at the time.

Council acquired the property known as 14 Brolga Grove Metung by agreement for unpaid rates in September 2020. This was part of a deceased estate and the executor of the estate was not aware that their father owned the property.

Council officers have consolidated the two properties into one developable property known as 13 Curlew Grove Metung (1,756 square metres) in accordance with the Tambo Bluff Restructure Plan 2018. This property will be sold by public tender on the open market.

Legislation

On 24 March 2020 the Government passed the *Local Government Act* 2020 (the new Act). As of 1 July 2021 all provisions from the new Act have commenced. Some provisions of the *Local Government Act* 1989, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with section 114 of the new Act. If determined by Council that the three properties detailed above are able to be sold, community consultation will be undertaken in accordance with section 114(2) of the new Act.

The implications of this report have been assessed and align with the principles and objects of the Gender Equality Act 2020.

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

Collaborative Procurement

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

Council Plan

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

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

Council Policy

Under clause 3.3 of Council's Sale of Council-owned Land Policy (the Policy), and in line with the provisions of the *Local Government Act* 2020, these properties must be sold for at least the market value determined by a registered valuer unless Council resolves otherwise. If Council resolves that the properties are to be sold, Council officers will obtain this market valuation prior to offering the properties for sale.

Clause 3.2 of the Policy provides that unless determined specifically by Council, all land sales will be achieved by public auction or public tender, unless specific circumstances apply.

As the proposed sale of 3 Gannet Grove Metung is to achieve a consolidation of allotments to further the restructure of an inappropriate subdivision under the East Gippsland Planning scheme, clause 3.5(3) of the Policy allows for the land to be sold by private treaty to the adjoining registered freehold proprietor:

- i at a price not less than current Market valuation in accordance with section 114(2)(c) of the Act; and
- ii to achieve consolidation of title with the adjoining freehold property;

Options

There are two options available to Council.

Option 1

Council resolves not to sell the three properties and retains ownership of the three properties as part of its property portfolio. By retaining the properties, Council will be required to maintain the properties in a safe condition and accordingly allocate annual operating expenditure to do so.

Option 2

Council resolves to sell two of the three properties on the open market at a price not less than the current market value and the third property known as 3 Gannet Grove, Metung to the adjoining property owner of 5 Gannet Grove, Metung by private treaty in accordance with the Tambo Bluff Restructure Plan and for a value not less than the current market value.

The officers preferred option is Option 2.

Resourcing

Financial

If Council approves the sale of these properties, an independent valuation will be undertaken for each property prior to it being offered for sale. This will determine the minimum reserve price for each property. Each valuation will incur a cost of approximately \$900 to \$1,100. Legal fees are anticipated to fall within the same range for each property.

The cost of maintaining the properties is approximately \$2,000 per year per property, which includes slashing to reduce fire fuel load.

The proceeds from the sale of land in the Tambo Bluff Estate are allocated to the Tambo Bluff Restructure account. This account enables Council to facilitate the purchase of properties that have been identified as public open space in the Tambo Bluff Restructure Plan and to prepare properties for sale that may have been acquired, for example, through unpaid rates and where Council owns the adjoining property(s) to accord with the Tambo Bluff Restructure Plan.

Plant and equipment

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

Human Resources

The sale of the three properties does not require any additional resources.

Risk

The sale of the three properties may, when the community engagement is undertaken, receive submissions that oppose the sale of the properties. At which time Council will consider any written public submissions received in accordance with the Community Engagement Policy and evaluate on a case-by-case basis, taking into consideration each submissions merits and associated risks.

Economic

At present land sales within the East Gippsland region are attracting interest from people wishing to move to the area and acquire a property for a more relaxed life style. To place the properties on the market at this time, will attract interest from both local and out of town visitors. If the properties are sold, the sale will facilitate and/or promote investment and positive economic development outcomes within the East Gippsland Shire.

Social

There are no perceived social impact implications associated with this report.

Gender Impact Statement

The Sale of Land in Tambo Bluff Estate report has considered the *Gender Equality Act* 2020 in its preparation but is not relevant to its content. The Sale of Land in Tambo Bluff Estate report has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

There are no environmental implications for the sale of the three properties.

Climate change

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

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

Engagement

Officers have consulted with relevant Council staff who have determined that these properties are not required for municipal or strategic purposes and are able to be sold.

Members of the public will be entitled to make a submission in response to the community engagement process in accordance with section 114 of the *Local Government Act 2020*.

Attachments

1. Attachment 1 - Site plans Tambo Bluff Estate [5.1.2.1 - 4 pages]



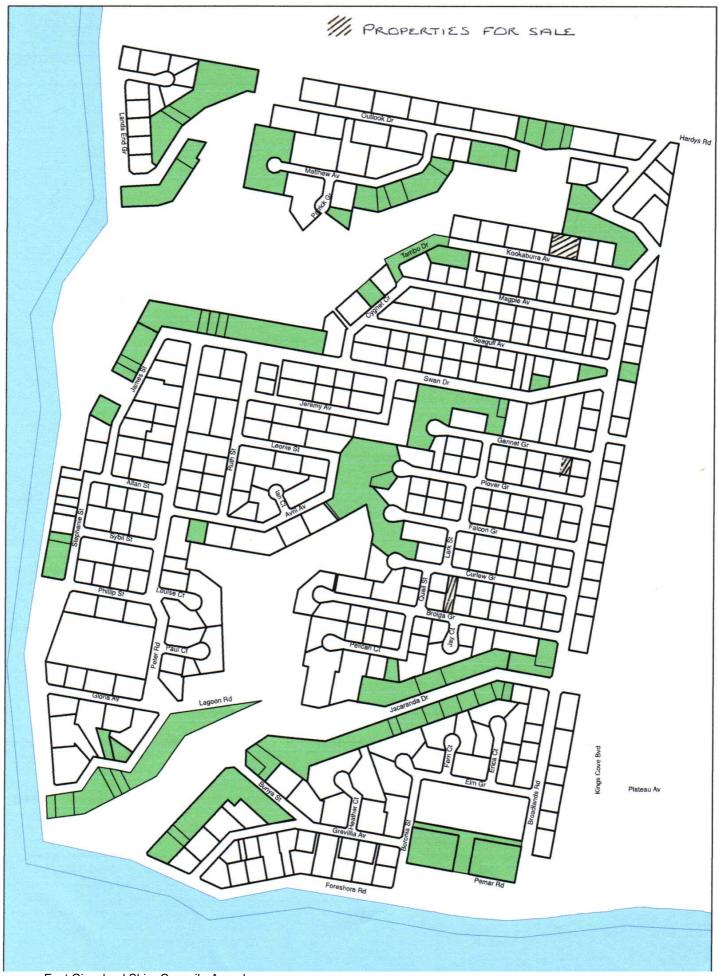
ATTACHMENT 1 – 3 Gannet Grove Metung

6 Kookaburra Avenue Metung



13 Curlew Grove Metung





5.1.3 Australian Local Government Association National General Assembly 2022 – Notices of Motion

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

The 2022 National General Assembly (NGA) of the Australian Local Government Association (ALGA) will be conducted 19-22 June. The theme for the 2022 NGA is 'Partners in Progress'. Further details on the theme are available in the Discussion Paper, which can be found via this <u>Link</u>. Council proposes to submit two motions, aligned with several of the topics underpinning the 2022 theme. Namely: Jobs; Building Back Better Businesses; Workforce Shortages and Re-engineering Work; Natural Disaster; and the Circular Economy.

The proposed motions (available in **Attachment 1**) are:

Motion 1: to continue the Local Roads and Community Infrastructure (LRCI) Program in an ongoing capacity or develop a similar non-competitive program.

Motion 2: to expand the scope, reduce the evidence required, and implement fairer and more consistent processes (between states) for seeking funding under the Disaster Relief Funding Arrangements (DRFA).

If approved, these motions will proceed to submission by 25 March, for the NGA from 19 to 22 June 2022.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and
- 2. approves the submission of the two proposed motions, as provided at Attachment 1, to the 2022 Australian Local Government Association National General Assembly.

Background

The theme for the 2022 NGA is 'Partners in Progress, which:

'…aims to focus on how partnerships, particularly between the Australian Government and Local Governments, can tackle immediate challenges facing communities as well as confidently facing the future.'

There are several topics for discussion underpinning this theme, fully detailed in the Discussion Paper. Several are relevant to Council's proposed motions. There are:

- Jobs;
- Building Back Better Businesses;
- Workforce Shortages and Re-engineering Work;
- Natural Disasters; and
- The Circular Economy.

Proposed Motions

It is proposed that Council submits two motions.

Motion 1: Local Roads and Community Infrastructure (LRCI) Program (or similar)

The Motion will propose to continue the <u>LRCI Program</u> or a similar non-competitive funding program, focused on funding community infrastructure and local roads based on the characteristics and needs of the local government area in an ongoing capacity, so that all communities across Australia can benefit from sustained and consistent roads and community infrastructure upgrade projects without the reliance on competitive processes that often exclude projects due to LGA's capacity to draft grant funding applications. See **Attachment 1** for details.

History

At the June 2019 NGA, Motion 13.1 was supported, described as follows:

'That the National General Assembly call on the Australian Government to increase grant funding for local roads that feed into or are impacted by roads of state or national significance.'

Then in 2020, Council submitted a Motion to expand and increase funding of roads of strategic importance, refer to **Attachment 2** for details. This Motion suggested focusing on rural regions affected by the 2019/2020 bushfires and floods, with an increase in funding for improvements to the Princes Highway as a road of strategic importance. This suggested funding would enable fire and flood ravaged communities to upgrade freight and road corridors to fund bridge and culvert upgrades, road sealing, strengthening and widening, creating a more reliable and safer road network and facilitate tourism opportunities, to assist the economic recovery of fire and flood ravaged rural communities.

It is possible that the Motion supported in 2019 and the Motion Council submitted in 2020, contributed to the creation of the Local Roads and Community Infrastructure (LRCI) Program announced by the Australian Government on 22 May 2020, with an initial allocation of \$500 million (Phase 1). In the 2020-21 Budget the Australian Government announced a \$1 billion extension of the Program (Phase 2), following strong community and local government support. The time periods for the completion of projects in Phases 1 and 2 have been extended to 30 June 2022 only, with no further extensions permitted.

From 1 January 2022, councils have been able to access funding through LRCI Program Phase 3, with projects to be delivered by 30 June 2023. The increased funding available under LRCI Program Phase 3, as well as a longer delivery window, facilitates local governments pursuing larger, more complex projects that may be a higher priority and have a greater positive effect on the community.

Across the three phases, Council has been allocated the following funding from this Program:

Total		\$12,225,312
Phase 3	2022	\$ 5,989,922
Phase 2	2021	\$ 3,240,429
Phase 1	2020	\$ 2,994,961

This funding has enabled the reconstruction and upgrading of numerous road and community structures. It is worth noting that Council has projects at risk in Phases 1 and 2 due to the hard deadline for completion. The risks are due to the delays and shortages in the supply of materials, stemming from the impacts of COVID.

As stated in the ALGA National State of the Assets Report 2021, accessible via this <u>Link</u>, councils own and manage around a third of Australia's community infrastructure. This report highlights the gap between what local governments can spend on community infrastructure assets, and what needs to be spent to ensure these assets are, at the very least, maintained.

At present the LRCI funding in isolation is insufficient to meet local government infrastructure renewal needs. However, most other infrastructure funding is based on competitive grant programs which favour councils with the capacity to develop strong funding applications, rather than consideration of real need across the sector.

The process for seeking LRCI funding is non-competitive, based on need and local government size to support renewal of critical infrastructure, and as such provides councils with an appropriate mechanism to seek funding for critical road infrastructure upgrades. However, this initiative is not currently considered ongoing. It is Council's view that it should be, to enable long term and sustainable upgrading of nationally critical roads and associated infrastructure. This will ensure local government is able to continue to provide infrastructure to their communities to meet a range of community and economic needs. This position is reinforced by a statement in the ALGA National State of the Assets Report 2021:

'Well-targeted infrastructure investment creates jobs and generates lasting economic, social and environmental benefits for communities. It lowers costs for business and governments, connects workers to their jobs, and plays a vital role in place making and community wellbeing.'

Motion 2: Disaster Relief Funding Arrangements (DRFA)

This motion suggests that the DRFA scope is expanded to include other infrastructure (such as important community infrastructure beyond the current definition of essential infrastructure), and to accommodate the cumulative and compounding effects of multiple disasters (where it may be difficult to complete DRFA requirements before the impact of the next event). See **Attachment 1** for details.

<u>History</u>

DRFA succeeded the Natural Disaster Relief and Recovery Arrangements (NDRRA) that concluded 31 October 2018. The DRFA came into effect from 1 November 2018 for eligible events that occurred on or after that date. Through DRFA, assistance can be provided to alleviate the financial burden on states and territories. It also supports the provision of urgent financial assistance to disaster affected communities. The state or territory governments determine which areas receive assistance and what assistance is available to individuals and communities.

Where the arrangements have been activated, the Australian Government may fund up to 75 per cent of the assistance available to individuals and communities. This contribution is delivered through several assistance measures. In addition, clean-up and recovery grants may be made available to assist businesses to resume trading as soon as possible. Of relevance to this report are the support for the reconstruction of essential public assets, and the removal of disaster related debris.

Council has secured the following under the NDRRA and DRFA July 2016:

Total		\$19,221,607	
Victoria Storms - 27 August 2020	\$	36,980	
Victorian Bushfires - 21 November 2019	\$17	,061,815	
Gippsland Floods - 5 July 2016	\$2,	122,812	

As a result of the past four weather events (2021/22), Council has identified a further \$1,405,201 worth of damage to assets that are likely to be eligible for funding under this scheme, as listed below. Submissions are underway to seek this funding.

Eastern Victoria Floods – 3 September 2021	\$154,000
Victorian Storms – 29 October 2021	\$ 79,000
East Victorian Storms – 12 November 2021	\$210,000
Central West Victorian Storms – 5 January 2022	\$962,210

Issues - scope

It is Council's view that the current administration of the DRFA is an obstacle to community disaster recovery due to its narrow focus and complexity and the inconsistent approach between states. DRFA is intended to provide a mechanism for local governments to be supported in the costs associated with responding to a disaster, including the provision of relief, and in the restoration of essential infrastructure. However, the scope needs to be broadened to enable the reconstruction of public assets to incorporate higher degrees of resilience, thereby reducing expenditure on asset restoration during future events. In other words, betterment.

Council has identified \$1,000,000 of damage to assets that are not eligible to be claimed under this scheme. This is a considerable cost to Council. A broadening of the coverage of DRFA is required so that important community infrastructure is restored in a timely manner - this includes infrastructure beyond the current scope of "essential public assets".

The DRFA also needs to allow for critical safety measures, such as hazardous debris clean up after natural disasters, to occur over time. East Gippsland's Black Summer Bushfire experience identifies the need for significant change in policy and practice for DRFA. Currently, debris after an event has a limited eligibility. Examples of activities not eligible include removal of non-disaster related debris from any assets, removal of debris from ineligible assets including community assets, parks, cemeteries and commercial properties, removal of debris impacting on an insured asset and the removal is covered by insurance, removal of debris from streams, beyond that directly impacting on the essential public asset, such as a bridge or culvert structure. This issue poses a significant cost burden to councils and is often not undertaken. Flood and/or storm debris are very different from fire debris, as they have environmental implications. All categories of debris pose physical risks and cause psychological stresses to communities and remain unsightly.

Prior Motions have also sought to broaden the scope. At the June 2019 NGA, Motion 54 was supported. Specifically, to:

"... review the National Disaster Relief and Recovery Arrangements to consider broadening the definition of essential assets to include assets that are currently regarded as nonessential."

Additionally, at the same NGA, Motion 38 was supported, to:

… to review and clarify the Natural Disaster Funding Arrangements for protective coastal infrastructure having regards for:

- The critical role that protective coastal infrastructure has in ensuring the social and economic functioning of coastal communities;
- The changing climate and forecast increase in the frequency and intensity of coastal storm related events and coastal flooding; and
- The quantum of investment in protective coastal infrastructure across Australia by Local Government.

<u>Issues – claims process</u>

The mechanism for seeking funds through DRFA is complex and requires a very detailed evidence base. The latter is particularly difficult to gather in disaster response and recovery phases. The current process also does not accommodate the cumulative and compounding effects of multiple disasters. A more streamlined evidence and claims process is needed, that better reflects the emergency context in which critical work is undertaken.

Inconsistency between States is particularly evident in the claims processing and the consideration of betterment, resulting in unfair outcomes between States.

Proposed next steps

If approved, these motions will proceed to submission by 25 March, for the NGA which occurs 19-22 June 2022.

Legislation

On 24 March 2020 the Government passed the *Local Government Act* 2020 (the new Act). As of 1 July 2021, all provisions from the new Act have commenced. Some provisions of the *Local Government Act* 1989, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with related sections 90(1)(e) and 92(3)(g) in the new Act.

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

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

Consultation

Discussions have occurred and information garnered from General Manager Assets and Environment, Senior Contracts and Projects Officer, General Manager Place and Community, Manager Community Engagement and Resilience, and Manager Emergency Management.

Council Plan

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

Strategic Objective 2: 2.3 Planning with local communities for natural disasters and emergencies strengthens capacity, infrastructure, resilience, preparedness, and recovery.

Strategic Objective 4: 4.1 Leadership enables economic prosperity, investment, recovery, resilience and growth.

Council Policy

This report has been prepared and aligned with the following policies:

- Risk
- Occupational Health and Safety
- Asset Management

Options

In lieu of presenting Motion 1 at this forum, Council could look to engage directly with ALGA, in the context of its National State of the Assets Report 2021 with a view to suggesting a new national funding framework to Federal Government. However, this could be undertaken in addition to this motion.

Motion 2 is a key concern for Council. An alternative mechanism for raising this matter is through the Victorian Minister for Local Government. However, as with Motion 1, this could be undertaken in parallel.

Resourcing

Financial

There are no financial implications to submitting these motions. There may be some financial benefits if the efforts applied by Council and ALGA result in the proposed improvements to LRCI and DRFA.

Plant and equipment

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

Human Resources

Effort and time may be assigned by relevant resources to attend the event.

Risk

The risks of this proposal have been considered and determined that there are no material risks to Council to submit these motions.

Economic

There are no economic benefits to Council or the community in submitting these motions. However, if the efforts applied by Council and ALGA result in the proposed improvements to LRCI and DRFA, there may be some flow on positive benefits to economy of the community.

Social

There are no social impact implications associated with this report.

Environmental

There are no environmental implications associated with the report.

Climate change

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

This report is assess as having no direct impact on Climate Change.

Engagement

There is no requirement to undertake community engagement to submit these motions. However, Council has undertaken engagement with the community to advise of the success through and limitations of the LRCI and DRFA funding programs.

Attachments

- 1. Proposed ALGA Motions 2022 [5.1.3.1 2 pages]
- 2. Previous ALGA Motions [5.1.3.2 3 pages]

PROPOSED 2022 MOTION DETAILS

Proposed Motion 1: Permanent and ongoing funding of the Local Roads and Community Infrastructure (LRCI) Program or introduce a program with similar characteristics

The National General Assembly calls on the Federal Government to continue the Local Roads and Community Infrastructure (LRCI) Program, or a similar non-competitive funding program focused on funding community infrastructure and local roads based on the characteristics and needs of the local government area in an ongoing capacity, so that all communities across Australia can benefit from sustained and consistent roads and community infrastructure upgrade projects without a reliance on competitive processes that often exclude projects due to LGA's capacity to draft grant funding applications.

National Objective

To support the renewal of infrastructure critical to Australia's community health and wellbeing in a manner that reduces the associated maintenance costs, and continually and consistently enhance the quality and safety of these assets.

Summary of Key Arguments

Enabling councils, which own and manage around a third of Australia's community infrastructure, the ability to reduce the gap between available local government funding, and the funding required to ensure community infrastructure assets are maintained.

Non-competitive, needs based funding provides equitable support to local governments based on need rather than capacity to draft competitive funding applications

- 1) A program such as LRCI provides an essential mechanism for the equitable distribution of funds, based on need.
- 2) The Program is an excellent example of a partnership between Australian Government and local government to progress economic resilience by generating and maintaining locally based jobs and thereby stimulating local economies.
- 3) This will ensure local government is able to continue to provide infrastructure to their communities to meet a range of community and economic needs.
- 4) The Program is ideally placed to continue to build resilience in local communities, along with generating and maintaining local jobs.

Proposed Motion 2: Expand the scope and refine the application process for the Disaster Relief Funding Arrangements (DRFA)

The National General Assembly calls on the Federal Government to expand the scope, reduce the evidence required, and implement fairer and more consistent (between states) processes for seeking funding under the Disaster Relief Funding Arrangements (DRFA).

National Objective

To provide a fit-for-purpose funding mechanism to support local communities in response, recovery, reconstruction and betterment activities after disasters.

Summary of Key Arguments

In times of national disasters, it has proven to be increasingly difficult to seek funding through complex mechanisms, to enable communities to respond and recover. An avenue to allocate funding fairly and easily, with an inclusive definition of disaster relief is considered essential.

Expanding the scope to include important community infrastructure (beyond the current definition of essential infrastructure), and to accommodate the cumulative and compounding effects of multiple disasters (where it may be difficult to complete DRFA requirements before the impact of the next event).

- 1) The DRFA is an essential program, with improvements to the scope and application mechanism, can continue to build resilience in local communities.
- Activities through DRFA are excellent examples of a partnerships between Australian Government and local government to progress economic resilience by generating and maintaining locally based jobs and thereby stimulating local economies.
- 3) The scope and application amendments will decrease the cumulative effects of multiple disasters, thereby increasing the resilience of our community.
- 4) The scope changes can provide the opportunity to extend Betterment funding to Victoria, to restore essential public assets damaged to a more resilient standard:
 - a. so infrastructure and communities are more resilient to future disasters;
 - b. so future costs associated with disasters are reduced;
 - c. to address assessed natural hazard risks, and
 - d. in alignment with the National Strategy for Disaster Resilience.

MOTIONS SUBMITTED IN 2020

Motion 1: Telecommunication companies to provide infrastructure and communication devices

The National General Assembly calls on the Federal Government to require Telecommunication companies to provide infrastructure and communication devices that are resilient and reliable in high risk areas. So that all communities across Australia have access to NBN satellite infrastructure to access news and other critical information in times of high risk such as fire, flood and other weather-related events.

National Objective

To enhance the preparedness, resilience and recovery of communities dealing with a changing climatic environment

Summary of Key Arguments

In times of emergency communications (particularly digital and mobile communications) are essential to communities in how they are informed, react and respond in times of crisis and adversity.

- 1) Homes and Businesses now mostly run on digital platforms which if they become impaired or lost in times of extreme weather or catastrophic event not only lead to a loss of income and social utility but also contribute to unnecessary risk and loss of life.
- 2) The Federal Government is the only body with the legislative and economic clout to mandate that telecommunication companies and other related essential service providers build a network of satellite infrastructure that allows small and isolated communities to access news and other critical information about people and events in times of high risk such as fire flood and other crisis events; and
- 3) This infrastructure would also provide a productivity and economic impetus for regional communities seeking to recover from a sustained period of drought and now bushfires

MOTIONS SUBMITTED IN 2020

Motion 2: Telecommunication companies to ensure their infrastructure is fire resistant and regularly maintained.

The National General Assembly calls on the Federal Government to require Telecommunication companies to ensure their infrastructure is fire resistant and provides a regular maintenance routine to minimize the risk of infrastructure loss during critical risk events such as fire, flood or weather incidents.

National Objective

To enhance the preparedness management and resilience of communities dealing with a changing climatic environment

Summary of Key Arguments

In times of emergency communications (particularly digital and mobile communications) are essential to communities in how they are informed, react and respond in times of crisis and adversity.

- 1) Homes and Businesses now mostly run on digital platforms which if they become impaired or lost in times of extreme weather or catastrophic event not only lead to a loss income and social utility but also contribute to unnecessary risk and loss of life.
- 2) The Federal Government is the only body with the legislative and economic clout to mandate that telecommunication companies and other related essential service providers build a network of satellite infrastructure that allows small and isolated communities to access news and other critical information about people and events in times of high risk such as fire flood and other crisis events; and
- 3) This infrastructure would also provide a productivity and economic impetus for regional communities seeking to recover from a sustained period of drought and now bushfires

MOTIONS SUBMITTED IN 2020

Motion 3: Expand and increase the funding of the Roads of Strategic Importance initiative

The National General Assembly calls on the Federal Government to expand and increase the funding of the Roads of Strategic Importance initiative (ROSI) by focusing on rural regions hit by the 2019/2020 bushfires and floods. This funding will enable fire and flood ravaged communities to upgrade freight and road corridors to fund bridge and culvert upgrades, road sealing, strengthening and widening, creating a more reliable and safer road network and facilitate tourism opportunities which will assist the economic recovery of fire and flood ravaged rural communities. This will assist Council's work with isolated communities. East Gippsland Shire Council nominates the Princes Highway as roads of strategic importance that require that should be the focus of this funding

National Objective

To deliver a highway network in SE Australia that provides safer travel connectivity for communities in all environmental and weather conditions

Summary of Key Arguments

Local Governments affected by the recent bushfire emergency have endured a civil emergency of unprecedented proportion. Over 2000 kms (1500 km alone in East Gippsland) of road has been burnt where the Princes Highway linking Victoria and NSW was closed for more than a month. This coinciding with the peak holiday period has had a commercial and social impact the cost of which is still being determined

Dedicated and appropriate funding of the Princes Highway (seen as Roads of Strategic Importance) would:

- 1) Improve safety and travel times for locals, tourists and workers alike which in turn would lead to less road fatalities across the region
- 2) Improve safety and productivity for freight movement across East Gippsland
- 3) Provide an economic impetus and local content and jobs for communities seeking to deal with the impacts of prolonged drought and a downturn in timber and tourist sectors.

5.2 Place and Community

5.2.1 Planning Permit Application 476/2021/P - For Approval - 27 Eagle Point Road, Eagle Point - Multi lot subdivision

Authorised by General Manager Place and Community

Conflict of Interest

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

Executive Summary

The planning permit application currently before Council seeks a permit for a Multi-lot Subdivision (Staged), Building and Works (Roadworks) and Native Vegetation Removal located at 27 Eagle Point Road, Eagle Point. The subject land comprises three lots with an approximate land area of 10.3 Hectares. The land is located on the eastern side of Eagle Point Road, South of Riley Street and North of Hoskin Street and Houghton Crescent.

A copy of the plans and supporting documents submitted with the application can be found via <u>link</u> at *Attachment 2*.

Public notice occurred and the responsible authority has received 27 objections. The objections are provided at *Attachment 3*. A planning consultation meeting (PCM) was held on 7 February 2022 with multiple objectors presenting their concerns to Council. Minutes of that meeting are provided at *Attachment 4*.

Following the PCM, the applicant discussed responses to the objections with the officers and have offered to accept a condition requiring amended plans to demonstrate protection of the central native tree and creation of a small reserve to assist in the protection of the tree.

Referral authority submissions are provided at *Attachment 5,* and in general there is conditional consent for the grant of the planning permit. East Gippsland Catchment Management Authority raised concerns regarding the proposed drainage system shown in the lodged documents. Conditions are proposed requiring detailed design and discussion of the best solution to drainage for the site and downstream.

A detailed assessment of the proposal is provided at **Attachment 6**. On balance, the application is considered to be consistent with the purpose and objectives of the various planning scheme controls which apply to the site and is considered consistent with the direction provided for the land in the Council adopted Eagle Point Structure Plan (the Structure Plan). On the strength of the consistency demonstrated in the application with policy and planning scheme provisions, it is recommended that a Notice of Decision to grant a planning permit is issued, subject to the conditions outlined at **Attachment 1**.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and
- 2. being the Responsible Authority and having considered all the relevant planning matters, determines that planning application 476/2021/P is consistent with the requirements and objectives of the East Gippsland Planning Scheme and therefore resolves to issue a Notice of Decision to Grant a Planning Permit for the multi lot subdivision (staged), roadworks and the removal of vegetation, at 27 Eagle Point Road, Eagle Point subject to the permit conditions at Attachment 1.

Background

Site Analysis

The subject land is comprised of three titles formally described as Lot 2 on Plan of Subdivision 743267N and Lots 1 & 3 on Title Plan 888557E and has a combined area of approximately 10.2 hectares. The site is located an 8-minute drive from the Paynesville town centre and a 10-minute drive to the CBD of Bairnsdale. The site in locality context is identified in *Figure 1.*

The site has frontage to Eagle Point Road in the west, Riley Street in the north, and Hoskin Street to the south. Eagle Point Road is a bitumen sealed road that acts as a main thoroughfare within Eagle Point.

The western extent of Riley Street abutting the subject land is not constructed, while the eastern extent terminates at a t-head approximately 220 metres from the eastern boundary of the subject land. Hoskin Street is unconstructed, containing a number of large trees.

The site has a gently undulating landform, sloping gently downwards from the north-western corner adjoining Eagle Point Road, in either a north-easterly direction (towards Riley Street) or a south-easterly direction towards a drainage line that dissects the south-eastern corner of the site.

The property is predominantly cleared of standing trees, except for a large tree located centrally within the site, a cluster of native vegetation in proximity to the drainage line, and scattered vegetation along the road frontages.

The subject land is surrounded by properties developed for residential purposes. Land to the south of the subject land comprises numerous residential allotments created relatively recently as part of the Eagle Point Landing estate. Properties to the west are slightly more established, with development of the Eagle Bay Rise occurring less recently.

The precinct is undergoing transition as these residential allotments are progressively developed with predominantly single storey detached dwellings.

The land is located within the General Residential Zone and is subject to the Design and Development Overlay (Schedule 11), and Erosion Management Overlay (EMO). The land is not affected by an area of Aboriginal Cultural Sensitivity. The site is within a declared bushfire prone area.



Figure 1: Site and Locality Plan

Proposal Details/Discussion

The application currently before Council seeks approval for:

- Multi-lot Subdivision (75 Lots) with lots ranges in sizes from 797 sqm to 1,019 sqm as shown in *Figure 2*.
- Roadworks:
 - four new internal roads to be designed in accordance with the Eagle Point Structure Plan road hierarchy,
 - two intersections created on Eagle Point Road,
 - one new intersection to the existing Riley Street extent;
 - a modified format extension to the Western end of Riley Street; and
 - widening the road reserve along the East side of Eagle Point Road to accommodate additional services.
- Removal of Native Vegetation as shown in *Figure 3*:
 - a large tree central to the site (Proposed Lot 38) to make way for the road and works.
 - scattered trees and patches along Eagle Point Road to make way for services and new accesses to the land.
 - planted vegetation and regrowth less than 10 years old along Eagle Point Road and Riley Street to make way for services and new accesses to the land (this vegetation is exempt from permit consideration but is relevant to note).
- Drainage proposal
 - The applicant has prepared documentation recommending an underground stormwater detention basin in the reserve but acknowledge since lodgement that this is for demonstration purposes and the final drainage solution is to be negotiated with the responsible authority through permit conditions.



Figure 3: Vegetation to be Removed (and Retained)

Current Status

The application has been made subject to notification pursuant to the Act and referred. A PCM was held on 7 February 2022, the PCM minutes are available at **Attachment 4.** A response to objections is contained within the <u>Responses to Objections</u> discussion further in this report.

An important consideration for Councillors in making a determination is the suggestion from the Applicant that they are willing to accept an amended plan condition which would require:

- Re-alignment of Lots 38 and 39, and conversion of the resulting lot area containing the tree as a municipal reserve, allowing for the tree to be retained with a suitable tree protection zone;
- Establishment of a restriction on title to prevent damage to the tree roots in construction methods; and
- Requirement for services to avoid impact of the tree protection zone, and for road construction techniques to be employed to prevent root damage.

Additionally, the Council officers are facilitating further discussions with property owners in Tait Street who have existing issues with drainage across their property, with a view for Council to support improvements that will also accommodate the proposed subdivision.

Council officers have also met with some objectors since the PCM to further explain the background of the Structure Plan.

The issues regarding Social Impact Assessment (SIA) raised by objectors have been considered by officers and are addressed under the **Social** considerations of this report.

Legislation

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

In preparing this report the Victorian Gender Equality Act 2020 has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the Gender Equality Act. The need for a Gender Impact Assessment has also been assessed and is not considered required as not required by the *Planning and Environment Act 1987.*

Planning and Environment Act 1987 and the East Gippsland Planning Scheme

The application is made and assessed under the Planning and Environment Act and associated regulations. Policy and controls applicable are established under the East Gippsland Planning Scheme.

Planning policy relating to the proposal generally seeks to:

- Direct development to appropriately zoned and serviced land;
- Protect residential amenity;
- Respect neighbourhood character;
- Protect environmental features of significance; and
- Ensure that human life and property is not placed at an unacceptable level of risk.

The key aspect of decision making in relation to this matter will be to ensure that the application has appropriately addressed all the purposes and objectives of the Zone, Overlays and Particular Provisions relating to the subject site and immediate surrounds. A full assessment against the relevant purposes and objectives of the Scheme is made and provided at Attachment 6. The relevant policy, standards, and decision guidelines are summarised below.

Planning Scheme Controls and decision criteria

The following is a summary of the controls applicable to the assessment. Further detail of the considerations for each control is at *Attachment 6*.

Scheme Part	Detail	Relevance
Zones	General Residential Zone (Schedule 1)	A permit is required to subdivide land.
Overlays	Design and Development Overlay (Schedule 11)	A permit is required to subdivide land.
	Erosion Management Overlay (EMO)	A permit is required to carry out roadworks.
		A permit is required to remove, destroy or lop any vegetation.
		A permit is required to subdivide land
Particular Provisions	Native Vegetation	A permit is required to remove, destroy or lop native vegetation, including dead native vegetation.

Notice of Proposal

Public notification was undertaken in the form of letters to adjoining landowners and occupiers and two signs on site were erected (Eagle Point Road and Riley Street), in accordance with Section 52 of the Planning and Environment Act 1987 and the instructions issued by the responsible authority.

27 Objectors, some with multiple submissions, have registered concerns with the proposal.

A table outlining the objections are at **Attachment 3**.

Responses to objections

<u>Availability of the documentation, ability to comment, and expectations</u>

The application has been made under the provisions of the General Residential Zone. This land has been zoned as such since the adoption of the East Gippsland Planning Scheme in 1999 (as Residential 1 Zone). Further, the Eagle Point Structure Plan is a publicly available strategic document that was subject to extensive and prolonged community engagement prior to adoption. The proposal is highly consistent with the Structure Plan.

Notification of the proposal was undertaken in accordance with the Act and associated Regulations. A minimum 14 day notice period is required from the time the notices are sent or posted, and the responsible authority cannot determine the application until after that time has passed. An objection can be made up until the determination has been made, so additional objections have been received, including on the day of the PCM.

With regard to the timing of notice, the responsible authority must take into account its responsibilities to the applicant and to the community in requiring notice. It is common practice by other responsible authorities across Victoria to prevent notice periods from occurring between Christmas and Australia Day, when the general population tend to take leave and be away from home and may miss notifications. The notice was sent prior to this period, and ample time to respond has been provided.

If a determination is not made by the responsible authority within 60 days, the applicant may apply for a 'failure to determine' at VCAT, which can remove the responsibility of the decision from the local experts and Councillors, and may require additional expenditure by applicants, objectors and Council. Processing the notice in a timely manner after the application is lodged reduces the risk of the failure of the application being made.

Scale and design, number of lots, visual amenity and design control

The application has been made to be consistent with the Structure Plan. Specifically, the road network and street design are directly adopted from the Structure Plan. Proposed lot density and average size is also consistent. The applicant has stated a willingness to accept a no further subdivision restriction on title, which would prevent lot densities inconsistent with the structure plan.

The Design and Development Overlay Schedule 11 (DDO11) applies to the land. A permit is currently required under this control under the following circumstances:

- A dwelling and associated outbuildings has a footprint exceeding 300 square metres; and
- A dwelling has a height of 7.5 metres or greater from the natural (predevelopment) ground level.

Officers note that this provision also applies to the balance of the Eagle Point settlement subject to the General Residential and Low Density Residential zones. When considering the developments in Aquabella and precinct and Cardinal Drive and precinct estates, the majority of developments are single storey and less than 300 square metres at the time of initial development. The majority of properties have therefore been developed without a planning permit being required. It is anticipated that a similar result will occur in the proposed subdivision.

Precedence in applications determined at VCAT is that there is no right to a view, however principles such as view sharing and the impacts of a development on the views from the public realm are given consideration. Reasonable development of the land, no matter the scale and density of the proposal, will impact on the current views experienced by neighbouring landowners. This impact is a reasonable expectation given the zone which currently applies to the land. The DDO11 can consider the visual impact of individual dwellings, however the proposed subdivision design is generally consistent with the objectives of the overlay and Structure Plan.

Officers do not believe further design restrictions are appropriate for the proposed subdivision, however the developer may provide for further restrictions on title as was done in the Aquabella precinct to the west of the site. Such restrictions would be considered in relation to the development of individual dwellings by the future owners and must be followed by the responsible authority where a planning permit is required.

Amenity impacts – traffic (generation and safety), noise, light pollution

The application is supported by a supplement to the Structure Plan's traffic impact assessment and proposes a street network and design consistent with the Structure Plan, including road typography (design width, function, capacity). New road intersections on Eagle Point Road and Riley Street are consistent with the proposed road alignments in the Structure Plan. Riley Street is not extended to intersect with Eagle Point Road in order to protect a significant tree, and to reduce congestion at the intersection.

The anticipated traffic movements will not cause an unreasonable increased demand on the existing road networks. There will be changes and increased queues not currently experienced in general, however the anticipated volumes will not create significant disruptions to traffic flow. Intersection upgrades required to the Eagle Point Road and Paynesville Road intersection as a result of past subdivisions were designed to accommodate the additional demand generated.

Impacts from construction, of the subdivision and eventual individual dwellings will be limited to a five to ten year period, depending on market conditions and demand for new housing. The subdivision works will be subject to a construction management plan, which deals with dust suppression, stockpiling of soil, and cleaning vehicles prior to use of the road network. Regular inspections are conducted by Council's roads supervisors and technical officers.

The proposed road network linkages to Eagle Point Road are consistent with the Structure Plan. It is reasonable for owners opposite these proposed roads to take personal responsibility for screening, and Council can investigate whether appropriate plantings in the road reserve to the west side of Eagle Point Road could also minimise light spill and noise from passing traffic.

The proposal provides for a range of pedestrian links through and around the site as anticipated by the Structure Plan. Further work is acknowledged as outstanding to link to the current bus stop location along Paynesville Road, which is a Council project to implement the final linkages in cooperation with the Department of Transport. Bus linkage can also be considered in the proposed new bus stop to the north of the site on Eagle Point Road.

<u>Vegetation loss issues and Open Space</u>

The Structure Plan anticipates the removal of more vegetation than provided for in the proposal, areas of vegetation to the south of the site adjacent Hoskin Street road reserve are partially proposed to be removed. The applicant has sought to minimise the loss of vegetation in this area. Vegetation removal proposed along Eagle Point Road and Riley Street is necessary to provide appropriate services.

The proposal considers adoption of street tree planting to reduce impacts of urban heat generation. These street trees take time to establish but will contribute to a net increase in vegetation on the land. Coupled with individual garden planting

The proposal includes the provision for the large tree centrally located in the site to be removed. Regardless of whether it is removed or retained, it must be offset at the subdivision stage. Accordingly, the applicant has advised Officers that they are willing to accept conditions to protect this tree, by establishing a reserve and implementing a tree protection zone in the construction of the road, services, and restricting the development of a dwelling on the adjacent lot.

Additional park infrastructure is considered with respect to the Structure Plan and a companion document the Eagle Point Marine and Coastal Management Plan (Foreshore Plan), which was adopted at a similar time to the Structure Plan. The Foreshore Plan anticipates redevelopment of the foreshore and caravan park, allowing for increased public amenities and improved recreation facilities. The Structure Plan and Foreshore Plan combined provide justification for minimal new recreation reserves in this precinct.

<u>Demand on services and social impact</u>

Strategic Planning processes allow certainty to service authorities, such as utilities, government departments such as education and health, and emergency services as to the anticipated growth of settlements. The planning scheme amendment process to implement the Structure Plan is an outstanding strategic body of work, but given the land is subject to an existing zone control, the application can be made.

Most of the objectors raised concerns about the capability of health and education services and some utilities and emergency service providers to accommodate the planned growth and would seek the development to be reduced in scale until these services are improved. Many of these services are dependent on population growth to justify service improvements, and as such, individual developers are not responsible to provide the service improvements through a planning permit and associated conditions. Transactions such as stamp duty and other taxation at the state level provides the funding pool for improvements to health and education services and may also provide funding to the other authorities which need to improve services to keep pace with development.

Officers have provided an update to East Gippsland Water in recent months regarding projected timeframes for additional development in their service areas. Concerns regarding water pressure will be addressed by EGW as the network provider.

A statement was made in the application documentation in relation to the review of the Social Impact Assessment. This is discussed further in *Attachment 6* and under **Social** considerations of this report. It is considered that the public engagement appropriate to inform a review of the SIA is satisfied by the public notification of the proposed subdivision.

<u>Non-planning matters</u>

A number of concerns raised through objections are considered to be non-planning matters. The impact of a proposal on individual property values is not a relevant ground of objection, instead the focus of the planning determination is on amenity and the ability to mitigate amenity concerns either by separation or management of the potential amenity impact. Ultimately, the proposal is an infill residential subdivision, and is no different than the existing residential areas existing on all sides.

Whether or not land is or is not to be developed must be informed with consideration of advice and review of the relevant planning controls, including any strategic plans for an area. A prospective purchaser of land should consider speaking with Council to understand the likelihood of development. A timeframe cannot always be provided, but the controls and policy that apply can be explained.

Referral Authorities

A multi-lot subdivision has general referral requirements to servicing authorities, who have consented to the application. The application dealing with native vegetation removal partially on land managed by the responsible authority carries a mandatory referral to DELWP. The application for subdivision of land with an intermittent waterway is referred under Section 52 of the Act to East Gippsland Catchment Management Authority. The referral responses are contained at *Attachment 5.*

Internal review of the application was undertaken by the Senior Technical Officer – Development. Concerns have been raised in relation to the proposed drainage solution from an ongoing maintenance perspective, which can be resolved through the detailed drainage design process.

Consultation has also occurred with the Manager Community Facilities and Open Space, who advises that the reserve management can be accommodated, subject to review of the detailed design, and that also the tree can be retained subject to management arrangements for the reserve to minimise risks. It is also noted that the public open space should function as passive recreation only, and that linkages should be prioritised to the Foreshore, where planned improvements will provide active recreation.

Aboriginal Cultural Heritage

Pursuant to the Aboriginal Heritage Regulations 2018, a Cultural Heritage Management Plan (CHMP) was not required as the subject site is not mapped as being part of an area of cultural sensitivity. The Regulations provide the formal mechanism for review of development proposals by the area's First Nations people. Regardless of whether a CHMP is required or not, in the process of development if artefacts or suspected artefacts are discovered, then work must cease until an investigation is undertaken with supervision from the Registered Aboriginal Party.

Collaborative procurement

Not Applicable

Council Plan

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

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

Council Policy

In accordance with Council's Planning Permit Application Delegations Policy (April 2018), the application requires consideration by Council as more than ten (10) objections were received during public notice, as set out in Section 8.5 of the Policy.

Options

As objections have been submitted and following the PCM, the matter must be determined by Council. It is recommended to Council to decide on a Notice of Decision to Grant a Planning Permit in matter 476/2021/P. This considers all the relevant planning merits of the proposal, and also includes analysis of the economic benefit of the proposal for the locality, municipality and region.

The officer recommendation is made in consideration of the response prepared by the applicant following the PCM. Council may disagree and remove the amended plans requirements from the proposed permit conditions.

There are no further options to consider, except to note to Councillors that the recommendation, if not supported, would require preparation of grounds of refusal.

Resourcing

Financial

The assessment has been undertaken utilising existing operational budget and is supported by statutory application fees for consideration.

Plant and equipment

Assessment of the application is a part of existing operational budget.

Human Resources

The application is assessed by existing funded officers.

Risk

The risks of this proposal have been considered and are assessed as being low.

Economic

The proposal will create an additional 74 lots within an existing residential area. The lots will be provided with services including water, electricity, gas, and sewerage. The lots represent potential diversity in the market, especially within the Eagle Point settlement. Implementation of the subdivision will require contracted labour. New property sales will contribute to the real estate and associated property industries.

74 new dwellings are a likely outcome, supporting the building industry for the next 5-10 years based on the current demand.

Social

Pursuant to Clause 21.08 of the East Gippsland Planning Scheme, the proposal triggers an assessment under the Social Impact Assessment Guidelines for Development, as the proposed subdivision creates more than 60 lots. A SIA was prepared as a part of the Structure Plan, which provides that when a development of this nature is proposed on existing zoned land, a review of the assumptions of the SIA for the Structure Plan is required.

Council currently has a consultant strategic planner engaged to prepare the Planning Scheme Amendment to implement the Structure Plan. As this work also requires additional review of the SIA, the application and SIA were provided to the consultant, who has provided an independent review of the SIA. The findings of this assessment are included in the detailed assessment of the application (Attachment 6), but are also summarised as:

- Increasing number of couples with children residing in Eagle Point;
- Increasing percentage of occupied dwellings on census night;
- Strong focus on the need for improvements to pedestrian and cycling networks within the Structure Plan area, which is addressed in the proposal and should be reflected in setting appropriate permit conditions;
- The proposal supports the EPSIA in relation to attracting a diverse demographic profile that will support the viability of community infrastructure, in particular the Eagle Point Primary School;
- It is recommended to inform the community of future engagement associated with the implementation of the Eagle Point Structure Plan into the East Gippsland Planning Scheme; and
- The EPSIA offers the opportunity to secure enhanced planning outcomes for the community, particularly in relation to passive recreation areas, public realm, community safety and connectivity with social infrastructure within Eagle Point. These outcomes could be secured via amendments to the proposed development and/or planning permit conditions.

Gender Impact Statement

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

In particular in relation to this application, Officers note the following:

- 1. The proposal provides for a range of walking network improvements to support a range of users and fill in gaps in the current walking network, which will benefit people of all genders and abilities.
- 2. The proposed lot size diversity can accommodate a range of future dwelling sizes.

Environmental

The proposed recommendation takes into consideration the environmental factors raised by objectors including the Catchment Management Authority relating to stormwater management concerns, and the result will allow for increased environmental protection and improvement.

Climate change

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

Asset Management: Climate change is considered in the design and maintenance of assets and includes responses to direct and indirect impacts.

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

Engagement

Engagement activity is outlined in relevant sections of **Legislation** in accordance with Sections 52 and 55 of the *Planning and Environment Act 1987.*

Attachments

- 1. Proposed Permit Conditions [5.2.1.1 11 pages]
- 2. Application Documents Link 476/2021/P [**5.2.1.2** 1 page]
- 3. Objections [**5.2.1.3** 49 pages]
- 4. Minutes of the PCM 07 02 2022 [5.2.1.4 40 pages]
- 5. Referral Responses [5.2.1.5 18 pages]
- 6. Detailed Assessment [5.2.1.6 51 pages]

476/2021/P - 27 Eagle Point Road EAGLE POINT Lot 2 PS 743267, Lot 1 & 3 TP 888557 - Multi Lot Subdivision (Staged), Building and Works (Roadworks) and Native Vegetation Removal

PROPOSED CONDITIONS

Amended Plans

- Before the plan of subdivision for stage 1 is certified under the *Subdivision Act 1988*, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application (Proposed Subdivision Version 3 Drawn 30/08/3031 and Plan of Vegetation Removal Version 1 Drawn 08/09/2021) but modified to show:
 - a. Retention of "Tree B" as described in the application documents, now marked "Scattered Tree to be retained";
 - b. A tree protection zone for the tree retained in a. above, as established by condition 6;
 - c. Realignment of Lots 38 and 39 to north-south lengthwise, with the resulting corner lot converted to a municipal reserve; and
 - d. Amendments requested by DELWP in their conditions.

Endorsed Plans

2. The subdivision, roadworks and vegetation removal as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Staging Plan

3. The subdivision must proceed in the order of stages as shown on the endorsed plans unless otherwise agreed in writing by the Responsible Authority.

Legal Agreement

- 4. Before a statement of compliance is issued for Stage 1 of the subdivision, the owner must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to provide for the following:
 - a. The land must not be further subdivided so as to create an additional lot(s).
 - b. Before occupancy of any dwelling on each subdivided lot, the dwelling must include a stormwater detention and/or treatment system in accordance with the recommendations of the endorsed stormwater management plan. The responsibility of management of the system must be undertaken by the owner in accordance with the recommendations of the stormwater management plan to the satisfaction of the Responsible Authority.
 - c. A dwelling may only be constructed on the part of proposed Lot 37 if the dwelling and associated outbuildings and landscaping is sited to avoid impact over the endorsed tree protection zone or is constructed in accordance with the endorsed tree protection zone plan recommendations to the satisfaction of the Responsible Authority.
 - d. Each lot fronting Eagle Point Road and Riley Street may only be provided with a single crossover.

e. No vehicle crossover or access may be provided over a municipal reserve.

The owner must pay the costs of the preparing, lodging and registering the agreement and any subsequent amendment, removal or other dealing associated with the agreement. The agreement must be registered on the certificate of title for the land.

Public Open Space Contribution

5. Before the issue of a Statement of Compliance, the applicant or owner must pay to the Council an amount equal to four-point-five percent (4.5%) of the site value of all the land in the subdivision, pursuant to Section 18 of the Subdivision Act 1988.

Tree Protection Zone

- 6. Before the commencement of any works on site, a tree protection zone plan must be established by a qualified arborist for "Tree B" as identified in the application documentation. If any works are proposed within the tree protection zone, a qualified arborist must be engaged to report on and make recommendations for avoidance of harm to the tree. The recommendations must form a part of tree protection zone plan submitted to and endorsed by the Responsible Authority.
- 7. During construction activity, the tree protection zone must be marked as an exclusion zone with posts and flag line to exclude vehicles. Except as authorised under recommendations, in the endorsed tree protection zone plan, no construction work may occur in the tree protection zone.

Stormwater Management

- 8. Before any works associated with any stage of the subdivision start, a detailed stormwater management plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will then form part of the permit. The design and documentation for the drainage works must be prepared in accordance with standard engineering practice to provide for the collection, control and disposal of all stormwater runoff, and demonstrate:
 - a. Drainage infrastructure where required and as appropriate to the site, including swale drains and culverts, piping/drains and pits.
 - b. Any modification to the terrain, such as filling and excavation.
 - c. Easements and legal points of discharge required.
 - d. Proposed methods of on-site detention, such as, but not limited to: rainwater tanks with associated on-site use/plumbing, rain gardens, sediment traps, wetlands, rock beach outlets, detention basins, and gross pollutant traps.
 - e. That all stormwater discharged from the development via underground and overland systems does not increase adverse impact on downstream private property.
 - f. All stormwater discharge from each stage of the subdivision will meet the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO, 1999) to the satisfaction of the Responsible Authority
 - g. The staging of the works, including any works to be completed out of sequence with the remaining works.
- 9. Before the issue of statement of compliance for each stage of subdivision, all drainage works and requirements on public land must be undertaken and completed to the satisfaction of the Responsible Authority.

10. Before the issue of statement of compliance for each subdivision stage, each lot as shown on the endorsed plans must be drained to the satisfaction of the Responsible Authority.

Civil Works and Landscaping

- 11. Before the commencement of works for each proposed subdivision stage, a road construction plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must show:
 - Fully sealed pavement for all new roads designed in accordance with Road cross-sections Local Road H, (Option 1, 18m wide Internal Road Reserve), Open Space Edge Road K, (13m wide "Loop Road" Reserve) generally in accordance with:
 - i. The Eagle Point Structure Plan, Volume 1, June 2019 and
 - ii. Crossco Consulting Proposed Access & Servicing Layout Plan 2471/001-B dated 9 September 2021 as revised in accordance with Condition 1.
 - b. Widening of adjoining roads as/if required.
 - c. Verge areas with a width sufficient for the construction of drainage infrastructure and for pedestrian access.
 - d. Concrete footpaths a minimum of 1.5 metres wide on one side of each proposed road.
 - e. Footpath connections to surrounding subdivisions to satisfaction of the Responsible Authority, including in the adjacent road reserves as indicated in the Eagle Point Structure Plan.
 - f. Vehicular concrete crossovers with sufficient setback from intersections on proposed 'corner' lots and along Eagle Point Road where shared crossovers are preferred.
 - g. Street lighting using LED technology.
 - h. Statutory signage and traffic control devices and line marking.

The documentation for the road works must include provision for maintenance and repair of damage to any existing road and drainage infrastructure.

The works must be subject to a twelve month defects liability period.

- 12. Before the statement of compliance for the relevant stage of subdivision, the existing and now redundant sealed crossover to the existing Lot 2 PS 743267 must be removed and the road reserve re-instated as appropriate to the satisfaction of the Responsible Authority.
- 13. Before the issue of statement of compliance, a streetscape and reserve landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale. The plans must show:
 - A schedule of all proposed vegetation (trees, shrubs and ground covers) which includes botanical names, common names, mature size and total quantities of each plant within the municipal reserves, including those proposed in support of any waterway management plan.
 - Pot sizes and specific location of the plants to be planted.

- Public park infrastructure such as drinking fountains, seats, picnic tables, gazebos and shelters and public art as indicated in the Eagle Point Structure Plan.
- Natural features that influence the landscape design.
- Proposed irrigation methods.
- Street tree planting at a minimum rate of one tree per lot, with appropriate asset protection barrier design.
- The proposed design features such as paths, paving, lawn, finished surfaces and outdoor lighting

Landscaping in accordance with this approved plan and schedule must be completed before the issue of statement of compliance.

- 14. All new services to the subdivision must be placed underground in shared trenching. Design for the installation of services must meet the requirements of the relevant authorities and must be approved by those authorities to the satisfaction of the Responsible Authority.
- 15. Before the issue of statement of compliance for each subdivision stage, all civil works and requirements must be undertaken and completed to the satisfaction of the Responsible Authority.

Construction Management

- 16. Before the start of any works associated with the subdivision, a construction management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
 - Location of any temporary construction works office and machinery storage area;
 - The construction works access way;
 - Details of construction days and hours;
 - Vehicle and machinery exclusion zones;
 - Location and management requirements of stockpiled soil;
 - Measures and techniques to protect drainage lines and watercourses from sediment runoff from disturbed or under construction areas;
 - Measures and methods to be employed to protect sites of conservation importance, native vegetation and areas of archaeological significance;
 - Measures and techniques to manage dust control;
 - A note that dewatering of sedimentation/retention basins during construction is prohibited without the prior approval of the Responsible Authority;
 - The location of a machinery and vehicle wash down area and requirements for the ongoing use of the of the machinery and vehicle wash down area by contractors;
 - Location and management of litter storage areas, construction waste areas and chemical storage areas; and
 - Methods of ensuring all contractors are informed of the requirements of the construction management plan and persons responsible for ensuring the construction management plan is adhered to.

If the construction management plan will require movement of locations for each stage, a staged plan must be prepared that will demonstrate how the subsequent stages will not be prejudiced by the construction management for the previous stage.

All construction works and requirements of the construction management plan must be undertaken and completed in accordance with the endorsed construction management plan to the satisfaction of the Responsible Authority.

- 17. During construction and maintenance activities, adequate steps must be taken to stop soil erosion and the movement of sediment off site and into drainage lines, watercourses and onto adjoining land to the satisfaction of the Responsible Authority. Methods include but are not limited to:
 - a. Control of on-site drainage by intercepting and redirecting run-off in a controlled manner to stabilised vegetated areas on site.
 - b. Installation of sediment control structures such as sediment basins, sediment fences and sediment traps when construction commences and maintaining them until the site is stabilised.
 - c. Re-vegetating all disturbed areas as quickly as possible or within 14 days after construction works are completed.
- 18. Cut batters must be no steeper than 1 in 1.5 and fill batters no steeper than 1 in 2 unless retained by structural means. When completed, all batters must have a layer of topsoil, 50mm minimum thickness, spread over them and sown with a suitable grass and clover mixture, or mulched and planted with ground cover plants to the satisfaction of the Responsible Authority.
- 19. All earthworks associated with the development must be stabilised in accordance with standard engineering design and practices against erosion and failure. All earthworks or retaining structures must not encroach across neighbouring property boundaries to the satisfaction of the Responsible Authority.
- 20. Before the issue of a Statement of Compliance any portion of Council's existing infrastructure damaged as a result of work undertaken on the site or associated with the development must be repaired/reinstated to the satisfaction of the Responsible Authority.
- 21. Before the plan of subdivision is Certified a Waterway Management Plan (WMP) must be endorsed in writing by the Responsible Authority. The WMP must include:
 - a. Details of existing environmental values.
 - b. A landscape plan for revegetation of land within a 30 metres buffer either side of the waterway, including a species list and proposed density of the plantings. The vegetation must be representative of the Ecological Vegetation Class for the site. Revegetation within the buffer must not constitute a bushfire hazard to existing and proposed development.
 - c. A maintenance plan detailing the sequencing and periods of short, medium and long term actions, including inspections, and the parties responsible for each action.

Mandatory Conditions

- 22. The owner of the land must enter into an agreement with:
 - A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and

- A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- 23. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
 - a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Time Limit condition

- 24. This permit will expire if any of the following circumstances applies:
 - The vegetation removal is not carried out within 10 years of the date of the grant of the permit.
 - The plan of subdivision for stage 1 is not certified within two years of the date of the grant of the permit.
 - The plan of subdivision for each subsequent stage is not certified within 15 years of the date of the grant of the permit.
 - A Statement of Compliance is not issued within five years of the date of the plan of subdivision for the relevant stage being certified.

In accordance with section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Country Fire Authority conditions

Hydrants

- 25. Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:
 - a. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
 - b. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Roads

- 26. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
 - a. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
 - b. Curves must have a minimum inner radius of 10 metres.

Department of Environment, Land, Water & Planning conditions Notification of Permit Conditions

27. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

Endorsed Plans

- 28. The DELWP native vegetation report (ID: 319-20210908-007, dated 08/08/2021) included with the application will be endorsed and form part of this permit.
- 29. The plans submitted with this application, being:
 - a. Plan of Vegetation Removal (Ken Hoskin, 06 September 2021) in Planning Report: Multi Lot Subdivision (staged), Buildings and Works (Roadworks) and Vegetation Removal 27 Eagle Point Road, Eagle Point, Reference -19101 (Crowther and Sadler Pty Ltd, 14 September 2021), must be approved and endorsed by the Responsible Authority and will then form part of this permit.

Amended Plans

- 30. Before any native vegetation removal/works start, an amended plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Responsible Authority will endorse the plan, which will then form part of this permit. The plan Drawing No. 2471/001-8: 27 Eagle Point Road, Eagle Point. Proposed Access & Servicing Layout Plan (Crossco, 09 September 2021) must be:
 - a. Drawn to scale with a key, that clearly shows:
 - i. existing trees to be retained,
 - ii. native tree to be removed (located in the centre of the subject land; referred to as Tree B in the NVR report),
 - iii. existing native trees to be removed (exotic trees can be shown with a different key symbol), and
 - iv. existing native patches of vegetation to be removed.

Protection of Retained Vegetation

31. Before works start, a vegetation protection fence must be erected around all patches of native vegetation (or scattered trees) to be retained next to any construction impact area. This fencing must be erected on the endorsed construction zone boundary. Where the patch of native vegetation contains canopy trees, the vegetation protection fence must be at a distance from the retained native vegetation that is not less than the tree protection zones, in accordance with AS 4970-2009 Protection of Trees on Development Sites. The vegetation protection fence must be constructed of star pickets, chain mesh or

similar to the satisfaction of the Responsible Authority. The native vegetation protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority.

- 32. Except with the written consent of the Responsible Authority, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, the following is prohibited:
 - a. vehicular or pedestrian access
 - b. trenching or soil excavation
 - c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - d. entry and exit pits for the provision of underground services
 - e. any other actions or activities that may result in adverse impacts to retained native vegetation.

Offset Value

- 33. The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.280 hectares of native vegetation, which is comprised of:
 - a. 3 patches totalling 0.011 hectares of native vegetation with a strategic biodiversity value score of 0.377
 - b. 2 scattered large trees, and
 - c. 5 scattered small trees.

Offset Requirement

- 34. To offset the removal of 0.280 hectares of native vegetation, the permit holder must secure the following native vegetation offset in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017):
 - a. a general offset of 0.089 general habitat units:
 - i. located within the East Gippsland Catchment Management boundary or East Gippsland municipal area, and
 - ii. with a minimum strategic biodiversity value of at least 0.302
 - b. The offset(s) secured must also protect 2 large trees.
- 35. Before any native vegetation is removed, evidence that the required offset for each stage of the subdivision has been secured must be provided to the satisfaction of the Responsible Authority. This evidence must be one or both of the following:
 - a. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
 - credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

Offset Evidence and Timing

36. A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning & Approvals at the Department of Environment, Land, Water and Planning Gippsland regional office via <u>Gippsland.Planning@delwp.vic.gov.au</u>.

37. Where the offset includes a first party offset, the permit holder must provide an annual offset site report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

East Gippsland Water conditions

- 38. Extend water supply infrastructure to the satisfaction of East Gippsland Water.
- 39. Extend sewerage infrastructure to the satisfaction of East Gippsland Water.
- 40. Submit design, construction, commissioning and as constructed documentation on all proposed infrastructure, or alterations to existing infrastructure, for written approval by East Gippsland Water.
- 41. Pay applicable development planning charges.
- 42. Place easement(s) on the plan of subdivision over existing/proposed infrastructure, to the satisfaction of East Gippsland Water.

Ausnet Electricity Services conditions

- 43. The plan of subdivision submitted for certification must be referred to Ausnet Service Pty Ltd in accordance wit Section 8 of the Subdivision Act 1988.
- 44. The applicant must -
 - Enter in an agreement with Ausnet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
 - Enter into an agreement with Ausnet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
 - Enter into an agreement with Ausnet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by Ausnet Electricity Services Pty Ltd.
 - Provide easements satisfactory to Ausnet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "Ausnet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing Ausnet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
 - Obtain for the use of Ausnet Electricity Services Pty Ltd any other easement required to service the lots.
 - Adjust the position of any existing Ausnet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
 - Set aside on the plan of subdivision Reserves for the use of Ausnet Electricity Services Pty Ltd for electric substations.
 - Provide survey plans for any electric substations required by Ausnet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. Ausnet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.

- Provide to Ausnet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by Ausnet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- Ensure that all necessary auditing is completed to the satisfaction of Ausnet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

Notes

Department of Environment, Land, Water & Planning note

1. Before any works on public land start, the permit holder must obtain a permit to take protected flora under the Flora and Fauna Guarantee (FFG) Act 1988. To obtain an FFG permit or further information, please contact the Gippsland Natural Environment Program on (03) 5172 2111 or email Gippsland.Environment@delwp.vic.gov.au.

Country Fire Authority Notes

 CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (<u>www.cfa.vic.gov.au</u>)

East Gippsland Water notes

- 3.
- a) In accordance with Section 136 of the Water Act 1989, easements are required over existing/proposed infrastructure. This requirement applies even if the infrastructure is in common property or there is a Section 12(2) easement over the land.
- b) For easement(s) created, the Land Benefited/In Favour Of is to be in the name of "East Gippsland Region Water Corporation".
- c) For any lot area that cannot be fully serviced by a gravity sewer connection, building envelopes or minimum floor levels are to be listed as restrictions on title, to the satisfaction of East Gippsland Water.
- d) Each lot is to be separately serviced by the water and/or sewerage reticulation system. Subject to East Gippsland Water's requirements being met, relevant infrastructure will then become East Gippsland Water's to own, operate and maintain in perpetuity.
- e) Should East Gippsland Water determine that a gravity sewerage system is not feasible, then a pressure sewer system may be approved by East Gippsland Water.
- f) Design documentation to be submitted after certification application has been made.
- g) Development planning charges apply where East Gippsland Water approve design, construction, commissioning and as constructed documentation (actual charge is based on the final cost of the works).
- h) Any feasibility study, required to determine how best to service the development, is to be arranged by East Gippsland Water and funded by the applicant.
- i) Any infrastructure, outside of the development, that is required to provide sewerage and/or water supply services to the development, is to be funded by the applicant. The type and extent of additional infrastructure, if needed,

is subject to detailed engineering design and approval by East Gippsland Water.

- j) If water services are required, each lot must be separately connected to the water reticulation system and separately metered, to the satisfaction of East Gippsland Water.
- k) Any specific requirements for sewerage and/or water supply infrastructure relating to coastal inundation or flooding is to be funded by the applicant.

Ausnet Electricity Services notes

- 4.
- a) It is recommended that, at an early date the applicant commences negotiations with Ausnet Electricity Services Pty Ltd for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).
- b) Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.
- c) Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.

For application documentation, refer to the advertised copy of the application listed on Council's website:

4762021P 27 Eagle Point Road Eagle Point.pdf (windows.net)

https://egswazstorage.blob.core.windows.net/pubwebcontent/advertised-planning-permit-applications/4762021P_27_Eagle_Point_Road_Eagle_Point.pdf

Objections – 476/2021/P – 27 Eagle Point Road, EAGLE POINT

Multi Lot Subdivision (Staged), Building and Works (Roadworks) and Native Vegetation Removal

Objector	Lodged	What are the reasons for objection	How would the objector be affected?
Margaret Giles	14/12/21	Is the increased volume of traffic and noise that will increase as the subdivision develops and people move in. The quiet beuty the area removed and replaced by the increasing feel and look of suburbia. The development brings with it Social and Environment issues. The reserve area on the plan is not enough for leisure and play area as its partly Creek/dam. A proper park reserve area needs to be added.	The rear of my property at (redacted) Aquabella Drive faces directly opposite the proposed entry/exist road in to the subdivision of 27 Eagle Point Road. This will affect my quiet enjoyment of my property. With the increased traffic movement and noise coming up to turn in or turning out onto Eagle Point Road. Looking directly into the development and the proposed road opposite takes away the enjoyment of the beauty of the surrounding environment. Therefore granting of a subdivision permit as its presented today will affect me along with my neighbours greatly.
Wendy Read	13/12/21	 * Turning Riley St Eagle Point into a through Road would subject the residents of the street to increased traffic and noise. A pathway and bike track through to Eagle point Rd would be a better option allowing children and walkers a safe way to school or Eagle Point RD *There is no provision for shopping infrastructure and with the increased population this should be part of the planning. I believe it was part of a study prior to this application. *There is no allocation of green space on the Riley St area of the planned development, *The large tree in the middle of the development should not be removed. It should be designed like The grange in Paynesville with a green area around it. *With the amount of homes a playground area for the children should be included. * I have concerns about the number of new dwellings already under constructions, then adding this subdivision without planning for other needed infrastructure as mentioned earlier. 	Making Eagle Point Rd a through Rd would increase the amount of traffic causing increased noise and the problem of driver speeding through endangering walkers of pets Riders and the children of residents riding or walking to the bus stop or school. One exit onto Riley St from the subdivision is enough but this will also create more traffic The noise and dust created by construction would effect those with allergies like myself.
Richard Claringbold	13/12/21	 Inadequate consultation with Eagle Point residents in relation to the specific proposal. The scale of the proposed development will negatively impact the character of the area. The scale of the proposed development will significantly impact the health and well-being of existing residents. 	 This proposal borders my property and will significantly affect my privacy. It will lead to significant light and noise pollution. As a shift worker, I chose this area as it afforded the quiet

Objector	Lodged	What are the reasons for objection	How would the objector be affected?
		 4. The proposed development will place enormous additional pressure on local healthcare and emergency services including: Ambulance, Police and Fire Services. 5. The development will place enormous pressure on the existing road network and lead to road chaos and major safety issues for road users, pedestrians and cyclists. 6. The proposed development will create significant light and noise pollution which will directly affect existing residents. 7. The proposed development will lead to the loss of native trees, native vegetation and open, green space which will negatively impact on the environment, bird and wildlife in the area. It is these very elements that make Eagle Point such a unique and special place. 8. At a time of increasing climate change, any proposed development which requires the loss of green space, removal of native trees and vegetation and an increase in car usage and road traffic, is contrary to sensitive and sustainable management of such an important area as Eagle Point. 9. There has not been any recent evidence of an Environmental Impact Assessment or a Social Impact Assessment in relation to this proposal. 	that I need to recuperate after long night-shifts. 3. It will significantly increase road traffic and road noise. 4. It poses significant safety concerns with significant increase in traffic. 5. It further reduces the availability of open space and will destroy the character (with the loss of native trees, vegetation, green space and open views) and tranquility of Eagle Point; defining characteristics which make this area so special and unique. 6. It will lead to a significant increase in workload for healthcare and emergency services and this affects me directly as someone who works in this field.
Kay Claringbold	13/12/21	 Inadequate consultation with Eagle Point residents in relation to the specific proposal. The scale of the proposed development will negatively impact the character of the area. The scale of the proposed development will significantly impact the health and well-being of existing residents. The proposed development will place enormous additional pressure on local healthcare and emergency services including: Ambulance, Police and Fire Services. The development will place enormous pressure on the existing road network and lead to road chaos and major safety issues for road users, pedestrians and cyclists. The proposed development will recate significant light and noise pollution which will directly affect existing residents. The proposed development will negatively impact on the environment, bird and wildlife in the area. It is these very elements that make Eagle Point such a unique and special place. At a time of increasing climate change, any proposed development which requires the loss of green space, removal of native trees and vegetation and an increase in car usage and road traffic, is contrary to sensitive and sustainable management of such an important area as Eagle Point. 	 Increased noise and light pollution in the area. As a resident of Bay Road facing the development at Eagle Point Landing, I can attest to the impact of increased lighting and traffic as a result of this development. Further development along Eagle Point Road will further compound the level of traffic noise and pollution. Increased traffic along local roads such as Bay Road and other local roads. Not only will this lead to increased traffic noise and pressure but it also poses a significant safety issue. As a resident of Bay Road, significant increase in traffic will make it increasingly difficult to enter the road safely or to walk safely along this stretch of road and other local roads.

Objector	Lodged	What are the reasons for objection	How would the objector be affected?
		9. There has not been any recent evidence of an Environmental Impact Assessment or a Social Impact Assessment in relation to this proposal.	As an older person, safety on the road and as a pedestrian accessing this road is of particular importance to me. 3. The loss of open space and loss of native vegetation will affect our wildlife and this directly affects my health and well-being. 4. The reason I moved to Eagle Point over ten years ago was to enjoy the beauty tranquility, feeling of community and safety it provided. This will be lost if this proposal is allowed to go ahead.
John Claringbold	13/12/21	 Inadequate consultation with Eagle Point residents in relation to the specific proposal. The scale of the proposed development will negatively impact the character of the area. The scale of the proposed development will significantly impact the health and well-being of existing residents. The proposed development will place enormous additional pressure on local healthcare and emergency services including: Ambulance, Police and Fire Services. The development will place enormous pressure on the existing road network and lead to road chaos and major safety issues for road users, pedestrians and cyclists. The proposed development will create significant light and noise pollution which will directly affect existing residents. The proposed development will lead to the loss of native trees, native vegetation and open, green space which will negatively impact on the environment, bird and wildlife in the area. It is these very elements that make Eagle Point such a unique and special place. At a time of increasing climate change, any proposed development which requires the loss of green space, removal of native trees and vegetation and an increase in car usage and road traffic, is contrary to sensitive and sustainable management of such an important area as Eagle Point. There has not been any recent evidence of an Environmental Impact Assessment or a Social Impact Assessment in relation to this proposal. 	 As an older resident, I value the sense of community, safety and open space that Eagle Point affords and it has a direct impact on my sense of well-being and general health. Any increase in pressure on local health care services; in particular, Ambulance Services, is of enormous concern to me. I have had to rely on the Ambulance Service on many occasions and they have provided an exemplary service. This may be severely compromised if they are simply unable to meet an increased demand as a result of increased population in such a short space of time. Increased noise and light pollution in the area. Increased traffic along local roads such as Bay Road and other local roads. Not only will this lead to increased traffic noise and pressure but it also poses a significant safety issue. As a resident of Bay Road,

Objector	Lodged	What are the reasons for objection	How would the objector be affected?
Carole Dennison	13/12/21	 The proposed development does not maintain the character of Eagle Point. The proposed allotment sizes are too small and will ruin the rural appeal of the area and destroy the open vistas and views of the Lake for all to enjoy. The proposed development does not include the provision of additional infrastructure. In particular, with the proposed increase in housing, there are no plans for playgrounds and other amenities for local residential . recreational use. There is no proposal for additional infrastructure; specifically, road infrastructure. This will place enormous pressure on the existing road network and lead to significantly increased traffic on surrounding roads such as Bay Road and School Road. Increased noise and light pollution. Loss of native trees, vegetation and open spaces. This will affect our environment, wildlife and the sense of well-being of children and local families and residents. 	significant increase in traffic will make it increasingly difficult to enter the road safely or to walk safely along this stretch of road and other local roads. 4. The loss of open space and loss of native vegetation will affect our wildlife and this directly affects my health and well-being. 5. The reason I moved to Eagle Point over ten years ago was to enjoy the beauty and tranquility it provided. This will be lost if this proposal is allowed to go ahead. 1. As a ratepayer and resident of the area, I am concerned by the impact of high density building and the increase in road traffic in and around my property, on local roads and on the foreshore more generally. 2.As an older resident who relies heavily on local health care services, I am concerned a proposal of this size will result in significantly increased demand on services which are already struggling to meet demand. As it is, it is extremely difficult to get a Doctor's Appointment in Paynesville or Bairnsdale and a proposed population increase will only add to this difficulty, putting my health and those of older residents at greater risk,
John Christiansen	13/12/21	I am a frequent visitor to Eagle Point. I have an office at Eagle Point. I work from eagle Point when I am visiting. I contribute to the economy of Eagle Point, Bairnsdale and Paynesville. I am horrified by the proposed development. It is out of all scale to the locale of Eagle Point, which is not large enough to be called a town. the proposed development is a kind of suburban development completely inappropriate for Eagle Point, adding some 600	See above

Objector	Lodged	What are the reasons for objection	How would the objector be affected?
		new residents and 150 additional cars to an area whose infrastructure is not even coping with the current population. The Council has a plan for Eagle Point which has yet to be acted upon. surely, such a plan should be put in place, that is, work actually carried out on improved infrastructure, before any consideration of any further residential development takes place. The beach to the eastern side of the public jetty was eroded many years ago, but only in recent times did the Council erect warning mesh along the cliff created by the erosion. Why has the Council not reconstituted this beach, to give something for residents and visitors to use? At the moment, residents and visitors are forced to use the beaches to the east of the boat ramp, which affects those people living along that section of Bay Road. Approving this development would increase the pressure on this area because of the additional residents created. This proposed development would create instant slums in a lovely rural area. The Council should also be ashamed of itself by allowing this developer to use the time-honoured tactic of advertising a planning application close to Christmas/New Year, in the hope that residents would be distracted by the holiday season and as a result not take action to object to this obscene proposal. It should also be noted that the family of the owner of the land told Eagle Point residents that the land in question was never going to be developed. But money speaks all languages.	
Jodie Willmer	13/12/21	We need more parks and reserves and to maintain the rural vistas in Eagle Point. The proposal volume of lots and size of blocks are too many and too small. The water views will be obstructed by houses. Harry's Lane is a better example of appropriate size blocks, approx 1/2 to 5 acres in size. A reserve and parkland for wildlife and protect trees and plant more and increase recreation (walking/bike riding) between the road and the new estate would be a much better design.	We live on Woodman Rd and the road is narrow and we are very concerned about increased traffic and congestion. There is already a lot of traffic and no footpaths and the school buses and public transport stop on Forge Creek Rd is difficult for people to safely access.
Michael and Wendy Barnard	14/12/21	Increased traffic I Eagle Point. Lack of road infrastructure in and around Eagle Point. Loss of rural lifestyle of Eagle Point. Loss of native habitat, trees, vegetation, etc. Increase in noise pollution. Lack of Environmental Impact Assessment or a Social Impact Assessment re development.	
Erin Grimsey	10/12/21	The effect of the construction will cause a blockade on the small road that it runs alone making it useless. This also effects the prices of our properties of which we paid. The amount of blocks you plan to build is huge for a small area, this will cause loud construction all day starting because people wake up dirt, tools, trucks just left around stopping school busses and traffic from moving, need to cut the amount of blocks down	Our view of the lake will be gone, the road, Eagle Point Rod, is not safe, we listen to the cars (traffic) coming down that road with children walking from the bus (not safe)

Objector	Lodged	What are the reasons for objection	How would the objector be affected?
		make half of them large blocks, remembering this is a small country place, not the city. What does the indigenous people have to say about all the development on their land.	
Chris Grimsey	10/12/21	The amenities will effect my property with the development of this estate, Eagle point Road does not have the infrastructure, having cars backing on to it. Blocks need to be larger, less blocks, blocks backing onto Eagle Point Rod. Eagle Point is country, between 70 blocks here then 320 in Paynesville, we are becoming a suburb of Melbourne. Bairnsdale does not have the infrastructure for all these new homes, not to mention the hospital is not able to cope with the people that life in this area now.	Our water views would be lost of the Lake. Also the extra traffic on the road, when Eagle Point is not safe for the children to walk on to and from Paynesville, Bairnsdale Road.
Stella Sakkeus and Brenton Rule	12/12/21	Our objection relates to the density and volume of this development and how it is not in keeping with the Eagle Point plan and attendant concepts. We understand that some housing development is in the interest of growing our community however to have a high density, "Pakenham like" development is not what we moved to this area for. At the very least each new block should be 900 m2. Blocks 1-10 would be an abomination on Eagle Point Road. This is rural landscape and should not have high density housing all the way along this country road. The developers should be told they cannot have the land on the road (blocks 1-10), and that they should design the development from blocks 11-21 back; that will at least leave a buffer of land as an enjoyable visual scape. This development also shows a new Riley Street extension opposite Woodman Road. To have another high volume traffic feeder from the development at what is shown on the plan as Hoskin Street would absolutely cause congestion and danger. Furthermore, I refer to our recent objection to destroying "old growth trees" in our successful objection to the development on (17) Forge Creek Road 340/2019/P. There is only one old red gum in this area that has survived the onslaught of previous land holders, and this developer is (extra blocks). This destruction of the last remaining tree should be rejected and treated the same way that the old growth gums were assessed in the development at (17) Forge Creek Road. ie: do not permit this old tree to be destroyed, with the developer using the vapourware of "so called offsets" to allow this destruction.	Should this development be approved and its current form with the number of housing blocks, it will severely impact our lifestyle choice and all the other residents who have chosen to live in Eagle Point Rise. We chose to live here because of its rural nature, not because we want another Pakenham on our doorstep. There will also be significant traffic issues at the Boyd Court roundabout as it leads to the Bairnsdale Paynesville Road, and it is apparent that many of the new residents will use Woodman Road as an alternative thoroughfare creating chaos and dangerous traffic. Not to mention the Eagle Point primary school and the students in attendance. We use Woodman Road daily and the corner of Woodman Road and Eagle Point Road is already visually very difficult as traffic comes up from the school. To add another volume of traffic opposite Woodman Road turning towards the Bairnsdale Paynesville Road is simply untenable. Thank you again for your consideration and we look forward to

Objector	Lodged	What are the reasons for objection	How would the objector be affected?
			an informed and considered response by councillors and staff as this development is considered.
Brett Tanian	13/12/21	Riley Street runs in an east-west direction. West is uphill. The eastern end, approximately 200m, (long established estate) is 8m from kerb to kerb. The street then narrows into a newer sub-division, developed around 2002. The street is developed on the northern side only. Road here is 6.4m from kerb to edge of bitumen on southern side. This side has no roadway infrastructure. I'm led to believe the owner of the application Mr. HOSKIN was offered the opportunity to assist with the development of the roadway but refused.	I can see issues with traffic in Riley Street. It would make accessing my property difficult and dangerous. I often leave early and] return late when following recreational pursuits which involves trailering a large vessel. The added traffic in Riley Street will be of concern when leaving or reversing into the side access of my house.
		Issues that will arise without widening Riley Street, at least to the same width as the older lower eastern section will be: - a. Parking: Currently insufficient width to accommodate 2 vehicles to park opposite each other or even diagonally opposite which then causes a vehicle to 'snake' through. Will be impossible if towing a trailer, caravan or boat.	We have an extended family and when they are visiting or holidaying here there will be parking issues.
		 b. Emergency Vehicles: With the issue of parking, emergency vehicles will have difficulty accessing premises in Riley Street. c. Waste Collection Trucks: Will have issues emptying bins with parked vehicles. Looking at 'One Mile Grid' Traffic Impact Assessment Plan they have covered the manoeuvring around corners but not through narrow streets with parked cars. This would apply to the whole planned estate. 	Current residents should not be affected by this proposed estate. It's a new proposed estate that should fit in with the character of the current residents and not the other way around.
		 d. Increase in minor accidents scraps/dents with vehicles manoeuvring around parked cars on a narrow street. Another factor is that Riley Street, when travelling east, is downhill. This increases speed of vehicles causing longer braking distances, reaction time etc. Pedestrian traffic has already increased with the opening of the road 	
		reserve which provides easier access to Eagle Point Primary School. This consists of primary aged school children walking/bike riding/or using scooters going to school. I note that there is a planned footpath for Riley Street on the southern side. e. With a total of 75 new residential sites in this planned development, 2 additional entry / exist points for Riley Street and 6-8 direct access properties onto Riley Street will increase the volumes of traffic which was not designed for. Factor in the development of the Eagle Point Hub and planned improvement to the foreshore, boat ramp and jetty in the vicinity, Riley Street will become the thoroughfare to access these areas.	

Objector	Lodged	What are the reasons for objection	How would the objector be affected?
		Riley Street facing west, uphill showing difference in road width between established housing estate, eastern end and newer Riley Street Estate western end.	
		Riley Street facing east, downhill showing unmade roadway infrastructure to the southside. A spoon drain was constructed to where the future guttering and width of the roadway extension was to be made.	
		NOTE: I contacted the Planning Department with my concerns regarding the width of Riley Street. I was informed that due to the width of the street, parking restrictions would be put in place, eg parking on one side only or no parking on street. I've got to ask here why do current residents of 10+ years suffer for a new subdivision when the easiest solution is to widen the street?	

Objector	Lodged	What are the reasons for objection		How would the objector be affected?
		other manouvehick	es parked diagonally across from each showing insufficient room to euvre past when towing and if a third e is parked in front of the left vehicle I be impossible.	
		Show vehic	ving distance between diagonally parked cles.	
		 There are 2 new estates in the general area: West of the proposed development is a rel Roadways here consist of Woodman Dr., I these streets have 8m kerb- to-kerb widths connecting Eagle Point Rd to Forge Creek will add here that this estate is well laid our open street plan look and feel. 	Maravito Tc and Aquabella Dr. All s. Woodman Dr is a thoroughfare Rd plus the exit point for this estate. I t. Wide nature strips and has that	
		 South of the proposed development is a neurophysical consist of Cardin Tait Street, being the throughfare road join Eagle Point Rd. Cardinal Dr., east-west is Houghton Cres., Cardinal Dr, north/south h Dr. east/west has 5.3m streets each way of There is insufficient width to allow parking 	al Dr north and south which runs into ing this estate to either Bay Rd or also part of this throughfare road and has a kerb-to-kerb of 8.1m. Cardinal livided by a 3m centre median strip.	

Objector	Lodged	What are the reasons for objection	How would the objector be affected?
		 semi-circle street running off and on Cardinal Dr., east west with a kerb-to-kerb of 7.7m. I have walked both estates on numerous occasions and spoken with residents. The Eagle Point Rise is an established estate to be proud of. It has large residential blocks. Residents have no issues due to the wide-open planned streets and not one resident has complained about parking or speeding vehicles. The Eagle Point Landing Estate residents, especially those residing in Cardinal Drive, have issues with parking due to the narrow width of the street. They are forced to park on nature strips and footpaths. This becomes an issue with visitors to their addresses and worse during holiday periods. 	
		Eagle Point Rise consisting of Woodman Rd., Aquabella Dr., and Maravito Ter.	



Objector	Lodged	What are the reasons for objection	How would the objector be affected?
		Part of The Eagle Point Landing Estate showing the divided road of Cardinal Dr. plus the section of Cardinal Dr., running into Tait Street. Houghton Cres is the semi-circle Cres.	



Objector Lodged	What are the reasons for objection	How would the objector be affected?
	Image: Construction of the proposed from the other existence in the proposed from the residents, their visitors from the other existence in Riley Street will have issues with traffic. Those residents, current and future, who reside in Riley Street will have issues with traffic. Due to the slope of the proposed Eagle Point Hub, boat ramp, jetty and beach areas.	affected?

Objector	Lodged	What are the reasons for objection	How would the objector be affected?
		Further consideration is the primary age school children attending Eagle Point Primary School and how they will travel, eg walk, ride or parents dropping them off.	
		4. Visual amenity, Riley Street. Looking at the proposed plan and layout, it would appear that the southern side of Riley Street development is lacking in detail. A couple of items that come to mind is the setback for the property line, the size of the blocks compared to the established ones on the northern side and nothing being mentioned of the height of the land to the southern side proposed residential blocks.	
		For an aesthetic look, both sides of the road should be balanced with widths of land, setbacks etc. It should have the open street plan look.	
		5. Overdevelopment. I moved to Eagle Point for the peace and quiet of retirement. It has a great feel with great people here. The majority of people reside here for the same reason. The development of Eagle Point is rapidly expanding and is losing its character, being the reason most people reside here. I am not against expansion but look at a reduced number of allotments in the proposed development to ease the congestion and keep with the theme why people move here.	
		Nowhere on the proposed application is there mention of improved, nor the current state of infrastructure, eg water, NBN or telecommunications. Living here I know that in peak holiday periods water pressure is reduced considerably and NBN before and after school is slow. During lockdowns this same service had issues with speed.	
		6. Lack of adequate infrastructure eg Water, NBN etc. As mentioned above there is no comment or information on the current infrastructure such as water supply/pressure NBN etc. and what affect this new estate will have on these services for demand. I know for a fact that over peak times I have been unable to complete flushing my boat engine with fresh water due to low water pressure. NBN service after school hours is very slow and during COVID Lockdowns was the same.	
		7. Excessive road traffic point entry/exist, western end of Riley Street. The proposed additional traffic point at the western end of Riley Street will produce additional vehicular movements up and down Riley Street from the new estate. There is no need for this entry point. According to the proposed subdivision plan no residential	

Objector	Lodged	What are the reasons for objection	How would the objector be affected?
		block will need to gain access from this proposal. There is a new access point to the east, bottom of the plan, to access Riley Street. This point is only some 200metres from the intersection with Bay Road and would service the estate adequately instead of having 2 access points into Riley Street.	
		The western end of Riley Street where this proposed traffic entry point is would be better suited with a walkway/bike track for the school.	
		NOTE: I consider the 'Traffic Tube Count' by One Mile Grid not to be of real value. It was taken between 4/2 -10/2/,21 outside holiday and peak periods. Visitors, holidaymakers and traffic were well down due to COVID.	
		The 'Tube Count' re speed in Riley Street was not a true indication of speed, it being set up within 20-40m of the intersection with Bay Road. Traffic had considerably slowed due to approaching the T intersection.	
		Summary With the proposed plan, Riley Street will become a thoroughfare for a number of road users and vehicles/pedestrians/cyclists will increase. There will be residential houses on each side of the roadway but there is no plan to increase the width of this street to cope with this increase. Currently the road structure is coping with the current residents.	
		The owner of the proposed estate development was given the opportunity to put infrastructure, including widening of the road, when the northern side was subdivided a number of years ago but he declined.	
		Current residents have different recreational pursuits such as four wheel driving, caravanning and boating. The present road gives easy access to houses as there is no development opposite and the eastern, bottom end of Riley Street roadway is 8m wide. If this development goes ahead the upper part of Riley Street should match this section of the street and the western access dismissed from the plans to alleviate traffic congestion.	
		The new estate (Riley Street section) should match and copy what is already developed. This includes streetscaping, house setbacks, width of blocks and nature strip depth/sizes.	

Objector	Lodged	What are the reasons for objection	How would the objector be affected?
		If Riley Street remains the current width, parking restrictions will have to come into play. There will be insufficient width of roadway to accommodate parked vehicles. The long- time residents will then suffer as their current ease of access to properties will cease. Issues will arise with neighbours parked on the roadway causing difficulties in reversing caravans/boats into properties. This also includes the new estate properties and probably even worse, as there is a steep incline to access. It also creates issues with visitors' vehicles, etc. Unfortunately, enforcement by either police or bylaws officers will have to be considered which will cause conflict with neighbours. Some of the current residents' recreational pursuits involve leaving early morning and returning late. If other residents have illegally parked, I can see serious conflict. Widening of the road to match the eastern, bottom end and not proceeding with western entry point would alleviate the important issues as covered above.	
		way the current residents who have been living here for a number of years.	
John Garden and Margaret Nowell	13/12/21	As local residents we love the area and understand the rules, however we want to know if this new development is in keeping with the ambience of existing homes in Eagle Point. We do not want another eyesore development like Cardinal Drive where properties have been built on top of each other on small blocks. As a regional area "dense Melbourne-like suburbs" do not suit and have no appeal within the local landscape. There is already a lack of recreational facilities in Eagle Point, part of any new development should include more public space and amenities such as sports oval, basketball/netball courts etc. With the increased population growth of 520 new properties within the region, there will be multiple people per property. Have impact studies been undertaken on the increased demand on the medical, hospital and other health services which are already struggling with current demand? There will be additional pressure on schools. Do they have the facilities and resources to cope with increased student demand? We think a development of this size is out of place in this area and therefore object to the proposal and request instead that the space remains open countryside or is developed with less housing and more green reserves and recreational facilities for the local community.	Increased traffic congestion Air quality will be affected More noise pollution Impact on wildlife due to the loss of their habitat Lessen the value of our property Lack of recreational facilities

Objector	Lodged	What are the reasons for objection	How would the objector be affected?
		This is a regional area. If this development goes ahead with 75 houses on top of each other it will destroy the ambience of the area and plunge us into suburbia. This is not what we want to be living next to.	
Julie and Mark Brittain	13/12/21	 We would also like to object to the planning permit submitted, in conjunction with the objection sent to you from Brenton and Stella, attached. The tee section of Woodman Rd and Eagle Point Rd is already very dangerous with limited view in both directions. To create a cross over road to Riley st would only create more problems and a real traffic hazard. To have access to the planned lots from Eagle Point Rd would create further disruptions on this relative narrow road. The thought of 75 housing lots packed into this land would destroy the ambience of this area. We ask you to consider the residents of Eagle Point Rise in your considerations. 	
Robert Willis	13/12/21	Destruction of trees and bird habitat Reduction in my property value and rateable value No amenities for recreation for all age groups No extra school/kindergarten places Blocks too small – a cheap subdivision that is incompatible with the area Extra traffic on roads not built for purpose	Reduction in property value Significant increases in traffic Destruction of natural environment and ambiene Being close to an inappropriate development incompatible with existing homes.
Vivienne Willis	13/12/21	Overcrowding with no amenties No sports grounds or ovals No general store – A general store would minimise traffic. Currently everyone needs to travel to Paynesville or Bairnsdale Limited public transport Block sizes too small – a cheaper subdivision Loss of trees – natural habitate for a lot of birds Woodman Road is narrow and would have to carry a lot more traffic	Drop in property value Eagle Bay Road will be very busy and has a primary school on it. We would lose a lot of the local bird life.
Maria Grimsey	13/12/21	Eagle Point Road is not capable taking on the traffic for another 70+ homes. The road is the original Paynesville-Bairnsdale Road. The school is right nextdoor to this new subdivision, no car park for this school. I believe a bus stop maybe going also there. Needs to kee reserves, parks, green belt, running along Eagle Point Road. Put the blocks in the land sloping down the land with large blocks.	Taking away the green bel of Eagle Point, the rees. We are not Melbourne. The infrastructure not in Bairnsdale for the thousands of people, cars, etc to move up this way.
Maria Grimsey	10/12/21	The amenities of my property will be effected by the development. If there was a bush fire, the infrastructure is not in place to allow people to escape safely. 50 blocks would be acceptable with the blocks backing onto Eagle Point Road. Eagle Point Road is no safe with the school children walking to and from the bus. Bairnsdale does not have the	We will lose the water views of the lake. Eagle point Road is not capable to take the volume of traffic, not safe for school children coming from the

Objector	Lodged	What are the reasons for objection	How would the objector be affected?
		infrastructure for all the new homes planned in Eagle Point and Paynesville not to mention the hospital	school bus from Paynesville- Bairnsdale Road.
Maria Grimsey	3/12/21	In regards to the subdivision of 27 Eagle Point Road, Eagle Point when we purchased our land we were never told there would be development behind us. We paid extra for a block of land that backs onto Eagle Point Road, (redacted) Aquabella Road Eagle Point for the water views. I was also wanting to know how far back are these houses are going to be from Eagle Point Road. Is there going to be foot paths or big nature strips put in place for all the school children that have to walk on. As the way it is at the moment it is unsafe.	I want to keep my water views. With the way the blocks are going to be situated this will now block our views. I could have got a bigger block of land at the back of our estate for the same price had we known this subdivision was going to happen. Obviously this letter you sent us is just to inform us of what is going to happen whether we are happy or not. It is all about the dollar signs for you not about the existing residents.
Geoff Syms	13/12/21	Increased traffic on Eagle Point Road will cause delays and a dangerous situation when trying to access Paynesville Rod with the existing primary school traffic and additional new estate traffic. The access to Paynesville Road can be difficult at various times of the day and cause problems. When turning right to go to Bairnsdale due to traffic on Paynesville Road. Increase traffic on Woodman Road with the one-way section at the intersection onto Forge Creek Road becoming a bigger problem.	Traffic congestion in our local area and possible vehicle accidents at the road intersections of Eagle Point Road and Paynesville Road, Woodman Rod and Forge Creek Road.
Jill Gayton	12/12/21	The planned subdivision will significantly impact the quality of life for existing Riley Street residents. Much of the existing vegetation along Riley Street that attracts a widevariety of bird life will be cleared, thus decreasing our valued lifestyle and beautiful outlook. The existing width of Riley Street is too narrow for houses on both sides and needs to be widened for safe access to Lots 57 - 62. Some of the vegetation, especially the lemon scented gums, could remain with a wider road. If the road is not widened, vehicular access if cars were parked on both sides of the road would be dangerous and it would be impossible for large trucks, service vehicles and cars towing boats or caravans to travel safely. The continuation of Riley Street for vehicular access is unnecessary and could be replaced with a pedestrian/bike path, with the internal road terminated at Lots 21 & 22.	Obviously the above reasons for my objection will significantly affect lifestyle and safety for existing residents, including myself, of Riley Street. I am also concerned that the 50 metre road reserve west of the existing Riley Street, will not be maintained as it is currently, and become an overgrown fire and snake hazard
Alison Turner	6/12/21	 Insufficient consultation with residents bordering the proposed development. Letter received on 3/12 only. The scale and housing density of the proposed development does not meet the vision outlined in the Eagle Point Structure Plan 	

Objector	Lodged	What are the reasons for objection	How would the objector be affected?
		 No caveats on housing/neighbourhood character – can lead to double- storey/intrusive building. No social impact assessment conducted. There are no height restrictions on buildings! This is (illegible due to objector scanning) particularly along our fence line 	
Aliston Turner	13/12/21	 Insufficient consultation with residents bordering the proposed development. Letter notifying immediately affected residents in relation to this specific proposal was only received on 3 December. The scale and density of the proposed development does not meet the vision outlined in the Eagle Point Structure Plan and does not consider the effect on existing residents. There are no caveats on the type of housing or any neighbourhood characteristics determined. There are no height restrictions on proposed dwellings. Increased road traffic with no additional infrastructure proposed. Impact the local healthcare system; in particular, local ambulatory services. The area is currently serviced by two full- time paramedics and volunteers in an on-call service. The increase in population will place enormous pressure on a service already under severe strain. Impact on police and CF A services through increased population. No Social or Environmental Impact Assessment Conducted. This proposal involves the removal of native trees and vegetation which will damage the character and environment of the area. It will affect bird-life in the area (reduce open space for hunting and shelter) and affect wildlife corridors. Residents have not been made aware of specific proposed developments. There is very little community awareness or understanding of what is being proposed by a development such as this. 	 Light and noise pollution: increased road traffic noise will affect my health and well-being. Potentialloss of privacy with a significant number of proposed allotments bordering my property. The proposed subdivision does not make place any restrictions on the type of dwellings to be built and therefore, there could be double-storey houses built along my fence-line which will impinge on my privacy. They could potentially be looking straight into my house and garden. Loss of open space for wildlife and bird life has a direct impact on my well-being and that of my family.
Beverley Mills	9/12/21	My concern is the lack of infrastructure in Riley Street and Bay Road. With all the extra traffic that 75 lots will generate, footpaths become essential for pedestrian safety. We own vacant land at 20 Riley Street, and when we are there to mow the block, I usually go for a wander to the amenities at the lake, and it becomes difficult to be walking on bumpy and sometimes unkempt naturestrips. When we do build we will be walking to the lake with young grandchildren and this will feel quite unsafe. I wonder how safe it is also for school children to be walking to school. Also I question the need for two streets to exit onto Riley Street. I feel that residents leaving the estate to go to Bairnsdale or Paynesvillewould exit via Eagle Point Road, and would only exit via Riley Street if they were going to the lake. Maybe the proposed	Compromises our safety when walking to the lake, which is a main reason we purchased land so close to the lake. We are not against the proposal it is really just the safety issue we are concerned about.

Objector	Lodged	What are the reasons for objection	How would the objector be affected?
		exit at the west end of Riley Street could just have pedestrian access out of the	
		proposed estate.	
Dylan Chenoweth	7/12/21	A. Objection to vegetation removal (I large tree) and;B. Absence of site management plans for erosion controls.A. There is one large and very significant tree proposed for removal in the middle of the	Local resident who has witnessed how planning and design has a 'feel good' sound but has turned out as a nightmare in practice. Our property
		grassy paddock/proposed development. This tree has been approved for removal via a DELWP assessment which I pull into question. The significance of the tree has not been truly recognised because it sits in a paddock generally surrounded by grass - however within 100 meters there is a native vegetation strip of greater biological significance, and I argue that this large tree falls within the same significance. I believe it was not picked up as significant because the automated spatial analysis that DELWP use for categorising their overlays fails to pick up scattered trees when they are just outside of a larger significant zone. I do not accept that it's removal is inevitable: it CAN be avoided, and it requires a redesign of the allotment/road layout to ensure it does not intersect with the tree or it's root area. Instead of removing the tree, it should be made a feature; it is of great value and plays a part in supporting the birdlife which makes Eagle Point special; like all the other large trees in the Hoskin St Road Reserve: which have been sensibly avoided. Please review all my comments (sticky notes) in the attached (marked up) version of the planning application; in order to provide better context.	views the southeast comer of the proposed allotment and we will be enduring no-doubt, several years of annoyance and frustration as construction goes under way. The least we could ask for is that council seriously consider how they approach management of building permits/design for erosion control and pollution, AND, preserve the significant central native tree in the proposed allotment (known as Tree B). As mentioned, refer to marked up document attached for more commentary.
		B. The development of 'Eagle Landing' has caused extreme distress to myself and wife who have been impacted by flashflooding which followed the construction of the new Houghton's Rd, and regrading of the vegetated paddock. Turning an entire field into bare dirt again resulted in large volumes of run-off and erosion leaving the development and sheeting across Hoskin St which then overpowered the curbside gutter and caused flooding down our driveway and into our garage. The clean up job was large and I spent an entire 2 days cleaning out our shed as a result of this poor design. As it now currently stands, there is a new concrete footpath connecting Houghton St to Hoskin St which now acts as a concrete channel to disperse water into our street faster than it ever had when the development was just grassy paddock. In addition to this, we have witnessed countless scenarios of builders poorly managing their site without any erosion control which has led to large amounts of debris including plastics, gravel, sand and clay, running off from the developments. The worse of them all is the silty clay caused by unearthing the sub surface on land which is sloping. We have seen streams of bright brown clay flowing from the developments and down our streets. It's impacted on the	

Objector	Lodged	What are the reasons for objection	How would the objector be affected?
		WSUD raingardens on Cardinal Drive where water can now be seen pooling up at the head of one of them as it's no longer soaking up water; and it's also resulted in sand and silt strewn all across the roads. Beyond all of the environmental issues (causing additional silt loading in to Eagle Bay); it's extremely unsightly and our community looks like a dump. Expanding on this, many of the new properties along Cardinal Drive have 4WDs and trailers just parked across the footpath because they seemingly didn't design their own property big enough to store it, and there's no space on Cardinal Drive to properly park a car at curbside without obstructing the main road. So why am I referring to all of these issues at Eagle Landing -the issue is that council have not enforced the environmental obligations on the builders that are in place: erosion control and pollution (plastics/rubbish). Additionally it would seem that the original drainage design was not reviewed carefully enough: the concept evidently showed Hoskin Street as being the receiving drainage line for 3 new properties plus the footpath connecting to Houghton Cres: but it would seem that nobody actually physically inspected these sites to get a proper understanding of the landscape (Hoskin Street is off-camber and our side of the street takes on >80% of the stormwater flows because it's not level); this was exacerbated when new properties and a footpath went in. All of these issues need to be seriously considered with the new planning permit as we do not want history to repeat itself. If the construction of the new properties is not policed well, then we will see all sorts of crap washing down the drainage structures during construction of the new properties.	
Jennette James		What are the reasons for your objection?: This proposed development is completely inappropriate for Eagle Point. It is out of all scale to the size of Eagle Point. In addition, although the planning application talks about Eagle Point infrastructure, the fact is that the existing infrastructure is inadequate for the present population of Eagle Point let alone for an additional 400 people and 150 cars. None of the infrastructure improvements works proposed by the EGSC have been carried out, and such works should have been carried out before any further housing developments are contemplated. the Council has failed for many years to restore a beach near the main caravan park where erosion has created a very dangerous situation. This development must not proceed. It is disgraceful that the EGSC has been complicit with this developer in allowing it to use the old developer trick of advertising a planning application just before Christmas, when persons who may object are distracted by the holiday season or who may have already gone on holiday.	This will greatly affect my current lifestyle with the extra pedestrian traffic on the board walk and on the pathway on the lakeside of my property. This is already a major problem and adding 400 people to the current population will make it much worse. This will also reduce the value of my property. Once again the EGSC has caused a stressful situation for the residents of Eagle Point after the pandemic crisis and this will now impact on our Christmas festivities and subsequently our MENTAL HEALTH.

Objector	Lodged	What are the reasons for objection	How would the objector be affected?
Sandra Hammond	24/01/22	alternative to change my driveway due to an electricity pole on my nature strip. I will be greatly inconvenienced as the only way for me to leave my property is by backing out into this intersection.	I will have difficulty leaving my property and backing out into a busy T intersection which will be serving approximately 50 properties which is 100 vehicles . I cannot change my driveway. Is there someway this plan can be rearranged so that it does not disadvantage my access to my property
Sandra Hammond	27/01/22	 1. I disagree with the removal of the significant native vegetation opposite 16-18 Riley street. There are 3 old trees. A lemon scented gum A redflowering gum and a very large maleuluca. These trees are visited annually by native birds as a food resource. The lemon scented gum is huge and at least 80-100 yrs old. They are a valuable resource for native birds given the significant losses during the recent fires in 2020. 2. The position of the proposed road will face my driveway; I only have the option of backing out. I will be greatly disadvantaged by this road which will effectively form a busy T intersection at my driveway. The proposal cites removal of native vegetation. It appears that the plan involves removal of the 3 very old native trees in Riley Street which are opposite 16-18 Riley Street. One is an old growth lemon scented gum which the parrots flock to annually in summer, and the third is a very old melaleuca which is bird food in spring. These trees are visited annually for by the native birds en mass. It appears they will be removed to make way for a road. The plantation which appears to be saved is a young plantation monoculture of malaluecas and not as ecologically valuable I ask that the plan be revised to save the trees with a modest rerouting of this road. 2.It appears the new road will be built opposite my driveway. I will be particularly disadvantaged by the new road. It will create a very busy intersection opposite my driveway. There will potentially be a hundred cars a day using it. This intersection will cause me great difficulty navigating the exit to my premises. I will be forced to back out into the intersection. I have no option to change my driveway as there is an electricity pole wire stay in the part of my front yard where I could potentially have had another driveway. 	1. The loss of the beautiful old trees will detract from the beauty of Riley Street and cannot be replaced in my lifetime. This will effect my visual amenity to the area I love and have lived in for 30 years. Itwill be distressing to me as a committed landcarer to loose these valuable trees and the noisy birds that visit annually. 2. I will be distressed to have to back out into a busy intersection every time I leave my home.

Objector	Lodged	What are the reasons for objection	How would the objector be affected?
		I am very concerned about this proposal and ask that the shire planners meet with me to discuss the plan and see how the vegetation can be saved particularly. I would like to see an alternative route for the road which saves the old trees in Riley Street and addresses my property access disadvantage. As the president of the Eagle Point Landcare Coastcare group I and my group have worked hard with a small team to endeavour to beautify the district and protect and enhance the native vegetation of the area. It has at times been hard especially during the drought years and it makes me very sad to think that a desktop design can extinguish valuable native vegetation with the swipe of a pen when that doesn't have to be the case. I feel an alternative to needless destruction of old and significant vegetation can be found with a bit of goodwill toward the future environment.	
Phillip White	07/02/22	Our property at Tait Street Eagle Point seems to be directly impacted by this development, as a main drainage point would seem to be through our property.	We have already had major issues with flash flooding, and are currently having our driveway restored following recent heavy rains
Helmut Tracksdorf	21/01/22	See attached	See attached

Objection to a Planning Permit Application

Planning Permit Application Number: 476/2021/P

Address proposed to be developed:

27 Eagle Point Road,

Eagle Point. 3878.

27 EAGLE POINT ROAD, EAGLE POINT PROPOSED 3 LOT SUBDIVISION

EXECUTIVE SUMMARY

This is an objection to the existing development application at 27 Eagle Point Road, Eagle Point.

The following recommendations are made to address the objections outlined here:

In order to meet ALL applicable requirements of Clause 43.02-3 schedule 11:

I.Increase lot size and reduce of development yield to ensure compatibility with the coastal landscape setting and the character of nearby buildings in Eagle Point

- II.Based on proposed subdivision site layout and cadastral boundaries, require a graphical sketch (mock-up) at subdivision stage and condition of planning permit, of the visual bulk of residences built to maximum allowable building height. Sketch to demonstrate compliance with subclause 2.0 of Schedule 11, including the relevant design objectives and guidelines, as seen from significant viewpoints across the township
- III.Require further encumbrances and planning controls on building height and siting as a permit condition where subdivided land parcels built to the current maximum height allowable are demonstrated to pose a risk to the DDO coastal settlement objectives
- IV.Redesign subdivision and lot configuration to provide tree protection zone for very large old tree, amend existing utilities plan and street layout.
- V.Reconfigure site development configuration and yield and layout to protect more existing native vegetation and uphold application requirement 4 of the *Guidelines for the removal, destruction or lopping of native vegetation,* namely compliance with the 'avoid and minimise' statement.

VI.Refer Recommendation II (to demonstrate compliance with Clause 56.04-3)

- VII.Enhance active transport network with traffic calmed streets and additional shared use paths and footpath connections to eastern end of Hoskin St, Riley St (including Eagle Point Primary School) as per the policy directions contained with the EPSP.
- VIII.Abandon proposed motor vehicle connections and roadway extension of Riley Street in favour of t-junctions and cul-de-sacs capable of servicing waste collection and emergency services vehicles. Amend Swept Path Diagram at Appendix A to reflect three point turn, as permitted by Clause 12.3.4 of the Infrastructure Design Manual¹

¹ Infrastructure Design Manual, Version 5.30 2019, Local Government Infrastructure Design Association

INTRODUCTION

This objection is made pursuant to Section 57(1) of the *Planning and Environment Act 1987* ('the Act') and arises from a review of Planning Permit Application 476/2021/P ('the Application'). The Application seeks to create a major new subdivision of 75 residential lots at 27 Eagle Point Road, Eagle Point ('the Subject Land'). The objection is accompanied by an assessment of the Application against the relevant statutory tests, as well as constructive recommendations that provide the proponent with suggestions to address the issues identified.

The recommendations seek to put forward a range of development alternatives for the Subject Land, in the form of proposed amendments to the Application, that in the opinion of the author, would not only enhance the existing proposal, but also improve the development outcomes to more closely align with the strategic planning considerations, most notably the Eagle Point Structure Plan (EPSP) and the Eagle Point Urban Design Framework (UDF).

It is acknowledged that the EPSP is intended as 'a planning tool that provides guidance for East Gippsland Shire Council, residents and a range of government and non-government stakeholders about the intended planning and development outcomes for Eagle Point'². The EPSP was endorsed by Council in August 2019, however the policy directions contained within the EPSP are yet to find formal expression in the East Gippsland Planning Scheme ('the Planning Scheme'). As noted by VCAT in early 2021, the UDF remains the primary reference document within the Planning Scheme. Several relevant planning controls having either evolved or changed significantly since the framework was adopted³.

The author respectfully submits that there is a reasonable level of continuity in local planning policy and objectives, as they apply to the Subject Land, over a longer time horizon. This includes the existing EDF, the Design and Development Overlay, as well as the most recent policies of the EPSP. The author's position is that in seeking to urbanise the Subject Land through commercial property development, the proponent must address the deficiencies arising from the Application and better address the relevant statutory planning tests and strategic planning considerations in order to qualify for the awarding of a planning permit.

The recommendations advanced here refer *inter alia* to the EPSP guidelines and its attempts to reflect the aspirations of residents and their desired outcomes for their community. It is noted that the Application submitted by Crowther & Sadler takes a more 'selective approach' when referring to the EPSP and the Planning Scheme to support the applicant's proposed development. Those references are ostensibly designed to suit the applicant's current wishes for the Subject Land, including intense subdivision of land to maximise development yield and commercial return on investment. We respectfully submit that in its current form, the Application currently lacks adequate consideration of broader strategic and statutory planning considerations for the Eagle Point township to realise Eagle Point's long term strategic objectives.

The recommendations in this objection recognise, respect and give due consideration to the relevant town planning controls and policies contained within the Planning Scheme. These recommendations are made in good faith, are community-oriented and free of commercial interest.

² Eagle Point Township Structure Plan, Purpose, p.5

³ Solly v East Gippsland SC [2021] VCAT 52 (20 January 2021)

CURRENT PROPOSAL

The Application proposes a major multi-lot subdivision at 27 Eagle Point Road to create 75 vacant residential lots ranging in area from approximately 797m² to 1,021m². Conventional subdivision and infill development using standard urban rectangular grid street and utility plans are proposed for the relatively vacant but strategically significant parcel of land located within the established settlement boundary of Eagle Point. With proper access management and a context-sensitive internal transport network, access to a range of community facilities is possible.

The Application triggers due consideration of the following clauses of the Planning Scheme:

- Clause 32.08-3 of the General Residential Zone for Subdivision;
- Clause 43.02-3 of the Design and Development Overlay (Schedule 11) for Subdivision;
- Clause 44.01-2 of the Erosion Management Overlay for Buildings and Works (roadworks);
- Clause 44.01-3 of the Erosion Management Overlay for Vegetation Removal;
- Clause 44.01-5 of the Erosion Management Overlay for subdivision; and
- Clause 52.17 for the loss of native vegetation in accordance with Particular Provisions relating to Native Vegetation.
- Clause 56.04-3 Solar orientation of lots objective for future dwellings

The following clauses are triggered specifically for transport planning and engineering purposes:

- Clause 56.06-2 for walking and cycling objectives
- Clause 56.06-3 for public transport objectives
- Clause 56.06-4 for neighbourhood street network objective
- Clause 56.06-5, Walking and cycling detail network objectives
- Clause 56.06-6, Public transport network detail objectives
- Clause 56.06-7, Neighbourhood street network detail objective

The Application contains a basic level of consideration and assessment of the provisions of the General Residential Zone, Design and Development Overlay – Schedule 11, Erosion Management Overlay and Particular Provisions relating to Native Vegetation as contained within the East Gippsland Planning Scheme.

The purported compliance with triggered clauses is in several cases found to be lacking, notably absent or is not demonstrated to a sufficient level to meet the applicable statutory and strategic tests.

FORMAL OBJECTIONS - STATUTORY PLANNING REQUIREMENTS

We respectfully submit that the Application demonstrates either insufficient compliance or ab absence of compliance with respect to the Clauses of the East Gippsland Planning Scheme noted in Table 1. As the Application in its current form must be regarded as being deficient on these tests, it is respectfully submitted that the proponent cannot be awarded a permit until these issues identified here are rectified, assessed as conforming with the relevant statutory planning requirements and addressed to the satisfaction of the responsible authority.

Clause	Compliance as asserted by Proponent	Assessed Compliance under current proposal	Rationale to Objection	Recommendations
Clause 43.02, Design and Development Overlay, Local Schedule 11	 'Proposed lot sizes are generous which will enable future development of either a single or double storey built form to be easily accommodated within the site without the need for vegetation removal.' 'Allotment frontages vary in width, as do proposed road reserves, resulting in a less formal presentation, reflecting community desires to avoid rigid urban subdivision patterns' 'The proposal will facilitate improved pedestrian connections in accordance with the EPSP, promoting connectivity both in and around the subject land.' 'The proposed subdivision is premised upon the enhancement of the designated 	Insufficient compliance	Clause 43.02-3 requires that 'Subdivision must occur in accordance with any lot size or other requirement specified in a schedule to this overlay'. (author emphasis) Schedule 11 contains design objectives for Residential Development in Coastal Settlements'. This applies specifically to 'new development'. Eagle Point is defined as a Coastal Settlement under the Coastal Towns Design Framework, a reference document to the Planning Scheme. Decision Guidelines apply to 'an application'. (section 6.0). In relation to a subdivision, this specifically includes: 'The effect of any proposed subdivision or development on the environmental and landscape values of the site and of the local area, including the effect on streamlines, foreshores, wetlands, areas of remnant vegetation or areas prone to	 In order to meet ALL applicable requirements of this schedule: Increase lot size and reduction of development yield to ensure compatibility with the coastal landscape setting and the character of nearby or adjacent buildings in Eagle Point II. Mock-up of the visual bulk of residences based on proposed subdivision layout built to maximum allowable building height as specified in subclause 2.0 of Schedule 11, as seen from significant viewpoints across the township to demonstrate compliance with design objectives and decision guidelines at subdivision stage III. Require further encumbrances on building height and siting as a permit condition where subdivided land parcels built to current
	waterway, through a		erosion.	maximum height are

Clause	Compliance as asserted by Proponent	Assessed Compliance under current proposal	Rationale to Objection	Recommendations
	 combination of passive open space and drainage open space. Implications with respect to water quality or land degradation can only be considered to be positive. Approval for vegetation removal is limited to that extent that cannot be avoided as a result of infrastructure provision. A later section of this Report will address compliance with the particular provisions of Clause 52.17. The subject land is not at risk of coastal processes such as flooding, tidal factors or coastal erosion, located a considerable distance from the lake. 		The need to contribute, where practicable, to the development of pedestrian walkways, to link residential areas and to provide access to community focal points, public land and activity areas such as commercial or community precincts, recreation areas or foreshore areas.' The Proponent asserts compliance with these decision guidelines without due regard for either the decision objectives or the decision guidelines. Requirements for subdivision at sub-clause 3.0 are clearly additional subdivision requirements for Newlands Arm; they do not relieve the Proponent of the need to consider decision objectives or decision guidelines for subdivision within DDO at Schedule 11. The Applicant has shown a notable absence of due and proper consideration for several of the design objectives that apply at subdivision stage, namely how the Application's proposed physical configuration: 1. Protects and manages the township character of Eagle Point.	demonstrated to pose a risk to DDO coastal settlement objectives IV. Redesign lot configuration to provide tree protection zone for very large old tree, amend existing utilities plan and street layout.

Clause	Compliance as asserted by Proponent	Assessed Compliance	Rationale to Objection	Recommendations
		under		
		current		
		proposal		
			2. Ensures that the height and visual bulk	
			of new development, as represented	
			by the proposed lot sizes and	
			orientations, is compatible with the	
			coastal neighbourhood setting of	
			Eagle Point	
			 Minimises visual impacts on the natural landscape. 	
			4. Ensure that new development is	
			visually and physically integrated with	
			the site and surrounding landscape.	
			5. Ensures that new development can be	
			sited and designed to be visually	
			unobtrusive through and above the	
			surrounding tree canopy when viewed	
			from nearby streets, lakes, coastal	
			areas, or other distant viewpoints.	
			6. How the vegetated character of the	
			landscape is to be protected,	
			particularly where it is a dominant	
			visual and environmental feature.	
			It is submitted that the proposed	
			subdivision is of considerable scale and	
			therefore the need to give due	
			consideration to these requirements is	
			increased. The strategic significance of the	
			site at the visually prominent geographic	

Clause	Compliance as asserted by Proponent	Assessed Compliance under current proposal	Rationale to Objection	Recommendations
			centre of Eagle Point, further reinforces these considerations. Not giving consideration to these requirements at subdivision stage exposes future development to inconsistent neighbourhood and landscape character outcomes at later stages of development.	
Clause 52.17-7	'It is acknowledged that the planted vegetation located along the Riley Street frontage and the areas of regrowth less than 10 years old provided within the adjoining road reserves do not trigger consideration under the provisions of Clause 52.17-1 as exemptions are provided at Clause 52.17-7.' (p. 36)	Fails compliance	The 'Site Area' exemptions sought under Clause 52.17-7 are not applicable to trees A, C, D, E, G as the native vegetation in question is contained outside the legal property boundaries of the subject land. The exemptions sought to not apply to native vegetation on a roadside as defined by section 3 of the <i>Road Management Act</i> 2004 ⁴	V. Reconfigure site development configuration and yield and layout to protect more existing native vegetation and uphold application requirement 4 of the <i>Guidelines for</i> <i>the removal, destruction or lopping</i> <i>of native vegetation,</i> namely compliance with the 'avoid and minimise' statement.
	'Redesign of the road alignment to accommodate the tree was considered, however ultimately the TPZ would be compromised by residential use, provision of		The Application asserts consideration of different site configurations, but does not provide evidence to this effect. The Application shows a lack of due consideration for requirement 4, namely	

⁴ Section 3 of the Road Management Act 2004 defines roadside 'any land that is within the boundaries of a road (other than the shoulders of the road) which is not a roadway or a pathway and includes the land on which any vehicle crossing or pathway which connects from a roadway or pathway on a road to other land has been constructed'

Clause	Compliance as asserted by Proponent	Assessed Compliance under current proposal	Rationale to Objection	Recommendations
	services, footpaths and road pavement.' (p. 42)		the avoid and minimise statement for the existing native vegetation, particularly the very large old tree ('tree B') in the application.	
	 'Preservation of the tree ['Tree B VLOT] was considered, however it was deemed inappropriate to create a central allotment of 4000m² in area having regard for the strategic vision.' (p. 41) 'The efforts to avoid and minimise vegetation losses has resulted in far less vegetation impacts than had been anticipated by Strategic Planning for the site. Numerous iterations of the scheme were developed to ensure the significant vegetation in the southern portion of the site could be retained without impact.' (p. 43) 		This statement is not supported by evidence in the Application. The Strategic Vision, as represented by the EPSB 'requires new residential development within Eagle Point's existing neighbourhoods to respect the attributes of the township such as its informal streetscapes, lot sizes, <u>retention of</u> <u>existing trees and vegetation</u> (author emphasis) and to have regard to significant views' ⁵ . No evidence that the alleged iterations [of varying subdivision yields and layouts] exist was given in the Application. Recent urban developments in Eagle Point (Aquabella Drive) and Paynesville (Coast Ave) that have retained significant native vegetation demonstrate compliance with	
	impact.' (p. 43)		vegetation demonstrate compliance with these requirements is reasonable and desirable on local character grounds.	

⁵ EPSP, Managing Residential Change and Character, Objectives and Strategies, p. 15

Clause	Compliance as asserted by Proponent	Assessed Compliance under current proposal	Rationale to Objection	Recommendations
	'There is no ability to provide vegetation offsets onsite given the residential context of the area. Vegetation offsets will be achieved through third party arrangements.'		There is no evidence that current strategic planning calls for the removal of trees. The Application contains considerable land parcels, particularly in the south- eastern corner, that could be used for offsets.	
Clause 56.04-3	'Complies The proposed layout and orientation provides appropriate solar orientation to each allotment. All proposed lots are generous in size ensuring strong solar access, having regard for future built form outcomes.' (p. 30)	Fails compliance	There is no evidence to substantiate the claim made by the Proponent that each allotment has appropriate solar orientation. There is no evidence to demonstrate that the Application meets Standard C9 (at least 70 percent of lots have appropriate solar orientation).	VI. Refer Recommendation II (Mock- up of the visual bulk of residences based on proposed subdivision layout built to maximum allowable building height as specified in subclause 2.0 of Schedule 11)
Clauses 56.03- 1, 56.06-2, 56.06-3, 56.06- 4, 56.06-5	Proponent asserts compliance with all applicable clauses.	Insufficient compliance	merely asserted on the basis of the results of the transport impact assessment and template application of a number of street design cross-sections. Lack of broader transport network and traffic safety considerations as envisaged in the relevant clauses and EPSP,	/II. Enhance active transport network with traffic calmed streets and additional shared use paths and footpath connections to eastern end of Hoskin St, Riley St (including Eagle Point Primary School) as per the policy directions contained with the EPSP.
			particularly with regard to traffic calming and active transport connections, including path design and connectivity. No	 Abandon proposed motor vehicle connections and roadway extension of Riley Street in favour

Clause	Compliance as asserted by Proponent	Assessed Compliance under current proposal	Rationale to Objection	Recommendations
			 provision for bus stop as contemplated in EPSB. Proposed transport network design does not adequately meet: Standard C15 provision for 'safe or direct movement through and between neighbourhoods by pedestrians or cyclists', including 'reduced car dependence' Standard C16 – no provision for bus shelter on Eagle Point Road as per Eagle Point Structure Plan Standard C17 Provide an interconnected and continuous network of streets within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles. Standard C18 footpaths, shared paths and cycle paths that are [] part of a comprehensive design of the road or street reservation 	of t-junctions and cul-de-sacs capable of servicing waste collection and emergency services vehicles. Amend Swept Path Diagram at Appendix A to reflect three point turn, as permitted by Clause 12.3.4 of the Infrastructure Design Manual ⁷

⁷ Infrastructure Design Manual, Version 5.30 2019, Local Government Infrastructure Design Association

Clause	Compliance as asserted by Proponent	Assessed Compliance under current proposal	Rationale to Objection	Recommendations
		p. op ood	 The traffic impact assessment⁶ clearly demonstrates: 1. Insufficient traffic volumes to necessitate a private vehicle road connection to Riley Street. This continues an important precedent of traffic-calmed streets that have using cul-de-sacs that have deliberately deprioritised private vehicle traffic in favour of active transport connections between residential developments within Eagle Point (Geddes Place, Hoskin Street, Eagle Bay Drive/Post Hill track, Old Paynesville Road, Eagle Point-Paynesville Foreshore Track) 2. Traffic counts and intersection capacity analysis at Paynesville Road/Eagle Point gives is found to give rise to 'excellent conditions' in morning and afternoon peak periods. The traffic distribution analysis clearly shows the proposed development is therefore capable of supporting 100% traffic distribution to Eagle 	

⁶ 27 Eagle Point Road Eagle Point Transport Impact Assessment, One Mile Grid, September 2021

Clause	Compliance as asserted by Proponent	Assessed Compliance under current proposal	Rationale to Objection	Recommendations
			Point Road via the two proposed road connections, as is currently contemplated in the Application.	
			Traffic generation and distribution results clearly show further evidence of a lack of a demonstrated need for a direct motor vehicle connection to Riley St. Instead, the transport network should be augmented to support safer pedestrian and cycling networks on traffic calmed streets, particularly for vulnerable road users, particularly school- aged children and mobility- challenged persons.	

1. Recommendation	1. Increase lot size from an	average of 914m ² to 1000m ² (9% increase)				
Preferred outcome	Reduction in the number of home lots from 75 to 70 This would result in a more desirable outcome for Eagle Point with lots displaying a greater sense of open space in line with the rural setting of the town. This also reflects the desired outcomes of the EPSP which states: <i>"where change is to occur</i> <i>within Eagle Point it will be limited in scale, to reflect the townships character</i> <i>and charm".</i>					
Relevant Planning Controls	East Gippsland Planning Scheme	 Clause 56: Residential Subdivision Clause 32.08-3 of the General Residential Zone (GRZ) for Subdivision; Clause 43.02-3 of the Design and Development Overlay (DDO) (Schedule 11) for Subdivision; Clause 44.01-2 of the Erosion Management Overlay for Buildings and Works (roadworks); Clause 44.01-3 of the Erosion Management Overlay for Vegetation Removal; Clause 44.01-5 of the Erosion Management Overlay for subdivision; and Clause 52.17 for the loss of native vegetation in accordance with Particular Provisions relating to Native Vegetation. Eagle Point Structure Plan Clause 21.12 STRATEGIES FOR SUB-REGIONS, TOWNS & LOCALITIES 21.12-2 Lakes & Coastal 				
Arguments for case:						

Recommendations	The following lots should be increased in size to reflect a more open spacesetting which reflects the vision as outlined within the EPSP and supports theopen space nature of Eagle Point.Lots 22, 23, 24 & 25 Increase dimensions from (38m x 23m) to (40m x 25m)Lots 52, 23, 24 & 25 Increase dimensions from (38m x 23m) to (40m x 25m)Lots 57, 58, 59, 60, 61, 62 Increase dimensions from (20m x 46m) to (25m x 46m)Lots 57, 58, 59, 60, 61, 62 Increase dimensions from (20m x 46m) to (25m x 46m)Lots 51, 52, 53, 54, 55, 56 Increase to (25m x 46m) to compliment the aboveLots 62 & 64DeletedLots 65 & 66DeletedLots 67 to 75Increase from (21m x 42m) to (21m x 45m)Lots 38 & 39Delete & convert into open space to preserve large native treeNB: An additional lot could be created next to lot 75 to compensate for reduction in lot numbers.
	To maintain the character of Eagle Point and support the stated goal of where change is to occur it will be limited in scale and managed to respect the townships character, lots facing Riley Street should be increased in width to 25 metres to compliment and reflect the properties on the opposite side of the street.

DETAILED ANALYSIS

Point 1.Two adjoining estates to the West and South of the proposed application offer an insight into Positive and Negative outcomes for Eagle Point.

A. POSITIVE: Eagle Bay Rise Estate (Aquabella Drive)

This Estate has added value and amenity to the character of Eagle Point.

The development is well conceived with open spaces, large blocks and street appeal which not only respects the character and form of Eagle Point but adds value to the properties concerned. Developed on an equivalent sized parcel of land (101,000m² v's 102,290m²) as the proposed Planning Application at 27 Eagle Point Rd, it contains 60 house lots, featuring pedestrian pathways, wide roads, and curved pathways which not only reflect a rural setting but also the desired outcomes of the EPSP, rather than your typical "Melbourne suburb" development.



Eagle Bay Rise Estate – 60 lots - Eagle Point (2021) Located West of the proposed Planning Application

By contrast:

B. NEGATIVE: Eagle Point Landing Estate (Cardinal Drive)

This Estate located South of the proposed Application has unfortunately added little to the character of Eagle Point and resembles a typical Melbourne suburb development. It does not reflect the guidelines as promoted in the Eagle Point Structure Plan and falls short in adding or improving the character of Eagle Point. More than 90 homesites have been packed into an Estate $\frac{3}{4}$ the size (85,000 m²) of the proposed application in a development that not only undermines the desired outcomes of the Eagle Point Structure Plan. But also contradicts the objectives for Eagle Point as detailed in the EGPS (p213/214)

ie: Where change is to occur within Eagle Point, it will be limited in scale, carefully located, and managed to respect the township's character and role.



Eagle Point Rise Estate – (90 lots) Eagle Point (2021) Located South of the proposed Planning Application

This estate conflicts with the Eagle Point Structure Plan whereby the house lots are smaller which results in a more congested appearance. When combined with the significant repetition of house designs due to project homes dominating the subdivision, the development reflects a normal Melbourne suburb rather than a regional development. Sadly, there is very little street appeal associated with this subdivision which appears to contradict the desired outcomes of the EPSP.

Whilst it is important to maintain home affordability this type of development unfortunately detracts from the overall rural character of Eagle Point and would be better suited closer to Paynesville or Bairnsdale which are more suited to embrace these development styles which doesn't detract from the character of those areas. Whist the development and growth of Eagle Point is inevitable, by implementing the principles espoused in the EP Structure Plan, Eagle Point can and should remain as a rural setting between two principal towns. Only by careful and considerate planning will Eagle Point retain its character and charm, which is not only what residents desire but what the Structure Plan aims to achieve. It was expected that East Gippsland Shire Councils adoption of the Plan in 2019 was a validation of resident's aspirations for their small community.

By avoiding developments such as Eagle Point Landing, (Eg 2 above) EGS can ensure this Planning Application is managed to respect the townships character and role – as detailed per the Eagle Point Structure Plan.

As a long-term resident of Eagle Point, It was expected that EGS Council's adoption of the Eagle Point Structure Plan in 2019 was a genuine attempt to develop and maintain the character and role of Eagle Point in line with the community's aspirations. Anything less, only serves to undermine the communities' regard for its council.

Point 2. 43.02 DESIGN AND DEVELOPMENT OVERLAY (DDO)

Decision guidelines

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

The Municipal Planning Strategy and the Planning Policy Framework as detailed in the EGPS In effect this clearly states the Responsible Authority (EGSC) should take into account not only the Objectives and Strategies of the EGPS as detailed on page 213 &214 for Eagle Point but also recognise the validity of residents' aspirations as detailed within the EPSP when deciding upon this particular Planning Application.

Ie: What is the best outcome for Residents of Eagle Point, NOT what is the best outcome for the Applicant.

Point 3. 21.12-2 LAKES AND COASTAL

In line with the Coastal Framework Eagle Point is recognised as an important coastal settlement which involves a strategic approach to managing its development over the next 15-20 years and is based on the protection of high value environmental resources within or adjoining settlements, the nature of local character and its protection and the capacity of infrastructure and services and future provision.

Unfettered development or poor developments can threaten the desirability of coastal communities; therefore it is important to recognise and appreciate that all developments should be scrutinised closely to avoid negative impacts on both the community and the environment that makes them unique.

The EGPS clearly recognises Eagle Points unique status within the region and states its vision for the town as: Eagle Point will develop as a small, consolidated town distinct from Paynesville, serving as both a permanent resident settlement and a holiday recreation destination.

It also states: Streets will be well landscaped and signposted. Buildings will remain low in scale and will not be visually intrusive.

ISSUES and RECOMMENDATIONS (cont)

Recommendation	 Restrict vehicular access into Riley Street from proposed Subdivision Allow students direct & safe access to EP Primary School 	
Preferred outcome	Convert access Roads into Cul-de Sacs & develop walkways with pedestrian and bike access only. This reflects the objectives per the EGPS whereby it states: Improve accessibility, circulation and safety for pedestrians and vehicle movement. (p213) To Ensure that the development of Eagle Point occurs generally in accordance with the Eagle Point Strategy Plan. (p213) NB: Future expansion of the Eagle Point Primary School will allow students to walk safely from the estate into the school grounds without competing with vehicular traffic. This reflects the municipal strategy per the EGPS which advises: To improve accessibility, circulation and safety for pedestrians and vehicle movement.	
Relevant Planning	East Gippsland Planning	Clause 56: Residential Subdivision
Controls	East Gippsiand Planning Scheme Eagle Point Structure Plan	 Clause 32.08-3 of the General Residential Zone (GRZ) for Subdivision; Clause 43.02-3 of the Design and Development Overlay (DDO) (Schedule 11) for Subdivision; Clause 44.01-2 of the Erosion Management Overlay for Buildings and Works (roadworks); Clause 44.01-3 of the Erosion Management Overlay for Vegetation Removal; Clause 44.01-5 of the Erosion Management Overlay for subdivision; and Clause 52.17 for the loss of native vegetation in accordance with Particular Provisions relating to Native Vegetation. Eagle Point Structure Plan Clause 21.12 STRATEGIES FOR SUB-REGIONS,
		TOWNS & LOCALITIES 21.12-2 Lakes & Coastal
Arguments for case:	 21.12-2 Lakes & Coastal Riley Street is currently a No Through Road. The application seeks to create 2 new access points into the proposed subdivision which involves the extension of Riley Street by an additional 50 metres. The preferred option would be to create courts/cul-de sacs within the subdivision that only allow pedestrian or bike access through to Riley Street. There are several reasons why this would be the preferred option. To avoid Riley Str. becoming a Key Access Rd (shortcut) through to Forge Creek Rd At present ALL vehicles travelling through Eagle Point have no choice but to stay on designated Key Access roads. By allowing vehicular access from the subdivision into Riley Street the potential exists for vehicles to use Riley Street as a shortcut thru or from Forge Creek Rd. The potential for this to occur should be avoided at all costs. Riley Street which is currently designated as a Secondary Rd 	

	should be maintained as such. To avoid this situation from occurring, vehicular access into or from the estate should be restricted altogether.
	 To enable current & future school children to use the road reserve section of Riley Str. as a safe (car free area) entry point into the Eagle Point Primary School. Currently young children and their parents utilise Riley Street (specifically the unconstructed section) to access the Primary School. As there is no footpath, they use the road (Riley Street). This access point will only increase as the school expands, especially by new students from within the proposed subdivision. By ensuring no vehicular access is available into Riley Street from the estate, pedestrians and parents can be assured their children are safe from vehicles which would otherwise utilise the proposed road. By developing courts and creating pathways from the estate into Riley Street would enhance Eagle Points existing and scattered open space network which is a key liveability factor of the EPSP.
	 To maintain the existing Community garden that currently exists at the top of Riley Str. Although a designated(?) road reserve exists at the top end of Riley Street through to Eagle Point Rd. There is currently a community garden located within a small section of the road reserve. This community garden maintained by a long-term Riley Street resident provides numerous fruits & vegetables that are regularly offered to other Eagle Point residents. Not only does this enhance the sense of community within the town, but it also acts as a meeting point between neighbours. To lose this community garden would be a shame and unnecessary given the desire of residents to retain a community atmosphere.
Recommendations	The current proposal indicates 4 vehicular access points into the subdivision. Two from Eagle Point Road and two from Riley Street. There are only two access roads into the Eagle Point Landing estate located South of the application and only 2 access points into the Eagle Bay Rise estate located West of the application. The only visible benefit from vehicular access to Riley Street is that residents could access the foreshore by vehicle quicker. It would be less than a 5-minute walk to the foreshore from the new estate via walkway access into Riley Street. This would not only encourage walking/riding to the foreshore but promote a healthy exercise for residents. It would also minimise traffic flow to and from the foreshore, which has increased significantly over recent years. An increase in the development of pathways / cycleways within Eagle Point should be promoted ahead of vehicular traffic. The proposed access points along Eagle Point Road gives residents of the subdivision clear and direct access to the 2 main key access roads to Paynesville and Bairnsdale. Vehicular access to Riley Street has the potential to direct traffic away from key access roads onto secondary roads, which should be avoided.



Proposed Court locations abutting Riley Street

ISSUES and RECOMMENDATIONS (Cont)

Recommendation	4 Develop pathway through proposed reserve into Hoskins Lane.		
Preferred outcome	Promote walkways & bike paths		
Relevant Planning	East Gippsland Planning	Clause 56: Residential Subdivision	
Controls	Scheme	• Clause 32.08-3 of the General Residential Zone (GRZ) for Subdivision;	
	Eagle Point Structure Plan	 Clause 43.02-3 of the Design and Development Overlay (DDO) (Schedule 11) for Subdivision; Clause 44.01-2 of the Erosion Management Overlay for Buildings and Works (roadworks); Clause 44.01-3 of the Erosion Management Overlay for Vegetation Removal; Clause 44.01-5 of the Erosion Management Overlay for subdivision; and Clause 52.17 for the loss of native vegetation in accordance with Particular Provisions relating to 	
		Native Vegetation. Eagle Point Structure Plan Clause 21.12 STRATEGIES FOR SUB-REGIONS,	
		TOWNS & LOCALITIES 21.12-2 Lakes & Coastal	
Arguments for case:	Eagle Bay Rise estate that te	g pedestrian and bike pathway developed within the rminates at Eagle Point Road. This pedestrian and ectly opposite from the current application but there	

	is no indication of continuing the pathway into the Reserve set aside on the Southern boundary of the subdivision. Ideally the extension of the pathway into the reserve and through to Hoskins Lane would be considered as a desirable outcome for Eagle Point residents. The addition of such a pathway would improve pedestrian accessibility and connectivity to Eagle Point's network of open spaces and community facilities. Plus, it represents another opportunity for residents to access the foreshore via what could be a pleasant path.
Recommendations	Extend and continue the existing pedestrian / bike pathway in Eagle Bay Rise into the reserve corridor set aside within the current application. As per the indicative sketch below (refer red line)



ISSUES and RECOMMENDATIONS (Cont)

Recommendation	5 Widen internal roads from 6.3m to 7.3m (as per Eagle Bay Rise estate)		
Preferred outcome	Improve streetscape and allow boat owners greater accessibility.		
Relevant Planning Controls	designating the proposed stat	 Clause 56: Residential Subdivision Clause 32.08-3 of the General Residential Zone (GRZ) for Subdivision; Clause 43.02-3 of the Design and Development Overlay (DDO) (Schedule 11) for Subdivision; Clause 44.01-2 of the Erosion Management Overlay for Buildings and Works (roadworks); Clause 44.01-3 of the Erosion Management Overlay for Vegetation Removal; Clause 44.01-5 of the Erosion Management Overlay for subdivision; and Clause 52.17 for the loss of native vegetation in accordance with Particular Provisions relating to Native Vegetation. Eagle Point Structure Plan Clause 21.12 STRATEGIES FOR SUB-REGIONS, TOWNS & LOCALITIES 21.12-2 Lakes & Coastal Eagle Point Precinct Structure Plan (EPSP) in us of each road within the Eagle Point precinct. The 	
Recommendations	the subdivision. These cross se appears to be a standard road Nevertheless, within the Eagle internal roads average 7.3 me metres indicated within the ap within the Eagle Bay Rise esta sense of space in line with the amenity of the development, As a Community centred arou amenable to boat owners who driveways will find it easier to This recommendation reflects adjoining estate. (Eagle Bay Ri	nd the Gippsland lakes, wider streets are more o when parking or reversing their boats into negotiate. the precedent already set within the other	
	_	.3 metres. Improving streetscape and allowing boat	

ISSUES and RECOMMENDATIONS (Cont)

Recommendation	6 Maintain existing large native gumtree (Designated Tree B)		
Preferred outcome	Improve streetscape and allow boat owners greater accessibility.		
Relevant Planning Controls	East Gippsland Planning Scheme Eagle Point Structure Plan	 Clause 56: Residential Subdivision Clause 32.08-3 of the General Residential Zone (GRZ) for Subdivision; Clause 43.02-3 of the Design and Development Overlay (DDO) (Schedule 11) for Subdivision; Clause 44.01-2 of the Erosion Management Overlay for Buildings and Works (roadworks); Clause 44.01-3 of the Erosion Management Overlay for Vegetation Removal; Clause 44.01-5 of the Erosion Management Overlay for subdivision; and Clause 52.17 for the loss of native vegetation in accordance with Particular Provisions relating to Native Vegetation. Eagle Point Structure Plan Clause 21.12 STRATEGIES FOR SUB-REGIONS, TOWNS & LOCALITIES 21.12-2 Lakes & Coastal 	
Arguments for case:			

	they are now a rare sight within the Eagle Point surrounds but nevertheless do show up from time to time.
	Ongoing development within Eagle Point will inevitably spell the decline of visits by these magnificent birds of prey. Nevertheless, Tree B may represent a vestige of hope that they continue to visit the area.
	Within the Vegetation Removal Plan associated with this application it states: <i>"Preservation of the tree (Tree B) was considered; however it was deemed</i> <i>inappropriate to create a central allotment of 4000m² in area having regard for</i> <i>the strategic vision."</i> If Tree B were to be retained, it would involve the sacrifice of 2 allotments (38 &
	39) comprising a total of 1837m ² . This is significantly less that the 4000 m ² indicated per the application and therefore should be considered as a viable option.
Recommendations	With the application proposing to remove every native tree identified, there appears to be a valid argument that Tree B should be retained. This would be achieved by sacrificing 2 house lots (38 & 39) and converting them into an open space reserve. There is an excellent example of this within the Eagle Bay rise estate with a large native gum tree retained by the creation of a small reserve within the estate.
	By retaining Tree B, and creating more open space, the amenity of not only Eagle Point but the subdivision would reflect the vision as outlined within the EPSP. NB: An additional lot could be incorporated next to lot 75 to compensate for Tree B being retained.



Wedge Tail Eagles – Resting in Tree B (2020)

SUMMARY

The recommendations (Objections / Adjustments) associated with this submission are based upon & supported by the:

- 1. East Gippsland Planning Scheme
- 2. The Eagle Point Structure Plan Aug 2019
- 3. Eagle Point Urban Design Framework Vol 3, 2007

The lodgement of these recommendations under the heading of objections is not seeking to undermine or reject the Planning Application that has been lodged for 27 Eagle Point Rd. The recommendations tabled herein seeks to fine tune the proposal to reflect the desired outcomes of the Eagle Point Structure Plan. In addition, it wishes to recognise the history of the Hoskins family within the small community of Eagle Point and acknowledge the contribution they have made to the community over many years of residing in the area.

The development of 27 Eagle Point Rd represents a unique opportunity for the owners to leave a legacy within the community that demonstrates the way forward for future developments and maintains what the local community and visitors value – serenity and space within a popular foreshore precinct. By avoiding typical Melbourne style subdivisions, Eagle Point should be able to retain its uniqueness as reflected within the Eagle Point Structure Plan.



EAST GIPPSLAND SHIRE COUNCIL PLANNING CONSULTATION MEETING Planning Permit application 476/2021/P 27 Eagle Point Road, EAGLE POINT Multi-lot Subdivision (10 Lots), Roadworks and Removal of Native Vegetation

Meeting Minutes Monday, 7 February 2022

(VIA TEAMS)

COMMENCING AT 6:00 PM

1. <u>Procedural</u>

1.1 APOLOGIES

Councillors

- Cr John White
- Cr Tim Crook
- Cr Sonia Buckley

Objectors

• Julie and Mark Brittain (written submission presented by Brenton Rule)

Officers

1.2 IN ATTENDANCE

Councillors

- Cr Mark Reeves, Mayor (Chair via Teams)
- Cr Trevor Stow (via Teams)
- Cr Arthur Allen, Deputy Mayor (via Teams)
- Cr Mendy Urie (via Teams)
- Cr Jane Greacen (via Teams)

East Gippsland Shire Council Minutes Planning Consultation Meeting – 7 February 2022

• Cr Kristen Van Diggele (from approximately 6:25pm)

Applicant

Kate Young, Crowther & Sadler Pty Ltd Ken Hoskin, the client, was also in attendance.

Objectors

The following is a list of Objectors who registered as attending:

- Margaret Giles
- Stella Sakkeus and Brenton Rule
- Brett Tanian
- Alison Turner
- Maria Grimsey
- Helmut Tracksdorf (represented by Karl Tracksdorf)
- Dylan Chenoweth
- Phillip White

Officers

- Anthony Basford, Chief Executive Officer
- Stuart McConnell, General Manager Place and Community
- Robert Pringle, Statutory Planning Coordinator
- Martin Richardson, Manager Planning
- •

1.3 WELCOME AND INTRODUCTION BY MAYOR, CR MARK REEVES

1.4 DECLARATIONS OF CONFLICT OF INTERESTS

Nil

2. <u>Reports/Presentations</u>

2.1 PLANNER'S REPORT

Robert Pringle, Statutory Planning Coordinator presented the application overview and process to date.

- **Q**: Cr Trevor Stow: Is the community garden the reason that Riley Street extension is not proposed to be made?
- A: Robert Pringle: There are a number of factors considered under the Eagle Point Structure Plan, including the protection of a significant large old tree, and to avoid traffic implications at a four way intersection. There are additional options in the future for passive and active recreation.
- **Q**: Cr Mendy Urie: There is a need to refrence the EPSP in the proposal, and it was clear that there would be development on the land. But did the EPSP give enough information that the land would be developed with a 75-lot subdivision, contrary to a smaller number of lots?
- A: Robert Pringle: A desired lot size was established, at 900 square metres average. The number of lots was not prescribed. The application provides for an average of approximately 900 square metres whilst allowing for a range of property sizes.

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- **Q**: Cr Trevor Stow: Are the proposed lot sizes average for existing allotments in Eagle Point?
- A: Robert Pringle: When considering the rest of the established General Residential Zone, there is no prescribed maximum or minimum in the zone. There is a range available in the precinct Aquabella Drive for example allowed for larger allotments.
- **Q**: Cr Jane Greacen: Can you describe the tree in the centre of the site, and what is required to protect it?
- A: Robert Pringle: For native vegetation, the avoid, minimise and offset principles need to be considered. Options include attempting to protect, but noting the application must include an offset due to the size of the land being reduced, and therefore introducing an exemption for removal. The officers will continue to discuss with the applicant if there are any other opportunities for the tree, rather than to remove and offset.

2.2 APPLICANT PRESENTATION

The applicant was represented by Kate Young of Crowther & Sadler.

The site is located within an existing residential zone, and is surrounded by established and emerging residential development. It is immediately adjacent to the community precinct and has full reticulated services. There has been significant consultation through the Urban Design Framework and Eagle Point Structure Plan, since 2007, which included that the parcel would be developed.

Drainage design has been located so as to protect the vegetation to be retained in the south, with the drainage system proposed to retain the trees without impacting the tree protection zones.

The proposal is considered to be nearly entirely consistent with the Eagle Point Structure Plan design for this site.

Vegetation removal has been kept to a minimum. Any vegetation removal proposed is required to appropriately service the land.

- **Q**: Cr. Mendy Urie (Question from above Kate sought to clarify)
- A: Kate Young: Can create smaller lots near the community precinct under the Structure Plan. The smaller lots than 900 square metres meet that policy objective.

2.3 OBJECTOR PRESENTATIONS

Ruth Giles

- Overlooks the proposed estate, and the proposed road faces my land
- Construction noise, dust and traffic, traffic noise and lights.
- Recommends Riley Street be extended, and the other entry/exit point maintained
- Loss of amenities
- Limit to single storey
- **Q**: Cr. Trevor Stow: Can you clarify where your property is and what the impacts you described would be.
- A: Ruth Giles: Clarified address

Stella Sakkeus and Brenton Rule & Julie & Mark Brittain (written statement)

- Want development, but needs thoughtful development.

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- Don't want traffic going down the wrong roads.
- Create an environment that people want to live in for the long term.
- Criticism for the native vegetation offset program.
- Concern for the school and social issues/behaviour.
- Supports single-storey only development.
- Does not support Riley Street extension.
- **Q**: Cr. Mendy Urie: What does the Social Impact Assessment Involve, and can a height limit be imposed?
- A: Robert Pringle: Our guidelines for social impact assessment sit within the scheme, setting out an assessment criteria for new development across a range of services in the community (schools, health, kindergartens, etc). A social impact assessment considers the demands that will be created by the development and will help to advocate for improvements to services beyond Council's control. A SIA was prepared for the Eagle Point Structure Plan (EPSP), and considered the development demand for the entire proposed increase in population. A review of the SIA is proposed, and any recommendations of the SIA would need to be implemented, but generally have already been incorporated into the EPSP.

Height limits: Currently the land is subject to Design and Development Overlay Schedule 11, which carries a 7.5 metre height trigger for a planning permit being required. This discourages tall buildings, but a permit can be avoided for a property with 7.49m height from natural ground level. There is work afoot to amend the control, which will alter the areas impacted by the DDO11, which could mean the area is removed from the DDO, or that it is retained and any buildings and works would trigger a planning permit. This is in draft stages now, and there will be community consultation on the proposed amendment.

- **Q**: Cr. Mark Reeves: Is there a school zone (speed limit zone) in the area of Eagle Point Primary School?
- A: Martin Richardson: No, there is not a school zone currently. There will be a discussion with internal departments for ensuring traffic management, traffic safety, etc. are dealt with. Would be a very simple exercise to implement a school zone.

Brett Tanian

- Traffic concerns within Riley Street narrow road surface, car parking, access for emergency vehicles and garbage vehicles.
- Sought Clarification from applicant about the western extension of Riley Street.

Kate Young: Clarified that the proposal is for a narrow access road between the development and the existing Riley Street surface, and the remainder to the west will be pedestrian access only.

- School drop-offs are occurring on Riley Street now that the School area has been fenced to the north of Riley Street.
- Insufficient manoeuvring space for trailers, boats and caravans.
- Suggests a service road along Eagle Point Road

Alison Turner

- Concerns for minimal time to object.
- Concerns about the revision to the Social Impact Assessment, not being consulted.
- Concerns about vegetation. Suggests tree is protected under Aboriginal Heritage Act.
- Protection of views
- Concerns for health and ambulatory services.

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- **Q**: Cr. Mark Reeves: Is there a concern regarding the statutory timeframes
- A: Robert Pringle: Standard notification proposals were followed. 14 days from the date the notification was despatched was followed. Martin Richardson: No one is unaware in Eagle Point. An objection can be made until a determination is made.
- **Q**: Cr. Mendy Urie: Are the trees protected under the Aboriginal Heritage Act 2006.
- A: Robert Pringle: No awareness of an area of cultural sensitivity.

Alison clarifies, there is a statement in the application that states the vegetation to be removed is protected under the Aboriginal Heritage Act 2006.

Maria Grimsey

- Clarifies that there is a school zone which starts in behind aquabella drive, but this is also the point where the speed drops from 80 km/h to 60km/h. This should be reduce to 60 km/h for the whole length of Eagle Point Road.
- Concerns about the impact on views.
- **Q**: Cr. Mark Reeves: Maria raised the issue of views, what protection is there for views?
- A: Martin Richardson: This is a hotly debated issue. There are significant legal principles established that no one owns a view, but there are controls which relate to the views from public spaces to development. There are additionally controls, like the DDO, which regulate visual bulk.

Helmut Tracksdorf (represented by Karl Tracksdorf)

- Non compliance with DDO
 - Suggests reducing the number and density of lots
- Excessive native vegetation removal proposed
 - Disputes that some vegetation claimed to be less than 10 years old is actually older.
 - Could save the tree through redesigning the layout of the streets
- Transport network non compliance with Clause 56 (Residential Subdivision
- Strategic opportunities to increase safety in the Eagle Point network.

Presentation is attached.

Dylan Chenoweth

- Significance of vegetation to be protected
 - Critical of State government mapping for native vegetation
- Drainage issues
 - Flash flooding recently
 - Sediment runoff, particularly in new estates, lack of sediment control
 - Less infiltration over the whole site.
 - Concern that the design is insufficient, doesn't appropriately consider the worst case scenario or if the pipe fails.
 - Some piping has occurred at 4 Tait Street, privately
 - Suggests restrict

Presentation has not been submitted at the time the minutes were prepared. A supplement to his objection is attached.

- **Q**: Cr. Mendy Urie: I gather there would be more detailed stormwater drainage modelling provided?
- A: Robert Pringle: A proposal has been submitted with the application, and there is additional detail that would be required, through a permit condition if the permit were granted.

Phillip White

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- Experiences overland flow from the vacant land now, and has experienced property damage, despite trying to fix the issue.

2.4 FUTURE ACTIONS SUMMARY

Robert Pringle outlined the next steps for the application, discussions to occur with the applicant to resolve concerns raised. A detailed assessment of the proposal will be prepared for Council meeting consideration and notification to community members will occur on the Friday prior to the meeting.

3. Meeting Closed

The meeting closed at 8:00 PM

East Gippsland Shire Council Minutes Planning Consultation Meeting – 7 February 2022

Mark and Julie Brittain

Aquabella Drive Eagle Point Vic 3878

27 January 2022

East Gippsland Shire The Mayor The Planning Manager The Shire CEO Concillors

RSVP 7 February 2022, OBJECTION to development PCM 27 Eagle Point Road

Dear Members.

Unfortunately we are travelling at the moment and cannot attend in person or online, therefore we nominate Brenton Rule and Stella Sakkeus as our proxy for the above meeting and ask that they may speak on our behalf for the allotted time. Additionally, you can keep this letter on file as a record of our main objections.

We moved into this area and have invested heavily, with more investment to come, on the basis of its wonderful country ambience. We are horrified to learn that there are some 70+ residential blocks planned for this subdivision. We do not want to live in an area that will become a mini Pakenham.

The attendant increased traffic on Eagle Point Road will be a disaster. This road is the main thoroughfare for the Eagle Point primary school and the traffic will increase not only the noise level for those of us living on Eagle Point Road, but will also cause significant risk to any children walking along to and from school. We do not see any proposal to create a safe walking path to and from the Eagle Point primary school along Eagle Point Road.

Furthermore, this number of new houses will cause new registrations at the local primary school to skyrocket and become untenable. Whilst this is not a Shire issue it is certainly a residents issue.

It is apparent that Eagle Point Road and the roundabout at the corner of Boyd Court will become clogged with traffic and cause people to look for other alternatives to get to Bairnsdale. This will encourage people to use Woodman Road which is already too small.

The design shows two extra outlets of traffic onto Eagle Point Road. It is obvious that this will cause massive traffic problems.

Blocks 1-10 that front Eagle Point Road will significantly impact the appearance and ambience entire area. These blocks should not be approved. There should be an easement created so that there is a green space similar to that on the western side of the road.

We note that the existing easement on our side of the road is currently maintained by residents in terms of grass cutting etc. If the Shire does create a green space along the road then it should be managed properly, and not left the residents to manage the grass which is not on their land. The Shire needs to take ownership of maintaining these roadside green spaces.

Houses should never be allowed to abut the main road. If there were houses along the main road, there will be people parking out front of these houses including delivery vehicles etc. totally unacceptable.

Another concern is the destruction of a massive old red gum in the centre of the fields proposed for development, and several other trees on the perimiter. There are better ways to design a development than to destroy this local habitat. The Eagle Point Overlay and Plan states clearly that maintenance of these old trees should be a priority.

Kind regards.

Mark and Julie Brittain

27 Eagle Point Road, Eagle Point 3878 Objection to planning application 476/2021/P

Helmut Tracksdorf and Karl Tracksdorf PIA (Assoc.)

Key Points raised in objection

- 1. Clause 43.02, Local Schedule 11 Non-Compliance with Design and Development Overlay
- 2. Clause 56.04-3 Excessive Native vegetation removal proposed
- 3. Clauses 56.06-2, -3, -4, -5, -6, -7 Proposed transport network not compliant and strategic opportunities to build on precedent for a safer and more inclusive transport network
- Our objection raises recommendations to:
 - O Address these non-compliance issues; and
 - Ensure this proposal makes full use of opportunities to improve local town character and amenity.

1. Clause 43.02 Local Schedule 11 Non-Compliance with Design and Development Overlay – Residential Development in Coastal Settlement

Proponent	Issue	Recommendation
 'Proposed lot sizes are generous which will enable future development of either a single or double storey built form to be easily accommodated within the site without the need for vegetation removal.' 'Allotment frontages vary in width, as do proposed road reserves, resulting in a less formal presentation, reflecting community desires to avoid rigid urban subdivision patterns' (application) 	 The entire subject land is clearly within the DDO11 boundaries. The design objectives don't have an opt out clause. The decision guidelines for a proposed subdivision apply, where appropriate. The subject land is at the geographic centre of Eagle Point and within walking distance of the future town centre. The scale of development (75 lots on 10.3ha, average size 914m²) proposed warrants application of the decision guidelines. The specific requirements are <u>additional</u> and apply to the subdivision of land in Newlands Arm within the GRZ1. This is council's <u>one and only</u> opportunity to influence the coastal settlement design outcome at a neighbourhood scale 	 Increase lot size and reduction of development yield to ensure compatibility with the coastal landscape setting and the character of nearby or adjacent buildings in Eagle Point Mock-up of the visual bulk of residences based on proposed subdivision layout built to maximum allowable building height as specified in subclause 2.0 of Schedule 11, as seen from significant viewpoints across the township to demonstrate compliance with design objectives and decision guidelines at subdivision stage







2. Clause 56.04-3 Excessive Native vegetation removal proposed

Proponent	Issue	Recommendation
 'It is acknowledged that the planted vegetation located along the Riley Street frontage and the areas of regrowth less than 10 years old provided within the adjoining road reserves do not trigger consideration under the provisions of Clause 52.17- 1 as exemptions are provided at Clause 52.17-7.' (p. 36) Approval for vegetation removal is limited to that extent that cannot be avoided as a result of infrastructure provision. A later section of this Report will address compliance with the particular provisions of Clause 52.17. 'Preservation of the tree ['Tree B VLOT] was considered, however it was deemed inappropriate to create a central allotment of 4000m² in area having regard for the strategic vision.' (p. 41) There is no ability to provide vegetation offsets onsite given the residential context of the area. Vegetation offsets will be achieved through third party arrangements.' 	Cannot be satisfied the exemption under Clause 52.17-7 applies. All trees in question are older than 10 years old. There is no evidence that infrastructure provision cannot occur while still maintaining the Tree B VLOT. Tree B is central to the coastal character of the area and potential design feature. The tree species are not identified in the application. The very large old tree may be a Gippsland Red Gum. The offset applied for is a General Offset calculated by a on the premise of Tree B being readily expendable	III. Negotiate further encumbrances on building height and siting as a permit condition where subdivided land parcels built to current maximum height are demonstrated to pose a risk to DDO coastal settlement objectives IV. Redesign lot configuration to provide tree protection zone for very large old tree, amend existing utilities plan and street layout.





Clauses 56.06-2, -3, -4, -5, -6, -7 Proposed transport network not compliant

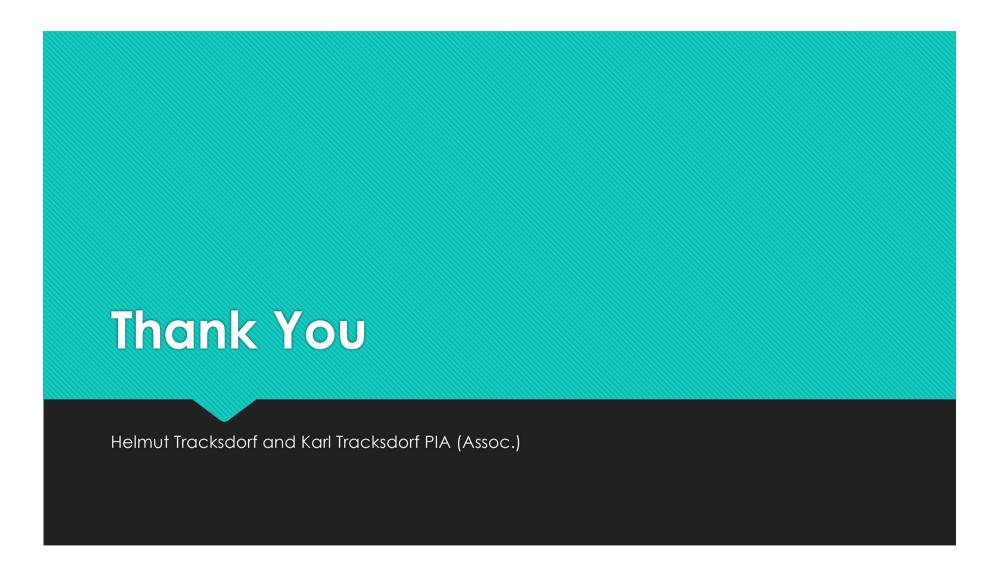
Proponent	Issue	Recommendation
Proponent relies on Traffic Impact Assessment to substantiate compliance with Clause 56.06 and subclauses Standard C15 provision for 'safe or direct movement through and between neighbourhoods by pedestrians or cyclists', including 'reduced car dependence' Standard C16 – no provision for bus shelter on Eagle Point Road as per Eagle Point Structure Plan Standard C17 Provide an interconnected and continuous network of streets within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles. Standard C18 footpaths, shared paths and cycle paths that are [] part of a comprehensive design of the road or street reservation	Overprovision of motor vehicle infrastructure will lead to rat running. Good precent for two points of access (eg: Aquabella Drive) TIA shows adequate capacity on Eagle Point Road, no need to distribute motor vehicle traffic to Riley Street (survey provides weak justification on existing counts) Template application of a number of street design cross-sections are unimaginative; several missed opportunities to calm traffic and provide safer walking and cycling connections around Eagle Point.	 VII. Enhance active transport network with traffic calmed streets and additional shared use paths and footpath connections to eastern end of Hoskin St, Riley St (including Eagle Point Primary School) as per the policy directions contained with the EPSP. VIII. Abandon proposed motor vehicle connections and roadway extension of Riley Street in favour of t-junctions and cul-de-sacs capable of servicing waste collection and emergency services vehicles. Amend Swept Path Diagram at Appendix A to reflect three point turn, as permitted by Clause 12.3.4 of the Infrastructure Design Manual

Transport Recommendations









Summary of comments on 4762021P_27_Eagle_Point_Road_Eagle_Point_Dylan_Che noweth_Comments

Page: 16

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Type: Text Author: dylnc Subject: Sticky Note Date: 7/12/2021, 10:20:19 PM

This tree absolutely must not be removed by any means, it serves a vital role in preserving habitat for local birds including butchers, magpies, cockatoos, tawny frog mouths and currawongs.

Page: 18

Page: 18

Type: Text Author: dylnc Subject: Sticky Note Date: 7/12/2021, 10:23:20 PM

Hoskin Street is unmade for a reason! The native tree corridor that runs through here is extremely important to maintaining the natural drainage line. It is bad enough that historic agricultural practices have scarred this land to the point where only this skinny remnant strip remains, however any further removal will only impact our native birdlife further, and minimise the ability for the land to naturally buffer streamflow velocities discharging from the retarding basin during heavy or persistent rainfall (as we've seen this year).

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Type: Text Author: dylnc Subject: Sticky Note Date: 7/12/2021, 10:28:59 PM

Reference? My daily visual inspections have not seen this. Quite the opposite: the development of Eagle Landing has resulted the turnover soil exposing the clay bed on sloping land, which has lead to large amounts of silt discharging from the developing properties throughout November 2020 and present. The construction of all of the properties along Cardinal Drive has been atrocious, with none of the building managers appropriately managing the sediment run-off from their sites.

Large deposits of gravel, soil and clay now litters the newly constructed Cardinal Drive, however the worse has been the finer silts that have made its way to the storm drains and in to Eagle Bay. This has no doubt also impacted the effectiveness of the centre raingardens from draining water effectively (the silt and sands from building construction can be seen piled up at the head of the raingardens, including where the trucks have driven over the gardens compacting the heads and leaving behind large puddles which don't drain.

Page: 22

Page: 22

Type: Text Author: dylnc Subject: Sticky Note Date: 7/12/2021, 10:36:08 PM

What network? The hole in the ground covered by rockbeaching at the back of my neighbours property?

Page: 22

Type: Text Author: dylnc Subject: Sticky Note Date: 7/12/2021, 10:38:22 PM

Council will also need to closely review and approve builder's plan to control sediment run-off during construction (Eagle Landing has been appalling)

Page: 22

Type: Text Author: dylnc Subject: Sticky Note Date: 7/12/2021, 10:39:20 PM

The issue is less about road construction, but more about off-street parking / driveway and garage design -several properties along Cardinal Drive have utes and trailers hanging over the nature strip and concrete footpaths on a frequent basis.

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Type: Text Author: dylnc Subject: Sticky Note Date: 7/12/2021, 10:41:06 PM

Excellent.

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Type: Text Author: dylnc Subject: Sticky Note Date: 7/12/2021, 10:44:57 PM

Absolutely not. Why can't this be avoided? Council must stand up to the developer and demand an alternative design which creates a buffer around this tree, with development only permitted around it. It's not good enough to just pass it off as 1 tree, it still serves a purpose. Perhaps provide a permit that allows the allotments be built such that this tree forms part of someone's backyard.

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Type: Text Author: dylnc Subject: Sticky Note Date: 7/12/2021, 10:50:24 PM

The land is prone to flash flooding as a result of converting vegetated paddocks into hardstand concrete. The drainage design for this development needs to be extremely important since it all funnels in to the back end of two properties in the corner of the SE reserve.

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Type: Text Author: dylnc Subject: Sticky Note Date: 7/12/2021, 10:52:50 PM

Once fully developed that may be the case, but council must be warned that the land IS extremely prone to sheet/rill erosion during the construction phase and this must be controlled with appropriate screening/siltbags at the base of all fencing. This erosion control should be relocated away and then back again daily if the builders need access into the site.

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Type: Text Author: dylnc Subject: Sticky Note Date: 7/12/2021, 10:59:00 PM

Can this be elaborated on? Why is smaller vegetation removal needed along the road reserve (I assume this means the unconstructed Hoskin St?)

Page: 42

Type: Text Author: dylnc Subject: Sticky Note Date: 7/12/2021, 11:00:11 PM

How can we offset a tree that's likely over a hundred years old? Surely the layout can be redesigned at the sacrifice of a lot or two?

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PType: Text Author: dylnc Subject: Sticky Note Date: 7/12/2021, 11:01:44 PM

What about the old tree in the middle of the paddock?

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Type: Text Author: dylnc Subject: Sticky Note Date: 7/12/2021, 11:05:22 PM

Only if pedestrians can use the footpaths instead of having 4WDs, boats and trailers parked across them.

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Type: Text Author: dylnc Subject: Sticky Note Date: 7/12/2021, 11:09:52 PM

Now prone to flasflooding due to the new footpath put in which funnels water straight off the land into Hoskin St which has no sub-surface stormwater drains.

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Type: Text Author: dylnc Subject: Sticky Note Date: 7/12/2021, 11:14:23 PM

Does this mean the edge road has no footpath at all? Seems kind of pointless to have the footpath running southward from Riley St and then just stop when it gets to the edge road?

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Type: Text Author: dylnc Subject: Sticky Note Date: 7/12/2021, 11:21:49 PM

Again, the native vegetation condition is actually great at this one specific spot, it's only rated as .0-.2 because it happens to sit in the middle of a grassy paddock (its the grass which has the low condition value, not the tree!)

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Type: Text Author: dylnc Subject: Sticky Note Date: 7/12/2021, 11:19:50 PM

The biodiversity value of this large tree is clearly bordering on areas of much gerater significance (0.61 and 0.41) -the context of this shouldn't be ignored! The large tree plays a neighbouring role in supporting the habitat of the with the biodiversity value of .62-.8

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Type: Text Author: dylnc Subject: Sticky Note Date: 7/12/2021, 11:23:48 PM

No wonder it's so easy to get rid of significant trees when it's this cheap to get offset credits.

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Type: Text Author: dylnc Subject: Sticky Note Date: 7/12/2021, 11:25:05 PM lets keep it that way

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The property is predominantly cleared with good grass coverage, with the exception of a large tree located centrally within the site, a cluster of native vegetation in proximity of the drainage line and scattered vegetation along the road frontages.



Very Large Old Tree located centrally to the site



View south across site towards existing trees

The subject land is surrounded by properties developed for residential purposes. Land to the south of the subject land comprises numerous residential allotments created relatively recently as part of the Eagle Point Landing estate. Properties to the west are slightly more established, with development of the Eagle Bay Rise occurring less recently.

The precinct is undergoing transition as these residential allotments are progressively developed with predominantly single storey detached dwellings.

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The footpath network servicing the Eagle Bay Rise estate traverses through an existing reserve and terminates at the road pavement on the western side of Eagle Point Road. The footpath network servicing the Eagle Point Landings estate traverses through the eastern side of the Eagle Point Road Reserve however terminates at Hoskin Street. There is currently no footpath network provided within Riley Street.



Looking east across Eagle Point Road towards Hoskin Street (unmade)

Drainage infrastructure in the precinct has en upgraded as part of the development of recent residential estates, consistent with a master plan prepared by Neil Craigie, with linking drainage basins providing water quality improvements before discharging to the waterway contained within the subject land. Master planning for drainage anticipates further augmentation to address runoff created from the development of the subject land.

The site is located an 8-minute drive from the Paynesville town centre and a 10 minute drive to the CBD of Bairnsdale.

The subject land, together with all surrounding properties, is included within the General Residential Zone of the East Gippsland Planning Scheme.



Extract from Zone mapping (Source: VicPlan)

Crowther & Sader Phylid East Gippsland Shire Council - Agenda Council Meeting - Tuesday 15 March 2022 19101 Repolt.docx Page 18 of 130

East Gippsland Shire Council

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Two areas of reserve are proposed, including a major Reserve to the south-east of the site serving the combined purpose of water sensitive urban design and passive public open space. A second, smaller Reserve is proposed in the northeastern corner of the site, adjacent to Riley Street.

Proposed methods of stormwater management are detailed on the Site Drainage Plan prepared by Crossco Consulting, which modelling indicates will exceed best practice requirements. Techniques proposed include ensuring each future dwelling is provided with a 5,000L (minimum) rainwater tank, plumbed in for reuse including toilet flushing and garden irrigation, together with a series of underground detention tanks and SPEL Vortceptor pits across the two Reserves, to capture and treat stormwater before discharge to the existing drainage network.

This approach was considered preferable to a series of sediment basins at ground level, as any impact on significant vegetation in the south-eastern corner of the site could be avoided.

Modelling of these proposed techniques indicates treatment in excess of BEPM requirements for the management of suspended solids, phosphorous, nutrients and gross pollutants. Es anticipated that a Condition of Permit would require a detailed drainage design be prepared to the satisfaction of Council prior to the commencement of works.

Proposed road reserves widths are consistent with the cross-sections provided in the EPSP, which we understand is intended to take priority over the more generic specifications of the Infrastructure Design Manual. The Application is supported by a Services Layout Plan prepared by Crossco Consulting that provides detail of proposed road construction, together with the installation of underground services to each allotment.

The Application is also supported by a Traffic Impact Assessment Report prepared by OneMileGrid that confirms the ability for the proposed development to be incorporated within the existing road network without causing additional burden or giving rise to any need to upgrade traffic infrastructure.

The subdivision design has deliberately avoided residential development in proximity of the unmade Hoskin Street road reset to prevent any impact on mature vegetation within this area. Vegetation to be retained within the south-eastern corner of the site will continue to form part of the established corridor of vegetation along the drainage line.

The smaller of the proposed Reserve will present as a wider section of nature strip, however it is not proposed to allow access from proposed Lot 67 direct to Riley Street. Vehicular access will not be allowed to avoid impact on underground drainage infrastructure, and it is expected that a Condition of Planning Permit would include a requirement for a Section 173 Agreement to be registered on title to prevent any vehicle access direct from Riley Street for this specific allotment.

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Infrastructure works within the Riley Street and Eagle Point Road reserves will result in the unavoidable loss of vegetation. The majority of vegetation to be impacted represents either planted vegetation or regrowth, as depicted on the enclosed Plan of Vegetation Removal. A later section of this report will provide commentary on the extent of vegetation that will be impacted by the proposal.

The subdivision is proposed to be undertaken in four stages, to allow for the progressive release of allotments to the market. The enclosed Staging Plan provides detail on proposed staging summarised as follows:

Stage 1: 26 residential lots, two intersections with Eagle Point Road, upgrade of eastern side of Eagle Point Road to install concrete footpath and kerb and channel drainage, vegetation removal within Eagle Point Road reserve, internal road construction and associated street tree plantings.

Stage 2: 18 residential lots, two intersections with Riley Street, extension of Riley Street (approximately 50m), upgrade of southern side of Riley Street to install kerb and channel, vegetation removal within Riley Street road reserve, internal road construction, associated street tree plantings, installation of drainage infrastructure within the north-eastern Reserve, and associated landscaping of Reserve to the satisfaction of the Responsible Authority.

Stage 3: 16 residential lots, internal road construction, associated street tree plantings, installation of drainage infrastructure within southern Reserve, landscaping within southern Reserve to the satisfaction of the Responsible Authority.

Stage 4: 15 residential lots, internal road construction, associated street tree plantings and removal of vegetation (large cen = tree).

The relatively even landform across the majority of proposed lots, together with the regular shape and orientation, will facilitate the future construction of dwellings using straightforward building techniques, without the need for substantial earthworks or retaining structures. The allotments are diverse in area, providing varying options which in turn is expected to contribute positively towards housing affordability and choice.

The subject Application triggers approval at the following Clauses of the *East Gippsland Planning Scheme:*

- Clause 32.08-3 of the General Residential Zone for Subdivision;
- **Clause 43.02-3** of the Design and Development Overlay (Schedule 11) for Subdivision;
- **Clause 44.01-2** of the Erosion Management Overlay for Buildings and Works (roadworks);
- Clause 44.01-3 of the Erosion Management Overlay for Vegetation Removal;
- Clause 44.01-5 of the Erosion Management Overlay for subdivision; and
- **Clause 52.17** for the loss of native vegetation in accordance with Particular Provisions relating to Native Vegetation.

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East Gippsland Shire Council

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6.2 Design and Development Overlay

The proposed subdivision is considered to respond positively to the purpose of Schedule 11 of the Design and Development Overlay relating to *Residential development in coastal settlements*, as it promotes future development at a density that is compatible with the coastal neighbourhood setting (p.1).

Schedule 11 to the Overlay does not specifically trigger Planning approval for subdivision, with the requirement for a Planning Permit related to the header clause at Clause 43.02-3. Decision Guidelines at Schedule 11 pertaining to residential subdivision are understood to apply to subdivision within Newlands Arm, as triggered by Clause 3.0 of Schedule 11. Consideration is therefore focussed on the provisions of the header clause at Clause 43.02-6.

Decision Guidelines

- Proposed lot sizes are generous which will enable future development of either a single or double storey built form to be easily accommodated within the site without the need for vegetation removal.
- Allotment frontages vary in width, as do proposed road reserves, resulting in a less formal presentation, reflecting community desires to avoid rigid urban subdivision patterns.
- The proposal will facilitate improved pedestrian connections in accordance with the EPSP, promoting connectivity both in and around the subject land.
- The proposed subdivision is premised upon the enhancement of the designated waterway, through a combination of passive open space and drainage open space. Implications with respect to water quality or land degradation can only be considered to be positive.
- Approval for vegetation removal is limited to that extent that cannot be avoided as a result of infrastructure provision. A later section of this Report will address compliance with the particular provisions of Clause 52.17.
- The subject land is not at risk of coastal processes such as flooding, tidal factors or coastal erosion, located a considerable distance from the lake.



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6.3 Erosion Management Overlay

The partial application of the Erosion Management Overlay ('EMO') to the subject land requires consideration for subdivision, associated works and vegetation removal.

Earthworks associated with the subdivision will include establishment of the new internal road network, servicing, installation of WSUD infrastructure, property access and fencing of boundaries.

It is anticipated that Conditions on Permit will require the preparation of a Construction Management Plan and for Detailed Drainage & Road Construction Plans to the satisfaction of the Responsible Authority prior to commencement of works.

A requirement for land stability measures to be undertaken during works is also expected to be included in the form of the standard Condition pertaining to sediment control.

The Schedule to the Erosion Management Overlay triggers requirement for a Geotechnical Risk Assessment to be provided in support of the Application. In response, please find enclosed a Geotechnical Risk Assessment document papered by Simon Anderson Consultants.

The Geotechnical Risk Assessment concludes that the risk of landslide, sheet/rill erosion and tunnel erosion on the subject land is low, comming the site is suitable for subdivision as proposed.

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Requirement	Response	
5. Avoid & minimise statement (continued)	Redesign of the road alignment to accommodate the tree was considered, however ultimately the TPZ would be compromised by residential use, provision of services, footpaths and road pavement.	
	The subdivision design ensures larger native trees with a high conservation value located in the southern portion of the land will not be adversely impacted by the proposal. This has been achieved by nominating a large reserve which not only caters for drainage however accommodates the retention of these trees.	
	Whilst initial drainage concepts, including those depicted in the Eagle Point Structure Plan, would have resulted in the removal of several of these trees, or at least impacted numerous TPZs, the proposed drainage design has been further refined to ensure impacts are avoided.	
	The trees on the southern portion of the property were located and measured to enable the calculation of TPZ's. This information was then provided to the project's Engineers to facilitate an appropriate drainage design which does not impact existing trees or encroach on their TPZ's.	
	Whilst some vegetation removal will nee concur within the adjoining Road Reserve to facilitate access and servicing, the majority of it is planted or regrowth.	
	A vegetation offset will be provided to compensate for the native vegetation losses being incurred. This offset will be provided before any physical loss of the getation in question.	
6. Property Vegetation Plan	Not applicable – no Property Vegetation Plan made pursuant to Section 69 of the <i>Conservation, Forests and Land Act 1987</i> has been prepared.	
7. Defendable Space	As the property is not affected by the Bushfire Management Overlay, there is no need to remove vegetation for the purposes of establishing defendable space.	
8. Native Vegetation Precinct Plan Response	Not Applicable – the Application is not made under Clause 52.16. No Native Vegetation Precinct Plan applies to the subject land.	
9. Offset Statement	As a Permit is required to remove native vegetation the biodiversity impacts from the removal must be offset in accordance with the Guidelines. It is anticipated that the standard Conditions will be imposed on Permit which specify the offset requirement and the timing to secure the offset.	

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Requirement	Response
9. Offset Statement (continued)	There is no ability to provide vegetation offsets onsite given the residential context of the area. Vegetation offsets will be achieved through third party arrangements. Please refer to the enclosed quotation from Vegetation Link (dated 10 September 2021) confirming the required native vegetation credits with suitable attributes are available for purchase from a third party.

In response to the decision guidelines specified in Table 6 of the Guidelines, we offer the following comments.

	Decision Guidelines	Response/Comment
1.	Efforts to avoid and minimise vegetation removal to be commensurate with the biodiversity and other values.	The vegetation in question has not been identified as being of significance. Two of the three patches to be removed are mapped within Location 2, as are thee of the scattered trees, whereas the balance of vegetation to be removed is within Location 1. The vegetation has mid-range scores on condition mapping and strategic biodiversity value mapping.
		The efforts to avoid and minimise vegetation losses has resulted in far less vegetation impacts than had been anticipated by Strategic Planning for the site. Numerous iterations of the scheme were developed to ensure the significant vegetation in the southern portion of the site could be retained without impact.
2.	The role of the vegetation being removed in protecting water courses, preventing land degradation and adverse effects on groundwater.	The vegetation earmarked for removal is considered to play a minimal role in protecting water quality and preventing land degradation given its location. The vegetation is well offset from existing water courses (>30metres) and is not contained on steep land.
3. The need to manage native vegetation to presence identified landscape values.		Whilst the vegetation to be removed has some aesthetic value, it is not considered to have a high eNVRRonmental value having regard for the NVIM mapping and associated scores.
		The removal of vegetation within the road reserves represents the first step in the transition of these streetscapes to an urban environment. The visual impact is real, but expected.
4.	Whether the vegetation to be removed is protected under the <i>Aboriginal Heritage Act</i> 2006.	The vegetation earmarked for removal is protected under the <i>Aboriginal Heritage Act 2006.</i>

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- This is not considered an accurate depiction of the current population in Eagle Point, given housing growth associated with developments in Eagle Bay Rise, Eagle Point Landings, Morecroft Rise, Regatta Place and Yalca Mews, and the approved subdivision of 31 Boyd Court, which when combined far exceed the growth associated with the development of the subject land.
- The population growth for the locality of Eagle Point between the 2011 and 2016 Census periods was in the order of 48%, increasing from 739 to 1094. The proposed increase associated with the subdivision of the subject land on this basis is arguably not of statistical significance, and is consistent with established trends.
- Consideration must also be given to the high number of dwellings within the locality that are not occupied as a primary place of residence, or for the high number of unoccupied private dwellings (one in five) and couple families without children (representing 61.2% of families, almost double that of the State average) according to data from the 2016 Census. The percentage of the Eagle Point population identifying as 'Empty nesters and retirees' and 'Seniors' exceeds that of the general East Gippsland population, which in turn is understood to exceed the State average.
- The proposed subdivision will not result in any benefit or disadvantage, direct or indirect, to a particular population cohort or group in the community.
- The proposal will not create any increased employment opportunities, other than those generated as a consequence of construction activity.
- Median rent and mortgage repayments for the Eagle Point statistical area are substantially less than the State average, indicating more affordable housing. The creation of additional allotments will deliver improvements consistent with the objectives promoted by *Homes for Victorians* (2017).
- The proposal is not considered to have an impact on current social, recreational or community infrastructure in the precinct, beyond that anticipated by the EPSIA.
- The proposed development will expand the existing footpath network, which will in turn decrease the risk for pedestrians within the development and surrounding area. The proposal will also provide an additional local area for passive recreation, intentionally designed to provide opportunities for casual surveillance, which will have positive consequences regarding safety.

In summary, the proposed infill subdivision represents a sound social outcome.



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Simon Anders Consultants civil STRUCTURAL PROJECT EN	27 Eagle Point Eagle Point	Environment Act 1987.	is under t hæsignedu	n <mark>sen</mark> t m	nning an Sust not b	nd De
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APPENDIX B



Photo 1: Existing fully developed residential properties along Hoskin Street to the south east of the Proposed Subdivision.



Photo 3: Eagle Point Rd, adjacent to subject sites west boundary



Photo 6: Subject site, typical landscape.



Photo 7: Subject site, typical landscape.

407406 GRA



Photo 2: Cardinal Drive. Completed Stage 1 of development directly south of subject site.



Photo 4: Riley Street, adjacent to subject sites north boundary.



Photo 5: Millicent Court, fully developed residential area, adjacent to subject sites east boundary.



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4 RESIDENTIAL SUBDIVISION DESIGN ASSESSMENT

4.1 General

The design of the residential subdivision has been assessed, in relation to the Eagle Point Precinct Structure Plan, Clause 56 of the East Gippsland Planning Scheme (Residential Subdivision), and the Infrastructure Design Manual.

4.2 East Gippsland Planning Scheme – Clause 56

Clause 56.06 identifies Access and Mobility Management requirements for residential subdivisions such as that proposed at the site. The following Clauses are applicable.

4.2.1 Clause 56.06-2, Walking and cycling network objectives

Standard C15

The walking and cycling network should be designed to:

- > Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme.
- > Link to any existing pedestrian and cycling networks.
- Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces.
- Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces.
- > Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling.
- > Ensure safe street and road crossings including the provision of traffic controls where required.
- > Provide an appropriate level of priority for pedestrians and cyclists.
- Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night.
- > Be accessible to people with disabilities.

The proposed development will include a footpath on one side of all internal streets.

Internal roads are expected to have minimal traffic volumes and low speeds and are considered suitable for sharing with cyclists.

It is therefore considered that the subdivision satisfies the objectives of Clause 56.06-2.

4.2.2 Clause 56.06-3, Public transport network objectives

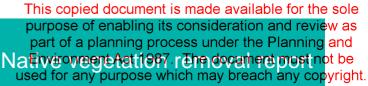
Standard C16

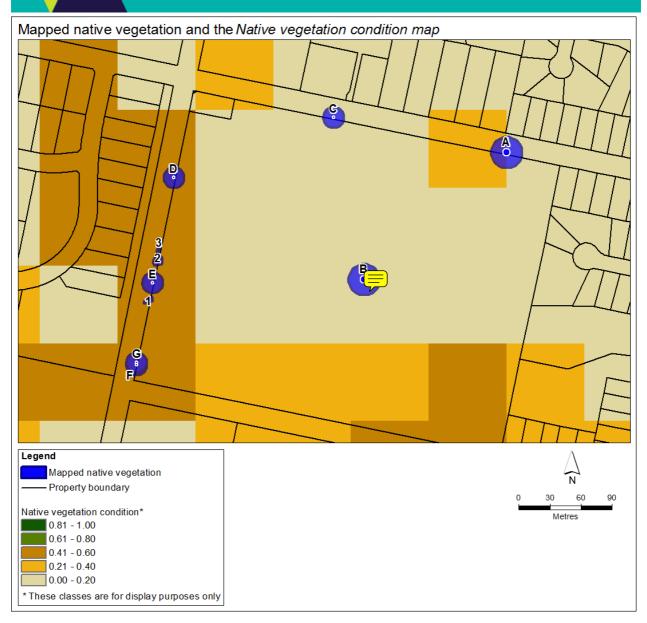
The public transport network should be designed to:

- Implement any relevant public transport strategy, plan or policy for the area set out in this scheme.
- Connect new public transport routes to existing and proposed routes to the satisfaction of the relevant public transport authority.

27 Eagle Point Road, Eagle Point Transport Impact Assessment 210048TIA001B-F.docx 7 September 2021

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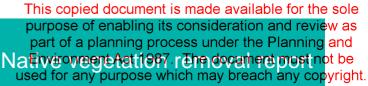


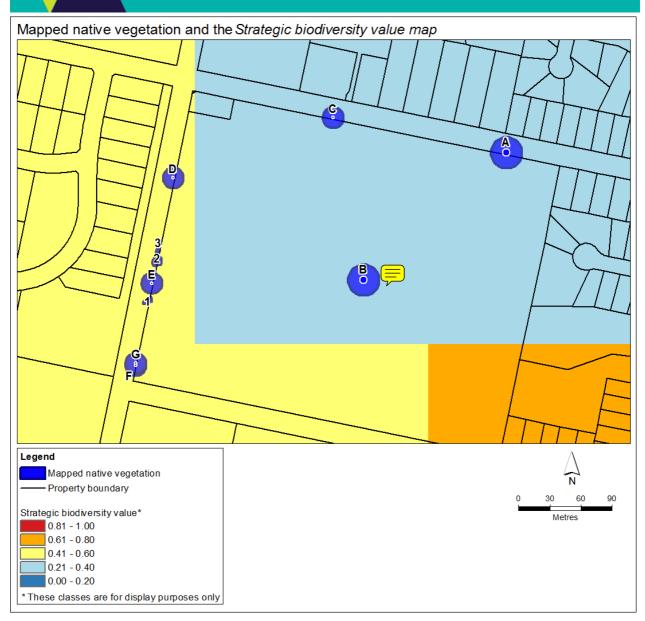


Native vegetation removal report - report ID 319-20210908-007

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Native vegetation removal report - report ID 319-20210908-007

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Attachment 5.2.1.4 ADVERTISED This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987 The document must not be used for any purpose which may breach any copyright.

Our reference: VLQ-7302

Your reference: 27 Eagle Point Road, Eagle Point

9 September 2021

Kate Young

Crowther & Sadler kate@crothersadler.com.au

Dear Kate

RE: Quotation for the supply of native vegetation credits

Vegetation Link is an accredited offset provider with the Department of Environment, Land, Water & Planning (DELWP). We offer a specialised brokerage service to enable permit holders and developers to identify suitable native vegetation credits to meet their planning permit offset requirements.

Based on the information you have provided, I understand you require the following native vegetation offset:

Offset type	Vicinity		Min. strategic biodiversity value (SBV)	Large trees
General	East Gippsland CMA or East Gippsland Shire Council	0.089	0.302	2

To meet your offset requirements, you can purchase native vegetation credits from a third party as per the options quoted below¹. This quotation is valid for 14 days, subject to credit availability and landholder pricing.

Option 1: 2 x CTA pathway – offset sites located in the East Gippsland Shire Council area (approx. 2-5 week turnaround from acceptance of quote)		
Cost of native vegetation credits – invoiced by Credit Owners	\$9,800.00	
Transaction fees for $2 \times contracts$ – invoiced by Vegetation Link	\$2,330.00	
Total (ex. GST)	\$12,130.00	
Total (inc. GST)	\$13,343.00	

Cost of native vegetation credits – invoiced by DELWP \$14,850.00
Transaction fees - invoiced by Vegetation Link\$1,470.00
Total (ex. GST) \$16,320.00
Total (inc. GST) \$17,952.00

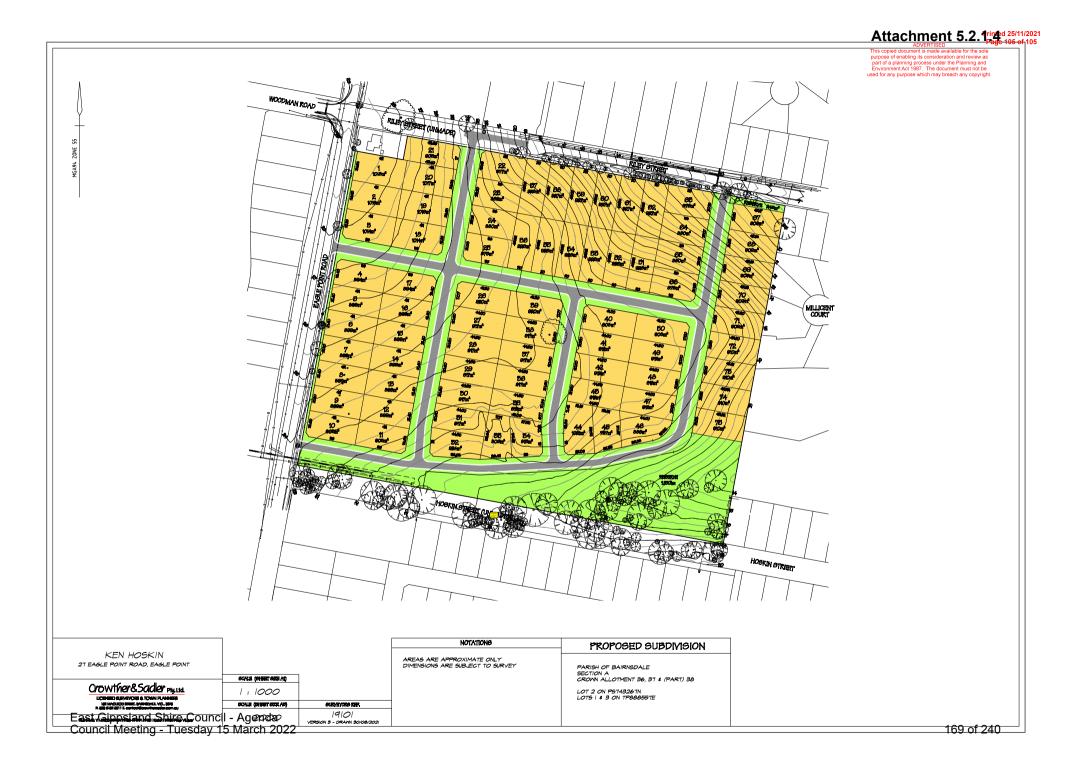
¹ Note that the transaction fee includes DELWP NVOR transfer and allocation fees and a Vegetation Link fee

Vegetation Link Pty Ltd ABN: 92 169 702 032

www.vegetationlink.com.au

Printed 25/11/2021

1300 VEG LINK (1300 834 546) | offsets@vegetationlink.com.au | P0 Box 10 Castlemaine VIC 34 Page 104 of 130



From: Subdivisions [Subdivisions@apa.com.au]
Sent: Tuesday, 23 November 2021 2:12:25 PM
To: Planning Unit Administration
CC: Subdivisions
Subject: RE: 476/2021/P - 27 Eagle Point Road EAGLE POINT - Multi Lot Subdivision (Staged), Building and Works (Roadworks) and Native Vegetation Removal

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.

APA GROUP

APT O&M Services Pty Ltd (APT) is a company under the APA Group.

Our Reference: ps 23112021 -22

Enquires: Paula Soluncevski Telephone 9463 8323

Dear Sir/Madam,

Re: APPLICATION FOR PLANNING PERMIT 27 Eagle Point Road EAGLE POINT Plan No. :

Reference is made to the above correspondence dated 22.11.2021 and accompanying plan.

APT pursuant to Section 56 (1) (b) of the Planning and Environment Act 1987 has no objectior granting of a permit.

APT does not require the plan to be forwarded under Section 8 of the Subdivision Act 1988, a to the issue of a statement of compliance at the appropriate time.

Yours faithfully,

Per Rebecca May Team Lead I&C Projects Engineering & Planning

APT O&M Services Pty Ltd (APT) (APA Networks), operating as a subsidiary of APA Group, manages and operates th reticulation assets on behalf of Australian Gas Networks (AGIG). From: James Hammond [James.Hammond@ausnetservices.com.au]
Sent: Tuesday, 11 January 2022 11:14:48 AM
To: Planning Unit Administration
Subject: RE: 476/2021/P - 27 Eagle Point Road EAGLE POINT - Multi Lot Subdivision (Staged), Building and Works (Roadworks) and Native Vegetation Removal

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AUSNET ELECTRICITY SERVICES PTY LTD does not object to the issue of a Planning Permit in respect of t abovementioned application if the permit is subject to the following conditions:

The Plan of Subdivision submitted for certification must be referred to AUSNET ELECTRICITY SERVICES P1 accordance with Section 8 of the Subdivision Act 1988.

The applicant must -

- Enter in an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lo
 endorsed plan.
- Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearran the existing electricity supply system.
- Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for rearrangement of the point: any existing installations affected by any private electric power line which would cross a boundary cre subdivision, or by such means as may be agreed by AUSNET ELECTRICITY SERVICES PTY LTD.
- Provide easements satisfactory to AUSNET ELECTRICITY SERVICES PTY LTD for the purpose of "Power I favour of "AUSNET ELECTRICITY SERVICES PTY LTD" pursuant to Section 88 of the Electricity Industry, where easements have not been otherwise provided, for all existing AUSNET ELECTRICITY SERVICES P electric power lines and for any new power lines required to service the lots on the endorsed plan an land.
- Obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service
- Adjust the position of any existing AUSNET ELECTRICITY SERVICES PTY LTD easement to accord with the the electricity line(s) as determined by survey.
- Set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD fo substations.
- Provide survey plans for any electric substations required by AUSNET ELECTRICITY SERVICES PTY LTD : associated power lines and cables and executes leases for a period of 30 years, at a nominal rental wi extend the lease for a further 30 years. AUSNET ELECTRICITY SERVICES PTY LTD requires that such lea noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act registration of the plan of subdivision.
- Provide to AUSNET ELECTRICITY SERVICES PTY LTD a copy of the plan of subdivision submitted for ceri shows any amendments that have been required.
- Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permai available to the development by AUSNET ELECTRICITY SERVICES PTY LTD. Individual generators must b each supply point. The generator for temporary supply must be installed in such a manner as to comp Electricity Safety Act 1998.
- Ensure that all necessary auditing is completed to the satisfaction of AUSNET ELECTRICITY SERVICES P allow the new network assets to be safely connected to the distribution network.

END OF CONDITIONS

Prospective purchasers of lots on this plan should contact this office to determine the availability of a su electricity. Financial contributions may be required.

If you require any further information in relation to the above, please do not hesitate to contact myself (at the Lilydale Office.

Yours faithfully,

James Hammond URD EPC AusNet Services james.hammond@ausnetservices.com.au 9237 4496

From: Subdivisions <Subdivisions@ausnetservices.com.au>
Sent: Monday, 10 January 2022 8:45 AM
To: James Hammond <James.Hammond@ausnetservices.com.au>
Cc: planning@egipps.vic.gov.au
Subject: FW: 476/2021/P - 27 Eagle Point Road EAGLE POINT - Multi Lot Subdivision (Staged), Building a (Roadworks) and Native Vegetation Removal

Hi James

Can you please assist Kerri with this referral query?

Kind regards

Daryl Customer Connect Consultant-Subdivision

AusNet Services Locked Bag 14051 Melbourne City Mail Centre Melbourne Victoria 8001 Australia subdivisions@ausnetservices.com.au www.ausnetservices.com.au

From: Planning Unit Administration <<u>Planning@egipps.vic.gov.au</u>>



Our patron, Her Excellency the Honourable Linda Dessau AC, Governor of Victoria

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

CFA Ref: 11000-74928-114991 Council Ref: 476/2021/P

9 December 2021

Robert Pringle East Gippsland Shire Council 273 Main Street BAIRNSDALE VIC 3875

Dear Robert,

CONDITIONAL CONSENT TO GRANT A PERMIT CERTIFICATION AND COMPLIANCE REQUIRED

Application No:	476/2021/P
Applicant:	Crowther & Sadler
Address:	27 Eagle Point Road Eagle Point
Proposal:	Multi Lot Subdivision (Staged)

CFA, acting as a Referral Authority pursuant to Section 52 of the Planning and Environment Act does not object to the grant of a permit to Crowther & Sadler for the subdivision at 27 Eagle Point Road Eagle Point subject to the following conditions being attached to any permit which may be issued, and a copy of the permit being forwarded to CFA.

– Start of Conditions –

1. Hydrants

Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:

- 1.1 Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
- 1.2 The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.
- Note –CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (<u>www.cfa.vic.gov.au</u>)

2. Roads

Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

- 2.1 The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- 2.2 Curves must have a minimum inner radius of 10 metres.

– End of Conditions –

Additional Comments

CFA does not consent to the Certification of the Plan of Subdivision and Statement of Compliance for Subdivision at this stage.

If you wish to discuss this matter, please do not hesitate to contact Peter Rogasch, Fire Safety Officer, on 1300 637 617.

Yours sincerely

Justin Meli Bushfire Planning Coordinator CFA Community Preparedness

cc: Crowther & Sadler <u>contact@crowthersadler.com.au</u>



14 December 2021

71 Hotham Street Traralgon Victoria 3844

Telephone: +61 3 5172 2111 www.delwp.vic.gov.au

Robert Pringle Planning Officer East Gippsland Shire Council PO Box 1618 BAIRNSDALE VIC 3875

Our ref: SP478404 Your ref: 476/2021/P

Dear Robert

PROPOSAL: STAGED MULTILOT SUBDIVISION, ROADWORKS & NATIVE VEGETATION REMOVAL **ADDRESS:** 27 EAGLE POINT ROAD, EAGLE POINT VIC 3875 **LEGAL DESCRIPTION:** LOT 2 PS743267 & LOTS 1&3 TP888557

Thank you for your correspondence dated and received [insert date] consistent with section 55 of the *Planning and Environment Act 1987* (Act).

The application seeks to subdivide land into multiple lots, construct roads and remove native vegetation.

Under Delegation from the Secretary, the Department of Environment, Land, Water and Planning (DELWP) is providing advice in response to the referred planning permit application which may affect its responsibilities or assets. The referral trigger being Clause 66.02-2 of the East Gippsland Planning Scheme.

I wish to advise DELWP **does not object** to the granting of a Planning Permit and recommends the following conditions and permit notes:

- 1. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
- 2. The DELWP native vegetation report (ID: 319-20210908-007, dated 08/08/2021) included with the application will be endorsed and form part of this permit.
- 3. The plans submitted with this application, being:
 - a) Plan of Vegetation Removal (Ken Hoskin, 06 September 2021)
 in Planning Report: Multi Lot Subdivision (staged), Buildings and Works (Roadworks) and Vegetation Removal 27 Eagle Point Road, Eagle Point, Reference 19101
 (Crowther and Sadler Pty Ltd, 14 September 2021), must be approved and endorsed by the responsible authority and will then form part of this permit.

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to <u>foi.unit@delwp.vic.gov.au</u> or FOI Unit, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002.



- 4. Before any native vegetation removal/works start, an amended plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the responsible authority will endorse the plan, which will then form part of this permit. The plan *Drawing No. 2471/001-B: 27 Eagle Point Road, Eagle Point. Proposed Access & Servicing Layout Plan* (Crossco, 09 September 2021) must be:
 - a) Drawn to scale with a key, that clearly shows:
 - i) existing trees to be retained,
 - ii) native tree to be removed (located in the centre of the subject land; referred to as Tree B in the NVR report),
 - iii) existing native trees to be removed (exotic trees can be shown with a different key symbol), and
 - iv) existing native patches of vegetation to be removed.
- 5. Before works start, a vegetation protection fence must be erected around all patches of native vegetation (or scattered trees) to be retained next to any construction impact area. This fencing must be erected on the endorsed construction zone boundary. Where the patch of native vegetation contains canopy trees, the vegetation protection fence must be at a distance from the retained native vegetation that is not less than the tree protection zones, in accordance with AS 4970-2009 *Protection of Trees on Development Sites*. The vegetation protection fence must be constructed of star pickets, chain mesh or similar to the satisfaction of the responsible authority. The native vegetation protection fence must authority.
- 6. Except with the written consent of the responsible authority, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, the following is prohibited:
 - a) vehicular or pedestrian access
 - b) trenching or soil excavation
 - c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - d) entry and exit pits for the provision of underground services
 - e) any other actions or activities that may result in adverse impacts to retained native vegetation.
- 7. The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.280 hectares of native vegetation, which is comprised of:
 - a) 3 patches totalling 0.011 hectares of native vegetation with a strategic biodiversity value score of 0.377
 - b) 2 scattered large trees, and
 - c) 5 scattered small trees.
- 8. To offset the removal of 0.280 hectares of native vegetation, the permit holder must secure the following native vegetation offset in accordance with *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017):
 - a) a general offset of 0.089 general habitat units:

- i) located within the East Gippsland Catchment Management boundary or East Gippsland municipal area, and
- ii) with a minimum strategic biodiversity value of at least 0.302
- b) The offset(s) secured must also protect 2 large trees.
- 9. Before any native vegetation is removed, evidence that the required offset for each stage of the subdivision has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
 - a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
 - b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
- 10. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning & Approvals at the Department of Environment, Land, Water and Planning Gippsland regional office via Gippsland.Planning@delwp.vic.gov.au.
- 11. Where the offset includes a first party offset, the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Permit Note

1. Before any works on public land start, the permit holder must obtain a permit to take protected flora under the *Flora and Fauna Guarantee* (FFG) *Act 1988*. To obtain an FFG permit or further information, please contact the Gippsland Natural Environment Program on (03) 5172 2111 or email <u>Gippsland.Environment@delwp.vic.gov.au</u>.

The accompanying **supporting information** provides further detail regarding DELWPs assessment of this application.

In accordance with section 66 of the *Planning and Environment Act 1987*, please provide a copy of the permit, if one is granted, or any notice to grant or refusal to grant a permit to the above address.

If you have any further queries, or require clarification please contact gippsland.planning@delwp.vic.gov.au

Yours sincerely

and I Jacell.

Shane Lavell
Planning Approvals Program Officer

OFFICIAL

Supporting Information

General comments and advice

The application proposes to remove native vegetation to develop a staged multi lot subdivision, building and works (roadworks). DELWP has assessed this application in accordance with intermediate assessment pathway.

This application has satisfied the information requirements of Clause 52.17 of the East Gippsland planning scheme. It clearly describes the native vegetation to be removed and the offset requirements, should clearing be approved.

DELWP is satisfied that the applicant has taken adequate steps to avoid and minimise the proposed native vegetation removal, and that the required offsets are available can be secured.

EAST GIPPSLAND CATCHMENT MANAGEMENT AUTHORITY



574 Main Street (PO Box 1012) Bairnsdale Vic 3875 PHONE: (03) 5152 0600 FAX: (03) 5150 3555 EMAIL: <u>egcma@egcma.com.au</u> ABN 72 411 984 201

EGCMA Ref:EGDocument No:1Date:2 D

ef: EGCMA-F-2021-00381 t No: 1 2 December 2021

OFFICIAL

Robert Pringle Land Use Planning Officer East Gippsland Shire Council

Dear Robert,

Planning Permit Application No.: 476/2021/P

Property	Street: Cadastral:	27 Eagle Point Road, Eagle Point Vic 3878 Lot 2 PS743267 and Lot 1 & 3, TP888557, Parish of Bairnsdale
Applicant(s)	:	Kenneth Hoskin C/- Crowther & Sadler Pty Ltd

I refer to your correspondence received at the East Gippsland Catchment Management Authority ('the Authority') on 22 November 2021 in accordance with the provisions of Section 52 of the *Planning and Environment Act 1987*. The Authority notes that the application is for a multi lot residential subdivision and removal of native vegetation.

The Authority does not have any official record of flooding for the property. The property is well elevated and not likely to be subject to riverine inundation during a 1% AEP flood event under current or future climatic conditions.

The Authority understands that you are seeking our advice in relation to the designated waterway in the south eastern corner of the subject land. The waterway contains some remnant riparian vegetation, and is a direct tributary of the Gippsland Lakes, via existing stormwater infrastructure downstream of the subject land.

The Authority has reviewed the proposed *Site Drainage Plan* (Crossco Consulting Drawing No. 2471/002-B dated 9 September 2021) and notes that the proposed stormwater retention and treatment infrastructure includes rainwater tanks on each lot, and a combination of underground stormwater detention tanks and SPEL 'Vortceptor' and 'Hydrosystem' units.

The justification for use of underground stormwater detention tanks over conventional retention basins and wetland infrastructure appears to be to avoid any impact on the existing native vegetation within the reserve. The Authority notes that a significant area of the reserve, including the proposed location of the tanks, does not contain any native vegetation, and would be suitable for construction of conventional stormwater treatment infrastructure.

ABN 88 062 514 481 Correspondence PO Box 1374, Traralgon VIC 3844

Telephone 1300 094 262 | Facsimile (03) 5175 7899 | Email westgippy@wgcma.vic.gov.au | Website www.wgcma.vic.gov.au Traralgon Office 16 Hotham Street, Traralgon VIC 3844 | Leongatha Office Corner Young & Bair Streets, Leongatha VIC 3953 The Authority has discussed the proposed stormwater treatment train with Council's Lachlan Macarthur and understands that Council has some concerns regarding the suitability of the underground stormwater detention tanks and SPEL 'Vortceptor' and 'Hydrosystem' units for a large residential subdivision. Of particular concern is the uncertainty around the on-going maintenance of the infrastructure including the required frequency and long-term availability of replacement of filters in the SPEL products, and the challenges associated with maintenance and repairs of the underground detention tanks. The Authority is not aware of any other location in Gippsland where SPEL products are used for residential subdivision at this scale.

The Authority is unlikely to support the construction of underground detention tanks within 30 metres of the designated waterway, due to the risk to the waterway.

The Authority also notes that there is no stormwater detention proposed for the catchment that drains to the north east corner of the subdivision. There is significant downstream infrastructure including dwellings that are likely to be impacted by additional stormwater runoff form this catchment.

The Authority cannot support the proposed drainage plan until it is demonstrated that both the underground and overland flow/drainage systems downstream of the development will not be adversely affected by the proposed drainage arrangement.

The Authority further notes the assumed loss of the Very Large Old Tree on proposed Lot 38 of the subdivision. Trees such as this provide critical habitat in a highly modified landscape and should be retained wherever possible. The Authority considers that further consideration of the ability to 'avoid' the loss of this tree should be required and recommends that the tree be retained in a reserve setting for the use and enjoyment by all current and future residents.

Finally, the Authority notes the proposed extension of the 750mm stormwater pipe through the downstream property No 4 Tait St. The Authority does not support the piping of designated waterways due to the detrimental impact on waterway health and overland flow paths.

The Authority **does not object** to the issue of a Planning Permit, subject to the following conditions being included in the permit:

- 1. Prior to Certification of the subdivision, a Stormwater Management Plan (SMP) must be developed to demonstrate that:
 - a. All stormwater discharged from the development (both the underground and overland systems) does not adversely impact downstream private property.
 - b. The designated waterway in No 6 Tait St will remain and will not be piped.
 - c. All stormwater discharge from each stage of the subdivision will meet the *Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO, 1999)* to the satisfaction of the East Gippsland Catchment Management Authority and East Gippsland Shire Council.
- 2. Prior to the issue of a Statement of Compliance for each stage of the subdivision, the water quality treatment works endorsed in the Stormwater Management Plan must be undertaken to the satisfaction of East Gippsland Catchment Management Authority and East Gippsland Shire Council.

- 3. Prior to Certification of the subdivision a Waterway Management Plan (WMP) must be endorsed in writing by East Gippsland Catchment Management Authority. The WMP must include:
 - a. Details of existing environmental values.
 - b. Details of any initial stabilisation and vegetation works including those required in No 4 Tait St.
 - c. A landscape plan for revegetation of land within a 30 metres buffer either side of the waterway, including a species list and proposed density of the plantings. The vegetation must be representative of the Ecological Vegetation Class for the site. Revegetation within the buffer must not encroach into an area required to be cleared of vegetation to create defendable space.
 - d. A maintenance plan detailing the sequencing and periods of short, medium and long term actions, including inspections, and the parties responsible for each action.

Please ensure that you provide the Authority a copy of your decision in a timely manner to allow for an application for review to VCAT if required.

The Authority objects to the issue of the Planning Permit if these conditions are not included.

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

Should you have any queries, please do not hesitate to contact Penny Phillipson on 1300 094 262 or email <u>planning@wgcma.vic.gov.au</u>. To assist the Authority in handling any enquiries please quote **EGCMA-F-2021-00381** in your correspondence with us.

Yours sincerely,

Adam Dunn Gippsland Floodplain Officer

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

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

EXPLANATORY REPORT



Figure 1 – Proposed lot layout and underground detention tanks

Decision Guidelines

The East Gippsland Catchment Management Authority assesses all applications against the following National, State and Local Policies, Guidelines and Practice Notes:

- 1. <u>Technical Flood Risk Management Guideline: Flood Hazard</u>' (Australian Emergency Management Institute, 2014)
- 2. 'Victorian Floodplain Management Strategy' (Victoria State Government, 2016)
- 3. Council Planning Schemes (Planning Schemes Online), including the:
 - i. Planning Policy Framework
 - ii. Local Planning Policy Framework
 - iii. Relevant Zones and Overlays
- 4. 'Guidelines for Coastal Catchment Management Authorities: Assessing development in relation to sea level rise' (DSE, 2012)
- 5. 'Applying for a Planning Permit under the Flood Provisions A Guide for Councils, Referral Authorities and Applicants' (DELWP, 2015)
- 6. <u>'East Gippsland Waterway Strategy'</u> (2014-2022)
- 7. 'East Gippsland Regional Catchment Strategy' (2013-2019)
- 8. <u>'East Gippsland Floodplain Management Strategy'</u> (2018-2027)

1% AEP³ Flood Level Determination

Floods are classified by the frequency at which they are likely to occur. In Victoria, all proposals for development on floodplains are assessed against a flood that, on average, will occur once every 100 years. A flood of this size has a 1% chance of occurring in any given year, and is known as either the 100 year Average Recurrence Interval (ARI⁵) flood or the 1% Annual Exceedance Probability (AEP) flood.

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

The Authority does not have any official record of flooding for the property on which to base its assessment. Information available to the Authority indicates that the property is not likely to be subject to coastal inundation during a 1% AEP flood event.

Waterway health

Clause 14.02-1S (Catchment planning and management) of the Planning Policy Framework (PPF) seeks to assist the protection and restoration of catchments, water bodies, groundwater and the marine environment through the following strategies:

- Ensure the continued availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.
- Consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments.
- Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:
 - Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,
 - Minimise erosion of stream banks and verges, and
 - Reduce polluted surface runoff from adjacent land uses.
- Undertake measures to minimise the quantity and retard the flow of stormwater runoff from developed areas.
- Require appropriate measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.
- Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.
- Ensure land use and development proposals minimise nutrient contributions to water bodies and the potential for the development of algal blooms.
- Ensure planning is coordinated with the activities of catchment management authorities.
- Ensure that water quality infrastructure is designed to minimise risk of harm to surface waters and groundwater.

To ensure the long term protection of designated waterways and to minimise future maintenance requirements for any reserves created over the waterways, a Waterway Management Plan is required.

The Waterway Management Plan must include:

- Details of the existing environmental values;
- Details of any initial stabilisation and vegetation works;
- A landscape plan for revegetation of land within a 30 metres buffer either side of the waterway, including a species list and proposed density of the plantings. The vegetation must be representative of the Ecological Vegetation Class for the site; and
- A maintenance plan detailing the sequencing and periods of short, medium and long term actions, including inspections, and the parties responsible for each action.

Page 5 of 7

Stormwater Management

The following water quality objectives will need to be demonstrated to the satisfaction of the Authority:

- Integrate Water Sensitive Urban Design (WSUD) features to provide a high level of landscape amenity.
- Ensure both the quantity and quality of discharge arising from development meets best practice standards.
- Consider the long-term maintenance and operation costs in the design and location of WSUD features.
- Integrate WSUD components to provide environmental and recreational benefits wherever practical.
- The applicant must demonstrate (e.g. concept design using Model for Urban Stormwater Improvement Conceptualisation, MUSIC) that the stormwater discharge is treated to meet the objectives set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines' (CSIRO, 1999). These objectives are as follows:
 - o 80 per cent retention of the typical urban annual load for Suspended solids (SS).
 - 45 per cent retention of the typical urban annual load for Total phosphorus (TP),
 - 45 per cent retention of the typical urban annual load for Total nitrogen (TN).
 - \circ 70 per cent retention of typical urban annual load for Litter.
 - Maintain flow discharges for the 1.5 year ARI at pre-development levels

In order for the East Gippsland Catchment Management Authority to support a subdivision proposal, the developer must demonstrate that the subdivision will comply with the '*Urban Stormwater Best Practice Environmental Management Guidelines*' (CSIRO, 1999) to reduce pollutant loads (suspended solids, nitrogen and phosphorus) and flow quantity at each stage of the subdivision.

To meet this requirement, the treatment works designed to meet best practice for the entire development must be constructed at the beginning of the subdivision. If this is not feasible then interim works will need to be constructed at each stage to ensure that the development meets best practice stage by stage.

To achieve this outcome, the East Gippsland Catchment Management Authority will require the Stormwater Management Plan, prior to Certification of the Subdivision, to demonstrate;

- The ultimate stormwater treatment assets which will treat the entire development to best practice, including nomination of the stage at which they will be constructed, OR
- The interim stormwater treatment assets which will ensure each stage meets best practice and the stage at which they will be constructed

The Authority will require the relevant works outlined in this plan(s) to be satisfactorily completed prior to the East Gippsland Catchment Management Authority consenting to the issue of Statement of Compliance for each stage of the Subdivision.

Definitions and Disclaimers

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

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

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



133 Macleod Street, PO Box 52, Bairnsdale Victoria 3875 Tel: (03) 5150 4444 Fax: (03) 5150 4477 Email: egw@egwater.vic.gov.au Web: www.egwater.vic.gov.au

Our Ref: DOC/21/69253

20 December 2021

Reference Number(s): 476/2021/P Referral Authority: East Gippsland Shire Council For: 75 Lot Subdivision Location: 27 Eagle Point Road Eagle Point Applicant: Crowther & Sadler Pty Ltd

In response to the above application, East Gippsland Water does not object to a permit being granted, provided it includes the following conditions and notes.

Conditions:

- 1. Extend water supply infrastructure to the satisfaction of East Gippsland Water.
- 2. Extend sewerage infrastructure to the satisfaction of East Gippsland Water.
- 3. Submit design, construction, commissioning and as constructed documentation on all proposed infrastructure, or alterations to existing infrastructure, for written approval by East Gippsland Water.
- 4. Pay applicable development planning charges.
- 5. Place easement(s) on the plan of subdivision over existing/proposed infrastructure, to the satisfaction of East Gippsland Water.

Notes:

- (A) In accordance with Section 136 of the Water Act 1989, easements are required over existing/proposed infrastructure. This requirement applies even if the infrastructure is in common property or there is a Section 12(2) easement over the land.
- (B) For easement(s) created, the Land Benefited/In Favour Of is to be in the name of "East Gippsland Region Water Corporation".
- (C) For any lot area that cannot be fully serviced by a gravity sewer connection, building envelopes or minimum floor levels are to be listed as restrictions on title, to the satisfaction of East Gippsland Water.
- (D) Each lot is to be separately serviced by the water and/or sewerage reticulation system. Subject to East Gippsland Water's requirements being met, relevant infrastructure will then become East Gippsland Water's to own, operate and maintain in perpetuity.
- (E) Should East Gippsland Water determine that a gravity sewerage system is not feasible, then a pressure sewer system may be approved by East Gippsland Water.



133 Macleod Street, PO Box 52, Bairnsdale Victoria 3875 **Tel:** (03) 5150 4444 **Fax:** (03) 5150 4477 **Email:** egw@egwater.vic.gov.au **Web:** www.egwater.vic.gov.au

- (F) Design documentation to be submitted after certification application has been made.
- (G) Development planning charges apply where East Gippsland Water approve design, construction, commissioning and as constructed documentation (actual charge is based on the final cost of the works).
- (H) Any feasibility study, required to determine how best to service the development, is to be arranged by East Gippsland Water and funded by the applicant.
- Any infrastructure, outside of the development, that is required to provide sewerage and/or water supply services to the development, is to be funded by the applicant. The type and extent of additional infrastructure, if needed, is subject to detailed engineering design and approval by East Gippsland Water.
- (J) If water services are required, each lot must be separately connected to the water reticulation system and separately metered, to the satisfaction of East Gippsland Water.
- (K) Any specific requirements for sewerage and/or water supply infrastructure relating to coastal inundation or flooding is to be funded by the applicant.

Further enquiries may be directed to Rod Poynton (5150 4476) at our Bairnsdale Office.

Yours faithfully,

laplyg

LARA CAPLYGIN EXECUTIVE MANAGER STRATEGY & ASSETS East Gippsland Water

cc: Crowther & Sadler Pty Ltd

Relevant planning scheme considerations

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The Planning Policy and Local Planning Policy Frameworks

The key elements for consideration are summarised as follows;

• Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing...

- Planning should promote excellence in the built environment and create places that:
 - o Are enjoyable, engaging and comfortable to be in.
 - o Accommodate people of all abilities, ages and cultures.
 - o Contribute positively to local character and sense of place.
 - o Reflect the particular characteristics and cultural identity of the community.
 - o Enhance the function, amenity and safety of the public realm.
- Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.
- Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
- Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.
- Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.
- Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.
- Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.
- Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.
- Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.
- Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.
- Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.
- Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.
- Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, water efficient and encourages public transport use.
- Identify opportunities for increased residential densities to help consolidate urban areas.
- Support opportunities for a range of income groups to choose housing in well-serviced locations.
- Ensure a range of lot sizes and dwelling types to provide diversity and choice in new residential areas.

Clause 21.12 Strategies for Sub-Regions, Towns & Localities

Lakes & Coastal

Opportunities for the sub-region include:

- large areas of vacant land for future growth
- high landscape and natural values
- quality lifestyle
- strong tourism industry
- commercial fishing industry
- boating activities and recreational fishing
- attractive retirement area
- high quality beaches

- a variety of services including retail and commercial, education, health, social welfare, government agencies
- easy access to the sub-region via Princes Highway.

Constraints include:

- impacts of climate induced sea level rise and storm surge on vulnerable coastal areas
- need to protect lakes system from the undesirable effects of development, including siltation and nutrient input
- lack of employment opportunities for young people
- lack of service industrial sites in Lakes Entrance, Paynesville and Metung
- lack of reticulated sewerage system in some existing towns and future development areas
- mosquito problems
- · lack of fully serviced land for future urban expansion in some centres
- · demand for rural residential subdivision in areas outside current or proposed zonings
- conflicts over use of resources, such as commercial versus recreational fishing, shooting versus wildlife conservation.

Strategies for Lakes & Coastal sub-region include:

- assessing and prioritising the response to climate change impacts to ensure that the risks associated with sea level rise and storm surge are properly considered in future strategic planning and the assessment of development proposals in vulnerable areas
- protecting landscapes and natural values, particularly in coastal/lakes areas
- encouraging population growth and development in fully serviced residential land in the major towns
- supporting provision of reticulated sewerage in unserviced towns
- ensuring land availability for further development of tourism and service industry
- reinforcing the role of Bairnsdale as the main commercial, retail and service centre for East Gippsland, while upgrading and revitalising business centres in other towns to serve local and district level needs
- upgrading the townscapes of Lakes Entrance and Paynesville, to improve their appeal for residents and visitors
- recognising the need to provide for an aging population, including encouragement of new services and seeking resources to improve provision and maintenance of relevant Shire infrastructure (e.g. footpaths).

Overview of Settlement Futures.					
	District Town	Town	Village	Small Village	
Significant Expansion of Existing Area	Paynesville	Lake Tyers Beach <mark>Eagle Point</mark>			
Minor Expansion of Existing Area	Lakes Entrance	Mallacoota	Marlo	Nungurner	
Expansion within Existing Area		Metung Tambo Bluff	Raymond Island Newlands Arm	Gipsy Point Bemm River	

Eagle Point

Vision

Eagle Point will develop as a small consolidated town distinct from Paynesville, serving as both a permanent resident settlement and a holiday recreation destination.

A community focal point will be developed in the vicinity of the school and linked to Eagle Point Reserve. The Reserve and foreshore areas will provide high quality recreation opportunities with pathways connecting to the Mitchell River and other recreation destinations.

The Camping Ground will be maintained as a high quality destination for visitors.

Streets will be well landscaped and signposted. Buildings will remain low in scale and will not be visually intrusive.

Objectives

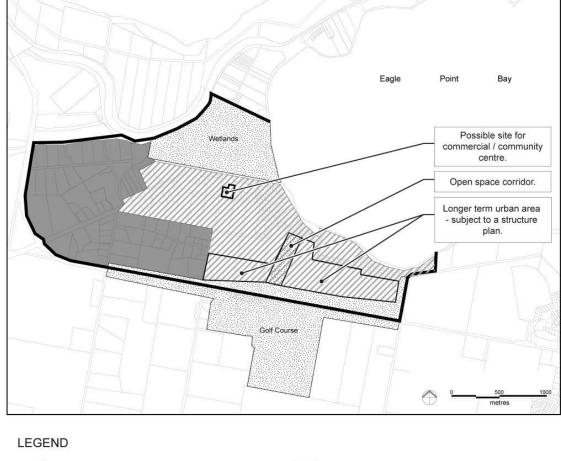
- To enhance the character and setting of Eagle Point.
- To create a community focal point and reinforce the town's identity.
- To protect and enhance the natural environment of the area, including the Lakes system.
- To improve accessibility, circulation and safety for pedestrians and vehicle movement.

Strategies

- Ensure that the development of Eagle Point occurs generally in accordance with the Eagle Point Strategy Plan.
- Retain the low intensity character of development and contain building height.
- Protect views from the Lakes through landscaping, building siting and building height controls.
- Maintain significant view corridors to the Lakes and northern ranges.
- Encourage the retention of the Gippsland Redgum throughout the township.
- Contain low density residential development within existing zoned areas.
- Establish a community and local commercial centre near the school and caravan park and ensure good accessibility to the centre for pedestrians and vehicles.
- Encourage development that caters for retirement housing and associated facilities.
- Ensure that all new subdivisions and development incorporate satisfactory waste disposal and storm water management with the utilisation of water sensitive urban design techniques.
- Ensure the retention of indigenous vegetation in all new development areas and extend wildlife corridors with additional planting.
- Provide a comprehensive pathway network within the town and linking key open space areas and focal points.
- Residential development in Eagle Point should concentrate initially on the existing serviced residential land, to better utilise these services and reinforce the role of the township.
- Ensure that the residential development of land along the Paynesville-Bairnsdale Road includes a vegetated buffer *adjacent to the road*.

Further Strategic Work – Eagle Point

- Investigate the potential of land north of the Bairnsdale-Paynesville Road between Eagle Point and Paynesville for future residential uses with the requirement that it must be developed in a manner that maintains the physical east-west separation of the two settlements and provides extensive open space areas.
- Review the Master Plan in the Eagle Point Urban Design Framework.

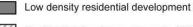


Eagle Point Strategy Plan



Settlement Boundary

Key areas of open space



Residential development area to 2020

Assessment of current Policy Framework

The existing policy framework, including the Eagle Point Strategy Plan provides that the land is suitable for development. There are a range of considerations in state and local policy which support the proposal on existing zoned land with connectivity to services and integration within the established settlement area. Policy considerations such as bushfire risk are appropriately addressed by the application documentation (including a bushfire assessment), and permit conditions are imposed by Country Fire Authority, consistent with other multi-lot subdivision approvals, focusing on road network design and provision of reticulated fire hydrants.

Other relevant policy considerations include environmental considerations. With a proposal for native vegetation removal included, broader consideration must be given to the appropriateness of that removal. It is put that the vegetation removal is limited to the minimum extent necessary to provide appropriately serviced land and infrastructure to the site. An alteration to the proposal, say by reducing the number of allotments, making allotments larger, would not yield significant environmental benefit. The central large tree can be protected, but ultimately will remain offset in the application and conditions. Waterway health is considered in conditions of approval, such as stormwater and waterway management plans to be prepared and implemented.

Key to the assessment is in relation to growth and housing. The land is recognised as serviced, infill, and will require minimal works to establish in stages. Drainage will be the key aspect of the proposal to be mitigated through design to prevent further issues downstream. Officers are commencing negotations with neighbouring landowners to resolve the existing issues and work towards permanent and ongoing solutions to improve the stormwater system response to normal peak flows.

On balance of the existing policy considerations, the application is supported.

Eagle Point Structure Plan

The Eagle Point Structure Plan has been adopted (August 2019) and is due to be integrated within the East Gippsland Planning Scheme, and will significantly alter the policies listed above, and replace the Strategy Plan outlined above.

Vision Statement

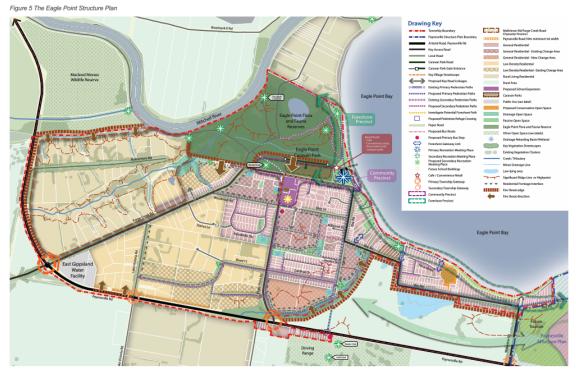
Eagle Point's intrinsic natural beauty and quiet lifestyle-based appeal is unique and highly valued by the community and visitors. Eagle Point will continue to be a small township that is characterised by low scale development, and a landscape setting influenced by the natural environment and the foreshore.

Eagle Point will remain a small village offering an experience different to other towns. It will continue to rely on established services and facilities provided in the broader region including Bairnsdale and Paynesville.

Eagle Point is not identified for substantial change. Where some change is designated to occur, it will be sustainable and properly managed to the benefit of the community and it will protect and enhance the town's informal character and natural environment.

Protection and change will be managed with careful consideration given to current climatic conditions, predicted sea level rise and bushfire risk. The protection of human life will be prioritised above all else.

Progressively, change within Eagle Point will facilitate better connections between its diverse residential neighbourhoods and the town's diverse meeting places. Walking connections will be improved with positive impacts to health and wellbeing. Gateways and streetscapes throughout the township will reinforce Eagle Point's informal village character and ensure it is protected. The role of nature-based tourism and recreation associated with the Gippsland Lakes, Eagle Bay, the foreshore precinct and surrounds will reinforce the special character of Eagle Point. The foreshore precinct will be prioritised and enhanced to create the primary community focal point and meeting place. Amenities along the foreshore precinct will be improved over time,



delivering high quality nature-based experiences and activities that will continue to be enjoyed by both residents and visitors alike.

Eagle Point Structure Plan



Detail area including development site

Drawing Key

Diamin	91109		
	Township Boundary	777	Mathieson Rd/Forge Creek Road Character Precinct
	Paynesville Structure Plan Boundary		Paynesville Road 50m minimum lot width
	Arterial Road, Paynesville Rd		General Residential
	Key Access Road	\times	General Residential - Existing Change Area
	Local Road	$\sim \sim \sim$	General Residential - New Change Area
	Caravan Park Road		Low Density Residential
	Caravan Park Gate Entrance	$\times \times \times$	Low Density Residential - Existing Change Area
	Key Village Streetscape		Rural Living Residential
\longleftrightarrow	Proposed Key Road Linkages		Rural Area
00	Existing Primary Pedestrian Paths		Proposed School Expansion
	Proposed Primary Pedestrian Paths		Caravan Parks
000000	Existing Secondary Pedestrian Paths		Public Use (see label)
******	Proposed Secondary Pedestrian Paths		Proposed Conservation Open Space
	Investigate Potential Foreshore Path		Drainage Open Space
	Proposed Pedestrian Refuge Crossing	• • • • • • • • •	Passive Open Space
	Paper Road		Eagle Point Flora and Fauna Reserve
	Proposed Bus Route		Other Open Space (see labels)
	Proposed Primary Bus Stop	*	Drainage Retarding Basin/Wetland
	Foreshore Gateway Link		Key Vegetation Streetscapes
**	Primary Recreation Meeting Place		Existing Vegetation Clusters
*	Secondary Recreation Meeting Place		Creek / Tributary
**	Proposed Secondary Recreation Meeting Place		Minor Drainage Line
╬	Future School Buildings		Low-lying area
	Cafe / Convenience Retail	-1-1-	Significant Ridge Line or Highpoint
Q	Primary Township Gateway	• • •	Residential Frontage Interface
0	Secondary Township Gateway		Fire threat edge
L	Community Precinct	-	Fire threat direction
C	Foreshore Precinct		

Detail drawing key, highlighting symbols used in the plan for the site

Existing Areas- Strategic Sites

Identifies land within existing residential neighbourhoods of Eagle Point that can accommodate more substantial change, such as multi-lot subdivision and development.

These sites at the time of development, will require a response to the general directions set out in this Structure Plan, including provision of infrastructure.



Road Hierarchy

10.4 Actions

Incrementally improve existing drainage issues across the township. Work collaboratively with landholders to resolve site-specific drainage issues. Work collaboratively with service authorities to facilitate upgrades and maintenance of reticulated services including water, electricity, and sewerage. Prepare a stormwater management plan for Eagle Point. Implement improvements and upgrades of stormwater drainage infrastructure as identified in the stormwater management plan, or on a case-by- case basis. Engage with affected landowners to resolve localised stormwater drainage issues.

11.6 Established Change Areas-

Strategic Sites (existing zoned land)

Chapter 1 identifies strategic sites within the township boundary that have the potential to accommodate additional residential development. Where planning permits are triggered for subdivision, development and/or buildings and works including a single dwelling on a lot

applications must include the following information (where relevant), and any other information to support the application as required by the East Gippsland Planning Scheme:

Background reports for the entire site including but not limited to:

> Flora and fauna assessment

> Cultural heritage assessment

> Traffic impact assessment

> Servicing and infrastructure response including detail on how drainage will be accommodated having regard to the overall township drainage strategy

> A bushfire hazard site assessment

Site analysis and design response plan and/or report demonstrating how development of the site responds to:

> Design guidance for each change area as set out in Appendix 2

> Site features including vegetation to be removed and retained, topography, views, adjoining development conditions, etc

> Response to the Neighbourhood Character Precinct Guidelines as they relate to the relevant precinct detailed in Appendix 1

> Local street level concept plan showing a connected street and pedestrian path network both internal to the site and adjacent to it

> Street cross-sections guided by Chapter 7.5

> Landscape masterplan for public streets and all public reserves/open spaces

> Provision for and delivery of infrastructure including roads, paths, open space/linear links,

drainage corridors as detailed for the site within Chapter 11.9 (can be implemented via Section 173 Agreement).

> A response to relevant bushfire policy and bushfire planning provisions.

13.4 Riley Road

Design Guidance:

> Retain and protect trees inside the Hoskin Street road reserves. Path must be aligned to avoid tree removal where possible.

> Provide key local links to improve accessibility.

> Residential subdivision should be designed to respond to topography and benefit from views to the east.

> Residential development must address drainage and active open space where possible to provide passive surveillance and contribute towards amenity.

> Development must contribute to the primary path along Eagle Point Road and others adjacent to and internal to the area.

> Provide multiple recreational meeting places co-located with drainage open spaces reserves. This may include picnic or bench seating, landscaping, gazebo/ shelter, art or decking / decorative paving.



Assessment – Consistency with the Eagle Point Structure Plan

It is recognised that the applicant has made significant effort to comply with the Structure Plan in layout and design, and has also recognised the need to accept various permit conditions to further achieve compliance. Such conditions include the road typography, implementation of drainage, retention of trees in Hoskin Street, and landscaping and other park furniture to contribute to recreation in the precinct.

The Structure Plan gives guidance to the desired lot size averaging 900 square metres, and provides for higher density near activity centres, such as the school site. This is achieved in the proposal.

The proposal is suitable for endorsement in consideration of the Structure Plan.

Zone Controls

General Residential Zone 1 (GRZ1)

Permit requirement

Under this zone a permit is required to subdivide land.

Under this Zone a permit is required to use and develop the land for a proposed dwelling as Lot 1 will be less than one hectare, for which use approval is required.

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations

Maximum building height requirement for a dwelling or residential building

A building must not be constructed for use as a dwelling or a residential building that:

• exceeds the maximum building height specified in a schedule to this zone; or

• contains more than the maximum number of storeys specified in a schedule to this zone. If no maximum building height or maximum number of storeys is specified in a schedule to this zone:

- the building height must not exceed 11 metres; and
- the building must contain no more than 3 storeys at any point.

Decision Guidelines:

General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56
- Overlay Controls

GRZ1 Assessment

The proposal is entirely consistent with the objectives of the GRZ1. A variety of lot sizes are proposed, consistent with structure planning for the settlement. No use and development is proposed at this stage other than the roadworks and vegetation removal, assessed separate to the zone provisions.

The zone provides certainty in future development in that the height and density of dwellings is restricted. Generally speaking there are limited opportunities for other uses of land to be considered under the zone. It is expected that single dwellings will dominate the resulting lots.

An assessment is made against Clause 56 in the relevant particular provisions.

Overlay Controls

Design and Development Overlay – Schedule 11 (DDO11)

Permit requirement

Under this Overlay a permit is required to subdivide land.

Future single dwellings will be subject to permits for buildings and works where the proposed building height is greater than 7.5 metres above natural ground level measured within the building footprint and/or where the total building footprint proposed is greater than 300 square metres.

Purpose

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

• To identify areas which are affected by specific requirements relating to the design and built form of new development.

Landscape Character and Objectives Design objectives

To protect and manage the township character of coastal settlements.

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

To ensure that new development is designed to minimise visual impacts on the natural landscape. To ensure that new development is visually and physically integrated with the site and surrounding landscape.

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

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

Decision Guidelines

- The design objectives of the relevant schedule to this overlay.
- The provisions of any relevant policies and urban design guidelines
- Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking
- Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- The design objectives of this schedule.
- The vision statements, objectives and strategies at Clause 21.06-2, Strategies for Subregions, Towns and Localities (Lakes & Coastal).
- Any relevant siting and design guidelines prepared by the Victorian Coastal Council or the Gippsland Coastal Board.
- Any design guidelines established for the site through covenants, Section 173 Agreements or similar statutory mechanisms.
- The extent of any vegetation to be cleared and the impact of that clearance on the landscape setting of the locality.
- The need for and purpose of proposed vegetation removal.
- Whether the buildings and works are sited and designed to avoid impacts from retained vegetation.
- Whether the proposal is well integrated with the landscape through the planting of new and replacement indigenous or native trees and understorey.
- The impact of any new development on adjoining public land.

In relation to a proposed subdivision:

- The effect of any proposed subdivision or development on the environmental and landscape values of the site and of the local area, including the effect on streamlines, foreshores, wetlands, areas of remnant vegetation or areas prone to erosion.
- The need to contribute, where practicable, to the development of pedestrian walkways, to link residential areas and to provide access to community focal points, public land and activity areas such as commercial or community precincts, recreation areas or foreshore areas.

- Whether the proposed subdivision layout provides for the protection of existing natural vegetation, drainage lines, wetland areas and sites of cultural or heritage significance.
- Whether the potential for wildlife corridors through the area has been retained or created by limiting fencing and maintaining indigenous and native vegetation.
- The provision for water sensitive urban design.
- Provision in the design for the impact of coastal processes (the impacts from wind, waves, floods, storms, tides, erosion) on foreshore areas.
- Whether the allotment frontage width is consistent with the typical width of existing allotments in the locality.
- Whether the proposed subdivision layout relates sympathetically to the topography of the site and the surrounding land uses

DDO11 Assessment

The relevant considerations under the DDO11 are in relation to the proposed subdivision. It is noted that the DDO11 controls were established through the Coastal Settlement Urban Design Framework process, and that both documents were considered in the establishment of the Eagle Point Structure Plan.

As a result, the decision guidelines listed in the DDO11 are adhered to and put into practice in the subdivision design, which is consistent with the layout proposed in the Structure Plan. Key points include:

- Protection of vegetation and natural drainage lines;
- Contribution to pedestrian walk ways; and
- Allotment frontages generally consistent with those in the locality.

Proposed conditions of approval include considerations of:

- Enhanced waterways and stormwater treatment;
- Limiting further subdivision to keep
- Encouraging further planting and retention of mature tree in a municipal reserve; and
- Provision of public park infastructure to support passive recreation of the reserves, footpaths, etc.

The DDO11 provides further certainty as to the design outcome of the future dwellings, in that currently a planning permit is required for development above 7.5 metres from NGL and with a footprint above 300 square metres on a lot. Additional controls on the design of dwellings is not considered reasonable, however the applicant has advised that a covenant regarding building materials may be implemented. Enforcement of such controls would only fall to planning where there is a planning permit application required.

It is considered that the proposal appropriately responds to the DDO11.

Erosion Management Overlay (EMO)

Permit requirement

A permit is required for subdivision of land. A permit is required for roadworks. A permit is required to remove, destroy or lop any vegetation specified in a schedule to this overlay.

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development.

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.

Decision Guidelines:

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- Regional Catchment Strategy (Catchment and Land Protection Act 1994).
- Civil construction, building and demolition guide (Publication 1834, Environment Protection Authority, November 2020).
- Control of Erosion on Construction Sites, Soil Conservation Authority.
- Your Dam, an Asset or a Liability, Department of Conservation and Natural Resources.
- Any proposed measures to manage concentrated runoff and site drainage.
- Any proposed measures to minimise the extent of soil disturbance.
- The need to stabilise disturbed areas by engineering works or revegetation.
- Whether the land is capable of providing a building envelope which is not subject to high or severe erosion concern.
- Whether buildings or works are likely to cause erosion or landslip.
- Whether access and servicing of the site or building envelope is likely to result in erosion or landslip.
- Land Capability Report (if prepared) as developed by the Department of Environment, Land, Water and Planning.
- The need to remove, destroy or lop vegetation to a create defendable space to reduce the risk of bushfire to life and property.
- Any technical information or reports required to be provided by a schedule to this overlay.
- 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.

EMO Assessment:

The EMO affects the whole of the land. As indicated above, a planning permit is required under the overlay for subdivision, roadworks, and vegetation removal.

The application is supported by a geotechnical risk assessment report (Simon Anderson Job 407406 25 November 2020). The findings include:

Risk Profile: LANDSLIDE LOW SHEET/RILL EROSION LOW TUNNEL EROSION LOW

- Moderate to low grades over the majority of the subject site, ranging from approximately 1 in 20 to 1 in 5.
- Excellent grass coverage throughout the site, preventing topsoils from being washed away (even in the heaviest torrential downpours).
- The subject site is infill development and there is no evidence of soil erosion or landslip on the subject site or adjoining residential properties and I would consider the geotechnical risks to be low.
- The well contoured landscape (predominantly waxing divergent) provides excellent surface water drainage.
- Natural soils of the site will have adequate strength and stability for future residential slabs, footings and retaining walls.
- Dependent on degree of fall over each allotment, an Erosion Management Plan may need to be implemented during and after construction, if slab on ground design with cut/fill batters and retaining walls were adopted.
- Any future construction works associated with the development of allotments would be protected by Building Code of Australia, Australian Standards, Building and Planning Permit requirements and normal construction practise.

Based on findings from both the Desktop and Site investigations the site is suitable for development as proposed and further intensive investigation would not be necessary to confirm the above findings.

The Senior Technical Officer – Development reviewed the report and findings and did not raise any concerns with the findings. The proposed permit conditions include appropriate conditions to address the recommendations listed above, with regard to management of earthworks, prevention of runoff containing sediment, and slope stability. A construction management plan is also implemented for the roadway construction to further prevent damage to the site and to the surrounding drainage network.

The application is supported in consideration of the Erosion risk.

Particular Provisions

53.01 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.

Public Open Space Contribution requirement

A review of the plans shows that approximately 1.2 hectares of the site, or approximately 10% of the overall site, will be dedicated to reserve areas, including the proposed amendment. An assessment of reasonable amount of public open space contribution is made, and no additional financial contribution is considered to be appropriate, even though the substantial reserve area will be dedicate to drainage, the function will include passive recreation, as conditioned.

Clause 56 – Residential Subdivision

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

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
56.01 Site Context Description and Design Response 56.01-1 Site and Context Description	An application must be accompanied by a site and context description. This requirement must be provided unless the responsible authority is of the opinion that this requirement is not relevant.	In relation to the site the plan, photographs or other techniques must accurately describe: site shape, dimensions, size, orientation, levels and contours, trees, other significant vegetation, drainage lines, water courses, ridgelines, hill tops, siting and use of existing buildings and structures, street frontage features such as poles, street trees and kerb crossovers, access points, drainage and infrastructure connections, easements, identified natural or cultural features, significant views, noise and odour sources or other external influences, soil conditions and notable features, adjacent uses and inundation. For subdivision of three or more lots the plan, photographs or other techniques must accurately describe: the pattern of subdivision, existing land uses, the siting and use of buildings on adjacent properties, abutting street and path widths, materials and detailing and location and type of significant vegetation.	Site Context Plan, Plan of Features and above comments pertaining to the site and surrounds. The site sits within an existing residential precinct and has the ability to be connected to a full range of reticulated services. The site is located a short walk to Lake King and associated foreshore and water based recreational opportunities.	Complies An appropriate site context plan and feature survey plan have been provided with the application, which is assessed as being accurate. The photographs and plans provided are true depictions of the current environment. For a plan with 60 or more lots, the plans appropriately communicate key local features. This is reinforced through the references made to the Eagle Point Structure Plan.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
56.01-2 Design Response	 The design response must explain how the proposed design: Derives from and responds to the site and context description. Meets the objectives of Clause 56. Responds to any site and context features for the area identified in the local planning policy or Neighbourhood Character Overlay. Responds to any relevant objective, policy, strategy or plan set out for the area. 	 neighbourhood, major and principal activity centres and major employment area, existing transport routes, local street network – potential connection to adjacent subdivisions, traffic volumes and movements, paths – primary role neighbourhood or regional access, cultural significance, natural features, proximity of any fire threats and pattern of ownership of adjoining lots. The plan and other techniques should show and explain: Proposed uses of each part of the site. Natural features of the site and identify any features proposed to be altered. Proposed integrated water management system. Proposed staging of the subdivision. 	Allotments have been designed to complement the surrounding pattern of subdivision, and to provide access and egress from the subject land to a main connector road for the Eagle Point township.	Complies The plans provided appropriately depict the site and how the proposal responds to the site conditions.
Clause 56.02 Policy Implementation 56.02-1 Strategic	To ensure that the layout and design of a subdivision is consistent with and implements any objective, policy,	Subdivision should be consistent with and implements any: Relevant growth area Activity centre Housing Access and mobility	5.1 Planning Policy Framework The proposed subdivision responds positively to Policy statements relating to Settlement at Clause 11 as it seeks to promote sustainable growth and	Complies Although not currently forming a part of the planning scheme, the applicant has made significant effort to comply with the adopted Eagle Point Structure Plan.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
implementation objective	strategy or plan for the area set out in this scheme.	 Community facilities Open space and recreation Landscape (including any native vegetation precinct plan) and urban design objective, policy, strategy or plan for the area set out in this scheme. 	development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. The subject land forms part of an established residential precinct within a defined settlement boundary, and will facilitate an improved land use outcome for an underutilised parcel of appropriately zoned and serviced land, responding sustainably to population growth forecasts.	As the applicant has addressed in their declaration, there are various other areas of policy which are adequately met by the proposal. Further assessment is provided in the discussion of policy, earlier in this detailed assessment.
(applicant decla	aration – 56.02 – continu	ed	1	1
Whilst the site is consideration. The 13.02-15 given the second s	not affected by the provision subject land is identified he proposed subdivision subdivisi	ions of the Bushfire Management Overl d as a designated bushfire prone area, eeks to create more than ten lots. e Hazard Assessment Report which has	ay, Policy relating to Bushfire Planni which requires consideration for use	and development pursuant to Clause
		er development within an existing resid ating to Built Environment and Heritage		al, accessible, safe and diverse
the majority of a	ccess provided via the pro	d accessibility by minimising direct vehi posed internal road network. The subdi entified in the Eagle Point Structure Pla	vision design has been carefully con	le Point Road as much as possible, with sidered to respond positively to the
		ely to strategies relating to Subdivision	Design (Clause 15.01-35), been de nding precinct, resulting in an attract	
allotment pattern	i by norminating similar size	ed and shaped allothents to the surrou	3 1 3	
The proposed su	ubdivision will further contr idential properties with cor	ibute to the availability of serviced resid avenient access to community infrastruc		useholds seeking more generously

 availability of more affordable homes, which is hoped to address the decline in home ownership. The proposal will have immediate benefits for the local econ through increased construction activity, and in the longer term by delivering energy efficient housing that is safe and secure, potentially increasing rental optic Homes for Victoria places particular emphasis on regional areas, with targeted financial incentives including shared equity options, stamp duty exemptions, a the doubling of the first home owners grant. The proposed subdivision will deliver immediate and increased options for housing supply, embodying objectives which seek to support appropriate growth. The subject Application is consistent with strategies relating to Integrated water management (Clause 19.03-3S) by proposing methods to minimise stormwal impacts through appropriate treatment of sediment and waste before discharge into the local drainage network, whilst also providing an attractive and enjoya space for community use. 5.2 Local Planning Policy Policy statements relating to Eagle Point outlined within Strategies for Sub-Regions, Towns & Localities (Clause 21.12) encourage consolidation of development within the township boundary to ensure development is in keeping with the character of the township. The proposed subdivision provides a perfect opportunity for residential development that responds appropriately to the character of the area and strategic visions for Eagle Point. Eagle Point is identified at Clause 21.12 as having a range of commercial and community services, community hall and school. Available infrastructure include retriculated water, severage, gas and feactricity with the town servicing permanent residents, high levels of holiday home ownership, and tourist accommodal offrings. Eagle Point relies upon the regional centre of Baimsdale as the main commercial precinct, providing higher order goods and services, with Paynes providing smaller scale commercial goods and services. The pr	Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment			
Government approach that responds to the housing affordability crisis across the state. Initiatives within this program are directly targeted at increasing the supply of affordable housing, and is reliant upon cooperation between the property development sector and Local Government. The proposed subdivision is consistent with these initiatives in that it provides conventional and unconstrained vacant allotments which in turn will increase the valiability of more affordable housing, and is reliant upon cooperation between the decline in home ownership. The proposal will have immediate benefits for the local econ through increased construction activity, and in the longer term by delivering energy efficient housing that is safe and secure, potentially increasing rental optic the doubling of the first home owners grant. The proposed subdivision will deliver immediate and increased options for housing supply, embodying objectives which seek to support appropriate growth. The subject Application is consistent with strategies relating to Integrated water management (Clause 19.03-35) by proposing methods to minimise stormwal impacts through appropriate treatment of sediment and waste before discharge into the local drainage network, whilst also providing an attractive and enjoya space for community use. 5.2 Local Planning Policy Policy statements relating to Eagle Point outlined within Strategies for Sub-Regions, Towns & Localities (Clause 21.12) encourage consolidation of development within the township boundary to ensure development is in keeping with the character of the township. The proposed subdivisia aperopriately to the character of the area and strategic visions for Eagle Point. Eagle Point is identified at Clause 21.12 as having a range of commercial and community services, community hall and school. Available infrastructure include relighted water, severage, gas and electricity with the town servicing permanent residents, high levels of holiday home ownership, and fourist accommoda forfings. Eagle Point is i	applicant decla	ration – 56.02 – continue	ed					
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 the doubling of the first home owners grant. The proposed subdivision will deliver immediate and increased options for housing supply, embodying objectives which seek to support appropriate growth. The subject Application is consistent with strategies relating to Integrated water management (Clause 19.03-3S) by proposing methods to minimise stormwal impacts through appropriate treatment of sediment and waste before discharge into the local drainage network, whilst also providing an attractive and enjoya space for community use. 5.2 Local Planning Policy Policy statements relating to Eagle Point outlined within Strategies for Sub-Regions, Towns & Localities (Clause 21.12) encourage consolidation of development within the township boundary to ensure development is in keeping with the character of the township. The proposed subdivision provides a perfect opportunity for residential development that responds appropriately to the character of the area and strategic visions for Eagle Point. Eagle Point is identified at Clause 21.12 as having a range of commercial and community services, community hall and school. Available infrastructure include reticulated water, sewerage, gas and electricity with the town servicing permanent residents, high levels of holiday home ownership, and tourist accommodat offerings. Eagle Point relies upon the regional centre of Baimsdale as the main commercial precinct, providing higher order goods and services, with Payness providing smaller scale commercial goods and services. The proposal will support intentions for Eagle Point to further reinforce its' own identity, as distinct for the neighbouring town of Paynesville. Given the strategic focus on encouraging appropriate urban growth within the precinct, a change in the existing pattern of development is an entirely expecte outcome, consistent with Local Policy. Eagle Point Structure Plan CEPSP') The EPSP, adopted by Council on 6 August 2019, provides a roadmap for Council's strateg	availability of mo	The proposed subdivision is consistent with these initiatives in that it provides conventional and unconstrained vacant allotments which in turn will increase the availability of more affordable homes, which is hoped to address the decline in home ownership. The proposal will have immediate benefits for the local economy through increased construction activity, and in the longer term by delivering energy efficient housing that is safe and secure, potentially increasing rental options.						
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Section 13.4 details the expectations for development of this precinct, to which the subject Application is considered to provide a sound response, delivering				Residential - Existing Change Area (p	o.9), with an expectation that residential			
	Development gu	idance specific to the subj	ect land and immediately adjoining pro	perties to the north and east are prov	vided within Appendix 2 to the EPSP.			
residential development that will achieve positive amenity outcomes consistent with strategic expectations (p.78).					provide a sound response, delivering			

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
The subdivision la only the northern	side of the southernmost erns raised through the E		s to a more informal sense of charac	
additional footpath Proposed road wi in the form of eith	hs and enhanced landsca dths have been designed er a secondary coastal ve	ping, balanced with the need to approp in accordance with the requirements o getated streetscape (as per Cross Sec	oriately respond to bushfire risk (p.78 f the Structure Plan, which includes	specifications for each of the future roads as per Cross Section K).
56.03 Livable and sustainable communities 56.03-1 Compact and walkable neighbourhoods objectives	To create compact neighbourhoods that are orientated around easy walking distances to activity centres, schools and community facilities, public open space and public transport. To allow easy movement through and between neighbourhoods for all people.	 Subdivision should implement any relevant growth area or any approved land-use and development strategy, plan or policy for the area. Subdivision must include a plan of the layout that: Meets the objectives (if relevant to the class of subdivision specified in the zone) of: Clause 56.03-2 Clause 56.04-1 Clause 56.06-2 Clause 56.06-3 Clause 56.06-4 Shows walking distance around each existing or proposed bus stop (400m), tram stop (600), railway station (800m) and estimated number of dwellings within those distances Shows layout of the subdivision in relation to the surrounding area Is designed to be accessible 		Complies The proposal is consistent with the endorsed Eagle Point Structure Plan. Pedestrian networks are consistent with the proposed structure plan.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
56.03-2 Activity Centre Objective	To provide for mixed- use activity centres, including neighbourhood activity centres, of appropriate area and location	 Subdivision should be supported by activity centres that are: Accessible by neighbourhood and regional walking and cycling networks Served by public transport that is connected to the regional public transport network. Located at public transport interchange points Located on arterial roads or connector streets Of appropriate size to accommodate a mix of uses that meet local community needs. Orientated to support active street frontages, support streetbased community interaction and pedestrian safety. 		Deemed to comply The proposal is not an activity centre in the strategic plan.
56.03-3 Planning for community facilities	To provide appropriately located sites for community facilities including schools, libraries, preschools and childcare, health services, police and fire stations, recreation and sport facilities.	 A subdivision should: Implement any relevant regional and local community facility strategy, plan or policy for the area Locate community facilities on sites that are in or near activity centres and public transport. School sites should: Be integrated with the neighbourhood and located near activity centres Be located on walking and cycling networks Have a bus stop located along the school site boundary Have student drop-off zones, bus parking and on-street parking in addition to other street functions in abutting streets 		Deemed to comply The site itself does not require community facilties, but is adjacent to an expanding school site. The structure plan identifies needs for this site which are met by the proposal.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		 Adjoin the public open space network and community sporting and other recreation facilities Be integrated with community facilities Be located on land that is not affected by physical, environmental or other constraints Primary schools should be located on connector streets and not arterial roads New State Government school sites must meet the requirements of the Department of Education and Training and abut at least two street with sufficient widths to provide student drop-off zones, bus parking and on-street parking in addition to other street functions. 		
56.03-4 Built Environment	To create urban places with identity and character	 The built environment should: Implement any relevant urban design strategy, plan or policy for the area Provide living and working environments that are functional, safe and attractive Provide and integrated layout, built form and urban landscape Contribute to a sense of place and cultural identity 	The subdivision has been designed to facilitate future pedestrian connection consistent with the EPSP. The proposed subdivision layout has had regard for issues raised during consultation associated with the EPSP that sought to protect the unique and informal character of the precinct, and reflects strategic expectations for the site as depicted in the EPSP	Complies Officers agree that the application has been made to comply with the EPSP
56.03-5 Neighbourhood character	To design subdivisions that respond to neighbourhood character	Subdivision should: • Respect the existing neighbourhood character or achieve a preferred neighbourhood character		Complies The subdivision provides balance between the surrounding established neighbourhoods, protects significant

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		 consistent with any relevant neighbourhood character objective, policy or statement set out. Respond to and integrate with the surrounding urban environment. Protect significant vegetation and site features. 		vegetation in road reserves to the north and south of the site.
56.04 Lot Design 56.04-1 Lot diversity and distribution objectives	To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.To provide higher housing densities within walking distance of activity centres.To achieve increased housing densities in designated growth areas.To provide a range of lot sizes to suit a variety of dwelling and household types.	A subdivision should implement any relevant housing strategy, plan or policy for the area. Lot sizes and mix should achieve the average net residential density specified in any zone or overlay that applies to the land or in any relevant policy for the area set out. A range and mix of lot sized should be provided including lots suitable for the development of single dwellings, two dwellings or more, higher density housing, residential buildings and retirement villages Unless the site is constrained by topography or other site conditions lot distribution should provide for 95% of dwellings to be located no more than 400 metres walking distance from the nearest existing/proposed bus stop, 600 metres walking distance from the nearest/proposed tram stop and 800 metres walking distance from nearest existing/proposed railway station. Lots of 300sqm or less in area, lots suitable for the development of two dwellings or more, higher density	The proposed allotments range from 797m2 in area to 1,021 m2 in area, providing for diversity in size whilst being respectful of the existing allotment pattern and surrounding development. No average net residential density is specified for the subject land within any zone or overlay.	Complies Transport services are limited in the region, but the lot diversity and density is appropriate and commensurate with the EPSP.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		housing and residential buildings and retirement villages should be located in and within 400 metres walking distance of an activity centre.		
56.04-2 Lot area and building envelopes	To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.	 Lots greater than 500sqm should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope. A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless: The objectives of the relevant standards are met; and The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act. Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope: The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot. Ant 5 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the 	With each allotment being in excess of 500m2 in area, there is no requirement to nominate Building Envelopes as part of the proposal. Each of the proposed lots can easily accommodate a rectangle measuring 10m x 15m. The lot dimensions are appropriate to accommodate private open space, vehicle movements and infrastructure whilst maintaining good solar access.	Complies All lots are designed to accommodate a 10x15 metre building envelope, but no envelopes are required.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		relevant plan of subdivision or agreement. Lot dimensions and building envelopes should protect: • Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations. • Existing or proposed easements on lots. • Significant vegetation and site features.		
56.04-3 Solar Orientation of lots	To provide good solar orientation of lots and solar access for future dwellings	 Unless the site is constrained by topography or other site conditions, at least 70% of lots should have appropriate solar orientation. Lots have appropriate solar orientation when: The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south. Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street. 	The proposed layout and orientation provides appropriate solar orientation to each allotment. All proposed lots are generous in size ensuring strong solar access, having regard for future built form outcomes.	Complies The proposed lot orientation is consistent to provide appropriate solar access for each lot.
56.04-4 Street Orientation	To provide a lot layout that contributes to community social interaction, personal safety and property security	 Subdivision should increase visibility and surveillance by: Ensuring lots fronting all roads and streets and avoid the side or rear of lots being orientated to connector streets and arterial roads. Ensuring streets and houses look onto public open space and avoiding sides and rears 	The south-eastern area of public open space will directly abut the proposed Open Space Edge Road, providing strong visibility and surveillance of public areas. The exception is the north- eastern drainage open space which, as anticipated by the EPSP, will have residential	Complies The road network is grid-like, allowing for connectivity and passive street surveillance.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		of lots along public open space boundaries. Providing roads and streets along public open space boundaries.	development adjoining to the south. As the development will provide areas of public open space, many of the allotments possess characteristics appropriate for the development of two dwellings, subject of course to further Council approval.	
56.04-5 Common Area	To identify common areas and the purpose for which the area is commonly held. To ensure the provision of common area is appropriate and that necessary management arrangements are in place To maintain direct public access throughout the neighbourhood street network.	 To subdivide land that creates common land must be accompanied by a plan and report identifying: The common area to be owned by the body corporate, including any streets and open space. The reasons why the area should be commonly held. Lots participating in the body corporate. The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held. 	N/A	Not applicable No common property is proposed
56.05 Urban Landscape 56.05-1 Integrated Urban Landscape	network. To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.	 Landscape design should : Implement any relevant streetscape, landscape, urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme. Create attractive landscapes that visually emphasise streets and public open spaces. Respond to the site and context description for the site and surrounding area. 	It is anticipated that a Condition on Permit will trigger requirement for a Landscape Plan to be endorsed which will include the nomination of street trees in accordance with the EPSP, to achieve the expected streetscape presentation for each of the road types, in addition to enhancing landscaping along Eagle Point Road. A Reserve Landscape Plan will also be required,	Complies As indicated by the applicant, landscaping conditions are proposed for reserves and roadsides.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	To incorporate natural and cultural features in the design of streets and public open space where appropriate To protect and enhance native habitat and discourage the planting and spread of noxious weeds To provide for integrated water management systems and contribute to drinking water conservation.	 Maintain significant vegetation where possible within an urban context. Take account of the physical features of the land including landform, soil and climate. Protect and enhance any significant natural and cultural features. Protect and link areas of significant local habitat where appropriate. Support integrated water management systems with appropriate landscape design techniques for managing urban run-off including wetlands and other water sensitive urban design features in streets and public open space. Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread into the surrounding environment. Ensure landscaping supports surveillance and provides shade in streets, parks and public open space. Develop appropriate landscape design and active recreation, the exercising of pets, playgrounds and shaded areas. Provide for walking and cycling networks that link with community facilities. 	informed by detailed drainage design of the proposed basin(s).	

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		 Provide appropriate pathways, signage, fencing, public lighting and street furniture. Create low maintenance, durable landscapes that are capable of a long life The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs. 		
56.05-2 Public Open Space Provision	To provide a variety of open spaces with links to other open spaces and regional parks where possible. To ensure that public open space of appropriate quality and quantity is provided in convenient locations to meet the recreational and social needs of a community. To support active and health communities.	 The provision of public open space should: Implement any relevant open space plan, strategy or policy for the area set out in this scheme. Provide a network of well-distributed regional and local open space that includes: Regional public open space where appropriate, including along foreshores, streams and permanent water bodies. Regional parks of at least 3 hectares, combing passive and active use, within 2 kilometres of all dwellings. Large local parks of at least 1 hectare for active and passive use, within 500 metres safe walking distance from all dwellings Small local parks within 150 metres to 300 metres safe walking distance of all dwellings, where appropriate. 	The proposed layout gives effect to the guiding principle of the EPSP which seeks to establish a network of small scattered open spaces and reserves. Proposed areas of open space will perform both a passive and drainage function, incorporating quality environmental design including water sensitive urban design techniques along the drainage line to enhance the nature based character of the area. Each of the proposed lots is within 1 km of the proposed open space, consistent with the requirements of Standard C13	Complies In addition to the assessment made on the submitted plans, the response to objections provides for an additional reserve to be created. The level of public open space being provided is consistent with the The assessment made under Clause 53.01 above

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
Clause	Objective	Standard purposes if generally available for recreational use. • Be integrated with urban water management systems including watercourses and water bodies. • Incorporate natural and cultural features where appropriate. • Encourage shared use of active open space. • Adjoin schools and other community facilities where practical. • Meet the social, cultural recreational and sporting needs of the community including different age groups and abilities. • Be linked to existing or proposed future public open spaces where appropriate. • Include publicly owned plazas or parks in activity centres where appropriate. • Include publicly owned plazas or parks in activity centres where appropriate. • Of a quality, quantity and character that makes it fit for its potential functions. • Located so that every lot in the subdivision is within 500 metres walking distance of existing/proposed public open space.	Applicant Declaration	Responsible Authority Assessment
		 Related to the street and lot layout in a manner that promotes personal safety and surveillance of users of the public open space from streets along public open space boundaries. 		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		 Of an area and dimensions to allow easy adaptation to different uses in response to changing community sport and recreational preferences. 		
56.06 Access and Mobility Management 56.06-1 Integrated mobility	To achieve an urban structure where compact and walkable neighbourhoods are clustered to support larger activity centres on the regional public transport network outside Metropolitan Melbourne. To provide for walking (including persons with impaired mobility), cycling, public transport and other motor vehicles in an integrated manner. To contribute to reduced car dependence, improved energy efficiency, reduced greenhouse gas emissions and reduced air pollution.	 An application for a subdivision must include a plan of the layout of the neighbourhood that meets the objectives of: Clause 56.06-2 Walking and cycling network. Clause 56.06-3 Public transport network Clause 56.06-4 Neighbourhood street network. 		Complies A walking network is provided consistent with the EPSP that meets the objectives of this requirement.
56.06-2 Walking and cycling network	To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.	 The walking and cycling network should be designed to: Implement any relevant regional and local walking and cycling strategy, plan or policy for the area. Link to any existing pedestrian and cycling networks. 	The subject land is well located to take advantage of the path network outlined at Figure 12 of the EPSP, with good connectivity to be provided via the existing and proposed path network.	Complies A walking network is provided consistent with the EPSP that meets the objectives of this requirement.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists. To reduce car use, greenhouse gas emissions and air pollution.	 Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces. Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces. Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling. Ensure safe street and road crossings including the provision of traffic controls where required. Provide an appropriate level of priority for pedestrians and cyclists. Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night. Be accessible to people with disabilities. 		
56.06-3 Public Transport Network	To provide an arterial road and neighbourhood street network that supports a direct, efficient and safe public transport system.	 The public transport network should be designed to: Implement any relevant transport strategy, plan or policy for the area Connect new public transport routes to existing and proposed routes to the satisfaction of the 		Not applicable No new arterial roads are required. Public transport options are limited, but are catered for in the precinct structure plan.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
56.06-4 Neighbourhood Street Network	To encourage maximum use of public transport	 relevant public transport authority. Provide for public transport links between activity centres and other locations that attract people using the regional public transport network outside Metropolitan Melbourne. Locate regional bus routes principally on arterial roads and locate local bus services principally on connector streets to provide: Safe and direct movement between activity centres without complicated turning manoeuvres Direct travel between neighbourhoods and neighbourhoods and neighbourhood activity centres. A short safe walk to a public transport stop from most dwellings. The neighbourhood street network must: Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, footpaths and public transport routes. Provide clear physical distinctions between arterial roads and neighbourhood street types. Comply with the Roads Corporation's arterial road access management policies. Provide and appropriate speed environment and movement priority for the safe and easy movement of pedestrians and 	Movement of pedestrians, cyclists, public transport and other motor vehicles was a consideration of the EPSP, with which the proposed subdivision complies.	Complies The proposal satisfies the requirements of the EPSP.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		 cyclists and for accessing public transport. Provide safe and efficient access to activity centres for commercial and freight vehicles. Provide safe and efficient access to all lots for service and emergency vehicles. Provide safe movement for all vehicles. Provide safe movement for all vehicles. Incorporate any necessary traffic control measures and traffic management infrastructure. The neighbourhood street network should be designed to: Implement any relevant strategy, plan or policy for the area. Include arterial roads at intervals of approx 1.6km that have adequate reservation widths to accommodate long-term movement demand. Include connector streets approx half way between arterial roads and provide adequate reservation widths to accommodate long term movement demand. Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other vehicles. Provide an appropriate level of local traffic dispersal. 		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		 Provide a speed environment that is appropriate to the street type. Provide a street environment that appropriately manages movement demand (volume, type & mix of pedestrians, cyclists, public transport and other motor vehicles). Encourage appropriate and safe pedestrian, cyclist and driver behaviour. Provide safe sharing of access lanes and access places by pedestrians, cyclists and vehicles. Minimise the provision of culsde-sac. Provide for service and emergency vehicles to safely turn at the end of a dead-end street. Facilitate the provision of the walking and cycling network, integrated water management systems, utilities and planting of trees. Contribute to the area's character and identity. Take account of any identified significant features. 		
56.06-5 Walking and Cycling Network Detail	To design and construct footpaths, shared path and cycle networks that are safe, comfortable, well constructed and accessible for people with disabilities.	 Footpaths, shared paths, cycle paths and cycle lanes should be designed to: Be part of a comprehensive design of the road or street reservation. Be continuous and connect. Provide for public transport stops, street crossings for pedestrians and cyclists and 	The EPSP has prescribed design standards for all proposed roads and footpaths. The proposed subdivision will comply with these requirements.	Complies The EPSP has been implemented in the proposal and conditions support the implementation.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.	 kerb crossovers for access to lots. Accommodate projected user volumes and mix. Meet the requirements of Table C1. Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required drainage functions and are structurally sound. Provide appropriate signage. Be constructed to allow access to lots without damage to the footpath or share path surfaces. Be constructed with durable, non-skid surface. Be of a quality and durability to ensure: Safe passage for pedestrians, cyclists, footpath bound vehicles Discharge of urban runoff. Preservation of allweather access. Maintenance of a reasonable, comfortable riding quality. A minimum 20-year life span. Be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with disabilities. 		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
56.06-6 Public Transport Network Detail	To provide for the safe, efficient operation of public transport and the comfort and convenience of public transport users. To provide public transport stops that are accessible to people with disabilities	 Bus priority measures must be provided along arterial roads forming part of the existing or proposed regional public transport network system outside Metropolitan Melbourne to the requirements of the relevant roads authority. Road alignment and geometry along bus routes should provide for the efficient, unimpeded movement of buses and the safety and comfort of passengers. The design of public transport stops should not impede the movement of pedestrians. Bus and tram stops should have: Surveillance from streets and adjacent lots. Safe street crossing conditions for pedestrians and cyclists. Safe pedestrian crossings on arterial roads authority. Continuous hard pavement from the footpath to the kerb. Sufficient lighting and paved, sheltered waiting areas for forecast user volume at neighbourhood centres, schools and other locations with expected high patronage. Appropriate signage. 	Eagle Point Road adjoining the site is nominated within the EPSP as a Proposed Bus Route, with a Bus Stop proposed to the north-west corner of the site, which we understand will form part of the Community Precinct Gateway treatments proposed for the intersection of Eagle Point Road and Woodman Road.	Complies The EPSP identifies a bus stop location adjacent to the Eagle Point Structure Plan.

Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	ground surface indicators, audible signals and kerb ramps required for the movement of people with physical disabilities.		
To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.	 The design of streets and roads should: Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met. Provide street blocks that are generally between 120 metres and 240 metres in length and generally between 60 metres to 120 metres in width to facilitate pedestrian movement and control traffic speed. Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, integrated water management, street tree planting, lighting and utility needs. Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all users. Provide a low-speed environment while allowing all road users to proceed without unreasonable inconvenience or delay. Ensure intersection layouts 	The proposed road network will be constructed to the specifications of Cross Sections I and K of the EPSP as nominated at Figure 13. We understand these specifications are prioritised over those contained within both the Planning Scheme and the Infrastructure Design Manual.	Complies The proposal is consistent with the Eagle Point Structure Plan proposed street network typography.
	To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all	ground surface indicators, audible signals and kerb ramps required for the movement of people with physical disabilities.To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.The design of streets and roads should:• Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met. • Provide street blocks that are generally between 120 metres to 120 metres in length and generally between 60 metres to 120 metres in width to facilitate pedestrian movement and control traffic speed. • Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment while allowing all road users to proceed without unreasonable inconvenience or delay. 	ground surface indicators, audible signals and kerb ramps required for the movement of people with physical disabilities. The design of streets and roads should: To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users. The design of streets and roads should: The design of streets and roads should: The design of streets and roads should: • Meet the requirements of Table an accessible and safe neighbourhood street system for all users. • Meet the requirements of Table C1. Where the widths of access and caces streets do not comply with the requirements of the relevant fire authority and roads authority must be met. The proposed road network will be constructed to the specifications of Cross Sections 1 and K of the EPSP as nominated at Figure 13. We understand these specifications are prioritised over those contained within both the Planning Scheme and the Infrastructure Design Manual. • Provide street blocks that are generally between 120 metres and 240 metres in length and generally between 60 metres to 120 metres in width to facilitate pedestrian movement and control traffic speed. • Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, integrated water management, street tree planting, lighting and utility needs. • Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all street users applying speed control measures where appropriate. • Provide a safe environment for all street users applying speed control measures where appropriate.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		 Location of existing vegetation to be retained and proposed treatment to ensure its health. Any relevant details for the design and location of street furniture, lighting, seats, bus stops, telephone boxes and mailboxes. 		
56.06-8 Lot Access	To provide for safe vehicle access between roads and lots.	Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority. Vehicle access to lots of 300sqm or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets. The design and construction of a crossover should meet the requirements of the relevant road authority. Refer to tables of this clause – Table C1.	The proposed subdivision has been designed to ensure both safe and convenient vehicle access and egress for all allotments. None of the proposed allotments will be provided from an arterial road and each of the Lots are greater than 300m2 in area.	Complies Conditions of approval require designated access points and restricting access to Eagle Point Road.
56.07 Integrated Water Management 56.07-1 Drinking Water Supply	To reduce the use of drinking water. To provide an adequate, cost effective supply of drinking water.	 The supply of drinking water must be: Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. Provided to the boundary of all lots in the subdivision to the 	Reticulated drinking water is available to the land. It is expected that a Condition of permit will require the owner of the land to enter into an agreement with East Gippsland Water for the supply of reticulated water to each lot.	Complies The application is supported by the water service authority.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		satisfaction of the relevant water authority.		
Clause 56.07-2 Reused and Recycled Water	To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.	 Reused and recycled water supply systems must be: Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services Provided to the boundary of all lots in the subdivision where required by the relevant water authority. 	East Gippsland Water, the relevant local authority does not have any requirements for the installation of reused and recycled water supply in this precinct at this time.	Not applicable A system is not available in the region.
56.07-3 Waste Water Management	To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.	 Waste water systems must be: Designed, constructed and managed in accordance with the requirements and to the satisfaction go the relevant water authority and the Environment Protection Authority. Consistent with any relevant approved domestic waste water management plan. Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority. 	It is expected that a Condition of permit will require the owner of the land to enter into an agreement with East Gippsland Water for the supply of reticulated sewerage to each lot.	Complies Reticulated sewer will be required.
56.07-4 Stormwater Management Objectives	To minimise damage to properties and inconvenience to residents from urban run-off. To ensure that the street operates adequately during major storm events	 The stormwater management system must be: Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority. Designed and managed in accordance with the requirements and to the 	The accompanying Site Drainage Plan demonstrates how the site can be drained to best practice requirements. It is expected that a Condition of Permit will require the preparation of a Detailed Drainage Design to the satisfaction of Council.	Complies The proposal demonstrates one way of meeting the stormwater management requirements. Alternative strategies must be considered through the permit conditions.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	and provides for public safety. To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off. To encourage stormwater management that maximises the retention and reuse of stormwater. To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.	 satisfaction of the water authority where reuse of stormwater is proposed. Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999). Designed to ensure that flows downstream of the subdivision site are restricted to pre- development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces. The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design. For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard: Stormwater flows should be contained within the drainage system to the requirements of the relevant authority. 		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.		
		For storm events greater than 20% AEP and up to and including 1% AEP standard: • Provision must be made for		
		 the safe and effective passage of stormwater flows. All new lots should be free from inundation or to a lesser 		
		standard of flood protection where agreed by the relevant floodplain management authority.		
		• Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria (average depth in metres and average velocity in metres per second <0.35m ² /s.		
		The design of the local drainage network should:		
		Ensure stormwater is retarded to a standard required by the responsible drainage authority.		
		 Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the 		
		lot and discharged into the street drainage system or legal point of discharge.		
		Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge		
		drainage pit should discharge		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		 into an overland flow in a safe and predetermined manner. Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs. Any flood mitigation works must be designed and constructed in 		
		accordance with the requirements of the relevant floodplain management authority.		
56.08 Site Management 56.08-1 Site Management Objectives	To protect drainage infrastructure and receiving waters from sedimentation and contamination. To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works. To encourage the re- use of materials from the site and recycled materials in the construction of subdivisions where practicable.	 A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing: Erosion and sediment. Dust Run-off Litter, concrete and other construction wastes. Chemical contamination. Vegetation and natural features planned for retention. Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable. 	The site will be managed to the satisfaction of the Responsible Authority. Site management techniques and information will be included within the project's Construction Management Plan, expected to be required as a Condition of Permit.	Complies A construction management plan is required by condition.
56.09 Utilities 56.09-1 Shared trenching	To maximize the opportunities for shared trenching. To minimise constraints on	Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.	Shared trenching for reticulated services will be undertaken where possible in accordance with the standards of the relevant supply agency.	Complies As stated, a permit condition is imposed requiring shared trenching.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	landscaping within street reserves.		Shared trenching is a common construction method that also provides cost benefits to the developer. The need for shared trenching can be stipulated within permit conditions if necessary.	
56.09-2 Electricity, telecommunicati ons and gas	To provide public utilities to each lot in a timely, efficient and cost effective manner. To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.	The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority. Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged. The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority. Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the	Electricity, telecommunications and gas are available within the precinct. Each of the proposed lots are able to be connected in accordance with the requirements of the respective service provider.	Complies Services are available and will be connected.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		satisfaction of the relevant gas supply agency.		
56.09-3 Fire hydrants	To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.	 Fire hydrants should be provided: A maximum distance of 120 metres from the rear of the each lot. No more than 200 metres apart. Hydrants and fire plugs must be compatible with the relevant fire service equipment. Where the provision of fire hydrants and fire plugs does not comply with the requirements of standard C29, fire hydrants must be provided to the satisfaction of the relevant fire authority 	Details as to the location of fire hydrants will be provided as part of detailed construction documentation in accordance with permit conditions. Hydrants will be located to ensure appropriate coverage to rear of future dwellings by being within 120 metres of rear boundaries.	Complies Conditions address this as reviewed by Country Fire Authority.
56.09-4 Public lighting	To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles. To provide pedestrians with a sense of personal safety at night. To contribute to reducing greenhouse gas emissions and to saving energy.	Public lighting should be provided to streets, footpaths, pubic telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles. Public lighting should be designed in accordance with the relevant Australian Standards. Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.	Street lighting will be provided in accordance with Council's standard, with detail regarding location and standard to be provided as part of detailed construction documentation.	Complies Conditions of approval address the need for street lighting with LED technology.

Clause 56 Assessment Overview

As indicated in the table above, the proposal has demonstrated a high degree of compliance with the objectives and standards of Clause 56 in relation to multi-lot subdivision.

As such, it is recommended that the application is approved.

Clause 52.17 - Native Vegetation

Purpose

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

1. Avoid the removal, destruction or lopping of native vegetation.

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

3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation

Permit requirement

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the schedule to Clause 52.16.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.

Decision guidelines

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

Offset requirements

If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset, in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and the timing to secure the offset.

Native Vegetation Assessment

Native vegetation proposed to be removed from the site falls within three categories:

- 1. Patches of native vegetation;
- 2. Scattered trees
- 3. Regrowth less than 10 years old and 2 metres tall (exempt from the permit consideration).

General Decision Guidelines

Approval of an Application or Plan

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Approval of an Application to Subdivide Land

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.

- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

General Decision Guidelines Assessment

Having considered the general decision guidelines, including Section 60 of the Act, the officer recommendation is that the proposal is supported, subject to the recommended amendments to allay concerns regarding biodiversity. The responses to other aspects of objection are considered within the body of the main report.

The proposal has demonstrated a high degree of compliance with policy, ordinance, and structure planning for the precinct. It is strongly recommended that a notice of decision to grant a planning permit be made.

6 Urgent and Other Business

7 Confidential Business

7.1 Membership matter

Under section 66(2) of the *Local Government Act* 2020 a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act* 2020, the information contained in this report is confidential because it contains Council business information being information that would prejudice the Council's position in commercial negotiations.

7.2 Contract Extension - CON2019 1284 Maintenance and Repair Services for Mobile Plant

Under section 66(2) of the *Local Government Act* 2020 a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act* 2020, the information contained in this report is confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

7.3 East Gippsland Shire Council Audit and Risk Committee Appointment

Under section 66(2) of the *Local Government Act*2020 a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act* 2020, the information contained in this report is confidential because it contains personal information that would if released result in the unreasonable disclosure of information about personal affairs.

7.4 Microsoft Agreement Renewal

Under section 66(2) of the *Local Government Act* 2020 a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act* 2020, the information contained in this report is confidential because it contains Council business information being information that would prejudice the Council's position in commercial negotiations.

7.5 Universal Maternal Child Health Service Agreements 2021-2025

Under section 66(2) of the *Local Government Act* 2020 a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act* 2020, the information contained in this report is confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

7.6 Home and Community Care Service funding agreements

Under section 66(2) of the *Local Government Act* 2020 a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act* 2020, the information contained in this report is confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

8 Close of Meeting