



# Council Meeting Agenda



## Bairnsdale Corporate Centre

Council enquiries and payments

Council Chambers

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**Tuesday 11 April 2023 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 self-determination. Council pays respect to all Aboriginal and Torres Strait Islander people living in East Gippsland, their Elders, past, present, and future.

## Council information

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

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

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

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

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

## Councillors

Cr 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  
<https://www.eastgippsland.vic.gov.au/council/council-policies>

## Councillors pledge

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

## Vision

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

## Our Strategic Objectives

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



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# 1 Procedural

## 1.1 Recognition of Traditional Custodians

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

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

## 1.2 Apologies

Cr Tom Crook  
Cr Kirsten Van Diggele

## 1.3 Declaration of Conflict of Interest

## 1.4 Confirmation of Minutes

That the minutes of the Council Meeting held Tuesday 21 March 2023 be confirmed.

## 1.5 Next Meeting

The next Council Meeting is scheduled to be held on Tuesday 2 May 2023 at the Corporate Centre, 273 Main Street Bairnsdale commencing at 6.00 pm.

## 1.6 Requests for Leave of Absence

## **1.7 Open Forum**

### **1.7.1 Petitions**

#### **1.7.1.1 Construction of Stairs Christmas Street, Metung**

Authorised by General Manager Business Excellence

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#### **Conflict of Interest**

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

#### **Executive Summary**

This report informs Council of a petition submitted by Ms Katrina Roberts-Podporin from Metung seeking Council to construct a set of stairs in Christmas Street, Metung. The petition was received in hard copy on 15 March 2023. The petition states:

*“We the undersigned, hereby petition East Gippsland Shire Council to construct stairs made out of natural materials at the eastern end of Christmas Street (at the end of the road reserve) down to Metung Road”.*

The petition has been received and presented in accordance with Governance Rule 8.7. The petition included 74 signatures, 60 of which met the governance requirements.\*

*Note: A petition with 10 or more signatures that meet Governance Rule 8.7 and is approved by the Chief Executive Officer, is presented to Council.*

Councillors have been provided with a full copy of the petition separately. In the interests of respecting the privacy of signatories, and in accordance with the *Privacy and Data Protection Act 2014*, a copy of the petition has not been included with this report.

*\* 74 petitioners engaged in this petition in the hard copy format. Of those, 60 signatories met Governance Rule 8.7 (1)(e), 14 signatories didn't meet the requirement due to not providing their full address. Governance Rule 8.7 (1)(e) states for a signature to comply in hard copy format, petitions must include the names, addresses and original signatures of all petitioners. For example: John Doe, 1 Smith Street, Bairnsdale, Signature.*

#### **Officer Recommendation**

##### ***That Council:***

- 1. receives and notes this report;***
- 2. receives the petition lodged by Ms Katrina Roberts-Podporin requesting “We the undersigned, hereby petition East Gippsland Shire Council to construct stairs made out of natural materials at the eastern end of Christmas Street (at the end of the road reserve) down to Metung Road”;***
- 3. refers the petition to the General Manager Assets and Environment for a report to a future Council meeting; and***
- 4. notes that Council Officers will write to the head petitioner advising them of these actions.***



1.7.2 *Questions of Council*

1.7.3 *Public Submissions*

**1.8 Items for noting**

## **2 Notices of Motion**

## **3 Deferred Business**

## **4 Councillor and Delegate Reports**

## 5 Officer Reports

### 5.1 Place and Community

#### 5.1.1 598-610 Main Street and 29 Greene Street Bairnsdale 488/2022/P

Authorised by General Manager Place and Community

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#### Conflict of Interest

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

#### Executive Summary

This report seeks Council's resolution to issue a Notice of Decision to Grant a Planning Permit with conditions outlined in **Attachment 1** for the following development (488/2022/P), at 598-610 Main Street and 29 Greene Street Bairnsdale: Multi-lot subdivision adjacent to the principal road network and roadworks.

In essence, the basis for the proposed development being recommended for approval is:

- the proposed development is consistent with both State and Local Planning Policy in providing an appropriate re-use of a brownfield site;
- the proposed development would appropriately divide the site into commercial (within the Mixed-Use Zone) to the south and a residential subdivision, delivering 11 lots within the General Residential Zone to the north; and
- the proposed development would also deliver dedicated pedestrian and vehicular access to the site, from the residential area to the north into the site. Therefore, there would be no requirement for traffic accessing the new residential lots to travel through commercial site / service road to access the dwellings to the north.

A copy of the plans and documents submitted with the application is provided at **Attachment 2**. A Traffic Impact Assessment was prepared and is provided at **Attachment 3**. All of the documentation which was subject to notice is available through Council's Advertised Planning Permit list.

One hundred objections have been lodged against the granting of a permit, which are attached at **Attachment 4**. A Planning Consultation Meeting was held on 13 February 2023 and the minutes of the meeting are included at **Attachment 5**. The applicant has responded to the objections and accepted certain conditions to address some of the concerns raised.

A detailed assessment against the East Gippsland Planning Scheme has been undertaken and the proposal is viewed as being consistent with the relevant planning policies and requirements. A detailed assessment against Clause 56 (Residential Subdivision) is included at **Attachment 6**.

An independent peer review planning and traffic assessment has also been undertaken at Officers' request by Beveridge Williams and that report is at **Attachment 7**.



## Officer Recommendation

### ***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. being the Responsible Authority and having considered all the relevant planning matters, determines that Planning Permit Application 488/2022/P is consistent with the requirements and objectives of the East Gippsland Planning Scheme and therefore resolves to issue a Notice of Decision to Grant a Permit for the Multi-lot subdivision adjacent to the principal road network and roadworks at 598-610 Main Street & 29 Greene Street Bairnsdale, subject to permit conditions in Attachment 1.***

## Background

### Site Description

The application site consists of a 1.56 hectares parcel of land, which is bordered by:

- Greene Street and residential properties to the north;
- residential properties within Arco Court and Calvert Street to the east;
- Main Street to the south; and
- commercial premises to the west (which front onto Main Street).

The topography of the site is predominantly flat and there is no significant vegetation remaining on site, other than on 29 Greene Street and this is planted. Officers have investigated the circumstances which led to the removal of vegetation on the 'balance' of the land not being developed for Kmart. Much of that vegetation was planted and exempt from a planning permit requirement. Vegetation offset requirements were imposed for the remnant trees that were removed and the required offsets have been secured by the developer.

The character of the site differs considerably from north to south. The northern portion of the site is closely fringed by residential development of traditional form and layout. The southern portion of the site (where a retail store is currently being constructed) was formerly occupied by a motel and there are commercial premises to the east, south (on the opposite site of the Princes Highway) and west.

Below is an aerial image of the application site (Figure 1).



*Figure 1 – The site in neighbourhood context.*

### Proposal Details

The application currently before Council seeks approval for:

- Stage 1 – Two lot subdivision to create Lot A of approximately 1.56 Hectares, which will contain the K-Mart store which is currently under construction and a balance allotment (Lot B) of approximately 9,304 sqm; and
- Stage 2 – The creation of 11 allotments for future residential development, ranging in area from 506sqm to 977sqm. A new cul-de-sac is proposed to access the vacant lots from Greene Street.



An extract of the Proposed Staging Plan is provided on the following page for reference:



Figure 2 – Proposed Subdivision Staging Plan

The engineering plan extract below shows the design of the court bowl with driveways off, to provide access to the southernmost lots.

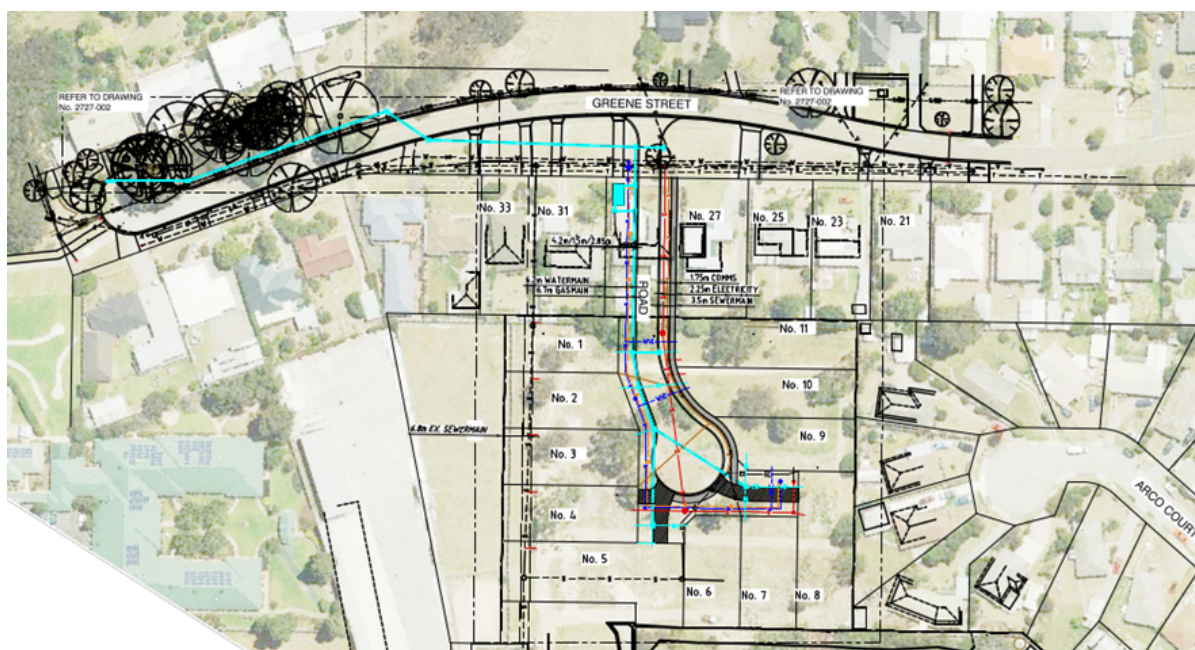


Figure 3 – Proposed engineering servicing plan

#### Priority Projects Standing Advisory Committee Decision

In October 2021 a Priority Projects Standing Advisory Committee (SAC) appointed by the Minister for Planning reached a decision on the proposed Kmart development on the site at 598-610 Main Street Bairnsdale.

During the hearings, Council raised its concerns over the future uses of the surplus land to the rear of the Kmart site and how vehicle access would be provided to any future development.

Based on the premise that the balance land would need to be accessed from Calvert Street, Council requested that a requirement be put in place that would provide for the vehicle access to be constructed to a standard that it could be converted to a public road. This request was made without any knowledge of the proposed layout of any future development.

The SAC reached the following conclusion:

*With regard to the internal access road, the Committee supports Council's position that it should be created as a road reserve to ensure that it will appropriately accommodate future residential traffic to the surplus land at the rear of the site (and to ensure that if the land was not developed for residential purposes, the road was adequate for whatever purpose the surplus land would ultimately be used for).*

The Incorporated Document approved by the SAC contains the following provisions:

*The following conditions apply to a planning permit application for the use, subdivision or to construct a building or construct or carry out works on all or part of the Surplus Land (shown in Figure 1 of this incorporated document) where that application relies on access to Calvert Street for:*

- *A development comprising more than 10 residential dwellings; or*
- *A development comprising more than 10 residential allotments with associated common property; or*
- *A development that would generate more than eight vehicle movements from the Surplus Land via Calvert Street during weekdays between 3.00pm to 4.00pm or Saturdays between 10:30am and 11:30am.*

*6.37 Vehicular access to the Surplus Land must be created as a road reserve and constructed to meet the requirements of the local authority.*

*6.38 The application must demonstrate that any proposed vehicular access to Calvert Street will not have unreasonable traffic impacts to the Road Zone 1 (Main Street, Bairnsdale), to the satisfaction of the Department of Transport.*

*6.39 Any planning permit or other form of planning approval granted for the use or development of the Surplus Land must include the following conditions, or similar, to the satisfaction of the responsible authority:*

*a) Access to and from the Surplus Land must not be provided via the loading bay and western driveway associated with the Department store at 598-610 Main Street, Bairnsdale with frontage to Main Street.*

*b) Clearly identifiable street signage must be provided on Calvert Street for the purpose of property identification and emergency vehicle access, to the satisfaction of the responsible authority.*

The critical issue here is reflected in the words:

*"...where that application relies on access to Calvert Street..."*

The application before Council does not rely on access to Calvert Street. Council must consider the application that is currently before it and officers consider that:

- Council does not have the power to require the application to be amended to provide access to Calvert Street, but instead must determine if the current proposal relying on access to Greene Street is acceptable on Planning grounds; and
- even if a proposal to access the land via Calvert Street and the Kmart loading bay access was to be submitted, there would be concerns about the outcome where a residential subdivision shares road access with a commercial loading bay.

The submitted application proposing access to Greene Street could not have been foreseen during the SAC hearings and so a compromise in relation to the proposed shared Kmart access was the only option available at the time.

The critical issue to be determined is whether the proposed access via Greene Street is acceptable. That consideration turns on the traffic assessment of the current proposal and the assessment provided with the application indicates that the traffic and pedestrian safety issues are not a major concern.



### Independent Peer Review

An independent peer review of the planning and traffic assessment was obtained by Council Officers.

The review, undertaken by Beveridge Williams, is included at **Attachment 7**.

It concludes (in summary):

There are potential non-compliance issues against Clause 56 of the Planning Scheme in relation to the orientation of lots. These are addressed in the Clause 56 assessment at **Attachment 6**.

In essence, the lot orientation may create some difficulties for the siting of dwellings to achieve optimal solar orientation, but this does not present insurmountable barriers to approval. It will require careful design and orientation of dwellings. As an infill development, it is not always possible to achieve the standards that would apply to greenfield development due to the constraints of the site (that is, single cul-de-sac access and the need to create lots that radiate from the cul-de-sac).

*"If Council does not support the conversion of land at 29 Greene Street to a road reserve to provide access to the subdivision, it only has only two options:*

- 1. Ask that the applicant amend the application to use the Calvert Street alternative; or, if that option is not taken up,*
- 2. Refuse to grant a planning permit for the application.*

*Council must make a decision on it as proposed, rather than attempt to impose an alternate, unwanted access arrangement through permit conditions.*

*Speaking practically, VCAT Members typically take a very dim view of permit conditions that leave an element of uncertainty. So, it would fall to Council to prove to the satisfaction of Department of Transport that the new intersection to Calvert Street could be created without having unreasonable impacts.*

*It would also fall to Council to prove that the Greene Street access point was unsafe. It is my view and that of our Traffic Engineering Team that the proposed Greene Street access can be constructed so that it is not unsafe and would be a superior planning outcome."*

Pages 31-32 of the peer review report at **Attachment 7** provide a summary of these issues.

## Legislation

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

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

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

## Planning Policy Framework

The assessment of the application before Council requires assessment against Planning Policy Framework (PPF).

The clauses that have an influence upon the assessment of this application include:

11	Settlement
11.02-1S	Supply of urban land
13	Environmental Risks and Amenity
16	Housing
18	Transport

## Objective

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

## Strategies

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

*Ensure that sufficient land is available to meet forecast demand.*

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

*Planning for urban growth should consider:*

- *opportunities for the consolidation, redevelopment and intensification of existing urban areas;*
- *neighbourhood character and landscape considerations;*
- *the limits of land capability and natural hazards and environmental quality; and*
- *service limitations and the costs of providing infrastructure.*

*Monitor development trends and land supply and demand for housing and industry.*

*Maintain access to productive natural resources and an adequate supply of well-located land for energy generation, infrastructure and industry.*

*Restrict rural residential development that would compromise future development at higher densities.'*

### 13 Environmental Risks and Amenity

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

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

- *land use and development compatibility; and*
- *effective controls to prevent or mitigate significant impacts.*

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

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

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

### 16 Housing

#### 16.01-1S Housing supply

##### Objective

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

##### Strategies

*Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.*

*Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.*

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

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

*Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.*

*Encourage the development of well-designed housing that:*

- provides a high level of internal and external amenity; and*
- incorporates universal design and adaptable internal dwelling design.*

*Support opportunities for a range of income groups to choose housing in well-serviced locations.*

*Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.'*

## 18 Transport

### 18.01-1S - Land use and transport integration

#### Objective

*To facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport.*

#### Strategies

*Plan and develop a transport system that facilitates:*

- social and economic inclusion for all people and builds community wellbeing;*
- the best use of existing social and economic infrastructure;*
- a reduction in the distances people have to travel to access jobs and services;*
- better access to, and greater mobility within, local communities; and*
- network-wide efficiency and coordinated operation.*

*Plan land use and development to:*

- protect existing transport infrastructure from encroachment or detriment that would impact on the current or future function of the asset;*
- protect transport infrastructure that is in delivery from encroachment or detriment that would impact on the construction or future function of the asset;*
- protect planned transport infrastructure from encroachment or detriment that would impact deliverability or future operation; and*
- protect identified potential transport infrastructure from being precluded by land use and development.*

*Plan land use and development to allow for the ongoing improvement and development of the State Transport System in the short and long term.*

*Plan movement networks and adjoining land uses to minimise disruption to residential communities and their amenity.*

*Plan the timely delivery of transport infrastructure and services to support changing land use and associated transport demands.*

*Plan improvements to public transport, walking and cycling networks to coordinate with the ongoing development and redevelopment of urban areas.*

*Plan the use of land adjacent to the transport system having regard to the current and future development and operation of the transport system.*

*Reserve land for strategic transport infrastructure to ensure the transport system can be developed efficiently to meet changing transport demands.*

*Support urban development that makes jobs and services more accessible:*

- *in accordance with forecast demand; and*
- *by taking advantage of all available modes of transport.*

*Protect existing and facilitate new walking and cycling access to public transport.  
Locate major government and private sector investments in regional cities and centres on major transport corridors to maximise the access and mobility of communities.*

*Design neighbourhoods to:*

- *better support active living.;*
- *increase the share of trips made using sustainable transport modes; and*
- *respond to the safety needs of all users.'*

### Assessment

11.02-1S 'Supply of urban land – The proposed development is compliant with the objectives of Clause 11.02-1S. The proposal will provide much needed residential lots on an infill development, within the established urban area. The development is an example of efficient use of urban land and will enable a residential development which is within easy access of services, facilities, and employment opportunities within Bairnsdale.

Clause 13 (Environmental Risks and Amenity) seeks to '*manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society.*' The proposed development will result in the residential subdivision of a parcel of land, which is zoned General Residential being brought forward for residential use. The land is not subject to known environmental risks. Furthermore, there is no reason why future occupiers will not be able to live within close proximity to the adjacent commercial development and benefit from high levels of residential amenity.

Clause 16 (Housing) – The proposed development is considered to be wholly compliant with the objectives of the Clause. The development would deliver a well located, integrated development which would enable the provision of a greater diversity of housing opportunities that meet community needs. The development would enable greater density of development on an under-utilised site, within the established urban area. The site is within easy access of services, facilities and employment opportunities.

Clause 18 (Transport) – The proposed development will provide a residential subdivision which will be well integrated with the existing transport network. The development has good access to existing roads and public footpaths. Furthermore, future occupiers will be well placed to take advantage of public transport opportunities.

### Zone

The application site is split between General Residential Zone 1 (Clause 32.08-3) and Mixed Use Zone (Clause 32.04-4). The residential subdivision element of the scheme is located within General Residential Zone 1 and the commercial element is located within the Mixed Use Zone.



## 32.04 Mixed Use Zone

### Purpose

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

*To provide for a range of residential, commercial, industrial, and other uses which complement the mixed-use function of the locality.*

*To provide for housing at higher densities.*

*To encourage development that responds to the existing or preferred neighbourhood character of the area.*

*To facilitate the use, development, and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

### 32.04-4 Subdivision

#### *Permit requirement*

*A permit is required to subdivide land.*

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

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

*A subdivision of between 3 and 15 lots is required to comply with 'All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.*

## 32.08 General Residential Zone

### 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.*

### 32.08-1 Neighbourhood character objectives

*A schedule to this zone may contain neighbourhood character objectives to be achieved for the area.*

### 32.08-3 Subdivision

#### *Permit requirement*

*A permit is required to subdivide land.*

*An application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling or residential building, must ensure that each vacant lot created less than 400 square metres contains at least 25 percent as garden area. This does not apply to a lot created by an application to subdivide land where that lot is created in accordance with:*

- an approved precinct structure plan or an equivalent strategic plan;*
- an incorporated plan or approved development plan; or*
- a permit for development.*

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

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

*A subdivision of between 3 and 15 lots is required to comply with 'All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.'*

*A Clause 56 assessment has been provided as part of the application submission. The assessment concludes compliance with each of the required standards of the Clause.*

### 56 Residential Subdivision

#### Purpose

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

*To create liveable and sustainable neighbourhoods and urban places with character and identity.*

*To achieve residential subdivision outcomes that appropriately respond to the site and its context for:*

- metropolitan Melbourne growth areas;*
- infill sites within established residential areas; and*
- regional cities and towns.*

*To ensure residential subdivision design appropriately provides for:*

- policy implementation;
- liveable and sustainable communities;
- residential lot design;
- urban landscape;
- access and mobility management;
- integrated water management;
- site management; and
- utilities.

#### Application

*These provisions apply to an application to subdivide land in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone and any Comprehensive Development Zone or Priority Development Zone that provides for residential development.*

*These provisions do not apply to an application to subdivide land into lots each containing an existing dwelling or car parking space.*

#### Operation

*The provisions of this clause contain:*

- Objectives. An objective describes the desired outcome to be achieved in the completed subdivision; and
- Standards. A standard contains the requirements to meet the objective.

*A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.*

#### Requirement

*An application to subdivide land:*

- must be accompanied by a site and context description and a design response;
- must meet all of the objectives included in the clauses specified in the zone; and
- should meet all of the standards included in the clauses specified in the zone.

#### Certification of standards

*A subdivision may be certified by a person authorised by the Minister for Planning as meeting the requirements of a standard in this clause.*

*A standard that is certified as met is deemed to have met the objective of that standard.*

A full assessment of compliance with Clause 56 is contained at **Attachment 5**.

## Overlay

The site is subject to the Erosion Management Overlay and a permit is required for subdivision and for roadworks on site, in accordance with Clause 44.01. The Erosion Management Overlay only applies to 29 Green Street and not to the wider development site. The works within 29 Greene Street are limited to the demolition of the existing dwelling on site and the construction of a section of the access road to the development. Accordingly, the impact of the development from an erosion perspective is minimal and can be adequately controlled by appropriate site management practices.

## Particular Provisions

The application site is located adjacent to the principal Road network (Transport Zone 2) and as such a permit is required for subdivision, in accordance with Clause 52.29.

The proposal will have limited impact upon the principal road network, as the development adjacent to the road (Kmart) is already under construction. The proposed development of the 11 residential lots in stage 2 will have minimal impact upon the principal road network, as the site is proposed to be accessed from Greene Street to the north.

As the proposed subdivision will not result in alterations of access to the principal road network, no referral of the application is required to the Department of Transport.

## General Provisions

### Decision Guidelines

*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;*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts; and*
- *The impact the use or development will have on the current and future development and operation of the transport system.*

### 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; and
- the impact the development will have on the current and future development and operation of the transport system.

### Assessment of General Decision Guidelines:

The proposed development is considered to comply with all of the stipulated requirements above for the subdivision of land. The proposal is a logical subdivision of land which would benefit from subdivision. The site is currently about to deliver a commercial premises within the south of the site, which leaves a surplus area of land to the north. The proposal would deliver much needed residential development on an under- utilised piece of brownfield land, which is located within a sustainable location, with ease of access to services and facilities within Bairnsdale.

### **Collaborative procurement**

Not applicable.



## **Council Plan**

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

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

## **Council Policy**

The application was lodged at the time that assessment was commenced in accordance with the Planning Permit Applications Delegations Policy 2018. The cost of the development is greater than \$5 million, it is considered appropriate to continue to report the matter to Council for determination, despite the policy change approved on 20 September 2022. Officers believe the proposal is also of significant community interest.

## **Options**

Council has three options:

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

## **Cultural sensitivity**

Pursuant to the Aboriginal Heritage Regulations 2018, a Cultural Heritage Management Plan (CHMP) has been prepared, as part of the subject land is identified as an area of cultural heritage sensitivity. The proposed works are also considered to be a high impact activity. The CHMP was submitted for consideration as part of this application. Some credit was given to the fact that the existing development covers the entire site and was likely to have caused significant ground disturbance.

## **Resourcing**

### *Financial*

Nil.

### *Plant and equipment*

Not applicable.

### *Human Resources*

Assessment has been undertaken by Planning staff.

## **Risk**

The risks of this proposal have been considered and are considered to be low.

## **Economic**

The development represents a substantial financial investment in services for the local community.

## **Social**

A Social Impact Assessment is not considered to be required. The applicant has made a Social Impact Comment in accordance with the Social Impact Assessment Guidelines for Development Applications 2015. The applicant concludes that the development would have a negligible social impact and no further assessment is warranted. Officers agree with the applicant's Social Impact Comment.

### *Gender Impact Statement*

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

## **Environmental**

The proposal is not considered to have an adverse environmental impact. The site is entirely hard surfaced at present. The proposed development does include some soft landscaping, including tree planting.

### *Climate change*

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

## **Engagement**

All referral authorities have responded and provided standard conditions. No points of concern have been raised and the recommended conditions re included in the proposed conditions for the permit.

Public notification was undertaken in the form of letters to neighbouring landowners and a sign was placed on site, in accordance with Section 52 of the *Planning and Environment Act 1987*.

The Responsible Authority is satisfied that the letters have been sent to neighbouring landowners, as per the instructions. However, during the PCM it was advised that one of the Site Notices had been removed and or obscured from view during the advertisement period.

Therefore, the applicant undertook to re-run the advertising period and display a Site Notice for a further 21 days. A Statutory Declaration has been supplied by the applicant to confirm that the notice was displayed on the site for the required period, despite it being removed and replaced on several occasions.

At the time of writing this report 100 objections have been received.

## Summary of Objections

One hundred objections have been received, which are provided at Attachment 4. A petition has also been received, which contains the signatures of 67 petitioners. The objections received raised the following concerns:

<b>Nature of Objection</b>	<b>Consideration Given</b>
Unacceptable obtaining access to site from Greene St	Senior Technical Officer has no objections having reviewed the submitted Traffic Impact Assessment. The assessment concludes that the development would generate 11 vehicular movements in a peak hour and 110 daily vehicular movements. It is anticipated that on average 1 additional vehicular movement on Greene St will be generated every 6 minutes. This quantum of additional traffic would not result in a noticeable impact upon the existing operation of the Calvert St/Greene St intersection or pedestrians on Greene St. Increase in vehicular traffic on eastern end of Greene St predicted to increase by 17%.
Inability of Greene St to accommodate additional vehicular movements associated with the subdivision.	Senior Technical Officer has no objections having reviewed the submitted Traffic Impact Assessment. Independent peer review of the Traffic Impact Assessment has also been received which confirms that: "Greene Street has ample capacity to cater for the existing traffic plus the additional traffic associated with the proposed subdivision and would be more suited for residential traffic."
Previous unlawful removal of vegetation on site	The removal of vegetation does not form part of this application.
Impact upon tranquillity of Greene St Park	The impact of additional vehicles entering Greene Street to access 11 additional lots is not considered to be detrimental to the quiet enjoyment of Greene Street Park.
Parking restrictions on Greene St will prevent residents of Greene St parking outside their homes.	Residential properties on Greene Street have off street parking. Furthermore, the proposed development should not significantly increase parking pressure. The peer review indicates: "The proposal to remove some on street parking directly opposite the new road would not result in any parking issues, noting the ample parking opportunities that exist within Greene Street."
Additional on street parking pressures in Greene St due to development.	Proposed future development will be required to provide off street parking for each lot. The proposals should not unduly increase parking pressure.
Impact upon of additional traffic upon vehicles accessing/egressing Finchley Court	As indicated above, the increase in traffic is considered to be negligible in terms of overall additional traffic movements and is unlikely to create unreasonable vehicle conflict.
Risk of additional crime resulting from increase in numbers of people travelling through Greene Street.	The proposed development would provide an additional 11 lots which would be accessed via a closed court. The potential for increased crime as a result of a new residential subdivision is not a valid planning consideration.
Safety of pedestrians in Greene Street (particularly children accessing Nagle College) from additional vehicular movements.	Vehicular access / egress to the proposed development is considered safe. Proposed conditions include a requirement to contribute to a new footpath, which would extend from the proposed new street to Calvert Street, along the southern side of Greene Street. This is considered to provide significant improvement for pedestrian connectivity and safety.
Loss of property value	Not a material planning consideration.

## **Attachments**

1. Planning Conditions [**5.1.1.1** - 6 pages]
2. Application Documents (Via Link) [**5.1.1.2** - 1 page]
3. Traffic Impact Assessment (Via Link) [**5.1.1.3** - 1 page]
4. Objections Document (Via Link) [**5.1.1.4** - 1 page]
5. Minutes of Planning Consultation Meeting 13/02/23 [**5.1.1.5** - 4 pages]
6. Planning Permit Application 488/2022/P Clause 56 Assessment [**5.1.1.6** - 18 pages]
7. Peer Review Main Road and Greene Street Bairnsdale [**5.1.1.7** - 42 pages]

488/2022/P - 598-610 Main Street & 29 Greene Street Bairnsdale

Lot 1 & 2 TP 583522, PC 365384 & Lot 6 LP 51905 - Multi-lot subdivision adjacent to the principal road network and roadworks

1. The subdivision as shown on the endorsed plan(s) must not be altered without the prior written consent of the Responsible Authority.
2. **AusNet conditions**  
The applicant must Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot under 16Ha on the endorsed plan.
3. Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
4. 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.
5. 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.
6. Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.
7. 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.
8. Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty Ltd for any electric substations or Isolating Transformers.
9. 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.
10. 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.
11. 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.
12. **East Gippsland Water conditions**  
Extend water supply infrastructure to the satisfaction of East Gippsland Water.



13. Extend sewerage infrastructure to the satisfaction of East Gippsland Water.
14. Submit design, construction, commissioning and as constructed documentation on all proposed infrastructure, or alterations to existing infrastructure, for written approval by East Gippsland Water.
15. Pay applicable development planning charges.
16. Existing water meters No. 17E001421 (598 Main Street) and 12W179035 (29 Greene Street) are to be disconnected and returned to East Gippsland Water.
17. Modify existing internal pipe work, to the satisfaction of East Gippsland Water, and in accordance with the applicable plumbing standards. Pipe work to each lot is to be kept clear of the other lot(s).
18. Place easement(s) on the plan of subdivision over existing/proposed infrastructure, to the satisfaction of East Gippsland Water.

19. **Country Fire Authority conditions**

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:

- 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.

**Note:** CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA website ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au)).

20. 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.

- 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.
- c) Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

21. Before the Issue of Statement of Compliance, or otherwise as agreed in writing by the Responsible Authority, the applicant must pay a financial contribution equivalent to 50% of the cost of construction of a pedestrian footpath shown on the submitted Crossco Consulting Pty Ltd, drawing No. 2727/003-A, dated October 2022 (but increased in width to 1.8 metres), extending along the southern side of Greene Street, between the entrance to the proposed street and Calvert Street.
22. 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.
23. Before the issue of Statement of Compliance each lot as shown on the endorsed plans must be drained to the satisfaction of the Responsible Authority.
24. Before any works associated with the subdivision start, a detailed drainage 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 show:
  - a) Drainage infrastructure (where required and as appropriate), including piping/drains and pits.
  - b) Any modification to the terrain, such as filling and excavation.
  - c) Easements and legal points of discharge.
  - d) Methods for on-site detention, including the provision of larger storm water pipes or pits in the road reserve, raingardens etc., to limit the rate of discharge and improve the quality of stormwater runoff from the development.
  - e) All earthworks associated with the construction of the drainage must be stabilised to protect against erosion and failure and must not encroach onto other properties.

All drainage works and requirements must be undertaken and completed to the satisfaction of the responsible authority.
25. Before the issue of a Statement of Compliance, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning & Environment Act 1987, which will provide that:
  - a) No further subdivision is to occur so as to create an additional lot.
  - b) Any dwelling on each lot must include a rainwater tank having a minimum storage capacity of 2,000 litres and,
  - c) The rainwater tank must collect rainwater runoff from the roof of the dwelling; and

- d) The rainwater tank must be used as the primary water source for flushing of toilets, laundry services and include an external tap for garden irrigation.

This agreement must be prepared by the owner. The cost of the preparation, review and recording on the title of the agreement in accordance with Section 181 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority must be borne by the owner of the land.

26. Before the commencement of works, 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:
- a) Fully sealed pavement surface for all new roads, with a minimum width of 6 metres, with semi mountable kerb and channel on each side.
  - b) Fully sealed internal road pavement with a turning area with a minimum radius of ten metres.
  - c) Verge areas with a width sufficient for the construction of drainage infrastructure and for pedestrian access.
  - d) Notwithstanding the submitted Crossco Consulting Pty Ltd, Drawing no. 2727/003-A, dated October 2022, the concrete footpaths shall be a minimum width of 1.8 metres.
  - e) Street lighting (using LED technology).
  - f) Statutory signage and traffic control devices and line marking as required.

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.

All works and requirements must be undertaken and completed to the satisfaction of the Responsible Authority.

27. **Time Limit condition**

This permit will expire if any of the following circumstances applies:

- The development is not started within two years of the issue date of this permit.
- The development is not completed within four years of the issue date of this permit.
- The use has not commenced within four years of the issue date of this permit.
- The plan of subdivision is not certified within two years.
- A Statement of Compliance is not issued within five years of the date of the plan of subdivision 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.

28. Before the issue of a Statement of Compliance, the applicant or owner must pay to the Council an amount equal to five percent (5%) of the site value of all the land in Stage 2 of the subdivision, pursuant to Section 18 of the Subdivision Act 1988.

## Notes

29. **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.
- (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) Any specific requirements for sewage discharge or water supply, over and above the available standard levels of service (e.g. pressure, flow rate, etc.), is to be arranged by the applicant at their cost.
- (K) Where backflow prevention is required, as determined by Australian Standard AS3500, the owner/occupier is to ensure an appropriate backflow prevention device is installed, commissioned, tested and maintained in accordance with that Standard.
- (L) Where trade waste is to be discharged to the sewerage system, a trade waste agreement is to be executed between the occupier and East Gippsland Water prior to connecting the development to the sewerage system.
- (M) 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.

30. Before undertaking works within a Council road reserve, an application for consent of works within road reserve must be obtained from the *Roads and Traffic* unit of Council. Refer to the Infrastructure Design Manual (IDM) for crossover designs.

[Attachment 2 – Application Documents](#)

[Attachment 3 – Traffic Impact Assessment](#)



[Attachment 4 – Objections Document](#)



## **EAST GIPPSLAND SHIRE COUNCIL PLANNING CONSULTATION MEETING**

**488/2022/P - Multi-lot subdivision adjacent to the  
principal road network and roadworks.**

### **Record of Meeting (Minutes)**

**Monday 13th February 2023**

**COUNCIL CHAMBERS  
BAIRNSDALE CORPORATE CENTRE**

**COMMENCING AT 6.00 P.M.**

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#### **1. PROCEDURAL**

##### **1.1 APOLOGIES**

Cllr Mark Reeves.

##### **1.2 IN ATTENDANCE**

Councillors: Allen, Greacen, Buckley and Van Diggele.

Applicant: Kate Young of Crowther & Sadler and Lisa O'Halloran (applicant)

Officers: Anthony Basford, Chief Executive Officer;

Martin Richards – Manager Planning;

Andrew Bates – Senior Statutory Planner.

##### **1.3 DECLARATIONS OF CONFLICT OF INTERESTS**

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*East Gippsland Shire Council Minutes Planning Consultation Meeting 488/2022/P 13<sup>th</sup> February 2023*

None

## **2. REPORTS/PRESENTATIONS**

### **2.1 PLANNERS REPORT**

Andrew Bates – Senior Statutory Planner

Provided back ground of the site location, planning controls, proposal details and summary of the number and content of objections.

**Cr Buckley** sought clarification regarding the objector's concerns relating to the impact upon the park in Greene Street.

**Andrew Bates** - Senior Statutory Planner responded to this question.

**Cr Buckley** asked a question regarding the objector's concerns relating to incidents of crime.

**Martin Richards** Manager Planning responded to this question.

**Cr Buckley** asked whether a study had been undertaken regarding the anticipated increase in vehicular movements resulting from the proposed development.

**Martin Richards** Manager Planning responded and advised that a Traffic Impact Assessment had indeed been undertaken and is submitted as part of the planning permit application.

**Cr Van Diggele** asked whether the owners of the dwelling proposed to be demolished (no.29 Greene Street) were party to the application or whether the owners were being compelled to demolish.

**Martin Richards** Manager Planning responded and advised that the owners of no.29 Greene Street are not being compelled to demolish their property.

### **2.2 OBJECTOR PRESENTATIONS**

- Don McFarlane
- Robyn De Zwart
- Lyman Trethowan
- Ginny Vincent on behalf of herself plus 19 objectors

**Don McFarlane** – Chose not to address Council.

**Robyn De Zwart** addressed the meeting and talked about the strong community spirit within Greene Street and how the development would impact upon how the residents use Greene Street to socialise. Concerns were raised about pedestrian safety from an increase in vehicular traffic and how the ability of residents to "look out for" one another would be impacted from the increased traffic. The objector relayed concerns raised within her written submission.

**Lyman Trethowan** addressed the meeting and raised concerns regarding the proposed access through Greene Street. Reference was made to the balance land and the fact that access to this land had previously been shown from Calvert street and that vegetation would be retained on the northern portion of the application site. A feeling of betrayal was conveyed that the decisions of the Standing Advisory Committee were not adhered to and that they would have more strongly objected to the proposals previously if they had been aware of the applicant's intentions to gain

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*East Gippsland Shire Council Minutes Planning Consultation Meeting 488/2022/P 13<sup>th</sup> February 2023*

access from Greene Street and to remove native vegetation. The loss of trees and the resultant loss of ecology is keenly felt.

**Neil Roberts** – The redevelopment of the site is welcomed and it is only the access from Greene Street which is contended. The objector sees no reason why the access should not be from Calvert Street as previously indicated. Questions raised regarding the accuracy of projected vehicular movements and a desire for surveys of vehicular movements to be undertaken locally to inform the TIA. Concerns regarding the safety of the users and pedestrians in Greene Street. The impact of the proposed development upon trees on site and the loss of birdlife is saddening. Concerns raised regarding drainage following the removal of trees on site.

**Ginny Vincent** addressed the meeting on behalf of 19 objectors. Ginny provided background to the history and naming of Greene street. Discussion regarding the number of children who walk along Greene St to access Nagle College and the impact upon their safety. Reaffirmed the comments of other speakers that the objections relate to the use of Greene Street for access and not the development per se and that the Kmart development is generally welcomed by the community. The Standing Advisory Committee's decision should be adhered to regarding the provision of access from Calvert Street. Concerns were also raised about the obstruction of the Site Notice on Greene Street and the impact upon the advertising of the proposals. The unlawful removal of trees on site was raised and videos of their removal were shown to the attendees.

**Councillor Buckley** sought clarification regarding the applicant's decision to propose access through Greene Street and not Calvert Street, as previously proposed.

**Martin Richards** – Manager Planning responded and advised that the Standing Advisory Committee were unhappy not knowing how the land locked remainder of the General Residential zoned land would be accessed following the development of the commercial scheme. Therefore, it was concluded that the driveway to the Kmart loading bays would need to be converted to a public road reserve under Council's management. Council did not consider that this was an ideal outcome but there was little alternative at that time. In summary it is not necessary for the development to access from Greene Street but it is the proposal before us for consideration and it is considered to be a better option that traffic accessing through a shared access with a commercial development.

## 2.3 APPLICANT PRESENTATIONS

**Kate Young** of Crowther & Sadler addressed the meeting on behalf of the applicants. Comments were made regarding the housing shortage and the valuable contribution which the development would make to housing provision.

Provided a summary of the proposal and activities that will be carried out in association with the proposal. Gave an insight into the development and explained how the design of the scheme has changed to allow for an improved access from a safety and legibility perspective to enable access from Greene St, as opposed to a shared access with Kmart, from Calvert St.

The development was compared to other housing developments within the close vicinity such as Arco and Finchley Courts and a desire was conveyed to create a new quiet cul-de-sac for families and to integrate this into the existing neighbourhood rather than have a separate access through a commercial site. The Traffic Impact Assessment has been undertaken to assess the impact on vehicular traffic generation and to enable the resultant impact upon the amenity of neighbouring residents.

**Lisa O'Halleran** of Newmark Capital (applicant) addressed the meeting and reiterated many of the points made by Kate Young. There was discussion regarding the Housing Land Use Strategy and the need for more housing and that the site is unconstrained by natural constraints such as bushfire or flood risk. It was discussed that the option of access from Greene Street was not previously considered as there was no option to provide this. Once this option presented itself it

was considered to be the preferred option due to the improved quality of access provision for a residential development.

The applicant raised the provision of a footpath by the applicant along the southern side of Greene Street from the junction with Calvert Street to the new street and the improvements which this would make for pedestrian safety.

Acknowledgement by the applicants that further advertising by means of Site Notice would be undertaken to address the issues with the obstruction of the Site Notice on Greene Street.

**Councillor Greacen** sought clarification regarding the location of the former caravan park which was on site and has since closed. Clarification also sought regarding how a shared access with Kmart would have worked and the problems associated with such a shared access.

**Kate Young** confirmed that the option to have a shared access through the Kmart site is now not possible. It would not now be possible to deliver a road to Council's adoptable standards as there is not physically room on site to provide this. There is also a desire to separate the commercial and residential elements of the development in the interests of residential amenity and safety and convenience of access. The conflict of delivery vehicles and residential traffic would not be desirable.

**Councillor Buckley** raised question of why applicant felt that the access through Kmart site to residential element was contrived and what the impact would be upon residential value to residents in Greene St.

**Kate Young** advised that value was not a material planning consideration but the impact upon value is derived by impact upon amenity. The development should increase the desirability of the area for residents. The contrived nature of the access relates to the necessity for access by the Calvert Street option. The revised proposals with access from Green Street are preferential as the access would offer improved natural surveillance for security purposes.

## **2.4 CLOSING COMMENTS**

Martin Richardson advised that the application would be reported to a future Council meeting for consideration by Members.

## **3. MEETING CLOSE**

The meeting closed at approximately 7:30pm.

**Planning Permit Application 488/2022/P - Multi-lot subdivision adjacent to the principal road network and roadworks - 598-610 Main Street & 29 Greene Street Bairnsdale.**

**Clause 56 Assessment**

Clause	Objective	Standard	Applicant Declaration	Officer 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.	The proposed development complies with the standard. A Site Context Plan, Design Response Plans and an assessment of the subject land and surrounding precinct has been provided.	The proposed development complies with the standard. An accurate contextual assessment has been undertaken by the applicant and the application is supported by a comprehensive package of supporting information. The submission enables a thorough assessment of the acceptability of the proposed scheme.
56.01-2 Design Response	The design response must explain how the proposed design: <ul style="list-style-type: none"> <li>Derives from and responds to the site and context description.</li> <li>Meets the objectives of Clause 56.</li> </ul>	The plan and other techniques should show and explain: <ul style="list-style-type: none"> <li>Proposed uses of each part of the site.</li> <li>Natural features of the site and identify any features proposed to be altered.</li> <li>Proposed integrated water management system.</li> <li>Proposed staging of the subdivision.</li> </ul>	The proposed development complies with the standard.  The subdivision design responds to the opportunities and constraints of the land.	The proposed development provides a logical development which makes appropriate use of an infill site, to provide much needed housing. The layout is considered appropriate and in

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	<ul style="list-style-type: none"> <li>Responds to any site and context features for the area identified in the local planning policy or Neighbourhood Character Overlay.</li> <li>Responds to any relevant objective, policy, strategy or plan set out for the area.</li> </ul>		Proposed subdivision creates Lot A for the approved commercial development. The development would provide a new road for access to the residential properties and avoid reliance on access through Lot A. The development provides a mix of lot sizes which are respectful of the surrounding neighbourhood character.	keeping with neighbouring residential character. Potential issues with lot orientation relate to the site constraints for an infill development. They can be overcome with careful dwelling design, which is beyond the scope of the subdivision.
56.03-5 Neighbourhood character	To design subdivisions that respond to neighbourhood character	Subdivision should: <ul style="list-style-type: none"> <li>Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out.</li> <li>Respond to and integrate with the surrounding urban environment.</li> <li>Protect significant vegetation and site features.</li> </ul>	The proposed development complies with the standard. There is no defined neighbourhood character. Council policy seeks infill development within existing urban areas.  The area is predominantly commercial / light industrial to the south of the site and residential to the north and east  Residential lot sizes and development varies significantly in terms of design and material finish.	The proposed development complies with the required standard. The area does have varied lot sizes and architectural built form. The development would enable infill development within an established urban area, which is encouraged in adopted planning policy.  See further comments under clause 56.04-3.



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			The subdivision would allow for the commercial development within the southern portion of the site and residential in the northern portion.	
56.04 Lot Design  56.04-1 Lot diversity and distribution objectives	<p>To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.</p> <p>To provide higher housing densities within walking distance of activity centres.</p> <p>To achieve increased housing densities in designated growth areas.</p> <p>To provide a range of lot sizes to suit a variety of dwelling and household types.</p>	<p>A subdivision should implement any relevant housing strategy, plan or policy for the area.</p> <p>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.</p> <p>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</p> <p>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.</p> <p>Lots of 300sqm or less in area, lots suitable for the development of two dwellings or more, higher density housing and residential buildings and retirement villages should be located in and within 400 metres walking distance of an activity centre.</p>	The proposed development complies with the standard. The proposal will result in infill residential development in an existing, well serviced urban precinct. A range of lot sizes are proposed with a minimum of 500sqm to adhere to the character of the local area.	The proposed development complies with the required standard.
56.04-2 Lot area and building envelopes	To provide lots with areas and dimensions that enable the appropriate siting and construction of a	<p>To subdivide land that creates lots less than 300sqm should be accompanied by information that shows:</p> <ul style="list-style-type: none"> <li>That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme</li> </ul>	The proposed development complies with the standard. The proposed lot sizes have been designed to exceed	The proposed development complies in general with the objective.

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	dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.	<ul style="list-style-type: none"> <li>That a dwelling may be constructed on each lot in accordance with the requirements of this scheme</li> </ul> <p>Lots of between 300sqm and 500sqm should:</p> <ul style="list-style-type: none"> <li>Contain a building envelope that is consistent with a development of the lot approved; or</li> <li>If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.</li> </ul> <p>If lots between 300sqm and 500sqm are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.</p> <p>Lots greater than 500sqm should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope</p> <p>A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless:</p> <ul style="list-style-type: none"> <li>The objectives of the relevant standards are met; and</li> <li>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.</li> </ul> <p>Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject</p>	500sqm and all have the ability to contain a rectangle of 10x15 Metres. Lot areas and configuration allow for the provision of future development, private open space, on site car parking and landscaping opportunities.	The standard is difficult to meet given the constraints of this infill site, however 10 x 15 metre building envelopes can be achieved, and careful dwelling design will enable house orientation to meet the objective.

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		<p>to the same agreement relating to the relevant building envelope:</p> <ul style="list-style-type: none"> <li>The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and</li> <li>The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement.</li> </ul> <p>Lot dimensions and building envelopes should protect:</p> <ul style="list-style-type: none"> <li>Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations.</li> <li>Existing or proposed easements on lots.</li> <li>Significant vegetation and site features.</li> </ul>		
56.04-3 Solar Orientation of lots	To provide good solar orientation of lots and solar access for future dwellings	<p>Unless the site is constrained by topography or other site conditions, at least 70% of lots should have appropriate solar orientation.</p> <p>Lots have appropriate solar orientation when:</p> <ul style="list-style-type: none"> <li>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.</li> <li>Lots between 300sqm and 500sqm are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north.</li> <li>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.</li> </ul>	<p>The proposed development complies with the standard. All proposed allotments have good solar access.</p> <p>There are no steep slopes on site and no adjacent development in close proximity to impede solar access.</p>	<p>The proposed development complies with the objective. There is some variance from the stipulated standard, however it is considered that careful dwelling design can ensure that reasonable solar access is achieved.</p>
56.04-4 Street Orientation	To provide a lot layout that contributes to community social	Subdivision should increase visibility and surveillance by:	<p>The proposed development complies.</p> <p>The development allows</p>	The proposed development complies

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	interaction, personal safety and property security	<ul style="list-style-type: none"> <li>Ensuring lots fronting all roads and streets and avoid the side or rear of lots being orientated to connector streets and arterial roads.</li> <li>Providing lots of 300sqm or less in an area and lots for two or more dwellings around activity centres and public open space.</li> <li>Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries.</li> <li>Providing roads and streets along public open space boundaries.</li> </ul>	for direct access to the new internal street and dwelling frontages to address the street to provide strong visibility and surveillance.	with the required standard.
56.04-5 Common Area	<p>To identify common areas and the purpose for which the area is commonly held.</p> <p>To ensure the provision of common area is appropriate and that necessary management arrangements are in place</p> <p>To maintain direct public access throughout the neighbourhood street network.</p>	<p>To subdivide land that creates common land must be accompanied by a plan and report identifying:</p> <ul style="list-style-type: none"> <li>The common area to be owned by the body corporate, including any streets and open space.</li> <li>The reasons why the area should be commonly held.</li> <li>Lots participating in the body corporate.</li> <li>The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</li> </ul>	No common property is proposed.	No common property is proposed.
56.05 Urban Landscape 56.05-1 Integrated Urban Landscape	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	<p>Landscape design should :</p> <ul style="list-style-type: none"> <li>Implement any relevant streetscape, landscape, urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme.</li> <li>Create attractive landscapes that visually emphasise streets and public open spaces.</li> <li>Respond to the site and context description for the site and surrounding area.</li> </ul>	The proposed development complies with the standard. The proposed road reserve has been designed to allow for landscape planting with generous proportions to the west of the proposed intersection	The proposed development complies with the required standard where relevant.

Clause	Objective	Standard	Applicant Declaration	Officer Assessment
	<p>existing or preferred neighbourhood character in existing urban areas.</p> <p>To incorporate natural and cultural features in the design of streets and public open space where appropriate</p> <p>To protect and enhance native habitat and discourage the planting and spread of noxious weeds</p> <p>To provide for integrated water management systems and contribute to drinking water conservation.</p>	<ul style="list-style-type: none"> <li>• Maintain significant vegetation where possible within an urban context.</li> <li>• Take account of the physical features of the land including landform, soil and climate.</li> <li>• Protect and enhance any significant natural and cultural features.</li> <li>• Protect and link areas of significant local habitat where appropriate.</li> <li>• 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.</li> <li>• Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread into the surrounding environment.</li> <li>• Ensure landscaping supports surveillance and provides shade in streets, parks and public open space.</li> <li>• Develop appropriate landscapes for the intended use of public open space including areas for passive and active recreation, the exercising of pets, playgrounds and shaded areas.</li> <li>• Provide for walking and cycling networks that link with community facilities.</li> <li>• Provide appropriate pathways, signage, fencing, public lighting and street furniture.</li> <li>• Create low maintenance, durable landscapes that are capable of a long life</li> </ul> <p>The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.</p>	to allow for appropriate transition to Greene Street. The remainder of the new road allows sufficient width of street tree planting.	
56.06-2 Walking and cycling network	To contribute to community health and well being by encouraging walking and cycling as part of	<p>The walking and cycling network should be designed to:</p> <ul style="list-style-type: none"> <li>• Implement any relevant regional and local walking and cycling strategy, plan or policy for the area.</li> </ul>	The proposed development complies with the standard. A footpath is proposed within the road reserve	The proposed development complies with the standard.

Clause	Objective	Standard	Applicant Declaration	Officer Assessment
	<p>the daily lives of residents, employees and visitors.</p> <p>To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.</p> <p>To reduce car use, greenhouse gas emissions and air pollution.</p>	<ul style="list-style-type: none"> <li>• Link to any existing pedestrian and cycling networks.</li> <li>• Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces.</li> <li>• 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.</li> <li>• Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling.</li> <li>• Ensure safe street and road crossings including the provision of traffic controls where required.</li> <li>• Provide an appropriate level of priority for pedestrians and cyclists.</li> <li>• Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night.</li> <li>• Be accessible to people with disabilities.</li> </ul>	<p>within the Cul-de Sac. Furthermore, a financial contribution is proposed towards the extension of the footpath in Greene Street.</p>	
56.06-4 Neighbourhood Street Network	To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.	<p>The neighbourhood street network must:</p> <ul style="list-style-type: none"> <li>• Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, footpaths and public transport routes.</li> <li>• Provide clear physical distinctions between arterial roads and neighbourhood street types.</li> <li>• Comply with the Roads Corporation's arterial road access management policies.</li> <li>• Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport.</li> <li>• Provide safe and efficient access to activity centres for commercial and freight vehicles.</li> </ul>	<p>The proposed development complies with the standard. The road is proposed to provide a low speed environment with dedicated footpath and controlled intersection with Greene Street. The provision of a cul-de-sac is appropriate as connections to neighbouring lots is not necessary.</p>	<p>The proposed development complies with the standard. The design of the road will encourage low vehicular speeds and a footpath is proposed.</p>

Clause	Objective	Standard	Applicant Declaration	Officer Assessment
		<ul style="list-style-type: none"> <li>• Provide safe and efficient access to all lots for service and emergency vehicles.</li> <li>• Provide safe movement for all vehicles.</li> <li>• Incorporate any necessary traffic control measures and traffic management infrastructure.</li> </ul> <p>The neighbourhood street network should be designed to:</p> <ul style="list-style-type: none"> <li>• Implement any relevant strategy, plan or policy for the area.</li> <li>• Include arterial roads at intervals of approx 1.6km that have adequate reservation widths to accommodate long-term movement demand.</li> <li>• Include connector streets approx half way between arterial roads and provide adequate reservation widths to accommodate long term movement demand.</li> <li>• Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other vehicles.</li> <li>• Provide an appropriate level of local traffic dispersal.</li> <li>• Indicate the appropriate street type.</li> <li>• Provide a speed environment that is appropriate to the street type.</li> <li>• Provide a street environment that appropriately manages movement demand (volume, type &amp; mix of pedestrians, cyclists, public transport and other motor vehicles).</li> <li>• Encourage appropriate and safe pedestrian, cyclist and driver behaviour.</li> <li>• Provide safe sharing of access lanes and access places by pedestrians, cyclists and vehicles.</li> <li>• Minimise the provision of cul-de-sac.</li> <li>• Provide for service and emergency vehicles to safely turn at the end of a dead-end street.</li> <li>• Facilitate solar orientation of lots.</li> </ul>		



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		<ul style="list-style-type: none"> <li>Facilitate the provision of the walking and cycling network, integrated water management systems, utilities and planting of trees.</li> <li>Contribute to the area's character and identity.</li> <li>Take account of any identified significant features.</li> </ul>		
56.06-5 Walking and Cycling Network Detail	<p>To design and construct footpaths, shared path and cycle networks that are safe, comfortable, well constructed and accessible for people with disabilities.</p> <p>To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</p>	<p>Footpaths, shared paths, cycle paths and cycle lanes should be designed to:</p> <ul style="list-style-type: none"> <li>Be part of a comprehensive design of the road or street reservation.</li> <li>Be continuous and connect.</li> <li>Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots.</li> <li>Accommodate projected user volumes and mix.</li> <li>Meet the requirements of Table C1.</li> <li>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.</li> <li>Provide appropriate signage.</li> <li>Be constructed to allow access to lots without damage to the footpath or share path surfaces.</li> <li>Be constructed with durable, non-skid surface.</li> <li>Be of a quality and durability to ensure:</li> <li>Safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles.</li> <li>Discharge of urban run-off.</li> <li>Preservation of all-weather access.</li> <li>Maintenance of a reasonable, comfortable riding quality.</li> <li>A minimum 20-year life span.</li> <li>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.</li> </ul>	The proposed footpath will be provided in accordance with IDM construction standards.	The proposed development complies with the required standard.

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56.06-7 Neighbourhood Street Network Detail	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.	<p>The design of streets and roads should:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, integrated water management, street tree planting, lighting and utility needs.</li> <li>• Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all users.</li> <li>• Provide a low-speed environment while allowing all road users to proceed without unreasonable inconvenience or delay.</li> <li>• Provide a safe environment for all street users applying speed control measures where appropriate.</li> <li>• Ensure intersection layouts clearly indicate the travel path and priority of movement for pedestrians, cyclists and vehicles.</li> <li>• Provide a minimum 5 metre by 5 metre corner splay at junctions with arterial roads and a minimum 3 metre by 3 metre corner splay at other junctions unless site conditions justify a variation to achieve safe sight lines across corners.</li> <li>• Ensure streets are of sufficient strength to:</li> <li>• Enable the carriage of vehicles.</li> <li>• Avoid damage by construction vehicles and equipment.</li> <li>• Ensure street pavements are of sufficient quality and durability for the:</li> </ul>	The proposed development complies with the standard. The development will deliver a constructed road with mountable kerb and channel, footpath and landscaping. Vehicle crossings to driveways will be provided by individual landowners in due course.	The proposed development complies with the required standard. The standard and dimensions of the road proposed is commensurate with the hierarchy of the road and the quantum of properties to which it serves.

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		<ul style="list-style-type: none"> <li>• Safe passage of pedestrians, cyclists and vehicles.</li> <li>• Discharge of urban run-off.</li> <li>• Preservation of all-weather access and maintenance of a reasonable, comfortable riding quality.</li> <li>• Ensure carriageways of planned arterial roads are designed to the requirements of the relevant road authority.</li> <li>• Ensure carriageways of neighbourhood streets are designed for a minimum 20 year life span.</li> <li>• Provide pavement edges, kerbs, channel and crossover details designed to:</li> <li>• Perform the required integrated water management functions.</li> <li>• Delineate the edge of the carriageway for all street users.</li> <li>• Provide efficient and comfortable access to abutting lots at appropriate locations.</li> <li>• Contribute to streetscape design.</li> <li>• Provide for the safe and efficient collection of waste and recycling materials from lots.</li> <li>• Be accessible to people with disabilities.</li> <li>• 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. Where the widths of connector streets do not comply with the requirements of Table C1, the requirements of the relevant public transport authority must be met.</li> <li>• A street detail plan should be prepared that shows, as appropriate:</li> <li>• The street hierarchy and typical cross-sections for all street types.</li> <li>• Location of carriageway pavement, parking, bus stops, kerbs, crossovers, footpaths,</li> </ul>		

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		<ul style="list-style-type: none"> <li>tactile surface indicators, cycle paths and speed control and traffic management devices.</li> <li>Water sensitive urban design features.</li> <li>Location and species of proposed street trees and other vegetation.               <ul style="list-style-type: none"> <li>Location of existing vegetation to be retained and proposed treatment to ensure its</li> <li>health.</li> <li>Any relevant details for the design and location of street furniture, lighting, seats, bus</li> <li>stops, telephone boxes and mailboxes.</li> </ul> </li> </ul>		
56.06-8 Lot Access	To provide for safe vehicle access between roads and lots.	<p>Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.</p> <p>Vehicle access to lots of 300sqm or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.</p> <p>The design and construction of a crossover should meet the requirements of the relevant road authority.</p> <p>Refer to tables of this clause – Table C1.</p>	The proposed development complies with the standard. The development is to be provided with a access road suitable for anticipated vehicular movements.	The proposed development complies with the standard.
56.07 Integrated Water Management  56.07-1 Drinking Water Supply	<p>To reduce the use of drinking water.</p> <p>To provide an adequate, cost effective supply of drinking water.</p>	<p>The supply of drinking water must be:</p> <ul style="list-style-type: none"> <li>Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.</li> <li>Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.</li> </ul>	The proposed development complies with the standard. Each dwelling will be supplied by reticulated water by East Gippsland Water.	The development is capable of complying with the standard and this can be controlled via the imposition of Conditions.

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Clause 56.07-2 Reused and Recycled Water	To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.	<p>Reused and recycled water supply systems must be:</p> <ul style="list-style-type: none"> <li>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</li> <li>Provided to the boundary of all lots in the subdivision where required by the relevant water authority.</li> </ul>	The proposed development complies with the standard. East Gippsland Water has no requirements for the installation of recycled water systems. The site drainage plans shows 4,000 Litre rainwater tanks for each lot.	The development is capable of complying with the standard and this can be controlled via the imposition of Conditions.
56.07-3 Waste Water Management	To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.	<p>Waste water systems must be:</p> <ul style="list-style-type: none"> <li>Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority.</li> <li>Consistent with any relevant approved domestic wastewater management plan.</li> </ul> <p>Reticulated wastewater systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	The proposed development complies with the standard. A Condition is anticipated requiring the owner of the land to enter into an agreement with East Gippsland Water regarding the provision of reticulated sewerage to each allotment.	The development is capable of complying with the standard and this can be controlled via the imposition of Conditions.
56.07-4 Stormwater Management Objectives	<p>To minimise damage to properties and inconvenience to residents from urban run-off.</p> <p>To ensure that the street operates adequately during major storm events and provides for public safety.</p> <p>To minimise increases in stormwater run-off and protect the environmental values</p>	<p>The stormwater management system must be:</p> <ul style="list-style-type: none"> <li>Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.</li> <li>Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.</li> <li>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).</li> <li>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.</li> </ul>	The proposed development complies with the standard. The development will drain via a stormwater drainage system that will be constructed within the internal road and along Greene Street to the municipal drainage system. Rainwater tanks will be used on site to achieve detention and enable re-use of water within the dwellings on site. Water quality will be improved via a grassed	The development is capable of complying with the standard and this can be controlled via the imposition of Conditions.

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	<p>and physical characteristics of receiving waters from degradation by urban run-off.</p> <p>To encourage stormwater management that maximises the retention and reuse of stormwater.</p> <p>To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.</p>	<ul style="list-style-type: none"> <li>Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.</li> </ul> <p>The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.</p> <p>For all storm events up to and including the 20% Average Exceedance Probability (AEP) standard:</p> <ul style="list-style-type: none"> <li>Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.</li> <li>Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.</li> </ul> <p>For storm events greater than 20% AEP and up to and including 1% AEP standard:</p> <ul style="list-style-type: none"> <li>Provision must be made for the safe and effective passage of stormwater flows.</li> <li>All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.</li> <li>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 <math>&lt;0.35\text{m}^2/\text{s}</math>).</li> </ul> <p>The design of the local drainage network should:</p> <ul style="list-style-type: none"> <li>Ensure stormwater is retarded to a standard required by the responsible drainage authority.</li> <li>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.</li> </ul>	swale leading to a SPEL Vault.	

Clause	Objective	Standard	Applicant Declaration	Officer Assessment
		<ul style="list-style-type: none"> <li>Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner.</li> <li>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.</li> </ul> <p>Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.</p>		
56.08 Site Management  56.08-1 Site Management Objectives	<p>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>	<p>A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</p> <ul style="list-style-type: none"> <li>Erosion and sediment.</li> <li>Dust</li> <li>Run-off</li> <li>Litter, concrete and other construction wastes.</li> <li>Chemical contamination.</li> <li>Vegetation and natural features planned for retention.</li> </ul> <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	The proposal complies, with site management for Lot A (commercial development) sufficient. A Construction Management Plan is anticipated to be secured via Condition.	The proposal will comply with the standard and a CMP would be required via Condition.
56.09 Utilities	To maximize the opportunities for shared trenching.	Reticulated services for water, gas, electricity and telecommunications should be provided in shared	Shared trenching will be used where possible.	The development can comply with this standard.



Clause	Objective	Standard	Applicant Declaration	Officer Assessment
56.09-1 Shared trenching	To minimise constraints on landscaping within street reserves.	trenching to minimise construction costs and land allocation for underground services.		
56.09-2 Electricity, telecommunications and gas	<p>To provide public utilities to each lot in a timely, efficient and cost effective manner.</p> <p>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</p>	<p>The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.</p> <p>Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.</p> <p>The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.</p> <p>Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.</p>	Electricity and telecommunications are available. Gas is not proposed to be extended to the vacant lots.	Ausnet and APA were consulted and no objections were raised subject to standard Conditions. Therefore, the proposals comply with the standard.
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.	<p>Fire hydrants should be provided:</p> <ul style="list-style-type: none"> <li>• A maximum distance of 120 metres from the rear of the each lot.</li> <li>• No more than 200 metres apart.</li> </ul>	Anticipated by applicant that the CFA will require fire hydrants.	The CFA has no objections subject to appropriate Conditions. The proposal would therefore comply.

Clause	Objective	Standard	Applicant Declaration	Officer Assessment
		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		
56.09-4 Public lighting	<p>To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.</p> <p>To provide pedestrians with a sense of personal safety at night.</p> <p>To contribute to reducing greenhouse gas emissions and to saving energy.</p>	<p>Public lighting should be provided to streets, footpaths, public 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.</p> <p>Public lighting should be designed in accordance with the relevant Australian Standards.</p> <p>Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.</p>	Street lighting is provided in the locality of the site and it is anticipated that a small number of street lights will be require in the road reserve to serve the development.	The proposed development would comply.

## Peer Review: Proposed 11-lot subdivision

598-610 Main Street  
& 29 Greene Street,  
Bairnsdale

Client  
East Gippsland Shire Council

Issued  
23/03/2023



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Client: East Gippsland Shire Council

Issued: 23/03/2023

Version: 1

Prepared by: Chris Curnow

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Project Number: 2300369

Surveying  
 Asset Recording  
 Civil Engineering  
 Infrastructure Engineering  
 Traffic & Transport Engineering  
 Environmental Consulting  
 Water Resource Engineering  
 Strata Certification (NSW)  
 Town Planning  
 Urban Design  
 Landscape Architecture  
 Project Management

### Revision Table

REV	DESCRIPTION	DATE	AUTHORISED
A	Final Report	23/3/2023	Chris Curnow

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## 1. INTRODUCTION & SYNOPSIS

East Gippsland Shire Council has requested that Beveridge Williams & Co. Pty. Ltd. carry out a peer review of the planning submission and traffic impact assessment that was prepared by Crowther Sadler & Co. Pty. Ltd. and Stantec Pty. Ltd. in support of an application for a planning permit that would allow the subdivision of land at 598-610 Main Road and 29 Greene Street, Bairnsdale into eleven lots across two stages.

The proposed plans of subdivision for the two stages are provided at Figures 1 & 2.

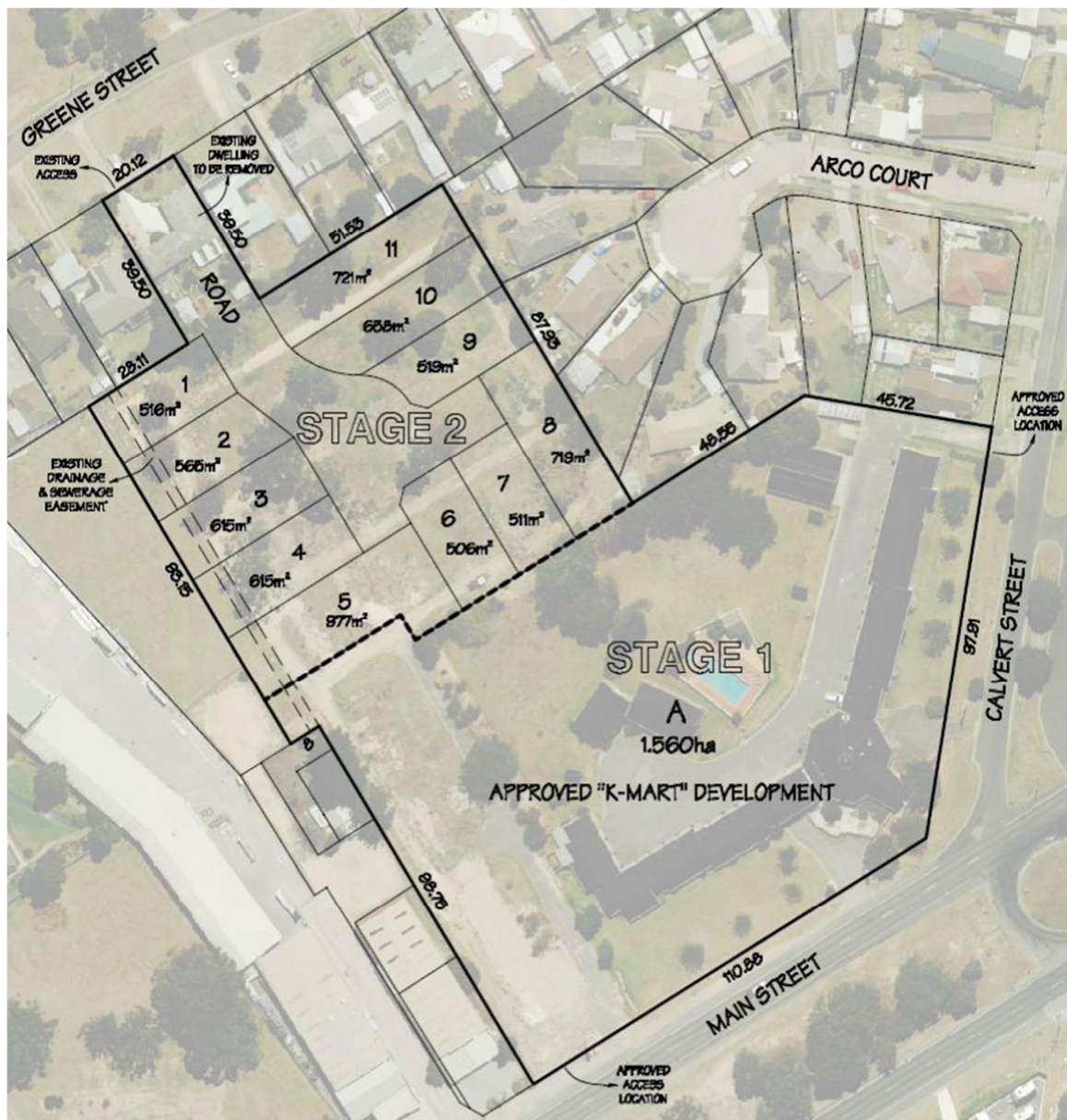


Figure 1: Stage 1 of the Proposed Plan of Subdivision  
Stage 2 shown indicatively





Peer Review of Planning Permit application





## 2. PEER REVIEW OF THE PLANNING PERMIT APPLICATION

### 2.1. Planning & Environment Act 1987

Section 47(1) of the Planning & Environment Act 1987 requires that, if a planning permit is triggered by a planning scheme, the applicant for the permit must provide the Responsible Authority under the scheme with:

- a) The cost of the development. It is noted that a figure is only needed, if the application is purely for development;
- b) The prescribed fee;
- c) Information required by the Planning Scheme;
- d) If the land is burdened by a registered restrictive covenant, a copy of the covenant...

The planning permit application lodged by Crowther & Sadler Pty. Ltd. included:

- No estimate of cost for the proposed subdivision. However, this was appropriate, as the proposal was for a subdivision, rather than for a development, per se;
- A response to the relevant clauses of the East Gippsland Planning Scheme;
- A copy of the Covenant as to part H161059, which affected Title Volume 10803, Folio 946; and,
- A copy of the Section 173 Agreement registered under Title Instrument AC792232S, which also affected Title Volume 10803, Folio 946.

It is assumed for the purposes of this report that the permit application was accompanied by the prescribed Council fee.

#### Peer Response:

It would appear that Crowther & Sadler's permit application provided the information required under Section 47 of the Planning and Environment Act to allow Council in its role as the Responsible Authority to make a decision.

### 2.2. Title information and the East Gippsland Planning Scheme

The title information provided by Crowther & Sadler in Section 2 of their report to demonstrate compliance with Section 47(1)(d) of the Act included details of the titles registered for properties at 598-610 Main Street & 29 Greene Street, Bairnsdale.

#### Peer Response:

These properties are located within the East Gippsland Shire Council. Hence, they are subject to the East Gippsland Planning Scheme.

The Crowther & Sadler report correctly identified the East Gippsland Planning Scheme as being the relevant Planning Scheme for the land at 598-610 Main Street & 29 Greene Street, Bairnsdale (the subject land).

#### 2.2.1. Relevant Clauses under the East Gippsland Planning Scheme

As stated above, Section 47(1)(c) of the Planning & Environment Act 1987 requires that any permit application include the information required by the relevant Planning Scheme.

It is noted that the East Gippsland Planning Scheme specifies application requirements through:

- the relevant zoning provisions;
- the relevant overlay provisions;

- any relevant particular provisions; or,
- any relevant general provisions.

Crowther & Sadler's report identifies on page 3 that it addresses the provisions of:

- the General Residential;
- the Mixed Use Zone;
- the Erosion Management Overlay; and,
- Clause 52.29, which applies to land adjacent to the Principal Road Network.

This list is backed up by a similar list of permit triggers at page 13 of the report.

A note is also made on page 13 of the Crowther & Sadler report that the Design & Development Overlay (Schedule 16) affects the land, but is not a permit trigger. This is correct.

Mention is made that the land is also affected by the Specific Controls Overlay (Schedule 3) on page 25. This is also correct. Neither of the Schedules to this overlay trigger the need for a planning permit to subdivide land. However, this overlay does require that certain permit conditions be included on any permit granted to allow a subdivision. This requirement will be discussed in more detail later in this review.

A "Zoning Map" is provided on page 19 of the report to provide context to the list of controls that have been considered in Section 1 of the Crowther & Sadler report.

Figure 3 below provides the current zoning map for the land. It demonstrates that the zoning of the subject sites and the adjoining roads identified in the image on page 19 of the Crowther & Sadler report is still correct.

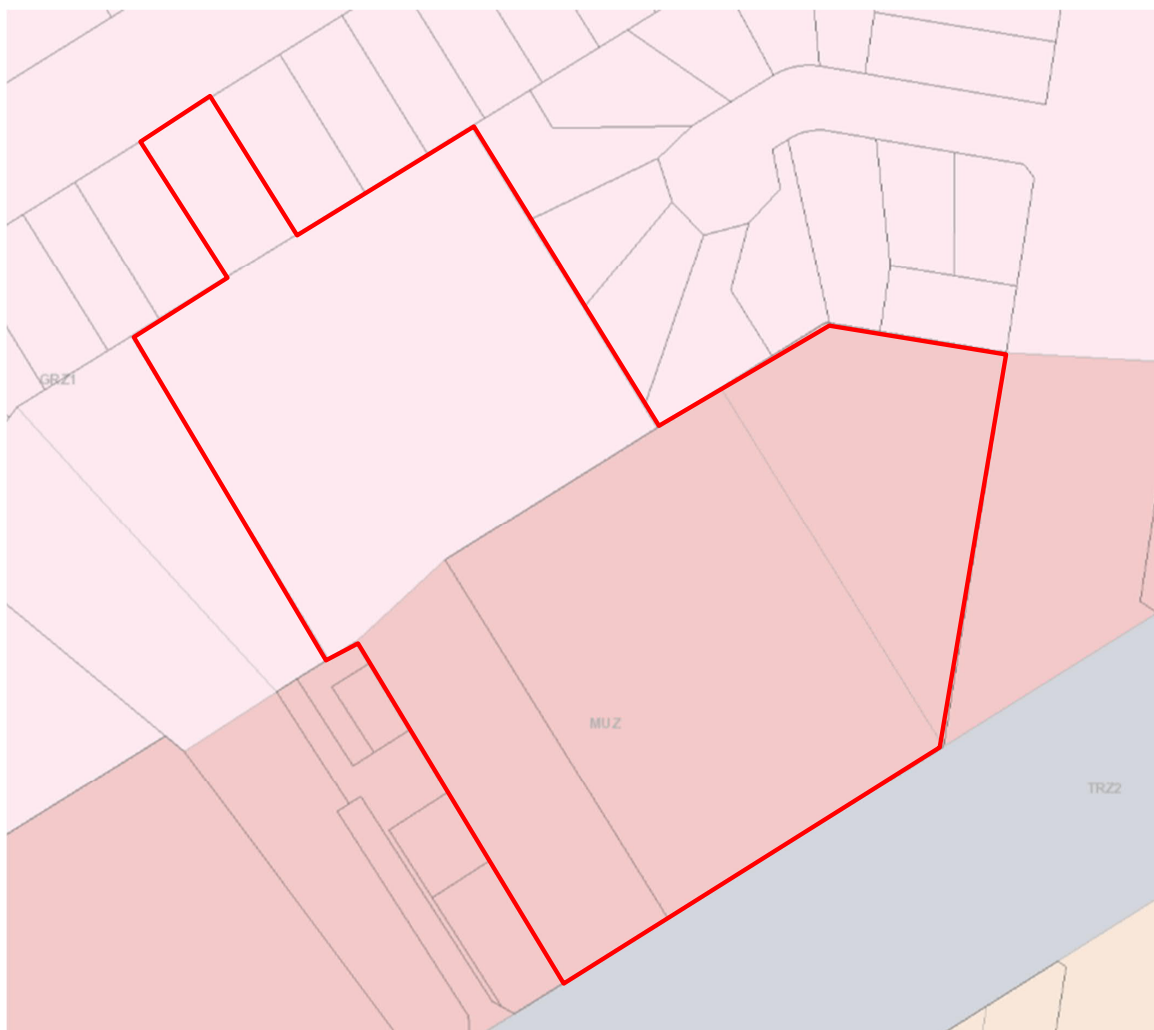


Figure 3: Current Zoning Map  
Showing the subject sites outlined red (Source: VicPlan)

A map showing the extent of the Erosion Management Overlay affecting the subject sites is provided on page 26 of the Crowther & Sadler report.

Figure 4 below provides the current Erosion Management Overlay map for the land. It demonstrates that the extent of the erosion management overlay affecting the land as identified in the image on page 26 of the Crowther & Sadler report is still correct.

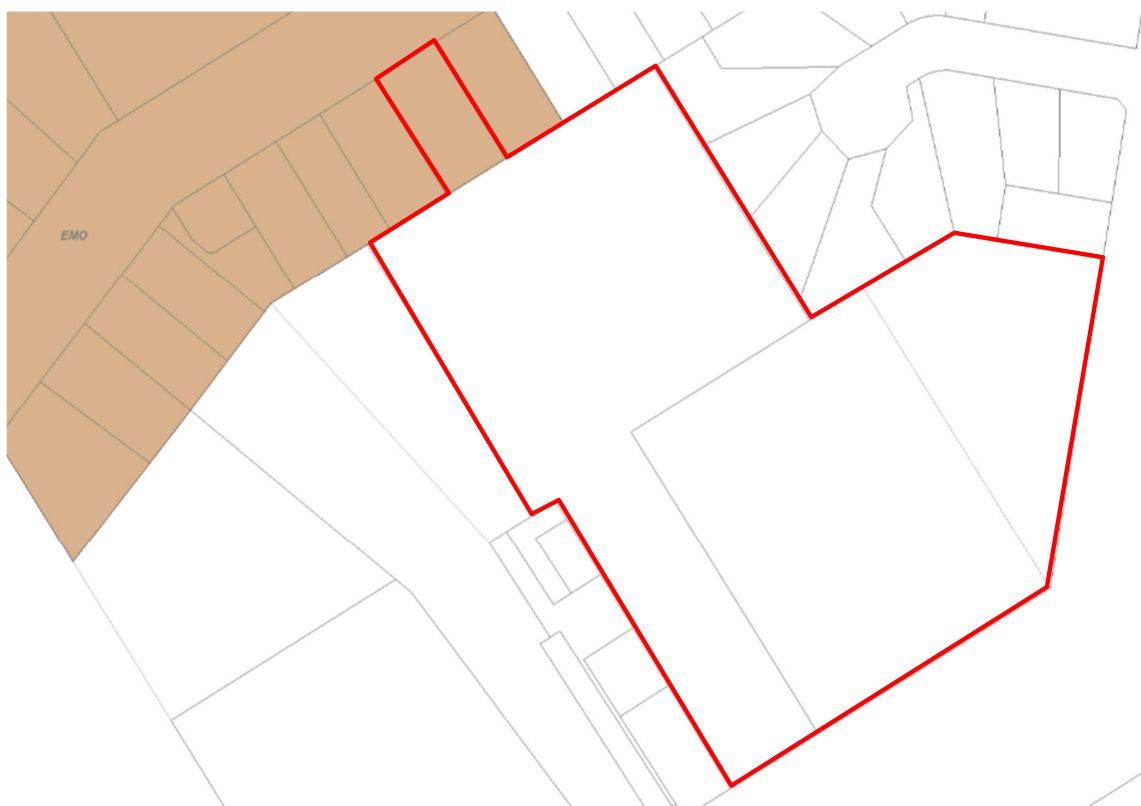


Figure 4: Current Erosion Management Overlay  
Showing the subject sites outlined red (Source: VicPlan)

No maps showing the extent of the Design and Development Overlay or Specific Overlay (Schedules 1 or 3) are provided in the Crowther & Sadler report. It is noted that these overlay controls still apply to the land.

The Crowther & Sadler report makes a note on page 25 that the provisions of Clause 64.03 (Subdivision of Land in More than One Zone) are relevant to the application. This clause provides that:  
"If a provision of this scheme provides that a permit is required to subdivide land and the land is in more than one zone a permit may be granted even if one of the lots does not comply with the minimum lot size requirements of a zone."

In this regard, it is noted that neither the Mixed Use Zone nor the General Residential Zone set a minimum lot size for a subdivision. Hence, the provisions of Clause 64.03 do not come into play.

In this regard, the list of permit triggers nominated in the Crowther & Sadler report appears to be correct.

The application requirements for the proposal through the planning scheme are set through the clauses nominated as permit triggers in the Crowther & Sadler report:

- Clause 32.04 (Mixed Use Zone);
- Clause 32.08 (General Residential Zone);
- Clause 44.01 (Erosion Management Overlay); and,
- Clause 52.29

Peer Response:

This list of permit triggers appears to be accurate.

### 2.2.2. Application requirements under the Mixed Use Zone

The provisions of Clause 32.04-3 provide that:

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

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

It is noted that the Clauses specified in the Table for a subdivision that creates 3-15 lots are:

"All Clauses except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6."

The provisions of Clause 32.04-12 provides that an application must be accompanied by any application requirements specified in a schedule to this zone. It is noted that no requirements are specified in the schedule.

#### Peer Response:

The information provided is discussed later in this report.

### 2.2.3. Application requirements under the General Residential Zone

The provisions of Clause 32.08-3 provide that:

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

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

It is noted that the Clauses specified in the Table for a subdivision that creates 3-15 lots are:

"All Clauses except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6."

The provisions of Clause 32.08-11 provides that:

"An application must be accompanied by the following information, as appropriate:

- ...
- For an application for subdivision, a site and context description and design response as required in Clause 56
- ...
- Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The siting and use of existing and proposed buildings.
  - Adjacent buildings and uses.
  - The building form and scale.
  - Setbacks to property boundaries.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.
- Any other application requirements specified in a schedule to this zone.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement."

#### Peer Response:

The information provided under this clause is discussed later in this report.

#### 2.2.4. Application requirements under the Erosion Management Overlay

Clause 44.01-6 provides that:

"An application must be accompanied by any information specified in a schedule to this overlay and information showing:

- The existing site conditions, including land gradient and the extent of any existing erosion, landslip or other land degradation.
- The extent of any proposed earthworks.
- The means proposed to stabilise disturbed areas.
- Any other application requirements specified in a schedule to this overlay."

It is noted that point 4.0 to the Schedule to the Erosion Management Overlay provides that:

"In addition to the information required by Clause 44.01-6 an application to develop land and/or remove vegetation must be accompanied by a Site and Surrounds Plan and a geotechnical risk assessment prepared by a suitably qualified and experienced geotechnical practitioner.

##### Site and Surrounds Plan

A Site and Surrounds Plan must be drawn to scale with dimensions and show:

- Details of the land and adjoining land including areas of existing erosion, topography, waterways, vegetation, all existing development, retaining walls, drainage, other infrastructure and any other relevant site and locality features.
- All proposed development including details of excavations and fill, vegetation removal, driveways, retaining walls and effluent disposal systems.
- Details of any existing and/or proposed building envelopes on the land.

##### Geotechnical risk assessment

The geotechnical risk assessment is to include as appropriate:

- Details of the date and methodology of the geotechnical assessment undertaken.
- Details of the geotechnical hazards relevant to the proposed development and to adjoining land.
- Recommendations about measures to be taken to manage geotechnical hazards including but not limited to:
  - The suitability of the land for the proposed development.
  - Measures to manage geotechnical hazard during the development period.
  - Limitations to excavations and fill.
  - Soil rehabilitation techniques for disturbed areas.
  - Drainage design and capacity.
  - Footings and foundation design including any required retaining walls.
  - The design of structural elements including load bearing capacities.
  - Any other measures required to be undertaken on- or off-site to manage geotechnical hazard.
- Recommendations to minimise the residual risk to life and property after the development is completed.

##### Waiver or reduction of application requirements

If a suitably qualified and experienced geotechnical practitioner demonstrates to the satisfaction of the responsible authority that a geotechnical risk assessment is not relevant to the assessment of an application, the responsible authority may reduce or waive the requirement for a geotechnical risk assessment."

##### Peer Response:

The Crowther & Sadler report includes a letter seeking a waiver of the requirement for a geotechnical assessment that has been prepared by Chris O'Brien and Company Pty. Ltd. It is understood that Council have accepted this

assessment as sufficient to satisfy the provisions of this Clause and that they are not contested by objectors to the application.

#### 2.2.5. Application requirements under Clause 52.29 – Land Adjacent to the principal road network

Clause 52.29 does not specify any application requirements for subdivision of land adjacent to the Principal Road Network.

Rather, it sets a requirement for any application that subdivides land into more than 2 lots or creates or alters access to land in the Transport Zone 2 to be referred to the referral authority specified under Clause 66.03 of the Scheme.

#### Peer Response:

The application does not rely upon access to the residential lots via Calvert Street and access to the Kmart shop is already defined through the Incorporated Plan. So, the information provided should be sufficient for Department of Transport to make a decision.

#### 2.2.6. The Site and Context Description provided in the Crowther & Sadler report

The Crowther & Sadler report includes a section titled 'Subject land and surrounding context'

This part of the report provides a written description of:

- the former use of the site, i.e. prior to the recent demolition of buildings and clearance of vegetation;
- The area of the subject sites, i.e. 1.56ha and 797.6m<sup>2</sup> respectively;
- How access will be made to the 598-610 Main Road under a development approved under Amendment C163 to the East Gippsland Planning Scheme;
- The nature of adjoining roads;
- The extent of the local footpath network and how it is being extended;
- The current development, landscaping and access arrangement at 29 Greene Street;
- The presence of a street tree in the verge abutting 29 Greene Street;
- The area and shape of the overall subject site; and,
- Land uses surrounding the subject site.

It is noted, however, that the balance of the report, including the erosion risk assessment and drainage report, also provides information about:

- the topography of the site;
- the fact that all vegetation appears to have been cleared from it;
- the presence of existing drainage and other service infrastructure in surrounding streets;
- the general appearance of the soils on the site and the absence of erosion;
- existing easements

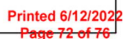
This section of the report is supported by the Site Context map that is reproduced at Figure 5.

The report is also supported by two further documents both titled "Design Response Plan". These documents are reproduced at Figures 6 & 7. They provide a brief description of the nature of the housing on adjoining properties with an aerial view of those properties overlaid to give a general idea of building setbacks.





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Peer Review of Planning Permit application



The provisions of Clause 56.01-1 (Subdivision Site and Context Description) provide that:

“The site and context description may use a site plan, photographs or other techniques and must accurately describe:

- In relation to the site:
  - Site shape, size, dimensions and orientation.
  - Levels and contours of the site.
  - Natural features including trees and other significant vegetation, drainage lines, water courses, wetlands, ridgelines and hill tops.
  - The siting and use of existing buildings and structures.
  - Street frontage features such as poles, street trees and kerb crossings.
  - Access points.
  - Location of drainage and other utilities.
  - Easements.
  - Any identified natural or cultural features of the site.
  - Significant views to and from the site.
  - Noise and odour sources or other external influences.
  - Soil conditions, including any land affected by contamination, erosion, salinity, acid sulphate soils or fill.
  - Any other notable features or characteristics of the site.
  - Adjacent uses.
  - Any other factor affecting the capacity to develop the site including whether the site is affected by inundation.
- An application for subdivision of 3 or more lots must also describe in relation to the surrounding area:
  - The pattern of subdivision.
  - Existing land uses.
  - The location and use of existing buildings on adjacent land.
  - Abutting street and path widths, materials and detailing.

- o The location and type of significant vegetation.

#### Peer Response:

The information provided across Section 2 of the Crowther & Sadler report and the supporting documents, including those reproduced from the Appendices at Figures 5-7 appear to comprise an adequately comprehensive description of the existing site and surrounds with respect to the items listed at Clause 56.01-1 of the East Gippsland Planning Scheme.

#### 2.2.7. The Design Response provided in the Crowther Sadler Report

A Section titled "The Application and Proposal" is included at page 11 of the Crowther & Sadler report.

This part of the report provides:

- A brief description of how the subdivision will be carried out across the two stages;
- The range of lot sizes being created in Stages 1 & 2;
- How road access will be created to Stage 2 of the subdivision;
- Details of the proposed new road within Stage 2;
- How the new development will be drained;
- A note that refers to the finding of the traffic report that the proposed road access complies with Clause 56; and,
- An image of the street tree that will need to be removed in Greene Street to allow the creation of the new road access to Stage 2 of the subdivision.

An appraisal of the proposal against the relevant State and Local Planning Policies is provided across pages 17 & 18 of the report.

Further commentary on the proposed subdivision is provided at section 8.2, whereby it is suggested that:

- The subdivision will respect the character of the broader residential and commercial precincts;
- Allow for a diversity of housing types;
- Is in a well serviced location;
- The site is well sited with regard to community facilities;
- The proposed layout is designed to allow appropriate further development;
- The development of the land for residential purposes is supported by State and Local Planning Policies.

Finally, the following general statement is made in response to Clause 56.01-2 within the body of the Clause 56 Assessment Table on page 21:

"The subdivision design responds to the opportunities and constraints of the land. The proposed subdivision creates Lot A for the approved commercial development. The incorporation of the Greene Street property with the northern surplus land avoids access reliance through Lot A providing direct road access to proposed lots 1-11 and a controlled intersection with Greene Street. Provision of a new road provides for ease of access, casual surveillance of the area, and physically and socially integrated infill development with the wider precinct. The subdivision design proposes a mix of lot sizes respectful of the surrounding neighbourhood character, that will encourage future development to provide well located northern private open space, vehicle parking on the lots, dwelling orientation to the new road, spacing of future built form, provision of front garden landscaping and allowance for appropriate internal amenity for future land owners."

Clause 56.01-2 (Design Response) provides that:

"A design response must explain how the proposed design:

- Derives from and responds to the site and context description.
- Responds to any site and context features for the area identified in a local planning policy or a Neighbourhood Character Overlay.
- Responds to any relevant objective, policy, strategy or plan set out for the area in this scheme.
- Meets the relevant objectives of Clause 56.

The design response must include a dimensioned plan to scale showing the layout of the subdivision in context with the surrounding area. If in the opinion of the responsible authority this requirement is not relevant to the assessment of an application, it may waive or reduce the requirement."

Peer Response:

Based upon the explanation of how the proposed subdivision complies with the quoted State & Local Planning Policies, it is agreed that the application is supported by State and Local Planning Policies.

However, the 'Design Response Plans' prepared to support the development do not make it easy to draw a direct link between the new development and what exists around it, as they do not show the proposed new residential lot layout, just the areas of adjoining properties. They also, crucially as it turns out, did not include any lot bearings or frontage widths.

It is possible to make a reasonable comparison between the proposed residential lots and those surrounding them if a few plans are viewed together, i.e. the proposed plan of subdivision from page 11 and the design response plans. However, the lot frontage widths in Greene Street and the lot bearings can only be ascertained by reviewing Lodged Plan No. 51905. It is noted that lots in Greene Street are around 18m – 20m near the subject site and the lengthwise orientation of lots is shown as 229°10' on Lodged Plan No. 51905. It is noted that this orientation is outside the range of north 30 degrees east, as specified at Clause 56.04-3.

The range of lot sizes would appear to be similar to those existing in Greene Street and Arco Court, i.e. between 540m<sup>2</sup> and 1,394m<sup>2</sup> in surrounding streets and between 506m<sup>2</sup> and 977m<sup>2</sup> within the proposed development.

However, the shape of the proposed lots appears to be uniformly thinner, particularly than the adjoining lots fronting Greene Street. The impact of this difference is tempered to a degree by the irregular shapes of lots in Arco Court.

In any event, the site is not subject to any specific neighbourhood character controls that clarify how closely what is proposed should match what surrounds the site. So, the fact that a similar range of lot areas is proposed in the subdivision to that surrounding is sufficient to validate comment in the Crowther & Sadler response to Clause 56.01-2 about there being an appropriate mix of lots.

In short, apart from the omission of lot bearings and how the lots can be developed to overcome their awkward lengthwise orientation, the Crowther & Sadler report provides an adequately detailed Design Response for Council to make a decision on the permit application.

#### 2.2.8. The response to balance of Clause 56

The Crowther & Sadler report includes a table in section 8.3 with a response to the relevant standards and objectives of Clause 56.

This table states that the proposed subdivision complies with the standards to Clauses 56.01-1, 56.01-2, 56.03-5, 56.04-1, 56.04-2, 56.04-3, 56.04-4, 56.04-5, 56.05-1, 56.06-2, 56.06-4, 56.06-5, 56.06-7, 56.06-8, 56.07-1, 56.07-2, 56.07-3, 56.07-4, 56.08-1.

Peer Response:

Table 1 below provides a peer review comment next to the statement made in the Crowther & Sadler report.

Table 1: Peer review of Crowther &amp; Sadler commentary in Clause 56 assessment

Clause	Crowther & Sadler response	Peer Review Comment
56.01-1	Complies See attached Site Context Plan, Design Response Plans and above comments on the subject land and surrounding precinct in Section 2 of this Report.	Agreed, although the lack of bearings on the lots does make it difficult to ascertain compliance with Clause 56.04-3 in particular, which has flow on effects to other clauses.
56.01-2	Complies The subdivision design responds to the opportunities and constraints of the land. The proposed subdivision creates Lot A for the approved commercial development. The incorporation of the Greene Street property with the northern surplus land avoids access reliance through Lot A providing direct road access to proposed lots 1-11 and a controlled intersection with Greene Street. Provision of a new road provides for ease of access, casual surveillance of the area, and physically and socially integrated infill development with the wider precinct.  The subdivision design proposes a mix of lot sizes respectful of the surrounding neighbourhood character, that will encourage future development to provide well located northern private open space, vehicle parking on the lots, dwelling orientation to the new road, spacing of future built form, provision of front garden landscaping and allowance for appropriate internal amenity for future land owners.	The commentary in the first paragraph provides an accurate and useful explanation of why the proposed development provides an appropriate infill development.  The lack of bearings and 10m x 15m rectangles on the design response plan make it difficult to ascertain whether the lots can achieve all of the requirements listed in this section.

Clause	Crowther & Sadler response	Peer Review Comment
56.03-5	<p>Complies</p> <p>Although there is no defined neighbourhood character for the precinct, Council policy clearly seeks infill development within the existing urban area. The existing and emerging character of the area is commercial and light industrial uses to the south, fronting Main Street, with residential development to the north and east. Residential lot sizes, shape and subsequent built form varies in terms of massing, dwelling design, form, materials and colours reflective of development occurring over a period of time.</p> <p>The proposed subdivision has been designed to be respectful of surrounding development by nominating allotments for residential use which will each direct road frontage.</p> <p>Lot configuration provides for the approved commercial development to front Main Street. Residential allotments provide for lot areas and sizes consistent with many lot sizes and shapes in the area. The proposed layout allows for either conventional dwelling development or construction of more specialised building form. The orientation of lots should result in built form that addresses the new internal road and provision of open space that should respect the amenity of neighbouring properties.</p>	<p>Agreed. There is no defined neighbourhood character or Council policy as regards character for this part of Bairnsdale.</p> <p>Agreed, this is an accurate portrayal of the neighbourhood character.</p> <p>Agreed, direct road frontage for the new lots will reflect the pattern of development in the area. Agreed, the nature of the commercial lot is relatively consistent with that prevailing along Princes Highway.</p> <p>Disagree. The orientation of the lots would appear to be outside the acceptable range under Clause 56.04-3.</p>
56.04-1	<p>Complies</p> <p>The proposed subdivision will result in infill residential development in an existing, well serviced urban precinct.</p> <p>A range of lot sizes are proposed, each of which achieve a minimum area above 500 sqm to ensure the character of the area was respected.</p>	<p>Agreed. The proposed development will be a well-serviced infill development.</p> <p>Agreed, the lot sizes are consistent with those surrounding.</p>
56.04-2	<p>Complies</p> <p>Lot sizes have been designed exceeding 500 sqm and all have the ability to contain a rectangle of 10 x 15 metres. Lot areas and configuration allow for the provision of future development, private open space, on site car parking and meaningful landscaping opportunities.</p>	<p>Disagree. The ability of the lots to accommodate 10m x 15m rectangles is not demonstrated on the design response plan. Given the orientation of the lots appears to be outside the accepted range under Clause 56.04-3, future development may struggle to achieve appropriate amenities for future owners.</p>

Clause	Crowther & Sadler response	Peer Review Comment
56.04-3	<p>Complies</p> <p>The proposed allotments can easily achieve good solar access. There are no steep slopes or adverse landforms provided on the property and adjoining development is setback appropriately.</p>	Disagree. In the absence of bearings on the lots, the title is all the assessor can rely upon. It would appear to show that the lengthwise orientation of all lots is going to be outside the acceptable range. A design response plan showing how appropriate 10m x 15m rectangles can be arranged on the lots, bearing in mind the presence of any easements, is needed to demonstrate that the objective can still be met.
56.04-4	<p>Complies</p> <p>Direct access to the new internal street has been provided, enabling future development to address the new street and provide strong visibility and surveillance.</p> <p>It is anticipated that future development will be located towards the proposed lot frontage boundaries, consistent with the prevailing neighbourhood character.</p>	Agreed. The proposed road access will provide an opportunity for appropriate street address and passive surveillance.
56.04-5	<p>Complies</p> <p>No common property is proposed within the subdivision.</p>	Agreed.
56.05-1	<p>Complies</p> <p>The proposed road reserve has been designed to allow for significant landscape planting within the road reserve, with generous proportions to west of the proposed intersection to provide for appropriate transition to Greene Street. The remainder of the new road provides for appropriate width road reserves to incorporate street trees.</p>	Agreed. The road reserve will provide for appropriate landscaping opportunities.
56.06-2	<p>Complies</p> <p>There is minimal formalised walking and cycling paths within the precinct. The proposal will include the development of a footpath within the new road reserve. As part of the proposed subdivision, the Applicant is willing to make a financial contribution towards the extension of the existing footpath within Greene Street.</p>	Refer to traffic advice.

Clause	Crowther & Sadler response	Peer Review Comment
56.06-4	<p>Complies</p> <p>The new road will be developed as a low-speed environment, with dedicated pedestrian footpath and a controlled intersection with Greene Street. In this instance the provision of a cul-de-sac is appropriate given connections to neighbouring lots is not required and allows for safe turning of emergency vehicles at the end of the street.</p>	Refer to traffic advice.
56.06-5	<p>Complies</p> <p>The proposed footpath will be developed to accommodate persons with wheelchairs, prams, scooters and pedestrians, and will meet the IDM construction standards.</p>	Refer to traffic advice.
56.06-7	<p>Complies</p> <p>The proposed road will be fully constructed with mountable kerb and channel, footpath and landscaping. The road is to be developed to encourage a low-speed environment and allow for vehicle crossings to be easily developed by future land owners to service driveway location.</p>	Refer to traffic advice.
56.06-8	<p>Complies</p> <p>The proposed new road will be developed as an access place consistent with anticipated vehicle volumes and speeds.</p>	Refer to traffic advice.
56.07-1	<p>Complies</p> <p>Reticulated drinking water will be provided to each new lot. 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 as proposed.</p>	Agreed. The provision of reticulated water supply is appropriate.
56.07-2	<p>Complies</p> <p>East Gippsland Water, the relevant local authority does not have any requirements for the installation of re-used and recycled water supply in this precinct. The Site Drainage Plan proposes that each proposed vacant lot will require a 4,000L rainwater tank, providing 2,000L for reuse on site associated with flushing of toilets and laundry services. This will contribute to a reduced demand for potable water.</p>	This peer review does not include an assessment of the appropriateness of the proposed drainage plan.

Clause	Crowther & Sadler response	Peer Review Comment
56.07-3	<p>Complies</p> <p>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 proposed allotment.</p>	Agreed. This is an appropriate approach.
56.07-4	<p>Complies</p> <p>The subject land will be drained via a stormwater drainage system that will be constructed within the internal road and along Greene Street to the municipal drainage system. The proposed drainage will utilise rainwater tanks to achieve detention and allow for reuse within the future dwellings. A grassed swale leading to a proposed SPEL Vault which will treat the stormwater, will be implemented to achieve water quality best practice.</p>	This peer review does not include an assessment of the appropriateness of the proposed drainage plan.
56.08-1	<p>Complies</p> <p>The site management associated with the use and development on Lot A is sufficient for subdivision requirements for Lot A. It is considered a similar construction management condition for the residential lots would form a condition of the planning permit.</p>	Agreed. This is an appropriate and common method of dealing with construction management requirements.



### 3. ASSESSMENT OF TRAFFIC AND AMENITY

In assessing the traffic and amenity of the proposal (Stage 2 of the subdivision), Beveridge Williams undertook a peer review of Stantec's Traffic Impact Statement as per Section 5.

In summary Beveridge Williams believes that the proposed road, affording access to the 11 proposed lots, generally aligns with the East Gippsland Planning Scheme and/or the Infrastructure Design Manual (save for the proposed court bowl as discussed in Section 5). Anticipated traffic volumes associated with the proposal would not unduly impact the function of Green Street and the surrounding road network for all given road users and the ultimate traffic volumes will remain below the threshold limits of the relevant street types.

In addition, resident objections were reviewed, identifying numerous traffic themes. In Table 2, Beveridge Williams addresses the relevant objector themes.

Table 2: Peer review of Objector's Traffic Concerns

Objector Themes	Beveridge Williams Response
Unacceptable access to Greene St	<p>It is expected the proposed residential subdivision will yield an additional 10 vehicles per day (vpd) or 10 vehicle movements during the peak hour. This is considered low in traffic engineering terms, with all existing roads that would see the traffic increase, able to accommodate the ultimate traffic.</p> <p>The new proposed road can cater for up to 300vpd as per the Infrastructure Design Manual (IDM).</p> <p>Greene Street can cater for up to 1,000vpd as per the East Gippsland Planning Scheme. It is estimated that the anticipated ultimate traffic volume along Greene Street (existing plus development) would be in the order of 620vpd (520 existing vpd plus 100 additional vpd). This is below the capacity of the road.</p> <p>Notwithstanding, traffic modelling has been undertaken at the Green Street / Calvert Street intersection to assess the existing and future operation of the intersection. The modelling is found in Section 3.1.</p>
Green St unable to accommodate additional traffic	Refer to comment above.
Impact on Finchley Court access and egress	<p>Finchley Court is located some 47 metres west of Calvert Street with direct access to Greene Street.</p> <p>It is expected, based on traffic modelling that access to Finchley Court would not be impacted, given that maximum queues forming at the Green Street/Calvert Street intersection post development are up to 1 vehicle during peak periods.</p> <p>During peak periods, 1 additional vehicle is expected to pass Finchley Street every 6 minutes. This level of traffic will largely be imperceptible.</p>

Objector Themes	Beveridge Williams Response
Safety of pedestrians in Green St from increase traffic flow	<p>A short pedestrian path, of approximately 113 metres in length, is provided along the north of Greene Street extending from Calvert Street. No other footpath exists within Green Street.</p> <p>A review of the area shows that most local streets do not provide for pedestrian paths, with pedestrians sharing the road with vehicles or walking along nature strips.</p> <p>The low-speed environment, low additional traffic volumes, the appropriate driver visibility and the residential nature of the existing and proposed road network is considered appropriate and it is not expected the proposal would exacerbate any risk to pedestrians (and other road users).</p> <p>As part of the proposed development a footpath is proposed along one side of the road, exceeding the existing footpath provisions on similar roads within the area.</p>
Street car parking pressures on Greene St due to the development	<p>The East Gippsland Planning Scheme outlines there is a requirements to provide 1 space per 5 dwellings for developments of 5 or more dwellings Applying this principle to the subdivision, there is a requirement to cater for 2 visitor spaces. This level of parking can be comfortably accommodated along one side of the new road. It is not expected that vehicles associated with visitors to the subdivision would utilise Greene Street noting the ample parking within the proposed road.</p> <p>The proposal to remove some on street parking directly opposite the new road would not result in any parking issues, noting the ample parking opportunities that exist within Greene Street.</p>
Access should be provided to Calvert St in lieu of Green St	<p>Calvert Street functions as a connector street. The primary purpose of a connector street is to connect neighbourhoods and to link local streets to the arterial road network.</p> <p>As part of Stage 1 of the subdivision (Kmart site) Calvert Street will provide for access to the rear loading area of Kmart. The loading access facility directly abuts the land housing the proposed residential subdivision in question (Stage 2). As a result, access to the proposed residential subdivision would be required via the loading bay, which is not good practice from a traffic engineering/safety perspective (mixing commercial heavy vehicles with residential cars).</p> <p>Green Street has ample capacity to cater for the existing traffic plus the additional traffic associated with the proposed subdivision and would be more suited for residential traffic. The new subdivision would operate as a 'cul-de-sac' of which there are many in close proximity.</p>
The need for further footpaths on Greene St	<p>Greene Street footpath arrangements are commensurate with other local roads in proximity to the site.</p> <p>Notwithstanding this, footpath provision along Green Street is a matter for Council to address.</p>

### 3.1. Traffic Modelling (Greene Street / Calvert Street Intersection)

To assess the impacts of any increased level of development associated with the subject site, an intersection modelling analysis was undertaken using the SIDRA intersection Software Package for the Greene Street / Calvert Street intersection.

The SIDRA Intersection software package has been developed to assess intersection operation/ performance by providing information on the capacity of an intersection with regard to a number of parameters. Those parameters considered relevant are as follows:

- Degree of Saturation (DoS)  
The DoS represents the ratio of the traffic volume making a particular movement compared to the maximum capacity for that particular movement. As a general rule, the value of the DoS has a corresponding rating depending on the ratio as shown below in the table below:

Table 3: Degree of saturation rating system

Degree of Saturation	Rating
Up to 0.60	Excellent
0.61 – 0.70	Very Good
0.71 – 0.80	Good
0.81 – 0.90	Fair
0.91 – 1.00	Poor
Above 1.00	Very Poor

- Average Delay (seconds)  
Average delay is the time delay that can be expected for all vehicles undertaking a particular movement in seconds
- Anticipated Queues  
The maximum queue length in metres that can be expected in the peak hour

Based on the SIDRA intersection analysis results outlined in Table 4 below, it is anticipated that the low additional traffic volumes from any future development (1 movements every 6 minutes during the peak hour) with direct access to Greene Street would have imperceptible impacts to Greene Street and the surrounding road network.

Table 4: Traffic volume

Intersection	Peak	Approach	DoS	Average Delay (Sec) (max.)	Queue (m) (max.)
Greene St / Calvert St Existing	AM	South	0.028	5.5	0
		North	0.104	5.5	0.1
		West	0.044	6.4	1.2
	PM	South	0.118	5.6	0
		North	0.030	7.1	0.4
		West	0.021	6.4	0.6
Greene St / Calvert St Existing + Post development traffic	AM	South	0.118	5.6	0
		North	0.030	7.1	0.4
		West	0.021	6.4	0.6
	PM	South	0.121	5.6	0
		North	0.031	7.2	0.4
		West	0.025	6.5	0.7

It is noted the traffic numbers used for the assessment were estimated based on residential lots along Green Street, and daily traffic volumes of 2,400 along Calvert Street from 2020. Whilst it is expected the assessment would represent the existing conditions of the above intersection, it is recommended that updated traffic counts are undertaken at the intersection and an updated model is prepared.

#### 4. SPECIFIC ASSESSMENT OF THE VEHICULAR ACCESS TO GREENE STREET

As stated previously, the subject site is affected by a Specific Controls Overlay (Schedule 3). The inclusion of this overlay in the East Gippsland Planning Scheme was made under Amendment C163egip.

It is understood that:

- Amendment C163egip was made by the Priority Projects Standing Advisory Committee;
- The amendment was preceded by a panel hearing that heard evidence for and against the use and development of the site for a Kmart supermarket; and,
- Access to the balance land at the rear of the property was a consideration of the panel.

The findings of the Panel Hearing led to the drafting and inclusion of an incorporated document into the East Gippsland Planning Scheme.

This incorporated document included the following statement:

"The following conditions apply to a planning permit application for the use, subdivision or to construct a building or construct or carry out works on all or part of the Surplus Land (shown in Figure 1 of this incorporated document) where that application relies on access to Calvert Street for:

- A development comprising more than 10 residential dwellings; or
- A development comprising more than 10 residential allotments with associated common property; or
- A development that would generate more than eight vehicle movements from the Surplus Land via Calvert Street during weekdays between 3.00pm to 4.00pm or Saturdays between 10:30am and 11:30am.

6.37 Vehicular access to the Surplus Land must be created as a road reserve and constructed to meet the requirements of the local authority.

6.38 The application must demonstrate that any proposed vehicular access to Calvert Street will not have unreasonable traffic impacts to the Road Zone 1 (Main Street, Bairnsdale), to the satisfaction of the Department of Transport.

6.39 Any planning permit or other form of planning approval granted for the use or development of the Surplus Land must include the following conditions, or similar, to the satisfaction of the responsible authority:

- a) Access to and from the Surplus Land must not be provided via the loading bay and western driveway associated with the Department store at 598-610 Main Street, Bairnsdale with frontage to Main Street.
- b) Clearly identifiable street signage must be provided on Calvert Street for the purpose of property identification and emergency vehicle access, to the satisfaction of the responsible authority..."

On the face of it, this statement suggests that any permit issued to allow a subdivision of the 'surplus' land should be accessed via a new road reserve created along the north side of the Kmart development to provide a connection to Calvert Street.

However, it is pertinent to note that the condition need only be applied to a permit allowing a subdivision, "where that application relies on access to Calvert Street for:

- A development comprising more than 10 residential dwellings; or
- A development comprising more than 10 residential allotments with associated common property; or
- A development that would generate more than eight vehicle movements from the Surplus Land via Calvert Street during weekdays between 3.00pm to 4.00pm or Saturdays between 10:30am and 11:30am."

The proposed development does not rely upon access via Calvert Street to any of the new lots. Rather, the proposed access would come via the conversion of 29 Greene Street to a road reserve and an 'access place' constructed therein. Greene Street is a local road that accesses Calvert Street at its east end terminates at a cul-de-sac to the west of the subject site.

#### 4.1. Advantages and disadvantages in comparison to an alternative access via the Kmart site

The Crowther & Sadler report provides a 'Recent Planning History' for the property starting on page 10. This section discusses the previous lodgement of an application to subdivide the subject land into two lots under application 222/2022/P. The plan lodged as part of that application is provided at Figure 8.



Figure 8: Reproduction of the plan lodged under application 222/2022  
(Page 10 of the Crowther & Sadler report)

On page 10 of the Crowther & Sadler report it is stated that:

- planning application 222/2022/P met with a large number of objections that, in part, expressed concern about what was going to be proposed for the vacant balance land; and,
- the application was withdrawn so that the current application could be lodged to show a lot layout for the vacant balance land and vehicular access to it.

The Crowther & Sadler report provides a table that explains how they see the current application providing a response to the previous objections at Page 14.

This part of their assessment notes that the use of an alternate access for the new subdivision that came through Lot 1, i.e. the Kmart site, was deemed inappropriate based upon two significant issues "being safety and a sense of address for the proposed residential lots".

It is noted that the issue of safety around the access point to Calvert Street, whether it was being used for both loading/unloading associated with the Kmart store and/or a residential subdivision, was discussed in the panel report for amendment C163egipps.

For example, potential safety issues around the new intersection resulting from vehicle queuing back to the Princes Highway and the need for movement of an existing bus stop on the west side of Calvert Street were considered. However, these challenges were deemed able to be dealt with through the permit conditions outlined above.

In summary, the finding of the panel was that "there are no significant traffic or access issues that warrant refusal of the proposal."

So, it would appear that the panel decided that the use of Calvert Street for access that served both the Kmart supermarket loading & unloading area and a residential subdivision of around "10 lots" was generally acceptable.

Notwithstanding this, the condition imposed by the Incorporated Document that resulted from Amendment C163egipp was only deemed necessary in a circumstance whereby access was being made via Calvert Street.

Hence, as the proposed subdivision does not rely upon Calvert Street (at least directly), Council is not bound to impose those permit conditions on the subdivision if it is approved.

The Crowther & Sadler report includes a Traffic Impact Assessment prepared by Stantec Pty. Ltd. The pertinent findings of this report were that:

- ...It is anticipated that the future traffic volumes on the internal street of the subdivision and Greene Street will remain well below the daily amenity-based threshold limits for the relevant street types.
- Vehicle access via Greene Street is consistent with its role and function in the broader road network.

The report has been reviewed by Beveridge Williams & Co. Pty. Ltd. Traffic Engineering division.

The findings of this review are that:

- In Beveridge Williams' opinion Stage 2 of the proposal generally aligns with the East Gippsland Planning Scheme and/or the Infrastructure Design Manual from a safety and traffic volume perspective. The anticipated traffic volumes associated with the proposal would not unduly impact the function of Green Street and the surrounding road network for all road users. The ultimate traffic volumes will remain below the threshold limits of the relevant street types.

So, it would appear that the use of 29 Greene Street for road access to the proposed subdivision will comply with the relevant road management standards.

#### Peer Response:

The advantages of using Greene Street as the road access to the proposed residential subdivision relative to a connection straight to Calvert Street would appear to be that:

1. Greene Street is a relatively quiet residential street that does not carry as many daily traffic movements as Calvert Street;
2. The new intersection would not be proximal to any other intersections, whereas a new intersection onto Calvert Street would be relatively close to the Princes Highway, which could potentially lead to queuing impacts;
3. The new intersection would not be proximal to a median strip, whereas a new intersection onto Calvert Street would be opposite a median strip, which would lead to the need for egressing vehicles to do a 'u-turn further to the north in order to gain access to the Princes Highway;
4. Sightlines to and from the new intersection along Greene Street are adequate in light of the 50km/h speed limit and the fact that Greene Street is not a through road, whereas Calvert Street is a much busier road;



5. 29 Greene Street is of adequate width to accommodate a road reserve associated with an 'access place', as required under Clause 56 for a road with a traffic volume of less than 1,000 vehicle movements per day, whereas an access off Calvert Street would be shared with commercial traffic which would mean that the road standard, at least across the easternmost portion would likely be different;
6. The location of a new, relatively short, residential cul-de-sac with access via an existing residential street is not unusual. This will make it easier for visitors and emergency service officers seeking to find properties within the new subdivision. A road access that came past the rear loading bay of Kmart and had no other housing along it for the first 100 metres before reaching the new subdivision may confuse visitors and emergency service officers. In other words, access via Greene Street would be more "legible", or easily understood, to people visiting properties within the subdivision for the first time by comparison with the alternate access.

The advantages of using a connection straight to Calvert Street as the road access to the proposed residential subdivision relative to Greene Street would appear to be that:

1. It was the access outcome foreshadowed in the panel report and one that Council Officers actively requested be accommodated in the incorporated document that was gazetted as part of Amendment C163egipps; and,
2. It will not lead to an increase in traffic flows on Greene Street, which will reduce the impact the proposed subdivision will have on the amenity of existing owners on Greene Street.

It is important to note that the option of creating an access to the new residential subdivision via Greene Street was not considered by the Panel. So, the position of the panel and the discussion around the use of the Calvert Street access has to be taken in context, whereby there were no other viable options at the time. In this regard, the panel did not provide unqualified endorsement of that access insofar as the Incorporated Document still required inclusion of these mandatory conditions on any permit that was issued relying upon that access:

- "6.37 Vehicular access to the Surplus Land must be created as a road reserve and constructed to meet the requirements of the local authority.
- 6.38 The application must demonstrate that any proposed vehicular access to Calvert Street will not have unreasonable traffic impacts to the Road Zone 1 (Main Street, Bairnsdale), to the satisfaction of the Department of Transport.
- 6.39 Any planning permit or other form of planning approval granted for the use or development of the Surplus Land must include the following conditions, or similar, to the satisfaction of the responsible authority:
- a) Access to and from the Surplus Land must not be provided via the loading bay and western driveway associated with the Department store at 598-610 Main Street, Bairnsdale with frontage to Main Street.
  - b) Clearly identifiable street signage must be provided on Calvert Street for the purpose of property identification and emergency vehicle access, to the satisfaction of the responsible authority..."

So, the question of whether a new intersection onto Calvert Street would be able to be safely constructed 'remained up in the air' after the panel issued its findings.

In this regard, Council's active pursuit of conditions that involved the use of that access point should also be taken in context. Now that an alternative access has been found and justification for it given by a Traffic Engineer, Council is both required to:

- Consider the application based upon the access through 29 Greene Street under the provisions of the Act; and,
- Make a decision in light of the Traffic advice provided, or that obtained through a peer review.

Taken on balance, the use of the Greene Street access point is more in keeping with standard planning practice, insofar as it would appear to:

1. be less subject to conflict with passing traffic on the street that it will connect to;
2. not be subject to any conflict with commercial vehicles;
3. be more 'legible' for visitors to the new lots in the subdivision; and,
4. be better able to provide for a road reserve that is compliant with ResCode along its length.



The only matter that it would appear Council needs to consider is whether or not the new access to Greene Street can be created without creating an unreasonable impact upon the amenity of existing owners in Greene Street.

#### 4.2. Reasonableness of Council requiring alternative access via the Kmart site

As discussed above, the provisions of Incorporated Document gazetted into the Scheme as part of Amendment C163egipps establish conditions that must be imposed upon a subdivision application that relied upon access via the new road reserve connection to Calvert Street.

It did not include any conditions or restrictions on applications for subdivision being made that did not rely upon an access arrangement of that nature.

The application that has been lodged does not rely upon that access point.

Section 58(1) of the Planning and Environment Act 1987 states that "The responsible authority must consider every application for a permit."

As discussed previously, an application has been lodged with all of the information required under Section 47(1) of Planning and Environment Act 1987, bar some minor details in the Clause 56 analysis.

So, Council has no option but to assess the current application on its merits.

#### Peer Response:

In this context, it is not reasonable of Council to insist that the applicant amend the application before it will make a decision.

If Council does not support the conversion of land at 29 Greene Street to a road reserve to provide access to the subdivision, it only has only two options:

1. Ask that the applicant amend the application to use the Calvert Street alternative; or, if that option is not taken up,
2. Refuse to grant a planning permit for the application.

In light of the fact that a detailed planning permit application that, setting the failure to demonstrate that the objective of Clause 56.04-3 is met aside, provides all of the information required under Section 47 of the Planning and Environment Act 1987 has been lodged with supporting traffic evidence, Council must make a decision on it as proposed, rather than attempt to impose an alternate, unwanted access arrangement through permit conditions.

#### 4.3. Defensability of a requirement to use alternative access via the Kmart site at VCAT

Opting to impose the use of a road access to the residential subdivision that went directly out to Calvert Street would automatically trigger the need for the permit issued to include the following conditions under the provisions of the Incorporated Document:

1. "Vehicular access to the Surplus Land must be created as a road reserve and constructed to meet the requirements of the local authority.
2. The application must demonstrate that any proposed vehicular access to Calvert Street will not have unreasonable traffic impacts to the Road Zone 1 (Main Street, Bairnsdale), to the satisfaction of the Department of Transport.
3. Any planning permit or other form of planning approval granted for the use or development of the Surplus Land must include the following conditions, or similar, to the satisfaction of the responsible authority:

- o Access to and from the Surplus Land must not be provided via the loading bay and western driveway associated with the Department store at 598-610 Main Street, Bairnsdale with frontage to Main Street.
- o Clearly identifiable street signage must be provided on Calvert Street for the purpose of property identification and emergency vehicle access, to the satisfaction of the responsible authority..."

Peer Response:

The applicant for permit could seek a review of any permit issued with Condition 2, as outlined above, through VCAT. In so doing, they could, quite reasonably, simply rely upon the traffic evidence already provided in arguing that the application, as it is currently proposed, is reasonable.

Condition 2, by its nature, leaves an element of uncertainty as to whether the new intersection would be able to satisfy the Department of Transport, insofar as it would rely upon the preparation of additional traffic evidence.

Speaking practically, VCAT Members typically take a very dim view of permit conditions that leave an element of uncertainty. So, it would fall to Council to prove to the satisfaction of Department of Transport that that the new intersection to Calvert Street could be created without having unreasonable impacts.

It would also fall to Council to prove that the Greene Street access point was unsafe.

It is my view and that of our Traffic Engineering Team that the proposed Greene Street access can be constructed so that it is not unsafe and would be a superior planning outcome.

So, in my opinion, the inclusion of condition 2 in any permit granted to allow the subdivision of the 'surplus' land would leave Council with both the expense of obtaining independent traffic advice and the task of convincing a VCAT member that it was right to effectively make an unsolicited amendment to an application through permit conditions against traffic advice obtained by the applicant and prior to advice supporting its decision being available.

In this context, the imposition of a condition in the nature of condition 2 above may not be defensible at a VCAT hearing.

## 5. PEER REVIEW OF THE TRAFFIC IMPACT STATEMENT

### 5.1. Project context

Stantec Pty Ltd, prepared a Transport Impact Statement (letter), dated 24 August 2022, in association with the proposed 11 lot residential subdivision located at 29 Greene Street in Bairnsdale (Planning Permit No. 222/2022/P). This residential subdivision forms stage 2 of a broader subdivision (comprising stage 1 and stage 2) as discussed in the earlier sections of this document. The stage 2 subdivision is shown in Figure 2 of Section 1.1

#### Peer Response:

(Comment) The Transport Impact Statement did not largely assess the 11 lot subdivision in the context of the broader subdivision of land at 598-610 Main Road and 29 Greene Street, and relied upon the planning submission that was prepared by Crowther Sadler & Co. Pty. Ltd to do so. This is considered appropriate in general terms given access to the 11 lot subdivision can be afforded without reliance to the broader subdivision (i.e. independent access via Greene Street).

### 5.2. Existing conditions

The Transport Impact Statement provides for typical headings within the existing conditions sections of the letter including Subject Site Location, Road Network, Public Transport, Pedestrian Access, Cycling Access and Accident History.

#### Peer Response:

The consideration of the above existing conditions elements are appropriate. There are, however, a number of items that Beveridge Williams has a differing view/opinion on with respect to existing conditions as provided in Table 5.

Table 5: Review of Stantec Commentary

Stantec Comments	Beveridge Williams view / opinion
'(Greene Street) is a two-way road aligned in a southeast-northwest direction and adjacent to the site is configured with a two-way 6.6 metre wide carriageway (approx.)'	It is considered that Greene Street has a wider effective carriageway of approximately 7.2 metres when considering the traversable component of the kerbing (i.e. invert of kerb to invert of kerb). (inconsequential)
'Greene Street is anticipated to carry approximately 480vpd at its eastern end and approximately 120vpd at the site frontage of 29 Greene Street.' As per the footnote, 'the daily traffic volume estimates have been based on applying a typical daily traffic generation rate for a residential dwelling (10vpd) to the number of dwellings serviced by Greene Street.'	Based on the number of residential dwellings (52), Greene Street is expected to carry 520 vpd at its eastern end and approximately 130 vpd at the site frontage of 29 Greene Street.
(Calvert Street) is a two-way road aligned in a north-south direction and adjacent to the site is configured with single lane, 6 metre wide dual carriageways set within a 14 metre wide road reserve (approx.)'	In proximity to the site the road reserve width measures approximately 40 metres. The carriageway width measures approximately 7 metres in each direction, separated by a central median, with parallel parking permitted kerbside. (inconsequential)

### 5.3. Clause 56

In Stantec's Transport Infrastructure Assessment section, Stantec has considered Clause 56 of the East Gippsland Planning Scheme which sets out various standards and objectives for residential development to provide urban structure with integrated transport networks, catering for walking, cycling, public transport, and private motor vehicles. The following Clauses were considered:

- Clause 56.06-2
  - "To contribute to community health and wellbeing by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.
  - To provide safe and direct movement through and between neighbourhoods by pedestrian and cyclists.
  - To reduce car use, greenhouse gas emissions and air pollution."
- Clause 56.06-3
  - "To provide an arterial road and neighbourhood street network that supports a direct, efficient and safe public transport system.
  - To encourage maximum use of public transport."
- Clause 56.06-4
  - "Provide for a direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network."
- Clause 56.06-5
  - "To design and construct footpaths, shared cycle path networks that are safe, comfortably, well-constructed and accessible for people with disabilities.
  - To design footpaths to accommodate wheelchairs, prams, scooters and other footpath vehicles"
- Clause 56.06-6
  - "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."
- Clause 56.06-7
  - "To design and construct street carriageways and verges so that the geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users."

#### Peer Response:

Table 6 provides a peer review comment next to the statement made in the Stantec Traffic Impact Statement. If no statement was provided, the Stantec response column was left blank.

Table 6: Review of Stantec Clause 56 report

Clause	Stantec Response	Peer Review Comment
56.06-2	<p>Complies</p> <p>It is proposed to provide a 1.5m wide footpath on the east side of the proposed internal road. It is noted in the vicinity of the site most lower order roads are not configured with footpaths on either side of the carriageway. Consistent with the existing conditions and other local streets in Bairnsdale pedestrians accessing Greene Street will either walk on the carriageway (noting the low traffic volumes forecast) or on the wide grassed verge depending on their level of confidence mixing with traffic.</p> <p>Additionally, cyclist activity within the subject site itself will mix with traffic on-road, as is standard practice for local access streets. This is considered to be appropriate given the relatively low traffic volumes expected on the internal streets to the site.</p> <p>On the basis of the above, the proposed development is considered to provide adequate facilities for pedestrian and cyclist connectivity and movement and will satisfy the objectives of Clause 56.06-2 and 56.06-5 of the Planning Scheme.</p>	<p>Generally Agree (See below)</p> <p>Based on the Planning Scheme and the Infrastructure Design Manual (IDM), footpaths are required to be provided along both sides of the proposed road. A 1.5 metre wide footpath is provided solely on one side (north) of the road not strictly in compliance with the above standards.</p> <p>Notwithstanding this, in the context of the surrounding road network and the traffic activity in the area, it is considered that the pedestrian amenity provided exceeds the current amenity levels for local streets. Cyclist amenity will also reflect existing conditions and is considered appropriate.</p> <p>Ultimately Council would need to consider the proposal, and assess its compliance based on the standards and/or against the existing amenity.</p>
56.06-3	<p>Complies</p> <p>The subdivision is not proposed to accommodate a bus route. An existing bus route operates along Calvert Street approximately 280m to the east of the site. It is therefore expected that 100% of the subdivision will be located within 400m walking distance of a bus route, which is typically the metric defined by the Department of Transport.</p> <p>On the basis of the above, the proposed development will satisfy the objectives of Clause 56.06-3 and 56.06-6 of the Planning Scheme.</p>	<p>Agree</p>

Clause	Stantec Response	Peer Review Comment																																						
56.06-4	<p>The road network comprises a single road link configured as follows:</p> <ul style="list-style-type: none"><li>• 16.0m road reserve</li><li>• 6.0m wide carriageway</li></ul> <p>The proposed internal link has been provided with dimensions greater than the minimum requirements for an Access Place set out in Clause 56.06 of the East Gippsland Planning Scheme, which have been reproduced in Figure 3.1. Additionally, the proposed cross-section dimensions are consistent with those documented in the Infrastructure Design Manual for an Access Place (i.e., 0-300vpd, 6.0m wide carriageway, 14.0m wide road reserve, etc.).</p> <p><i>Figure 3.1: Design of roads and neighbourhood streets – Clause 56.06 East Gippsland Planning Scheme</i> A minor street providing local residential access with shared traffic, pedestrian and recreation use, but with pedestrian priority.</p> <table><tr><td>▪ <b>Traffic volume<sup>1</sup></b></td><td>300vpd to 1000vpd</td></tr><tr><td>▪ <b>Target speed<sup>2</sup></b></td><td>15kph</td></tr><tr><td>▪ <b>Carriageway width<sup>3</sup> &amp; parking provision within street reservation</b></td><td>5.5m wide with 1 hard standing verge parking space per 2 lots. or 5.5m wide with parking on carriageway - one side. Appropriately signed.</td></tr><tr><td>▪ <b>Verge width<sup>4</sup></b></td><td>7.5m minimum total width.  For services provide a minimum of 3.5m on one side and a minimum of 2.5m on the other.</td></tr><tr><td>▪ <b>Kerbing<sup>5</sup></b></td><td>Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.</td></tr><tr><td>▪ <b>Footpath provision</b></td><td>Not required if serving 5 dwellings or less and the carriageway is designed as a shared zone and appropriately signed.  or 1.5m wide footpath offset a minimum distance of 1m from the kerb.</td></tr><tr><td>▪ <b>Cycle path provision</b></td><td>None</td></tr></table> <p>Amenity Based Daily Traffic Volume Thresholds</p>	▪ <b>Traffic volume<sup>1</sup></b>	300vpd to 1000vpd	▪ <b>Target speed<sup>2</sup></b>	15kph	▪ <b>Carriageway width<sup>3</sup> &amp; parking provision within street reservation</b>	5.5m wide with 1 hard standing verge parking space per 2 lots. or 5.5m wide with parking on carriageway - one side. Appropriately signed.	▪ <b>Verge width<sup>4</sup></b>	7.5m minimum total width.  For services provide a minimum of 3.5m on one side and a minimum of 2.5m on the other.	▪ <b>Kerbing<sup>5</sup></b>	Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.	▪ <b>Footpath provision</b>	Not required if serving 5 dwellings or less and the carriageway is designed as a shared zone and appropriately signed.  or 1.5m wide footpath offset a minimum distance of 1m from the kerb.	▪ <b>Cycle path provision</b>	None	<p>Agree (See comment)</p> <p>The response for this clause, whilst not irrelevant, would be more appropriate to address Clause 56.06-7 ("To design and construct street carriageways and verges so that the geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.") and Clause 56.06-8 ("To provide for safe vehicle access between roads and lots.")</p> <p>Clause 56.06-04 ("Provide for a direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network") is discussed as part of Clause 56.06-2 and Clause 56.06-3.</p> <p>Reviewing Stantec’s comment against Clause 56.06-7 and Clause 56.06-8, the following comments are provided.</p> <p>(Comment) The letter makes reference to both the Planning Scheme and IDM. However, only a table of the Planning Scheme road characteristics was provided. For completeness we provide the table of the IDM road characteristics that would apply to the new proposed road, given this standard was adopted by Council in 2014</p> <table><caption>Table 2 Urban Road / Street Characteristics</caption><tr><th>Street Type</th><th>Indicative Traffic Volume (vehicles/day)</th><th>Carriageway Width</th><th>Minimum Reserve Width See Note 5 &amp; 6</th><th>Minimum Verge Width</th><th>Parking Provision within Carriageway</th><th>Pedestrian / Cycle Provision within Road Reserve See Note 7</th><th>Kerbing</th></tr><tr><td>Access Lane (second road frontage where permitted under Council Policy)</td><td>0 - 300</td><td>5.5m See Note 6.</td><td>As determined by turning movements</td><td></td><td>Yes, one side</td><td>No footpath</td><td>Nil if concrete road with central drain or SM2 or modified SM2. See Note 3.</td></tr><tr><td>Access Place (where permitted under Council policy)</td><td>0 - 300</td><td>6.0m See Note 6.</td><td>14.0m</td><td>3.5m See Note 2.</td><td>Yes (one side)</td><td>Footpath both sides except for LDRZ(U) see Note 8 No separate cycle provision</td><td>B2, SM2 or modified SM2. See Note 3.</td></tr></table>	Street Type	Indicative Traffic Volume (vehicles/day)	Carriageway Width	Minimum Reserve Width See Note 5 & 6	Minimum Verge Width	Parking Provision within Carriageway	Pedestrian / Cycle Provision within Road Reserve See Note 7	Kerbing	Access Lane (second road frontage where permitted under Council Policy)	0 - 300	5.5m See Note 6.	As determined by turning movements		Yes, one side	No footpath	Nil if concrete road with central drain or SM2 or modified SM2. See Note 3.	Access Place (where permitted under Council policy)	0 - 300	6.0m See Note 6.	14.0m	3.5m See Note 2.	Yes (one side)	Footpath both sides except for LDRZ(U) see Note 8 No separate cycle provision	B2, SM2 or modified SM2. See Note 3.
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Clause	Stantec Response	Peer Review Comment																																																				
56.06-4 (Cont'')	<p>Further to the above design matters, Clause 56.06 of the Planning Scheme includes guidelines on the maximum daily traffic volume thresholds that the different street classification types are intended to carry. These guidelines are based on amenity reasons for the relevant street types as opposed to traffic operational capacity.</p> <p>In this regard, the proposed internal road and Greene Street itself have a daily traffic volume threshold of 1,000vpd based on a Planning Scheme classification of Access Place. An assessment of the existing and post development traffic volume forecasts for each link are presented in Table 4.1.</p> <p><b>Table 4.1: Daily Traffic Volume Capacity Assessment</b></p> <table><tr><th rowspan="2">Location</th><th colspan="3">Daily Traffic Volumes</th><th rowspan="2">Consistency with Clause 56.06</th></tr><tr><th>Existing</th><th>Additional</th><th>Post Development</th></tr><tr><td>Internal Road Link</td><td>-</td><td>+100vpd</td><td>~100vpd</td><td>✓</td></tr><tr><td>Greene Street (at Calvert Street)</td><td>~480vpd</td><td>+100vpd</td><td>~580vpd</td><td>✓</td></tr><tr><td>Greene Street (at site access)</td><td>~120vpd</td><td>+100vpd</td><td>~220vpd</td><td>✓</td></tr></table> <p>Table 4.1 indicates that the proposed internal road and Greene Street are both forecast to operate below the relevant amenity-based thresholds for the relevant street types.</p>	Location	Daily Traffic Volumes			Consistency with Clause 56.06	Existing	Additional	Post Development	Internal Road Link	-	+100vpd	~100vpd	✓	Greene Street (at Calvert Street)	~480vpd	+100vpd	~580vpd	✓	Greene Street (at site access)	~120vpd	+100vpd	~220vpd	✓	<p>It is noted that footpaths are required along both sides. However, in the context of the surroundings, it is considered appropriate that a pedestrian path has been provided along one side of the road (see response to 56.06-2)</p> <p>Parking is required to be restricted to one side only (and signed accordingly) to satisfy CFA requirements (IDM).</p> <p>With respect to traffic volumes, the Planning Scheme standard will be considered for Greene Street (existing and constructed prior to 2014) and the IDM standard for the proposed road.</p> <p>Stantec estimates an existing traffic volume figure along Greene Street of 480 vpd near Calvert Street and 120 vpd at the proposed site access.</p> <p>Beveridge Williams estimates an existing traffic volume figure along Greene Street of 520 vpd near Calvert Street and 130 vpd near the proposed site access, having regard of all the lots serviced by Green Street.</p> <p>Based on the relevant standards, Greene Street has an indicative upper traffic volume capacity of 1,000vpd (planning Scheme). The proposed road has an indicative upper traffic volume capacity of 300vpd (IDM).</p> <p>The table below outlines the existing and expected traffic volumes associated with Greene Street and the proposed road. Those in red represent the Beveridge Williams estimations.</p> <table><tr><th rowspan="2">Location</th><th colspan="3">Daily Traffic Volumes</th><th colspan="2">Consistency with Clause 56.06</th></tr><tr><th>Existing</th><th>Additional</th><th>Post Development</th><th>Clause 56.06</th><th>IDM</th></tr><tr><td>Internal Road Link</td><td>-</td><td>+100vpd</td><td>~100vpd</td><td>✓</td><td>✓</td></tr><tr><td>Greene Street (at Calvert Street)</td><td>~480vpd 520vpd</td><td>+100vpd</td><td>~580vpd 620vpd</td><td>✓</td><td>✓</td></tr><tr><td>Greene Street (at site access)</td><td>~120vpd 130vpd</td><td>+100vpd</td><td>~220vpd 230vpd</td><td>✓</td><td>✓</td></tr></table> <p>The post development traffic volumes remain well within the road function thresholds contemplated in the IDM and the Planning Scheme.</p>	Location	Daily Traffic Volumes			Consistency with Clause 56.06		Existing	Additional	Post Development	Clause 56.06	IDM	Internal Road Link	-	+100vpd	~100vpd	✓	✓	Greene Street (at Calvert Street)	~480vpd 520vpd	+100vpd	~580vpd 620vpd	✓	✓	Greene Street (at site access)	~120vpd 130vpd	+100vpd	~220vpd 230vpd	✓	✓
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56.06-5	As per Clause 56.06-2	-																																																				

Clause	Stantec Response	Peer Review Comment
56.06-6	As per Clause 56.06-3	-
56.06-7	As per Clause 56.07-4 (Clause 56.08-7, Clause 56.08-8)	-



#### 5.4. Waste collection and emergency vehicle access

Stantec Considers Waste Collection and Emergency Vehicle Access outlining that the proposed road with a 5.5 metre (min.) carriageway will satisfy fire truck access (CFA) as well as waste collection vehicle access (Council).

##### Peer Response:

In the absence of a CAD file, measuring off Stantec's pdf document, the proposed carriageway allows for a 6 metre carriageway with a 9 metre radius court bowl. A carriageway width of 5.5 metres is suitable for fire trucks and waste collection vehicles. The court bowl however should be widened to provide for a radius of 10 metres as per the Infrastructure Design Manual (IDM) (see Table 7).

Table 7: IDM residential courtbowl standards

Street Type	Indicative Traffic Volume (vehicles/day)	Carriageway Width	Minimum Reserve Width See Note 5 & 6	Minimum Verge Width	Parking Provision within Carriageway	Pedestrian / Cycle Provision within Road Reserve See Note 7	Kerbing
Residential Court Bowl	n/a	10.0m radius	28.0m	3.5m See Note 2	n/a	Footpath both sides. No separate cycle provision	SM2 or modified SM2. See Note 3.

There is a requirement to provide a footpath on both sides of the court bowl. Noting that Greene Street does not currently provide footpaths along both sides of the road, Council would need to advise on the preferred footpath approach here.

The two 3.5 metre wide road access offshoots from the court bowl are also appropriate for fire trucks and waste collection vehicles.

#### 5.5. Traffic generation

Traffic generation rates of 10 movements per day per proposed lot has been adopted by Stantec. This same rate has been applied to existing dwellings along Greene Street (to determine estimated traffic volumes along Greene Street). Based on the generation rates, it was estimated that the proposed 11 lots would collectively generate 110 vehicle movements per day, or 11 movements during the peak hour. 'This is expected to result in 10 additional peak hour movements and 100 daily vehicle movements, noting that there will be a net increase of 10 lots (11 new lots minus 1 lot at 29 Greene Street).'

##### Peer Response:

The adopted traffic generation rates and estimated traffic movements are considered appropriate and align with the IDM and RTA NSW Guide to Traffic Generating Developments 2002.

100 vehicle movements per day (vpd) and 10 peak hour traffic movements associated with the proposed subdivision is considered conservative and appropriate to adopt for this development.

#### 5.6. Vehicle access

In their vehicle access review, Stantec outlines that sole access would be provided to Greene Street (via an unsignalized T-intersection) without any access to Kmart and subsequently Main Street. They state 'providing access to Greene Street is consistent with contemporary road network planning which encourages vehicle access to residential uses from the lower order road network. In order to maintain capacity and sightlines at the future site

access and Greene Street intersection it is recommended that 'No Stopping' restrictions be installed on the northside of Greene Street at the intersection. The proposed vehicle access arrangements are considered to be appropriate.'

Peer Response:

Beveridge Williams considers the intersection of the proposed road and Greene Street to be appropriate from a geometric and safety perspective and meets the principles of road network planning. Restricting parking in proximity to the intersection will not result in undue impacts to the on-street parking amenity.

It is noted there are two 3.5 metre driveway connections extending from the court bowl to service lots 8 and lots 5. There is no indication of how access to the court bowl is proposed for lots 4, 6 and 7. It is likely that (at least) lot 4 and lot 7 would be required to construct connections to join to the 2 proposed driveway connections. Whilst this arrangement has been seen in proximity to the site it is not common or best practice (although workable). Council would need to advise if this is supported.

### 5.7. Road safety

Stantec outlined that, as a result of the proposal, one additional movement every 6 minutes would be generated on Greene Street and at the Calvert Street / Greene Street intersection. They go on to state that the following:

'This level of additional traffic generation would not have a noticeable impact to the following:

- existing operation of the Calvert Street / Greene Street intersection, or
- pedestrians on Greene Street who currently share the road with vehicles (the forecast additional traffic equates to a 17% increase in existing traffic volumes at the eastern end of Greene Street).

Against existing traffic volumes in the vicinity of the site, the additional traffic generated by the proposed development could not be expected to compromise the safety or function of the surrounding road network.

Moreover, the use of Greene Street and Calvert Street by vehicles accessing residential uses (within General Residential Zoned land) is entirely appropriate and consistent with their functional role in the road network.'

Peer Response:

Beveridge Williams agrees that the development is not likely not compromise the safety of road users, the operation of the Greene Street / Calvert Street intersection and that the proposal is consistent with the function of Greene Street and the immediate road network. As a result of the development the expected additional traffic volumes equate to a 16% increase in ultimate traffic volumes along Greene Street (in lieu of 17%).

### 5.8. Conclusion

In Stantec's summary, they conclude the following:

- 'The subject site is proposed to be subdivided into 11 residential lots, ranging from 506sqm to 977sqm.
- The proposed road network is generally consistent with the requirements of Clause 56 of the East Gippsland Planning Scheme and the Infrastructure Design Manual. Specifically, the proposed road has been designed in accordance with the minimum requirements of an Access Place.
- The proposed subdivision is expected to generate 11 vehicle movements during a peak hour (10 additional) and 110 vehicles daily (100 additional).
- It is anticipated that the future traffic volumes on the internal street of the subdivision and Greene Street will remain well below the daily amenity-based threshold limits for the relevant street types.
- Vehicle access via Greene Street is consistent with its role and function in the broader road network.'

Peer Response:

Beveridge Williams agrees that the proposed road network generally aligns with the East Gippsland Planning Scheme and/or the Infrastructure Design Manual (save for the proposed court bowl as discussed earlier) and anticipated

traffic volumes associated with the proposal would not unduly impact the function of Green Street and the surrounding road network for all given road users. The ultimate traffic volumes will remain below the threshold limits of the relevant street types.

## 6. OTHER RELEVANT PLANNING MATTERS AND CONCLUSION

The principal purpose of this peer review of the planning permit application prepared by Crowther & Sadler was to assess whether the proposed use of a road reserve through 29 Greene Street for access was an appropriate planning outcome and not unreasonable in the context of a VCAT review.

### Peer Response:

The review has found that:

- The material provided in the application generally complies with the provisions of Section 47 of the Planning and Environment Act 1987;
- The provisions of the Incorporated Document gazetted into the Scheme through Amendment C163egipps do not prohibit the applicant from relying upon Greene Street for access to the proposed subdivision; and,
- The use of a new road reserve through 29 Greene Street would appear to provide a superior planning outcome, relative to the creation of a new road reserve to Calvert Street.

With regard to other planning matters, it is suggested that:

- A revised design response plan be prepared to assist Council in deciding whether or not the proposed lot layout can meet all of the objectives of ResCode, in particular, Clause 56.04-3 (Solar orientation of lots). This design response plan should show lot bearings and 10m x 15m rectangles with all usual site amenities, i.e. private open space, carparking, driveway access, etc.;
- The internal road subdivisional should be configured in line with the recommendations of the traffic peer review; and,
- All reasonable efforts should be made to ensure that the creation of a new intersection onto Greene Street does not impact upon the amenity of existing residents in an unreasonable fashion.

Chris Curnow  
Principal Planner

Jimmy Liakos  
Principal Traffic Engineer

## **5.1.2 East Gippsland Agriculture Sector Advisory Committee - Submission to the Rural Land Use Strategy**

Authorised by General Manager Place and Community

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### **Conflict of Interest**

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

### **Executive Summary**

This report informs Council of the East Gippsland Agriculture Sector Advisory Committee's (Committee) submission to inform Council's Rural Land Use Strategy (RLUS) (**Attachment 1**).

The Committee endorsed the submission on the draft RLUS and requested that the submission be tabled at Council as the Committee's advice to Council in relation to the RLUS.

### **Officer Recommendation**

#### ***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. notes the advice from East Gippsland Agriculture Sector Advisory Committee in relation to the draft Rural Land Use Strategy (Attachment 1); and***
- 3. notes that the advice will be considered by Officers in finalising the draft Rural Land Use Strategy for Council consideration.***

### **Background**

A submission was prepared following a workshop with Committee members in 2022. The draft submission was circulated by email for comment and support before the closing date for submissions on 3 February 2023.

The submission was subsequently endorsed at the Committee meeting on the 16 February 2023. An excerpt of the minutes of the meeting is as follows:

#### **Item 6.1 Feedback – Rural Land Use Strategy**

A submission was prepared following a workshop with the Committee members in 2022. The draft submission was circulated by email for comment and support before submission before the 3 February 2023 which was the closing date for submissions.

Given this was the first Committee meeting following the finalisation of the submission it was moved that:

*The Committee endorse the submission on the draft Rural Land Use Strategy and that the submission be tabled as Committee's advice to Council.*

Request for members to endorse the submissions made as a formal resolution to provide advice to Council.

Additionally, the Housing and Settlement Strategy will provide direction to shape and grow the region over time.

The Committee noted that it was important to add the need to release land when Section 173 subdivision restrictions expire on smaller properties. This would be a positive outcome to make more land available for building without need to subdivide further farmland.

**ACTION:**

*The Committee resolved to endorse the Committee's submission for the Rural Land Use and request the submission be tabled as the Committee's advice to Council.*

**Legislation**

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

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

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

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

Strategic Objective 5: 5.3 Communities are engaged in decision-making and support is provided to develop local solutions to local issues.

**Council Policy**

Not applicable.

**Resourcing**

*Financial*

There are no direct financial implications associated with this report.

*Plant and equipment*

Not applicable.

### *Human Resources*

There are no direct human resource implications associated with this report.

### *Risk*

The risks are assessed as low on the basis that the Committee is providing advice that is subsequently considered in Council decision making.

### **Economic**

The Food and Fibre sector is an important part of the East Gippsland economy and the advice provided by the Committee in relation to the RLUS outlines the views of Council's advisory committee in relation to the land use planning arrangements required to support this sector.

### **Social**

The advice from the Committee relates to land use planning for the agricultural sector and this is a significant issue for rural communities.

### *Gender Impact Statement*

The Committee has been assessed as not requiring a Gender Impact Assessment (GIA).

### **Environmental**

The advice from the Committee relates to land use planning for the agricultural sector, noting the sustainability of the agricultural sector is an important factor in sustainable land management.

### *Climate change*

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

Adaptation Planning: Comprehensive adaptation measures exist and include responses to direct and indirect impacts of climate change.

### **Engagement**

The Committee is a committee of sector representatives appointed by Council to provide advice to Council in relation to agricultural sector and community issues. Advice from the Committee was sought as part of Council's engagement on the RLUS.

Council has been separately briefed in relation to the broader engagement on the RLUS.

### **Attachments**

1. Rural Land Use Strategy Submission [5.1.2.1 - 3 pages]

## Rural Land Use Strategy Submission

Submitted by: East Gippsland Shire Council Agricultural Sector Advisory Committee (ASAC)

**31 January 2023**

The Agricultural Sector Advisory Committee (ASAC) welcomes the opportunity to provide a submission to Council in relation to the Draft Rural Land Use Strategy (RLUS). The Committee supports the Strategy and congratulates Council on the preparation of a robust, evidence-based Strategy that adopts a common-sense approach to the diverse and evolving range of issues, interests and opportunities in the rural areas of the Shire.

We are pleased to set out below a summary of feedback on the RLUS including recommendations to strengthen the future strategic direction of Council.

### **Vision and Principles**

The RLUS Vision and Principles reflect a balanced approach to the future of our rural areas and are supported. We believe that they could be strengthened by highlighting the fact that food and fibre production is critical to our entire community – not just the farming/rural community.

Everybody is connected to the food and fibre system however most people are passive participants. Recent natural and geo-political events have highlighted the importance of reliable and affordable food and fibre products and the risks associated with food security and food poverty. To exacerbate this challenge, it is estimated that by 2050 we will need to produce 60 per cent more food to feed a world population of 9.3 billion (Food and Agriculture Organization of the United Nations).

East Gippsland has a range of competitive advantages for food and fibre production that put us in a strong position to positively influence outcomes on a local, regional, national and international scale. Importantly, these advantages include:

- Good quality soil;
- Reliable water supply; and
- A history of progressive, innovative, and sustainable land management practices.

Leveraging these advantages will require a whole of community effort to understand the importance of protecting our rural assets to create economic, environmental and social opportunities.

### **Farmland of Strategic Significance**

ASAC support the identification of Farmland of Strategic Significance (FSS) and the associated 500m buffer around these areas. The FSS designation is critical to create certainty for ongoing investment in primary production and associated processing/manufacturing industries.

This policy approach may assist a more diverse range of food and fibre industries to consider East Gippsland as an attractive location to invest. An example of this is the poultry industry. A processing facility is proposed in the adjoining Wellington Shire which may present opportunities for growth of the poultry sector in the western part of East Gippsland. Poultry farms require significant buffer distances (sites need to be approximately 240ha to achieve setback requirements) and as such require large landholdings and buffers from sensitive land uses, including rural living.



We recommend that the areas identified as being within the FSS be further investigated in relation to the following:

- Small agricultural clusters located across the Shire. This includes horticultural activities in locations such as Wairewa; and
- Expansion of the Lindenow Flats FSS where irrigation from the Mitchell River is facilitating the expansion of horticulture activities to the south, towards the Princes Highway.

It is also recommended that the RLUS clarify the differentiation between FSS land and other land within the Farming Zone. It is considered that all land within the Farming Zone is productive and should be protected from inappropriate land use and development, including rural residential subdivision and development. Whilst it may not be possible to identify all small agricultural clusters as part of the FSS, it is recommended to strengthen local planning policy to ensure agricultural activities are adequately protected.

#### **Policy Direction - Farming Zone**

The proposed policy direction for use, development, and subdivision of land in the Farming Zone is supported by ASAC. Land within the Farming Zone is highly productive and is worthy of protection for existing agricultural activities and also to ensure that rural land is 'future proofed' to allow for growth and innovation of the agricultural sector.

This is evidenced by recent changes to farming activities in the Lindenow Valley (see above). It would not have been anticipated 10-15 years ago that horticultural activities would extend in a southerly direction from the Lindenow Flats towards the Princes Highway. However, we are now seeing large agricultural operators buying land and investing in irrigation infrastructure to transform these areas into an expanding horticulture cluster of State significance. These opportunities may also be possible in other locations across East Gippsland, and it is important that this is not compromised through the loss of farming areas to rural living or other inappropriate uses.

ASAC are aware that diversity of activities in rural areas is important for the balanced growth of East Gippsland, including opportunities for rural living and tourism. Whilst prioritising the protection of rural land for commercial farming activities, the draft RLUS strikes an appropriate balance to the question of diversity. The following aspects of the Strategy are supported:

- Promotion of rural and nature-based tourism in appropriate locations;
- Support for rural worker accommodation;
- Discouraging dwelling development in the Farming Zone and directing rural residential development to Rural Living Zones;
- Support for population retention in proximity to remote rural settlements; and
- Support for rural industry in appropriate locations.

The policy direction for the Farming Zone as set out in the RLUS is recommended to be adopted. We also recommend that, subject to adoption and implementation, decision making by Council is consistently applied in accordance with RLUS. ASAC acknowledge that this will not be an easy transition, however, clear and consistent decision making will protect the future viability and growth of the agricultural sector which will have significant benefit for the entire East Gippsland community.

To achieve this outcome, we also support the preparation (at the appropriate time) of clear guidelines for the community and decision makers in relation to key issues such as when a

dwelling is justified to support an agricultural activity. This includes clarity regarding the preparation of Farm Management Plans to address matters such as:

- Why a permanent farm presence is required;
- A business plan demonstrating scale and viability of a farm business;
- Impact on adjoining land uses and how any impacts can be mitigated;
- Access to water or other resources; and
- Sustainable land management practices.

To support the RLUS policy approach to direct rural residential development to the Rural Living Zones it is recommended that Council review land currently within the Rural Living Zone that is affected by Section 173 Legal Agreements that prevent further subdivision. It is considered that this may offer the opportunity to increase the supply of land for rural residential purposes without further encroaching into productive farmland. It is understood that this work will be completed as part of the Housing and Settlement Strategy.

#### **Policy Direction – Rural Activity Zone**

The use of the Rural Activity Zone (RAZ) is supported in principle. ASAC acknowledges that the RAZ remains primarily a zone for farming activities, however, facilitates a broader range of uses, particularly linked to rural and nature-based tourism.

The RAZ provides the opportunity to encourage food and fibre production activities that do not necessarily require larger parcels of land but have growth potential in the future. Examples include mushroom farming (food and pharmaceutical), vertical farming (in response to climate change impacts), and insect farming (e.g. beekeeping). There are considerable growth opportunities for small producers with premium produce in both domestic and export markets.

It is important that the purpose of each of the RAZ areas is clearly highlighted in a policy statement to be included in the proposed schedule(s) to the RAZ. This should include the protection of existing uses and clarity regarding future use and development opportunities within each area.

It is recommended that the proposed location of the RAZ be further investigated in the Paynesville Hinterland area. The application of the RAZ in this location should ensure that existing large farm enterprises are protected and that the operation of the waste transfer station and gravel quarry are not compromised.

#### **Conclusion**

The RLUS, subject to recommended alterations, provides an appropriate long-term policy approach for the sustainable growth of our rural areas. The Strategy strikes a balance between the competing demands for rural land and offers clear direction on the use, development and subdivision of land.

ASAC supports the adoption of the RLUS and implementation into the East Gippsland Planning Scheme. We would welcome the opportunity to continue to review and shape the policy associated with the RLUS as part of the implementation process.

## **5.2 Assets and Environment**

### **5.2.1 Cann River Waste Transfer Station Planning Permit Application (Gauge Track) Withdrawal**

Authorised by      General Manager Assets and Environment

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#### **Conflict of Interest**

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

#### **Executive Summary**

This report provides Council the opportunity to withdraw planning permit application 102/2022/P which sought approval for the establishment of a waste transfer station at Gauge Track, Cann River.

Council provided notice of its decision to grant a planning permit for the use and development of land for a waste transfer station and removal of native vegetation at Gauge Track, Cann River on 22 October 2022. Two applications for review were later filed by members of the local community with the Victorian Civil and Administrative Tribunal (VCAT) objecting to Council's notice of decision to grant a planning permit.

During the VCAT review process it was determined that the requirement for a planning permit on the proposed site was limited to native vegetation removal. There was also a requirement to provide direct written notification to adjoining properties (which was not undertaken).

VCAT determined on 2 March 2023 to set aside Council's decision to grant a planning permit and that the permit be remitted back to Council for a new decision. VCAT considered that this would allow the permit application to be amended, confining the permit application to the removal of native vegetation, and allowing further notice to be provided. This means that the planning permit application is still an active application.

Council as the planning applicant can now either review and continue to progress the current planning permit application or alternatively, abandon the application in which case the permit application should be withdrawn.

Withdrawing the planning application is considered appropriate given the recommencement of investigations to determine alternative locations for a future Cann River waste transfer station.

## Officer Recommendation

### *That Council:*

- 1. receives and notes this report;**
- 2. withdraws permit application 102/2022/P for the establishment of a waste transfer station at Gauge Track, Cann River;**
- 3. continues to work with the Cann River community by establishing a working group to identify sites that meet legislative and regulatory requirements, community needs and within the available Council budget allocated for this project; and**
- 4. confirms the Gauge Track site will only be considered for a waste transfer station should no other suitable location be identified through the evaluation process undertaken by the working group outlined in Recommendation 3.**

## Background

The Cann River community and district is currently serviced by a landfill. This is an unlicensed sub-regional landfill servicing the community of Cann River and broader communities in the east of the shire. The landfill is nearing the end of its service life and as such a new facility is required to provide convenient waste services.

The service will transition from a Landfill to a waste transfer station. A waste transfer station is a facility which provides a drop off point for various waste streams (not all) to enable efficient transport for further processing whether that be recycling or landfilling.

To establish a new facility, Council lodged a planning permit application to develop a parcel of crown land at Gauge Track, Cann River for the purpose of a waste transfer station and removal of native vegetation. Council is also the responsible authority for the permit application.

Council provided notice of its decision to grant a planning permit for a waste transfer station at Gauge Track, Cann River on 22 October 2022.

Two applications for review were later filed by members of the local community with the (VCAT objecting to Council's notice of decision to grant planning permit application No. 102/2022/P.

During the process of the VCAT practice day hearings, it was found that the requirement for a planning permit on the proposed site was limited to native vegetation removal. There was also a requirement to provide direct written notification to adjoining properties (which was not undertaken).

VCAT later determined at the conclusion of the third practice day hearing held 2 March 2023, to set aside Council's decision to grant a planning permit and that the permit be remitted back to Council for a new decision. VCAT considered that this would allow the permit application to be amended (to confine the permit application to the removal of native vegetation) and allow further notice to be provided with a revised application.

Council can now either progress the current planning permit application or alternatively abandon the application, in which case the permit application should be withdrawn.

It is noted that Council Officers have commenced the review of possible locations to position a new waste transfer station facility, and that this process will be undertaken in partnership with community representatives and the assistance of an external consultant.

Recognising the importance of this project for the Cann River community and the need to progress both the closure of the Cann River Landfill and the creation of an alternate waste transfer station service, Officers and Councillors will continue to work with the community to ensure appropriate waste infrastructure can be secured. This will include a review of previously nominated locations and potential interim waste service arrangements that will be required until a new facility can be established.

A working group will be re-established to both set the criteria which will be used to evaluate potential sites for the waste transfer station and to assess sites against these criteria. This working group will comprise of six Cann River community representatives, two Councillors, Officers, and external consultants.

Withdrawing the Gauge Track site planning permit application will mean that the Gauge Track site has no advantage or preferred status in this new evaluation process.

The opportunity for the Council to direct that the Gauge Track site be excluded from further assessment as part of this process is also available.

## **Legislation**

This report has been prepared in accordance with the *Planning and Environment Act 1987*. Remittance of the subject permit application to the responsible authority is provided under section 51(2)(d) of the *Victorian Civil and Administrative Tribunal Act 1998*.

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

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

## **Council Plan**

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

Strategic Objective 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; and

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

## **Council Policy**

Council's Municipal Planning Scheme.

## Options

Council has three main options available to it:

1. Withdraw planning permit application 102/2022/P pending further investigation of alternative locations to locate a Waste Transfer Station (*preferred*);
2. Resubmit the planning permit application 102/2022/P; or
3. Withdraw planning permit application 102/2022/P and exclude the site located at Gauge Track from further investigation to locate a new waste transfer station.

## Resourcing

### *Financial*

Should Council determine to withdraw permit application 102/2022/P and exclude the previously nominated land at Gauge Track, Cann River for further consideration, additional costs to Council will be incurred resulting from the need to prepare a new planning permit application and complete associated assessments required for an alternative site.

This report does not address in detail the costs of either closing the Landfill site or establishing a new waste transfer station as they are not material to this particular report. It is noted however, that a capital budget allocation has been set aside for construction of a new facility, with this budget of approximately \$1.4 million now to be carried forward to the 2023-24 financial year in recognition of the delays and need to review sites.

### *Plant and equipment*

Not applicable.

### *Human Resources*

Not applicable.

### *Risk*

The risks of the proposal to withdraw the planning permit application have been considered and include:

- delay in the establishment of a new waste transfer station;
- extended period in which interim waste services will be in place to service the Cann River community and district; and
- that no alternative suitable location has yet been identified.

There are also risks to Council's reputation and the confidence of the Cann River community in the new process if the planning permit application is not withdrawn.

## **Economic**

The provision of waste services for the township and local business may have direct economic impacts for the community. It is therefore important that the investigation of alternative locations and selection of a preferred site be progressed as a priority.

It is envisaged that impact on businesses will be one of the criterion used to evaluate potential sites.

## **Social**

Waste services are essential services provided to the Cann River and all other East Gippsland communities. It is therefore important that a service be established to replace the closing Cann River Landfill based service.

### *Gender Impact Statement*

The project has been assessed as not requiring a Gender Impact Assessment (GIA).

## **Environmental**

Council is mindful that delays in progressing the establishment of new facility may result in a reduced waste service for the Cann River community for a period of time and with this, associated risk of increased instances of illegal dumping.

### *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**

Engagement on this matter has occurred with the Cann River community over the past two years, including consultation meetings, distribution of newsletters and information sheets, the use of Council's YourSay page for online engagement and undertaking site inspections with a small working group. The spokespersons for the community on this matter have indicated they are not satisfied with the consultation on the project or the proposed location.

VCAT also found that although the community was aware of the proposal, neighbouring landowners should have been formally notified of the planning application.

More recently a meeting was held 29 March 2023 with representatives of the Cann River community, Council Officers, and Councillors. At this meeting it was agreed that a new process to review all options and potential locations for the continuation of waste and recycling services would be undertaken. This will include a review of previously nominated locations and potential alternative arrangements until such a time a new facility can be established.

A working group will be established to review all potential sites against set criteria. This working group comprises community representatives, Council Officers and two Councillors.

Project updates will continue to be published on Council's website and through other mediums as required.

### **Attachments**

Nil



## 5.2.2 Nicholson Street Bairnsdale - Response to Notice of Motion

Authorised by General Manager Assets and Environment

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### Conflict of Interest

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

### Executive Summary

At the Council meeting of 20 September 2022, a Notice of Motion (NOM) was passed to: *Request Officers to bring a report to a future Council meeting in 2022 outlining physical improvements that could be made to Nicholson Street in Bairnsdale to create additional parking and loading areas; and other business attraction initiatives that could be considered by Council.*

This report is a response to that NOM request and considers the request from the perspectives of:

- civil engineering advice;
- strategic direction;
- future planning;
- community and stakeholder engagement;
- precinct usage and business attraction;
- parking analysis;
- returning Nicholson Street to a through road; and
- complexity of physical works.

Given the uncertainty around the future of some of the major buildings in the Nicholson Street precinct and the high vacancy rates, improvements to parking alone will not re-activate the precinct. However, if some additional car parks are re-introduced into Nicholson Street, this may support the existing traders, whilst other activation measures are undertaken for the precinct.

An engineering analysis of the precinct indicates that there is the ability to re-introduce approximately six additional car parks into Nicholson Street without removing any of the street trees and with only relatively minor civil works (see **Attachment 1**).

A car parking analysis undertaken in the pre-Christmas peak period also identified that there was parking supply for most of the day but that the 21 available parking bays in Nicholson Street were almost fully occupied between 10.00 am and 2.30 pm. 10% of the users exceeded the one-hour parking restriction in this area (see **Attachment 2**).

Given that the Nicholson Street parking bays have been shown to be at capacity for most of the peak period, and the engineering advice indicates that some parking bays can be reinstated with relative ease, this report indicates that six - eight parking bays can be reinstated in Nicholson Street.

A loading zone can also be introduced adjacent to the public toilet, to support Nicholson Street traders.

For the long-term prosperity of the precinct there is however a need to focus on strategic planning for the area that will support activation. This strategic work includes both the update the Bairnsdale Growth Plan and development of a Creative Precinct Plan for Bairnsdale.

There is also a need to work with traders and local property agents on a range of activation activities to encourage people back into this part of the Bairnsdale central business district (CBD).

### **Officer Recommendation**

#### ***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. resolves to support the reintroduction of the maximum number of additional on-street car-parking bays in Nicholson Street able to be achieved, subject to these being able to be designed to meet current safety standards and retain all street trees;***
- 3. notes Officer's intent to continue to work with relevant parties to attract new businesses and uses into the Nicholson Street precinct; and***
- 4. notes that Officers will notify businesses and property owners of impending changes and possible disruptions prior to any works being undertaken.***

### **Background**

At the Council meeting of 20 September 2022, a NOM was passed to: *Request Officers to bring a report to a future Council meeting in 2022 outlining physical improvements that could be made to Nicholson Street in Bairnsdale to create additional parking and loading areas; and other business attraction initiatives that could be considered by Council.*

This report is a response to that NOM request and considers the request from the perspectives of:

- civil engineering advice
- strategic direction;
- future planning;
- community and stakeholder engagement;
- precinct usage and business attraction;
- parking analysis;
- mall vs through road; and
- complexity of physical works.

### **Strategic Planning of the Bairnsdale Central Business District**

Holistic planning for the growth of Bairnsdale was undertaken in 2009 and delivered the Council adopted [Building A Better Bairnsdale](#). This plan acts as the Bairnsdale Growth Strategy and contains recommendations for a growth boundary, future residential growth areas, improvements to existing neighbourhoods, revitalisation of the central business district, commercial and industrial growth, and a range of other matters. A copy of the plan is available on Council's Website.

From this holistic plan, a CBD Masterplan Reimagining Bairnsdale was also developed and adopted by Council. This Masterplan sets out a framework for the CBD's revitalisation from 2013 to 2023. The Master Plan shows how the Bairnsdale CBD will be improved over time and sets out a consistent approach to design elements and infrastructure. The Masterplan also contained a concept design which has guided the redevelopment of the Nicholson Street precinct including streetscape works, library upgrade and changes to the Nicholson Street Mall. The Plan has three Volumes with the [Implementation Plan](#) available on Council's website.

A [Bairnsdale CBD Car Parking Strategy](#) was also developed and adopted by Council in 2014. This Strategy aimed to better use the existing car parking spaces and ensure future parking demands are met and appropriately funded. It also aimed to reduce traffic congestion and improve pedestrian accessibility. The strategy identified preferred locations for additional on-street and off-street parking and guided where changes were made to parking restrictions and identified priority locations for additional parking enforcement and streetscape upgrades. The plan has three volumes and can be found on Council's website.

These three strategies were used to guide upgrades and improvements to Service Street; Nicholson Street; Nicholson Street Mall; provision of public toilets; changes to Francis Street; purchase of additional land for parking; and the redesign of parking areas.

It is recognised that the Strategies are now in need of refreshing and revision.

#### Forthcoming Strategic Planning for the Precinct

In recognition of the age of some of these key masterplans for Bairnsdale, funding has recently been received to revise the Bairnsdale Growth Plan. Whilst this will not wholly focus on the CBD, it will certainly consider it within the broader context of managing growth within Bairnsdale, just as the Building A Better Bairnsdale strategy did a decade ago. This work will commence in early 2023.

In addition to this planning, funding has been received to develop a detailed plan to take the Bairnsdale Arts and Culture Precinct from concept through to preparation of final detailed designs. The plan will: clarify the feasibility and viability of the concept, identify the most appropriate location; and test the concept and design options with community and Council and determine all other requirements to make the proposed precinct fully investment ready. Consultants will also be engaged in early 2023 to undertake this work.

Both plans will take account of the changes in the Bairnsdale CBD and work with stakeholders to set clear direction for Bairnsdale, its CBD and proposed Creative precinct for the next decade.

#### Precinct Usage and Business Attraction

It is recognised that there have been significant changes in the tenancies within the Nicholson Street precinct since the planning for this area was undertaken, and it is envisaged that there are still more changes to come. This has seen Target close; Woolworths relocate to the former Kmart building; and Kmart downsizing to a temporary K-Hub until its new premises are constructed on the outskirts of Bairnsdale.

It is also recognised that many of the opportunities for outdoor dining envisaged in Re-imagining Bairnsdale have not eventuated.

With both large format vacancies and a range of smaller space vacancies, there is a clear need for the precinct to be refocused and reinvested in. It is apparent that re-tenanting these premises will require active facilitation beyond listing as available for lease.

These landowners have also been disengaged in the proposed changes to the major off-street carpark in the precinct, which is primarily in private ownership.

It is Officers' view that effort should therefore focus on investment attraction into the precinct in addition to any minor physical changes to the precinct.

Officers have initiated discussions with the Bairnsdale Chamber of Commerce and other stakeholders in relation to this. Officers have also written directly to the owners of the former Woolworths site encouraging leasing or redevelopment and encouraging engagement with Council re any assistance we may be able to provide.

### Parking Analysis

At the time of undertaking the Bairnsdale CBD Carparking Strategy in 2013 a detailed usage analysis was undertaken, which showed that Bairnsdale had ample parking, but it was not being turned over frequently enough (i.e., people were overstaying their time allocations). At its worst this saw some people parking all day in the two-hour parking bays in and around Nicholson Street.

The same consultants were re-engaged in December 2022 to analyse parking usage in the precinct in the busy pre-Christmas trading period. This analysis provided as **Attachment 2** found that:

- Parking demand has reduced within the off-street car park by approximately 30% since 2014, as a likely result of the change to the tenancies and retail conditions.
- The survey indicates that Nicholson Street is largely at capacity between 10am and 2.30pm when only one or two spaces may briefly become available every hour.
- The peak occupancy of the off-street car park was observed at 11.30am (95% occupancy) with eight (8) parking spaces vacant and available for use.
- For the remainder of the day, the occupancy of the off-street car park is below 140 and has a minimum of 11 parking spaces vacant.
- When Nicholson Street reaches full occupancy, additional parking demands can be accommodated by the off-street car park.
- Based on the above, there is sufficient parking supply between Nicholson Street and the off-street carpark to cater for current parking demand without the provision of an additional six (6) parking spaces to replace those removed by the Nicholson Street streetscape upgrade. Additionally, there are further car parks on Francis Street that would not be expected to be at full occupancy and therefore could accommodate additional parking.
- The reduction in parking occupancy observed since 2014 suggests that increasing the number of parking spaces will not necessarily increase patronage to the area.
- Car parking may have to be reviewed in the future as part of any development applications to support higher intensity land uses should they ever be proposed.

Whilst the analysis suggested that although Nicholson Street is near capacity the demand can be absorbed elsewhere in the precinct, Bairnsdale CBD users' reluctance to walk within the CBD is noted. With an aging population, it is therefore considered reasonable to reintroduce a small number of on-street car-parks back into the precinct to support the existing traders.

## Physical Works

Preliminary civil engineering advice from the engineers involved in the original streetscape works suggests that it is possible to introduce approximately six on-street carparks, with minimal works to relocate bollards and kerb profiles. This would remove the low-level gardens but retain the street trees. See **Attachment 1** for a visual analysis.

This advice would need to be confirmed with detailed design.

Whilst removable bollards exist to support deliveries into the Nicholson Street Mall itself, there is no loading zone on Nicholson Street, with traders using the former Woolworths loading dock, which is on private property. Through the relocation of the bollards adjacent to the public toilet area of the mall, it is relatively easy to provide a loading bay to support the Nicholson Street traders.

## Summary and Conclusions

Given the uncertainty around the future of some of the major buildings in the Nicholson Street precinct and the planned strategic work for the precinct, it is recommended that any physical works are kept to:

1. Reinstatement of on-street carparks in Nicholson Street, where the works can be undertaken with minimal intervention and without the removal of street trees; and
2. Introduction of an on-street loading bay within Nicholson Street.

It is equally important that non-physical activation effort and strategic planning is undertaken to support re-activation of this part of the Bairnsdale CBD.

## **Legislation**

This report has been prepared in accordance with *Local Government Act 2020*.

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

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

## **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 4: 4.1 Leadership enables economic prosperity, investment, recovery, resilience, and growth.

## **Council Policy**

Council's Community Engagement Policy should be used to ensure that any changes to the precinct are supported by extensive community consultation.

## **Options**

The options available to Council are many and include:

1. Leaving the precinct unaltered until such time as there is a new strategic direction set for the precinct and the future occupancy of vacant buildings is addressed;
2. Undertaking standalone planning for the Nicholson Street Precinct;
3. Introducing a new loading zone;
4. Reconfiguring parking on the southern side (i.e., shoe store / toy store side) of Nicholson Street; and
5. Including additional centre median parking where possible and safe along Nicholson Street.

Changes to the parking on Nicholson Street alone are not considered significant enough to reactivate the precinct. Therefore, a mix of options is preferred.

## **Resourcing**

### *Financial*

At present \$3,500 has been invested in the parking analysis work being undertaken. Grants totalling almost \$300,000 have also been confirmed to undertake the Bairnsdale Growth Plan and Bairnsdale Creative Precinct plans.

Other physical works have not been costed and are not part of the 2022-23 Capital budget, but if kept to a minimum could be funded from any road project savings.

### *Plant and equipment*

Nil

### *Human Resources*

Not applicable.

### *Risk*

There are risks associated with both undertaking changes to the parking lay out and doing nothing. The risk of doing nothing includes losing further traders from the precinct. The risks of adding additional parking are largely reputational risks associated with 'undoing' previous work. So long as the changes are well communicated and meet necessary safety standards, it is considered these risks can be managed.

## **Economic**

The economic vitality of the Nicholson Street precinct is acknowledged to have declined and there is a need to work on economic initiatives that will support its reestablishment as an important CBD precinct.

## **Social**

The Nicholson Street precinct has the opportunity to be activated as an important precinct for social connection and interaction. At present this opportunity is not being maximised.

### *Gender Impact Statement*

No gender impact assessment has been undertaken to support this report.

## **Environmental**

No environmental assessment has been undertaken as part of this report.

### *Climate change*

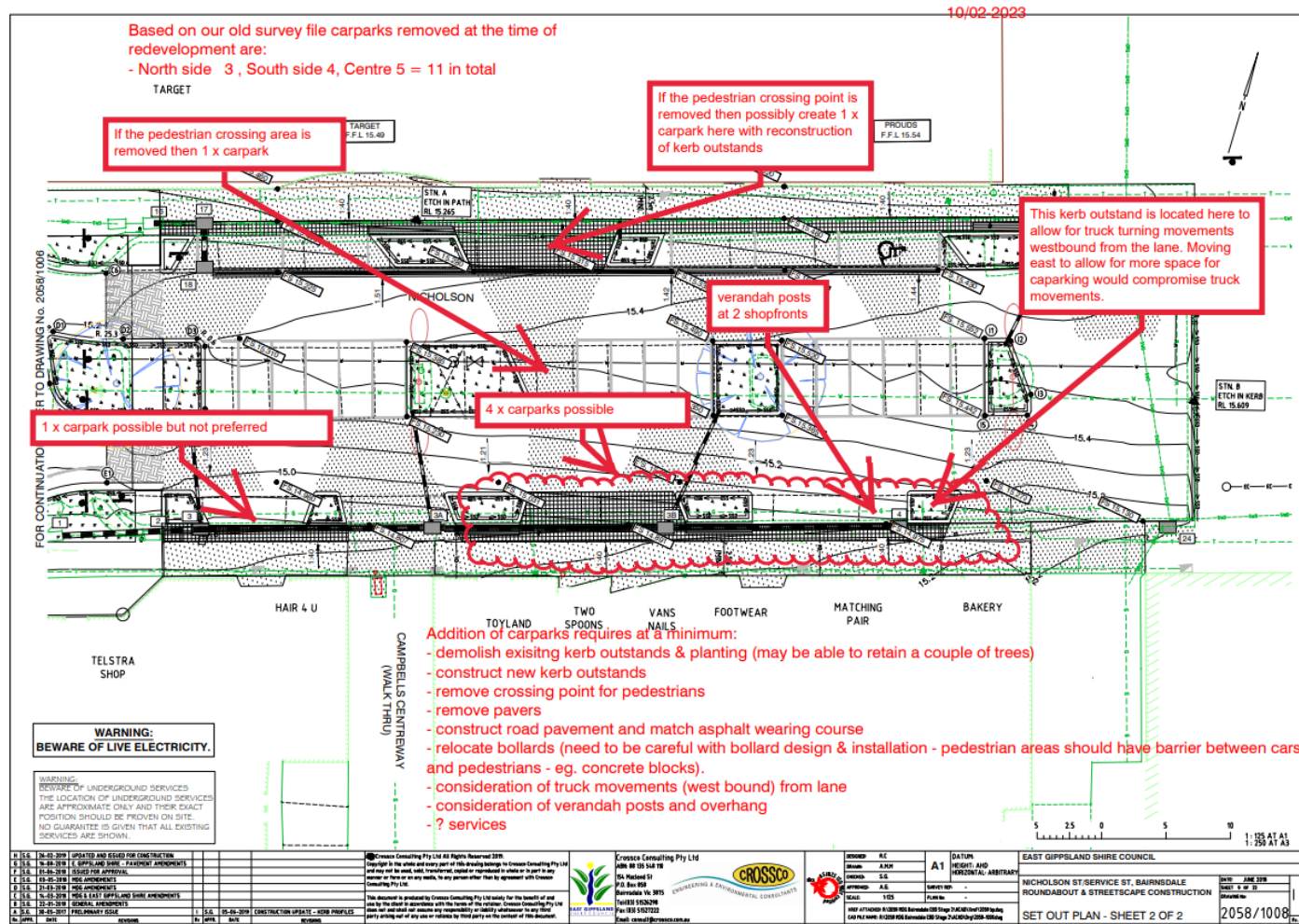
No Climate Change assessment has been undertaken as part this report.

## **Engagement**

No community or stakeholder engagement has been undertaken to support this report. However, before any physical works are undertaken it will be necessary to develop and implement an engagement plan to support the changes and ensure that traders, property owners and the broader community are aware of the forthcoming changes and the reason for them.

## **Attachments**

1. Crossco Advice Nicholson Street [5.2.2.1 - 1 page]
2. Nicholson Street Bairnsdale Parking Study [5.2.2.2 - 8 pages]







31 January 2023

Peter Morton  
Road Safety Coordinator  
East Gippsland Shire Council  
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Bairnsdale VIC 3875

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Sustainable Transport Surveys Pty Ltd  
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Dear Peter,

**Re: Updated Bairnsdale Parking Study (Nicholson Street)**  
**Project No: 14072T**

Further to our conversation in December 2022, SALT has completed a parking occupancy and duration survey for the off-street carpark north of Woolworths and part of Nicholson Street between the car park and the roundabout with Service Street, Bairnsdale.

The purpose of the survey was to gain insight into any changes in parking behaviour following SALT's original Bairnsdale Parking Study published in 2014 and the subsequent streetscape upgrade to Nicholson Street. The findings of the survey are documented in the following sections.

## Background

SALT prepared the Bairnsdale CBD Car Parking Strategy between 2014 and 2015. The first stage of the study was the preparation of a background discussion paper which was finalised in May 2015. The discussion paper completed an analysis of parking within the Bairnsdale CBD precinct including determination of parking demand and surveys to measure the parking occupancy levels and duration of stay. Following the initial data analysis, subsequent reports were prepared with recommendations and strategies for parking within the CBD.

It is understood that since the report was issued, East Gippsland Shire Council has completed some constructions works as part of a streetscape upgrade to Nicholson Street, resulting in the loss of approximately six (6) on-street parking spaces. Additionally, there have been a number of changes to retail tenancies within the precinct since the original study was completed, including the closure of Spotlight, which has moved to another location in Bairnsdale.

Accordingly, Council have sought an updated analysis of part of the CBD precinct to determine if current parking supply meets demand and where necessary, identify measures that could be implemented to encourage patronage, namely increasing the parking to attract patrons into the precinct.

The section of the precinct subject to the updated parking review is the off-street carpark located to the north of Woolworths Bairnsdale, as well as a short section of Nicholson Street, between the off-street car park and the roundabout with Service Street. The extent of the area subject to the survey is shown in **Figure 1**.





Figure 1 – Scope of Study Area

### Survey Results: On-Street Parking – Nicholson Street

#### Parking Supply

The parking supply of 21 spaces on the subject section of Nicholson Street comprised:

- 16 angled parking spaces
- 4 parallel parking spaces
- 1 parking space for people with disabilities

The parking restrictions applicable to the parallel and angled parking is 1P, applicable 9am to 6pm Monday to Friday and 9am to 1pm Saturday.

#### On-Street Parking Occupancy

The level of parking occupancy observed along Nicholson Street is summarised in Error! Reference source not found. and includes the 1P parking and the parking space for people with disabilities. For the most part, the parking on Nicholson Street was almost fully occupied between 10am and 230pm with only one or two spaces becoming briefly available every hour.



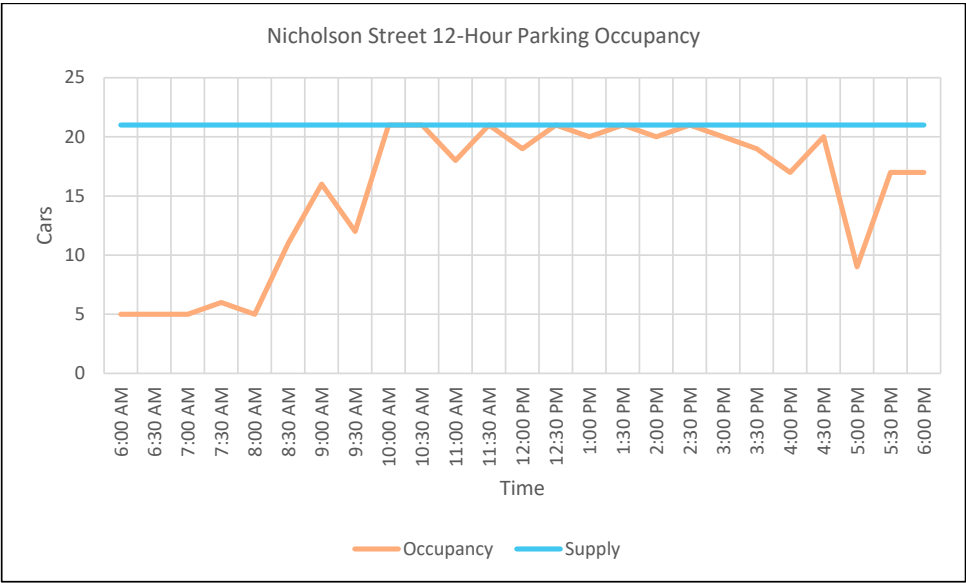


Figure 2 – 12 Hour Parking Occupancy – Nicholson Street

On-Street Parking Duration

The durations that motorists parked within 1P spaces (6am – 6pm) are shown in **Tables 1 and 2**. The tables shows that between 6am and 6pm, the 21 parking spaces accommodated a total of 267 vehicles, equating to a turnover rate of approximately 13 times.

Most motorists parked for up to 30 minutes (194 vehicles, 73%) with less than 20% staying up to the full hour permitted.

A total of 27 vehicles (10%) exceeded the 1-hour parking restriction, including one vehicle that parked for a total of five (5) hours and was present at the commencement of the survey.



Table 1 – Duration of Stay 1P Spaces – Nicholson Street

Durations (Hrs)	Total Vehicles	% Vehicles
0:30	188	73.2%
1:00	43	16.7%
1:30	15	5.8%
2:00	7	2.7%
2:30	3	1.2%
3:00	0	0.0%
3:30	0	0.0%
4:00	0	0.0%
4:30	0	0.0%
5:00	1	0.4%
5:30	0	0.0%
Total	257	100%

Table 2 – Duration of Stay Parking Space for People with Disabilities – Nicholson Street

Durations (Hrs)	Total Vehicles	% Vehicles
0:30	6	60.0%
1:00	3	30.0%
1:30	1	10.0%
2:00	0	0.0%
2:30	0	0.0%
3:00	0	0.0%
3:30	0	0.0%
4:00	0	0.0%
4:30	0	0.0%
5:00	0	0.0%
5:30	0	0.0%
Total	10	100%



## Survey Results: Off-Street Parking

### Off-Street Parking Supply

The recorded off-street parking supply within the survey area is 151 spaces. Within the car park, there are two (2) bays reserved for electric vehicles and prohibit any other vehicle to stand (or electric vehicles to stand when not actively charging). These spaces are included in the total figures however no vehicles were observed charging during the survey.

### Off-Street Parking Occupancy

The level of off-street parking occupancy observed in the survey is summarised in **Figure 3**. The car park peaked at 11:30 AM with 143 spaces (approximately 95%) occupied. At all other times, parking occupancy was below 140 spaces. During the peak occupancy period, eight (8) spaces within the study area would have been available for use.

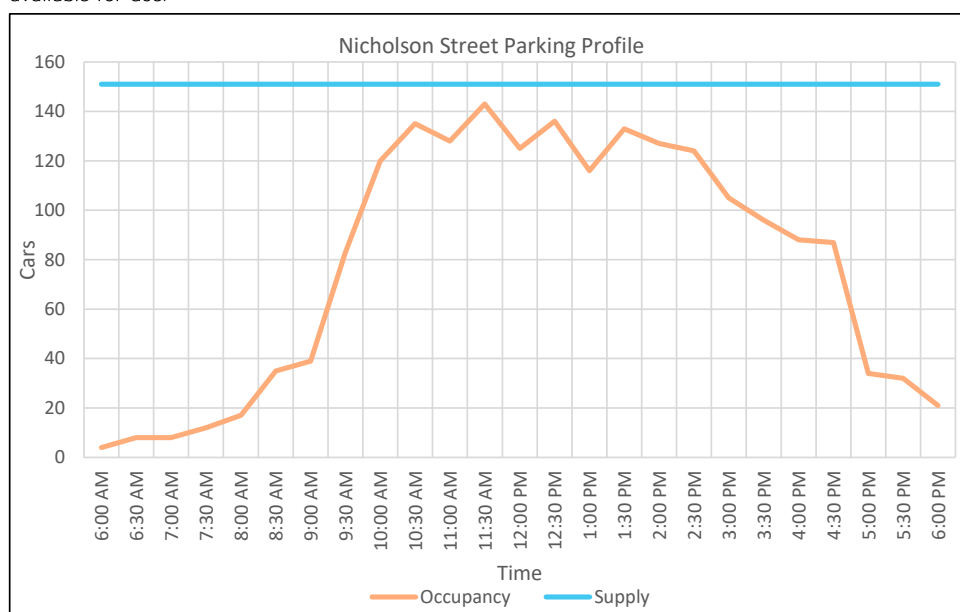


Figure 3 – 12 Hour Parking Occupancy – Off-street Carpark

### Off-Street Parking Duration

#### Duration Survey – 12-Hour Period (6:00am – 6:00pm)

The durations motorists parked within individual spaces in the off-street carpark between 6:00am – 6:00pm, are summarised in **Table 3**.

The data indicates that between 6:00am – 6:00pm the 151 parking spaces within the off-street area accommodated a total of 741 vehicles, a turnover rate of approximately five (5) times, with most motorists parked for 2.0 hours or less (650 vehicles or 88%). Around 12% of motorists exceeded the 2-hour parking limit.

It is noted that there has been a substantial reduction (almost 30%) in the total number of vehicles surveyed within the car park compared to the 2014 survey. The 2014 survey recorded a total of 1,040 vehicles to the car park with a turnover of just over 6 times. Parking durations were similar with 86% of vehicles parked for 2.0 hours or less.



Table 3 – Off-street Parking Duration Time (12hrs)

Durations (Hrs)	Total Vehicles	% Vehicles
0:30	407	54.9%
1:00	153	20.6%
1:30	54	7.3%
2:00	36	4.9%
2:30	22	3.0%
3:00	6	0.8%
3:30	6	0.8%
4:00	4	0.5%
4:30	7	0.9%
5:00	4	0.5%
5:30	7	0.9%
6:00	6	0.8%
6:30	3	0.4%
7:00	2	0.3%
7:30	12	1.6%
8:00	2	0.3%
8:30	5	0.7%
9:00	2	0.3%
9:30	0	0.0%
10:00	1	0.1%
10:30	1	0.1%
11:00	0	0.0%
11:30	0	0.0%
12:00	1	0.1%
<b>Total</b>	<b>741</b>	<b>100.0%</b>



*Duration Survey – Business Hours (9:00am – 5:00pm)*

The durations motorists parked within the off-street car park, between 9:00am – 5:00pm (i.e. during business hours), are summarised in **Table 4**.

The data indicates that between 9:00am – 5:00pm the 151 parking spaces within the off-street area accommodated a total of 723 vehicles, which is a turnover rate of approximately 4.8 times, with the majority of motorists parked for 1.5 hours or less (608 vehicles or 84%).

Further examination of the parking durations greater than 5 hours provides the following insight into staff and commuter parking. The totals are as follows:

- 5+hours            41 spaces (27% of supply)
- 6+ hours           28 spaces (19% of supply)
- 7+ hours           21 spaces (14% of supply)
- 8+ hours           9 spaces (6% of supply)

This represents a substantial reduction (approximately 50%) in staff or commuter parking compared to the observations recorded in the 2014 survey and could be attributed to the change in tenancies.

**Table 4 – Off-street Parking Duration Time (Business Hours – 9am to 5pm)**

Durations (Hrs)	Total Vehicles	% Vehicles
0:30	402	55.6%
1:00	146	20.2%
1:30	60	8.3%
2:00	34	4.7%
2:30	14	1.9%
3:00	7	1.0%
3:30	7	1.0%
4:00	8	1.1%
4:30	4	0.6%
5:00	6	0.8%
5:30	7	1.0%
6:00	4	0.6%
6:30	3	0.4%
7:00	1	0.1%
7:30	11	1.5%
8:00	8	1.1%
8:30	1	0.1%
<b>Total</b>	<b>723</b>	<b>100.0%</b>



### Adequacy of Parking Supply

It is understood that six (6) parking spaces have been removed on Nicholson Street since 2014 as a result of a streetscape upgrade.

The current peak parking occupancy has been determined by the survey to occur at 11:30am comprising:

- Nicholson Street: 21 spaces occupied
- Off-street Carpark: 143 spaces occupied
- **Total: 164 spaces occupied**

The total parking provision between the subject sections of Nicholson Street and the off-street carpark is 172 spaces, resulting in the availability of eight (8) parking spaces. This only occurs for one half hour period after which parking demand reduces and more spaces become available.

Accordingly, the current parking supply is considered appropriate for the current state of the retail precinct. Additional parking spaces to replace those removed in the streetscape upgrade are not considered necessary.

### Conclusion

Based on the results of the parking survey completed on Nicholson Street and the off-street carpark, the following conclusions are made:

- Parking demand has reduced within the off-street car park by approximately 30% since 2014, as a likely result of the change to the tenancies and retail conditions.
- The survey indicates that Nicholson Street is largely at capacity between 10am and 2:30pm when only one or two spaces may briefly become available every hour.
- The peak occupancy of the off-street car park was observed at 11:30am (95% occupancy), with eight (8) parking spaces vacant and available for use.
- For the remainder of the day, the occupancy of the off-street car park is below 140 and has a minimum of 11 parking spaces vacant.
- When Nicholson Street reaches full occupancy, additional parking demands can be accommodated by the off-street car park.
- Based on the above, there is sufficient parking supply between Nicholson Street and the off-street carpark to cater for current parking demand without the provision of an additional six (6) parking spaces to replace those removed by the Nicholson Street streetscape upgrade. Additionally, there are further car parks on Francis Street that would not be expected to be at full occupancy and therefore could accommodate additional parking.
- The reduction in parking occupancy observed since 2014 suggests that increasing the number of parking spaces will not necessarily increase patronage to the area.
- Car parking may have to be reviewed in the future as part of any development applications to support higher intensity land uses should they ever be proposed.

Should you have any queries regarding the assessment, please feel free to contact me on 0481 300 250.

Yours sincerely,



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### 5.2.3 CON2023 1547 Lindenow South Footpath Connection and Bus Shelter Upgrades

Authorised by General Manager Assets and Environment

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#### Conflict of Interest

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

#### Executive Summary

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in **Confidential Attachment 1** to this report is confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Contract CON2023 1547 Lindenow South Footpath Connection and Bus Shelter Upgrades will provide 2.1 – 2.5 metres (m) wide footpath/boardwalk connections along Lindenow-Glenaladale Road to the Lindenow South Recreation Reserve and undertake upgrades on the existing bus stops. This will provide safe pedestrian access along a busy stretch of road and increase safety around the two existing bus stops.

Approximately 147m of footpath will be constructed between the Lindenow South Recreation Reserve main entry and Lindenow-Glenaladale Road intersection. Two bus shelters will be replaced and relocated to accommodate a bus holding lane.

Further footpath and boardwalk connections will be constructed from the Lindenow-Glenaladale Road – Ives Road intersection to Lindenow South Primary School. This will encompass approximately 527m of footpath and 190m of boardwalk to be constructed in this project.

The project has long been advocated for by the Lindenow South Community and provides significant pedestrian safety improvements for those walking to school and to the recreation reserve.

#### Officer Recommendation

##### ***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. accepts the tender submitted by \_\_\_\_\_ for CON2023 1547 Lindenow South Footpath Connection and Bus Shelter Upgrades for the contract amount of \$\_\_\_\_\_ exclusive of GST;***
- 3. authorises the Chief Executive Officer or delegate to finalise the terms and to sign and seal the contract in the form proposed; and***
- 4. resolves that Confidential Attachment 1 to this report and all discussions in relation to this attachment remain confidential under sections 3(1) and 66(5) of the Local Government Act 2020, because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.***

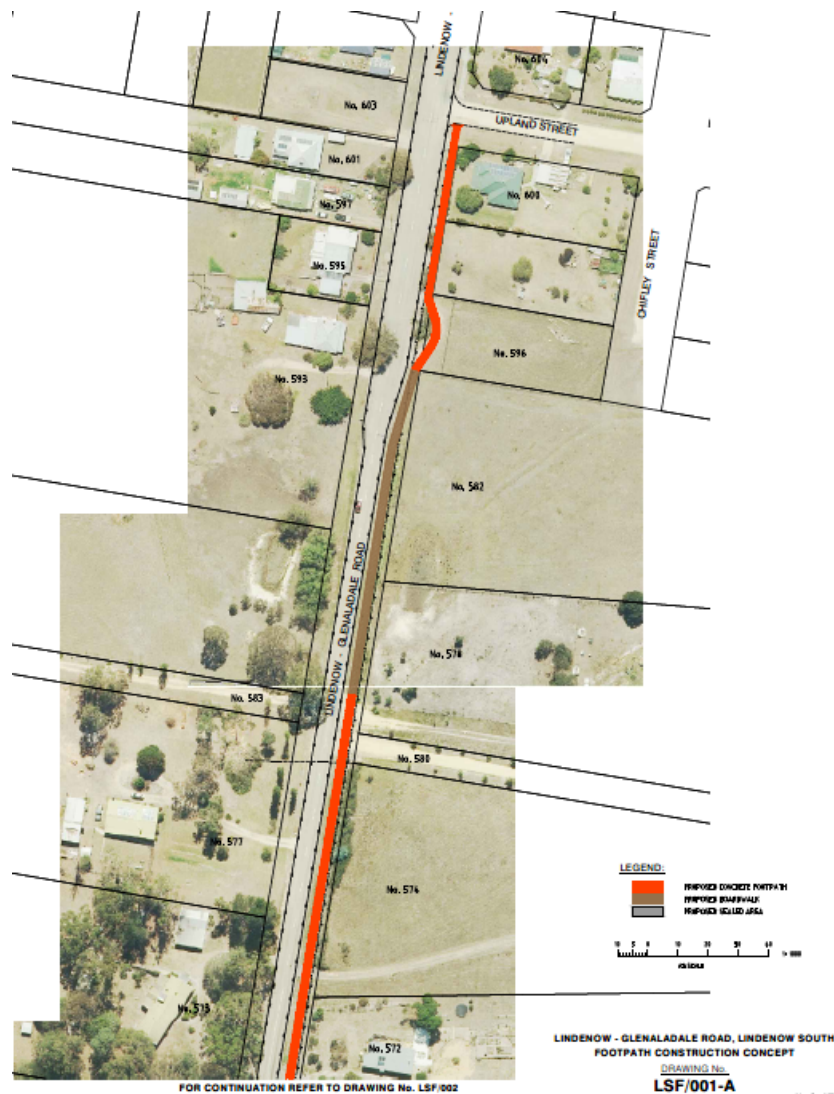
## Background

The development of the Lindenow South footpath connections and bus shelter upgrades will be the result of community collaboration and consultation along with input from key stakeholders.

The objective is to provide a 2.1-2.5m wide footpath/boardwalk connection along Lindenow-Glenaladale Road, starting from Upland Street (opposite Lindenow Primary School) to the Lindenow South Recreation Reserve and upgrade the existing bus stops. This will provide safe pedestrian access along a busy stretch of road and increase safety around the two bus stops.

The proposed scope:

- a section of approximately 147 metres of footpath will be constructed between the Lindenow South Recreation Reserve main entry and Lindenow-Glenaladale Road intersection;
- Lindenow-Glenaladale Road bus shelters – both shelters will be assessed for replacement and relocated (if needed) to accommodate a bus holding lane; and
- Lindenow-Glenaladale Road – Ives Road intersection to Lindenow South Primary School. – approximately 380 metres of footpath and 190 metres of boardwalk to be constructed.





Council has secured the budget for these works from the Local Roads and Community Infrastructure Program and has budgeted additional funds for the design and construction of the works.

As a result of the invitation to tender and the subsequent tender evaluation provided as **Confidential Attachment 1**, Council is now able to consider the recommendation to award the contract.

## Legislation

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

This report has been prepared in accordance with *Local Government Act 2020*.

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in **Confidential Attachment 1** to this report are confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

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

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

### **Collaborative procurement**

Collaborative tendering is not able to be undertaken for this project, however Council has collaborated with the Department of Transport and Planning in the development of the design, given it abuts an arterial road managed by the Victorian government.

### **Council Plan**

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

Strategic Objective 2: 2.2 Infrastructure provision and maintenance supports a diverse range of current and future user needs and activities and is both environmentally and financially sustainable.

### **Council Policy**

Procurement was undertaken in accordance with the Council's Procurement Policy.

### **Options**

Tenders received have been assessed by a Tender Evaluation Panel (TEP). The Tender Evaluation Report (**Confidential Attachment 1**) details the assessment of options for the selection of a contractor for the project.

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

### **Resourcing**

#### *Financial*

The project has broad stakeholder support and has been developed and co-funded with assistance from the Victorian Government. Details of the financial arrangements that facilitate this project are outlined in **Confidential Attachment 1**.

#### *Plant and equipment*

All plant and equipment requirements will be provided in accordance with the proposed contract.

#### *Human Resources*

This project will be supervised by a project supervisor from the Council's Capital Projects and Plant unit. No additional council human resources are required to manage this project.

## *Risk*

The risks of this proposal have been considered extensively during the planning and design phase of this project. Tenderers were also requested to develop a construction method that minimises risks identified in relation to protection of existing services, traffic management, property access, vibration and other key issues associated with the works.

As part of the contract requirements, the Contractor will develop and implement a site-specific Project and Environmental Management Plan to mitigate identified risks such as traffic management and pollution to nearby waterways.

## **Economic**

The benefits of the project include the economic activity associated with the construction, establishment, maintenance and operation of community sports infrastructure and the increased productivity of those who are physically active because of such infrastructure.

The tender evaluation process used for this tender included a 5% weighting for local content, with preference given to contractors who employ locally and purchase goods and any subcontracted services locally.

## **Social**

The completion of the project will see numerous health and social benefits for the Lindenow South community. The increase in physical activity will see personal health benefits and a reduced risk of accidents in the participant population.

Some of the social benefits for the project include growing participation in physical and social activity amongst people of all ages, genders, cultural backgrounds, and abilities.

The pedestrian safety benefits of this project are the main driver of the project.

## *Gender Impact Statement*

The *Gender Equality Act 2020* was considered in the preparation of this report. Contract CON2023 1547 Lindenow South Footpath Connection and bus shelter Upgrades has been assessed as not requiring a Gender Impact Assessment (GIA).

## **Environmental**

A 5% weighting has been used in the evaluation of the tenders regarding environmental sustainability, with preference given to contractors who can demonstrate environmentally sustainable and environmentally sensitive practices.

## *Climate change*

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

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

## **Engagement**

The following community engagement has been undertaken:

1. Engagement with Lindenow South Primary School who endorsed designs;
2. Engagement with a local Project Reference Group with nine local community members who reviewed and endorsed the designs; and
3. A YourSay web page has been active since 14 July 2022 keeping the local community updated on project progress.

The local community will be kept informed through the construction phase, with regular project updates.

## **Attachments**

1. CONFIDENTIAL - Tender Evaluation Panel Report [5.2.3.1 - 8 pages]

## 5.2.4 CON2023 1555 Jemmy's Point Stage 2 - Rotary Park Construction Works

Authorised by General Manager Assets and Environment

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### Conflict of Interest

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

### Executive Summary

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in **Confidential Attachment 1** to this report is confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

The Jemmy's Point Lookout and Kalimna Loop Walk project includes new and upgraded infrastructure development for all the local community and visitors to the region. The Project consists of viewing areas, carparking, landscaping and amenity upgrades and additions, along with repairs and upgrades to the existing Kalimna Loop walk trails and structures. Detailed drawings are provided as **Attachment 2**. The project is jointly funded by Council and the Federal Government.

This contract will execute the civil works at Jemmy's Point Reserve in conjunction with a new amenities building, which will be awarded as a separate contract due to the nature of the works being building related and not civil. This contract will include:

- construction of road (including carparking spaces), footpaths and drainage;
- construction of an earthen viewing mound with masonry retaining walls, handrail and furniture;
- construction of several remote picnic tables on concrete slabs;
- demolition, decommissioning and removal of existing toilets and septs; and
- replacement of existing chain link fence.

The project has undergone several design iterations before arriving at this simpler structure, which recognises that the Lookout adjacent to Hotel Road reduces the need for a destination lookout at this second site. This was confirmed with community consultations which could not arrive at a preferred design for a destination lookout and indicated that use of the area as a community park and gathering point was equally important.

Therefore, the final design provided at **Attachment 2** provides a more modest lookout and a range of upgraded services to support community gathering at this park. The remaining project budget has instead been invested in upgrading pathways that provide important pedestrian access along the Kalimna foreshore.

The successful contractor will be responsible for supplying all materials, plant, equipment, and personnel necessary to complete the works.

## **Officer Recommendation**

### ***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. accepts the tender submitted by \_\_\_\_\_ for CON2023 1555 Jemmy's Point Rotary Park Construction Works for the contract amount of \$ \_\_\_\_\_ exclusive of GST;***
- 3. authorises the Chief Executive Officer or delegate to finalise the terms and to sign and seal the contract in the form proposed; and***
- 4. resolves that Confidential Attachment 1 to this report and all discussions in relation to this attachment remain confidential under sections 3(1) and 66(5) of the Local Government Act 2020, because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.***

## **Background**

The purpose of this procurement is to secure a contract with a suitably qualified and experienced contractor to upgrade the Jemmy's Point Reserve area with a new road, kerb and channel, drainage, car parks, public toilets, lookout and street furniture.

A request for tender (RFT) was advertised seeking responses from suitable vendors to undertake this contract. The tender closed on Wednesday 21 December 2022.

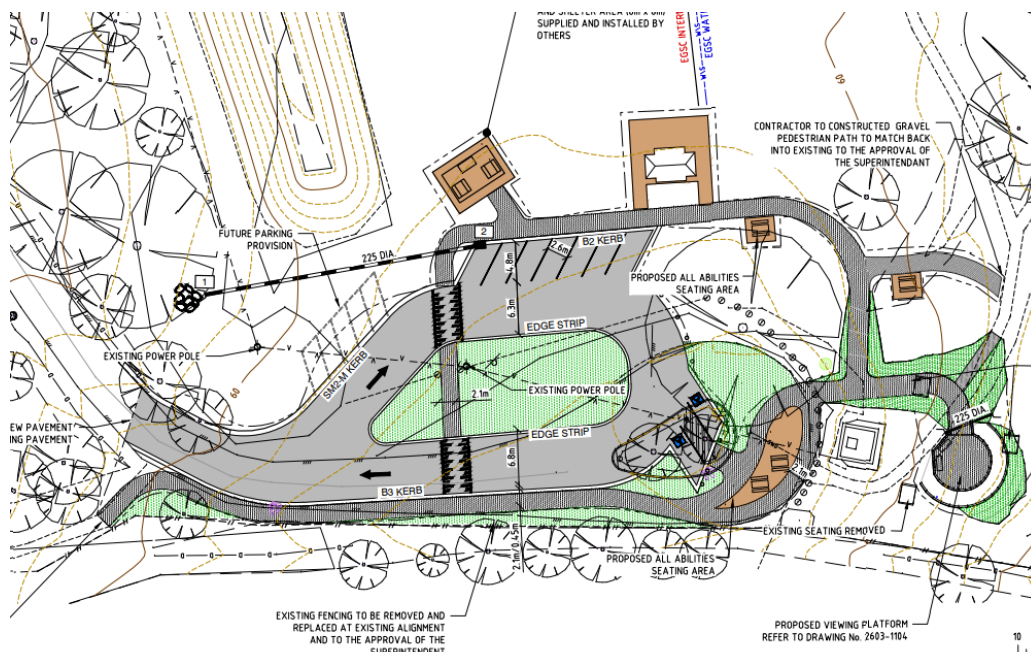
The submission was evaluated by the Tender Evaluation Panel (TEP) using a set list of weighted criteria that considered financial value (40%), capacity (20%), capability (30%), local contribution (5%) and sustainability and environment (5%).

The Jemmy's Point Lookout and Kalimna Loop Walk project includes new and upgraded infrastructure development for all the local community and visitors to the region. The project consists of viewing areas, carparking, landscaping and amenity upgrades and additions, along with repairs and upgrades to the existing Kalimna Loop walk trails and structures. The project is jointly funded by Council and the Federal Government.

This contract will execute the civil works at Jemmy's Point Reserve in conjunction with a new amenity building, which will be awarded as a separate contract due to the nature of the works being building-related and not civil. This contract will include:

- construction of road (including carparking spaces), footpaths and drainage;
- construction of an earthen viewing mound with masonry retaining walls, handrail and furniture;
- construction of several remote picnic tables on concrete slabs;
- demolition, decommissioning and removal of existing toilets and septic; and
- replacement of existing chain link fence.





The successful contractor will be responsible for supplying all materials, plant, equipment, and personnel necessary to complete the works.

As a result of the invitation to tender and the subsequent tender evaluation provided as **Confidential Attachment 1**, Council is now able to consider the recommendation to award the contract.

## Legislation

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

This report has been prepared in accordance with *Local Government Act 2020*.

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 the attachment/s to this report are confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

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

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

## **Collaborative procurement**

The overall Jemmy's Point and Kalimna Loop Walk Project is funded by Council and Federal Government (consisting of two grants: Community Development Grants (CDG) and Building Better Regions Fund (BBRF). Because of the bespoke nature of the contract, collaborative procurement was not possible.

## **Council Plan**

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

Strategic Objective 2: 2.2 Infrastructure provision and maintenance support a diverse range of current and future user needs and activities and is both environmentally and financially sustainable.

## **Council Policy**

Procurement has been undertaken in accordance with the Council's Procurement Policy.

## **Options**

Tenders received have been assessed by a TEP. The TEP report (**Confidential Attachment 1**) details the assessment of options for the selection of a contractor for the project.

It is recommended that Council awards the contract in accordance with the TEP's recommendation.

The other option available to Council is to not award the contract, which would cause further time delays and potentially put funding at risk.

## **Resourcing**

### *Financial*

The project has broad stakeholder support and has been developed and co-funded with assistance from a range of partner agencies. The budget to award this contract is discussed in detail in the TEP Report (**Confidential Attachment 1**).

### *Plant and equipment*

All plant and equipment requirements will be provided in accordance with the proposed contract.

### *Human Resources*

This project will be supervised by a project supervisor from the Council's Capital Projects and Plant unit. No additional council human resources are required to manage this project.

## *Risk*

The risks of this proposal have been considered extensively during the design phase of this project. Tenderers were also requested to develop a construction method that minimises risks identified in relation to protection of existing services, traffic management, property access, vibration and other key issues associated with the works.

As part of the contract requirements, the Contractor will develop and implement a site-specific Project and Environmental Management Plan to mitigate identified risks such as traffic management and pollution to nearby waterways.

## **Economic**

The tender evaluation process used for this tender included a 5% weighting for local content, with preference given to contractors who employ locally and purchase goods and any subcontracted services locally.

## **Social**

The upgraded scenic walk will provide improved health outcomes for the local community and visiting tourists.

## *Gender Impact Statement*

The *Gender Equality Act 2020* was considered in the preparation of this report. Contract CON2023 1555 Jemmy's Point Rotary Park Construction Works has been assessed as not requiring a Gender Impact Assessment (GIA).

## **Environmental**

A 5% weighting has been used in the evaluation of the tenders regarding environmental sustainability, with preference given to contractors who can demonstrate environmentally sustainable and environmentally sensitive practices.

## *Climate change*

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

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

## **Engagement**

There has been extensive community consultation on this project. Jemmy's Point concept work was shared with stakeholders and the broad community to gauge appetite and support for various levels of development in August/September 2020. Among the key outcomes of the engagement process it was revealed that there was strong support to improve attributes that will complement passive recreation and enjoyment, such as local walking trails.

The Project Control Group (PCG) for this project is comprised of key stakeholders including representatives from:

- Department of Energy, Environment, and Climate Action (DEECA, formerly DELWP);
- Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC);
- Regional Roads Victoria (RRV);
- MP Darren Chester's Office;
- Marine Safety Victoria;
- Gippsland Ports; and
- Lakes Entrance Action Development Association (LEADA).

In addition, a representative from Council's Disability Advisory Committee (DAC) joined the PCG at concept and design review stages.

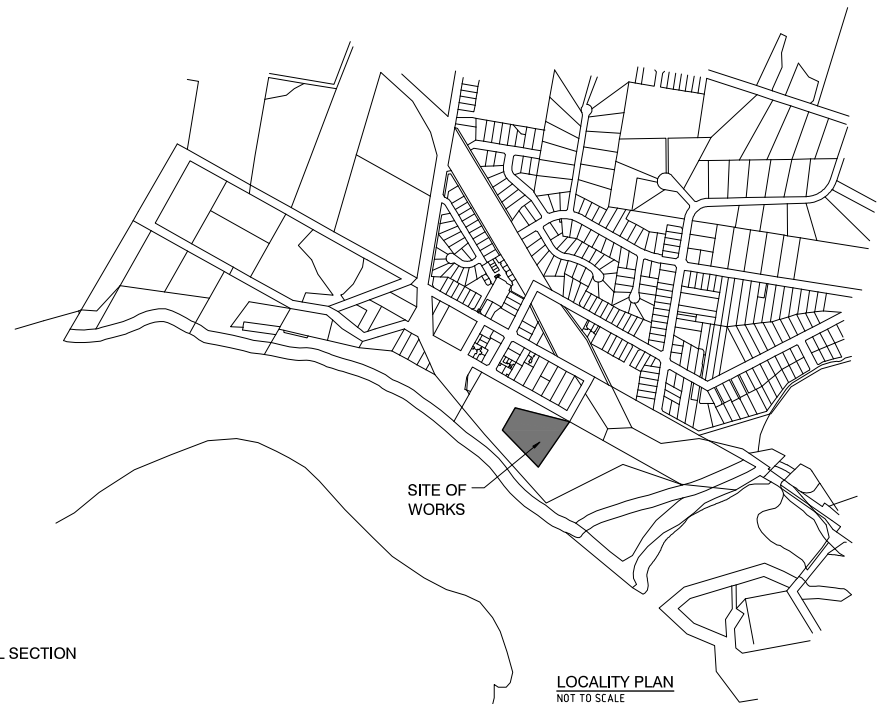
### **Attachments**

1. CONFIDENTIAL - Tender Evaluation Panel Report [5.2.4.1 - 9 pages]
2. Detailed Drawings [5.2.4.2 - 10 pages]



# JEMMY'S POINT, KALIMNA

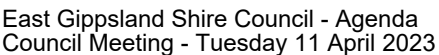
## VIEWING PLATFORM AND CARPARKING WORKS



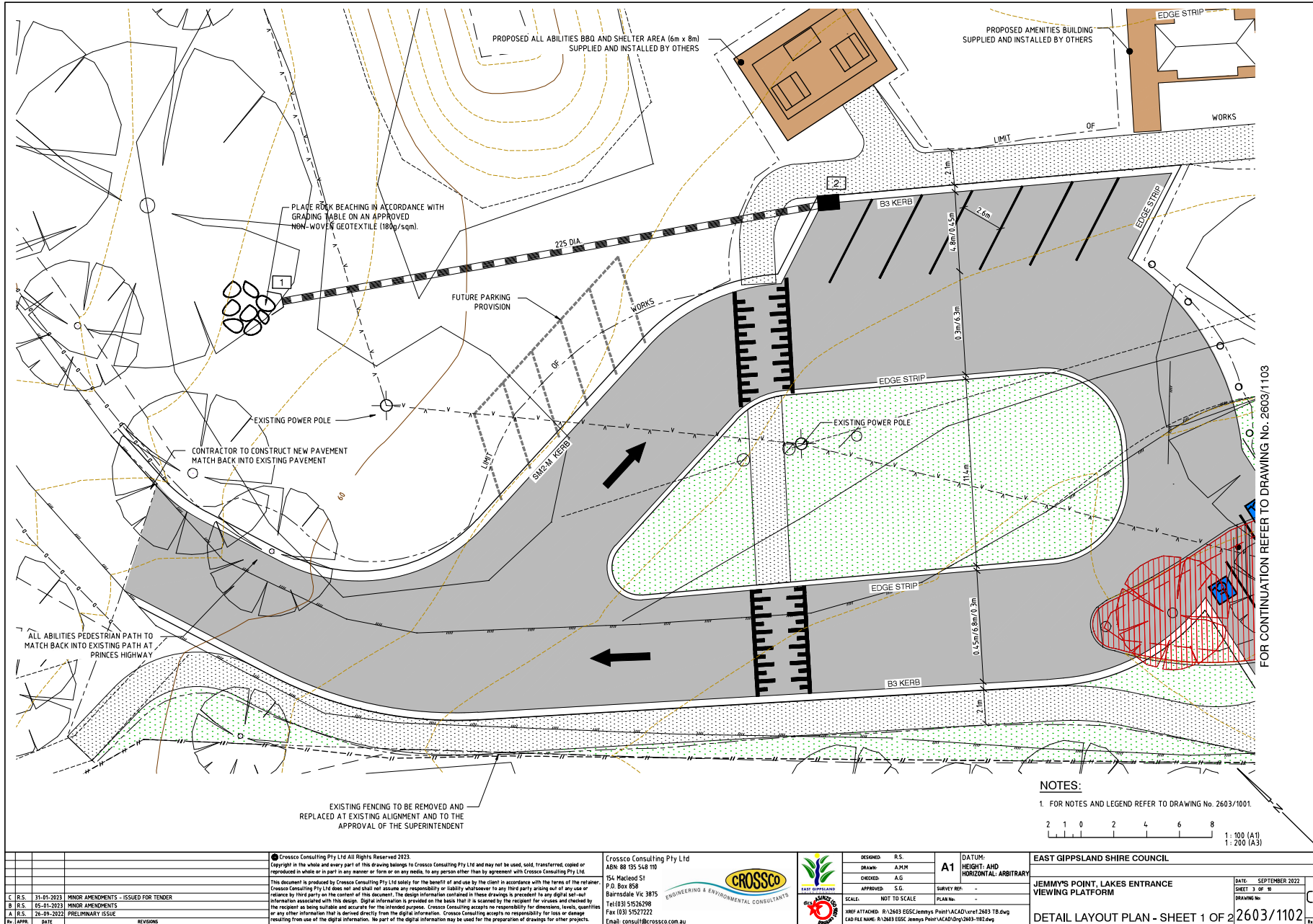
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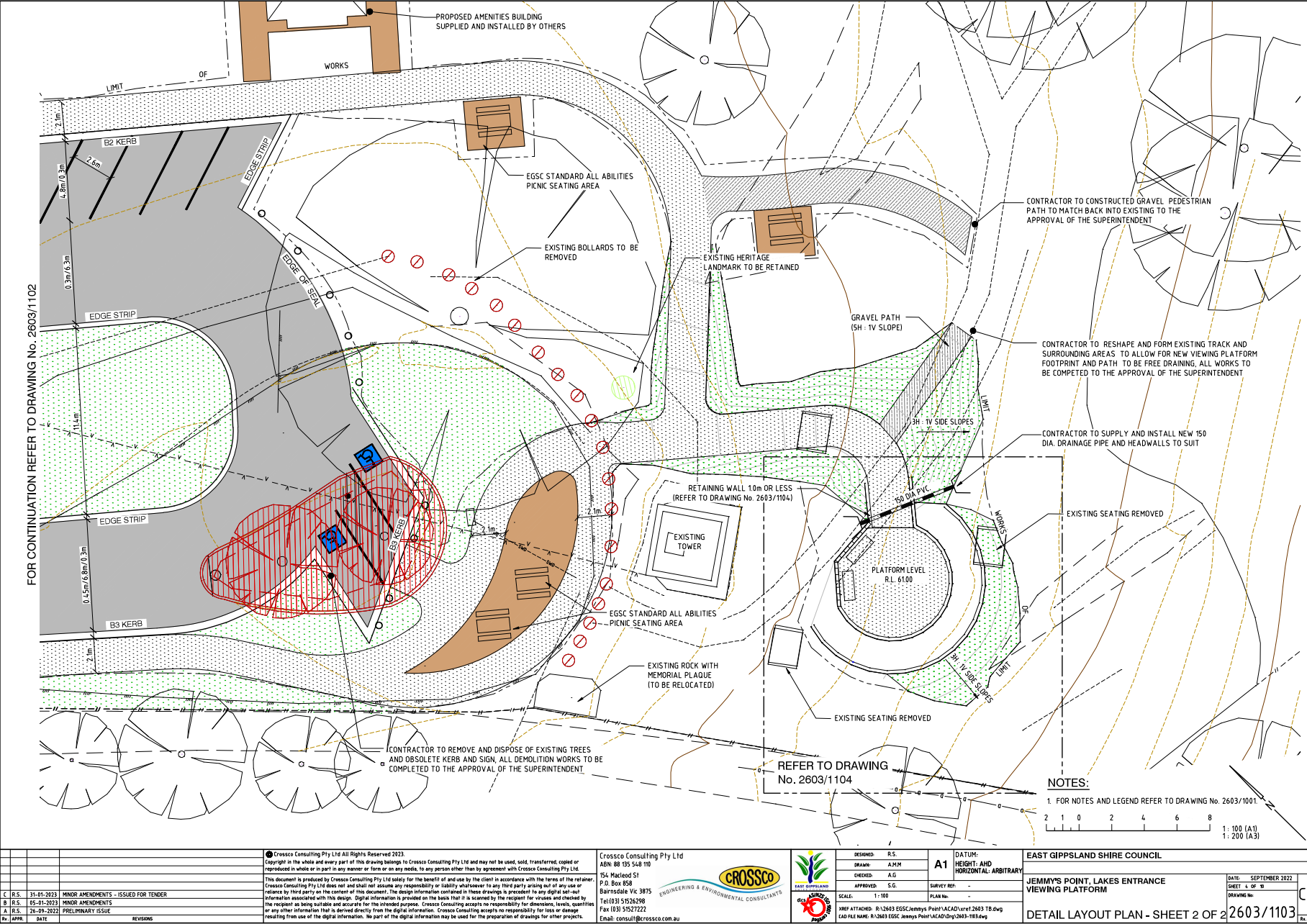
2603/1100	LOCALITY PLAN AND DRAWING LIST
2603/1101	OVERALL LAYOUT PLAN
2603/1102	DETAIL LAYOUT PLAN - SHEET 1 OF 2
2603/1103	DETAIL LAYOUT PLAN - SHEET 2 OF 2
2603/1104	VIEWING PLATFORM CONSTRUCTION DETAILS
2603/1105	SET OUT PLAN
2603/1106	TYPICAL SECTION
2603/1107	STANDARD DETAILS - SHEET 1 OF 2
2603/1108	STANDARD DETAILS - SHEET 2 OF 2 & DRAINAGE LONGITUDINAL SECTION
2603/1109	LINEMARKING AND SIGNAGE PLAN

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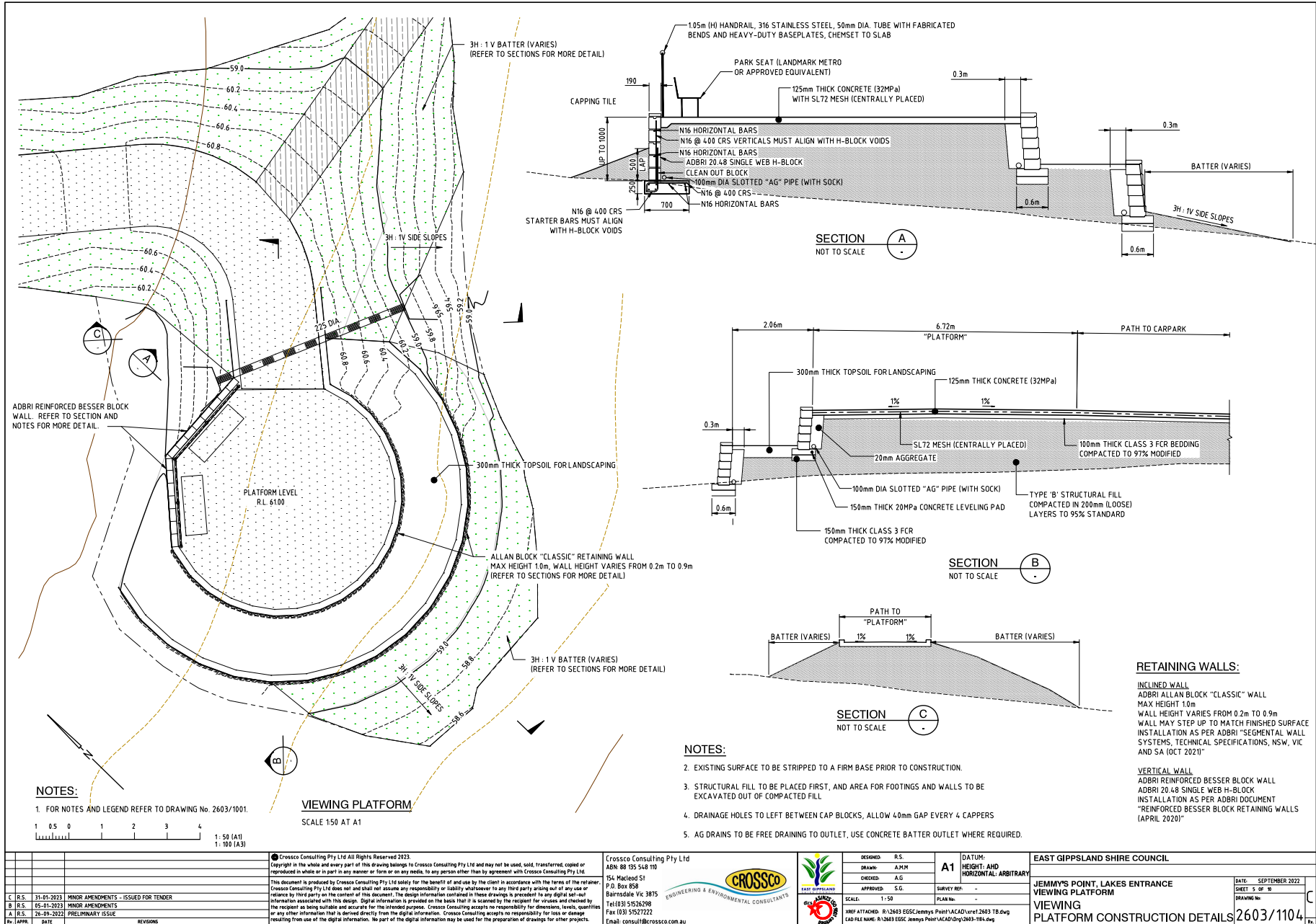


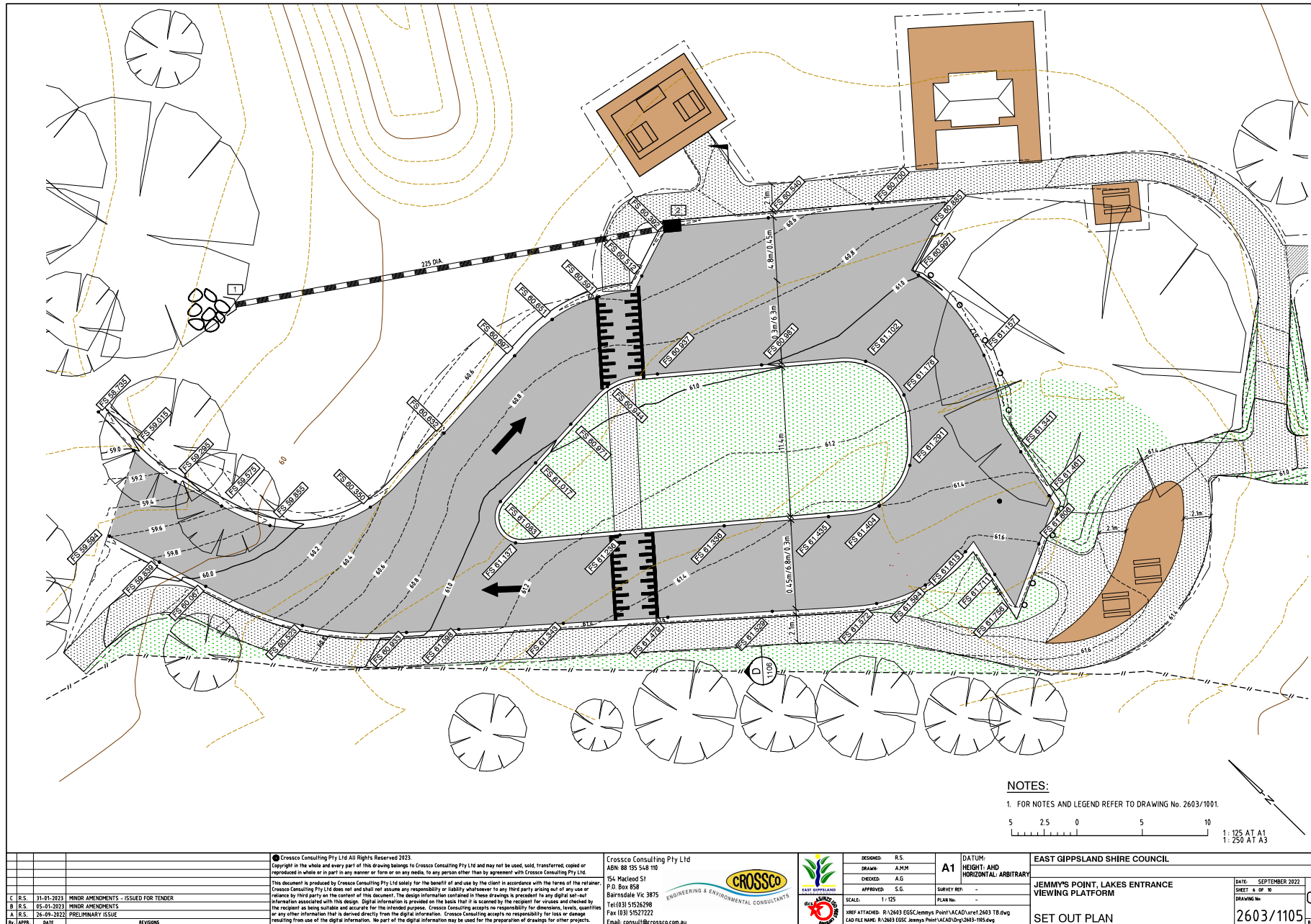


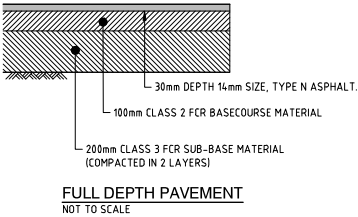
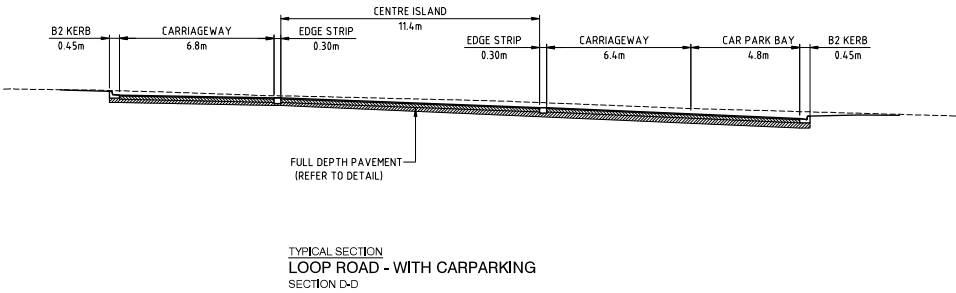




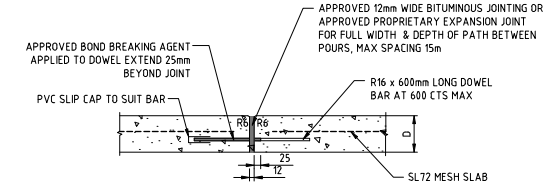








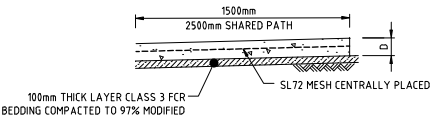
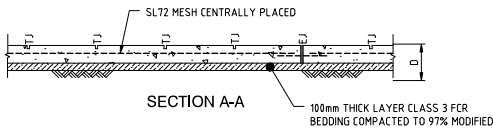
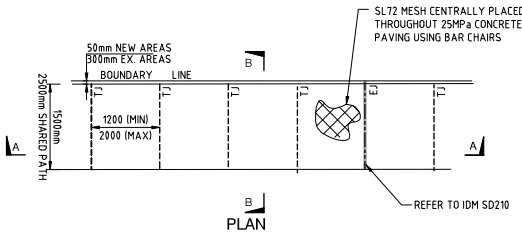
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C	R.S.	31-01-2023	MINOR AMENDMENTS - ISSUED FOR TENDER																				
B	R.S.	05-01-2023	MINOR AMENDMENTS																				
A	R.S.	28-09-2022	PRELIMINARY ISSUE																				
No.	APPR.	DATE	REVISIONS																				



125mm & 150mm FOOTPATH EXPANSION JOINT SECTION - SD 210  
NOT TO SCALE

NOTES:

1. 'D' = DEPTH OF CONCRETE FOOTPATH  
TYPICAL RESIDENTIAL 'D' = 125mm THICK (25MPa)  
TYPICAL INDUSTRIAL/COMMERCIAL 'D' = 150mm (32MPa)
2. APPROVED PROPRIETARY JOINTS CAN BE USED WITH COUNCIL APPROVAL

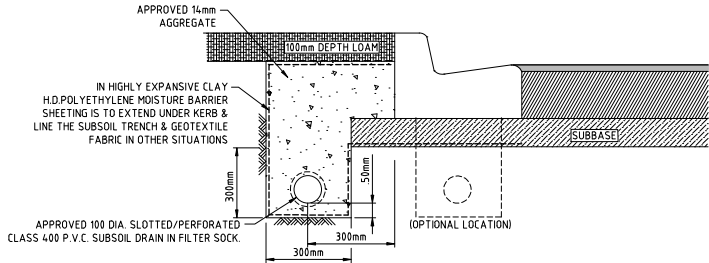


125mm & 150mm FOOTPATH SECTIONS - SD 205  
NOT TO SCALE

NOTES:

1. 'D' = DEPTH OF CONCRETE FOOTPATH  
TYPICAL RESIDENTIAL 'D' = 125mm THICK (25MPa)  
TYPICAL INDUSTRIAL/COMMERCIAL 'D' = 150mm (32MPa)
2. TOOLED JOINTS TO BE MAN WITH T-IRON (OR CONCRETESAW) WITHIN 24Hrs OF POUR
3. IF A SAW CUT JOINT IS TO BE USED AS OPPOSED TO A TOOLED JOINT REFER TO IDM SD 215

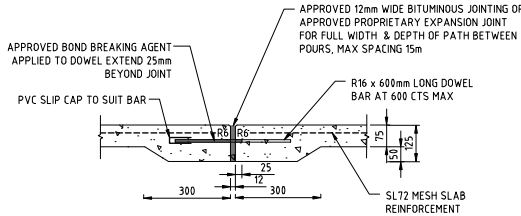
LEGEND	
	EXPANSION JOINT REFER TO SD205
	TOOLED JOINTS @ 1200mm CRS



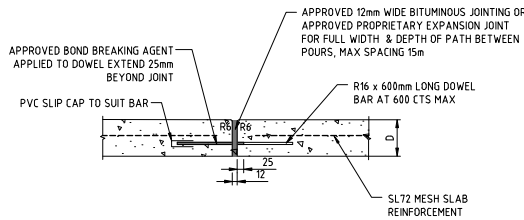
SUBSOIL DRAIN (IDM 145)  
NOT TO SCALE  
(REFER TO IDM SD145)

NOTES:

1. THE DRAINS SHALL BE LAID ON A GRADE PARALLEL TO FINISHED SURFACE
2. FOR FLUSHOUT RISER DETAILS REFER TO STANDARD DRAWINGS SD530 & SD 535 IS TO BE INSTALLED



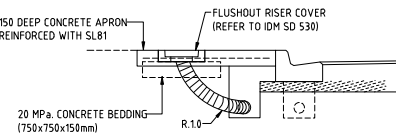
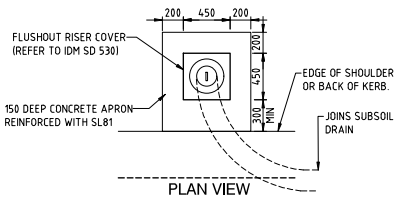
75mm FOOTPATH EXPANSION JOINT SECTION - SD 210  
(EXISTING DEVELOPED AREAS ONLY)  
NOT TO SCALE



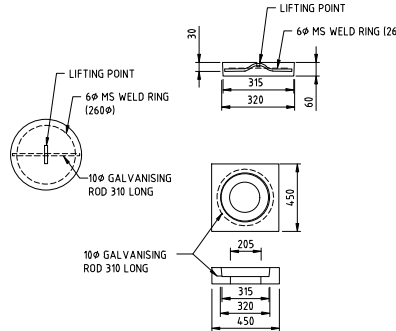
125mm & 150mm FOOTPATH EXPANSION JOINT SECTION - SD 210  
NOT TO SCALE

NOTES:

1. 'D' = DEPTH OF CONCRETE FOOTPATH  
TYPICAL RESIDENTIAL 'D' = 125mm THICK (25MPa)  
TYPICAL INDUSTRIAL/COMMERCIAL 'D' = 150mm (32MPa)
2. APPROVED PROPRIETARY JOINTS CAN BE USED WITH COUNCIL APPROVAL

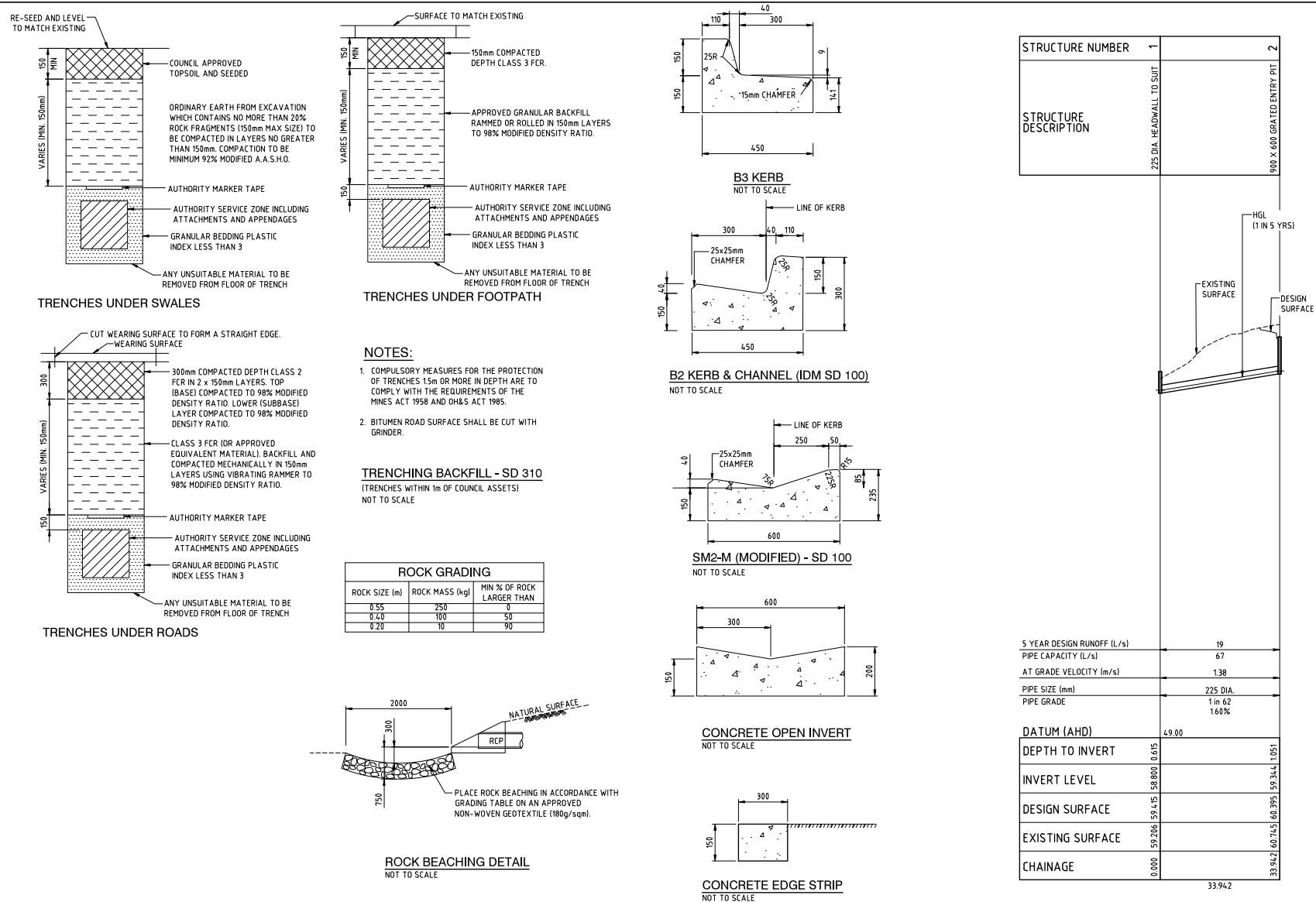


FLUSHOUT RISER (IDM 525)  
NOT TO SCALE  
(REFER TO IDM SD 525)



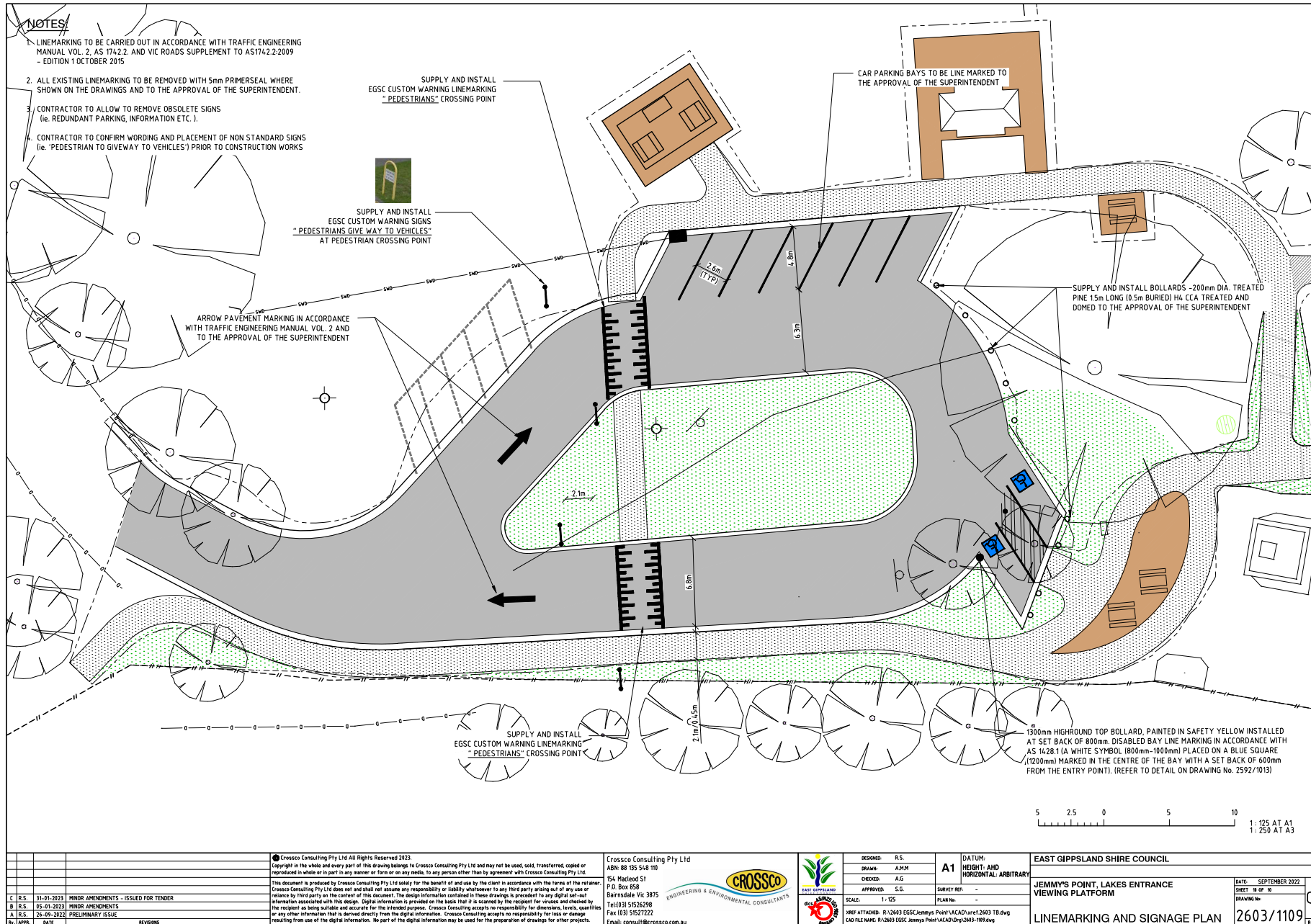
FLUSHOUT RISER COVER DETAIL  
NOT TO SCALE  
(REFER TO IDM SD 530)

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<p>This document is produced by Crosso Consulting Pty Ltd solely for the benefit of and use by the client in accordance with the terms of the retainer Crosso Consulting Pty Ltd does not and shall not assume any responsibility or liability whatsoever to any third party arising out of any use or change by third party in the content of this document. The design information contained in this drawing is provided to you by digital means and information associated with this document. Digital information is provided on the basis that it is scanned by the printer and checked by the recipient as being suitable and accurate for the intended purpose. Crosso Consulting accepts no responsibility for drawings, levels, quantities or any other information that is derived directly from the digital information. Crosso Consulting accepts no responsibility for loss or damage resulting from use of the digital information. No part of the digital information may be used for the preparation of drawings, forms or other projects.</p>										<p>154 Macedon St P.O. Box 858 Bairnsdale VIC 3875 Tel: (03) 51526298 Fax: (03) 51527222 enquiries@crosso.com.au</p>																				<p>DATE: SEPTEMBER 2022 DRAWING NO. 19 OF 19 SHEET NO. 2603/1108</p>										<p>JEMMY'S POINT, LAKES ENTRANCE VIEWING PLATFORM STANDARD DETAILS - SHEET 2 OF 2 DRAINAGE LONGITUDINAL SECTION</p>																			
<p>R.S. 31-01-2023 MINOR AMENDMENTS - ISSUED FOR TENDER R.S. 05-01-2023 MINOR AMENDMENTS A.S. 26-09-2023 PRELIMINARY SHEET</p>										<p>APPROX. DATE REVISIONS</p>										<p>APPROVED: S.G. REVISIONS</p>										<p>APPROVED: S.G. REVISIONS</p>										<p>APPROVED: S.G. REVISIONS</p>																			





## **5.2.5 CON2019 1352 Provision of Arboriculture - General Tree Services - contract extension**

Authorised by General Manager Assets and Environment

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### **Conflict of Interest**

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

### **Executive Summary**

The purpose of this report is to seek Council's approval to exercise its option within CON2019 1352 Provision of Arboriculture – General Tree Services (Panel of Suppliers) to extend the panel of contractors for a period of 12 months. The contractors are all performing to the standards of the contract and provide an important mechanism for Council to deliver its tree management services across the Shire.

Council currently carries out tree maintenance activities utilising both an in-house crew and external contractors. At times, Council engages qualified contractors to complete works that are beyond the in-house crew's capabilities, such as confined aerial tree removal and higher elevated work platform works. They are also engaged for works in the remote regions of the Shire and at times such as post major storms and wind events where additional capacity is required.

CON2019 1352 was awarded in 2020, for a three (3) year term. Under the contract, Council has the option to extend the contract for a further 12 months.

### **Officer Recommendation**

#### ***That Council:***

- 1. receives and notes this report;**
- 2. approves the contract extension to CON2019 1352 Provision of Arboriculture – General Tree Services for a period of twelve months (12) months to 21 April 2024 for the tendered schedule of rates to the following Panel Contract members; and**
  - a. Batt Brothers Vegetation Management;**
  - b. Roots 2 Leaves Tree Service Pty Ltd;**
  - c. Tree Limits Pty Ltd;**
  - d. TD Tree Services Pty Ltd;**
  - e. Arborspray Pty Ltd; and**
  - f. Rachael Tonkin trading as Uber Arbor.**
- 3. authorises the Chief Executive Officer to sign and seal the contract extension in the form proposed in Recommendation 2.**

## Background

On 21 April 2020, Council awarded CON2019 1352 to qualified contractors to complete works such as confined aerial tree removal and higher elevated work platform works, as per their tendered schedules of rates.

These contractors are currently appointed from a panel of providers under contract CON2019 1352 Provision of Arboriculture General Tree Services (Panel of Suppliers). This contract expires in late April 2023.

All Panel members are deemed suitable to retain for a further 12 months and all provide important capacity and specialised services that are required from time to time.

It should be noted that inclusion in the Panel of Suppliers does not guarantee a supplier a contract, nor is Council obliged to engage any or all of the contractors on the panel. Council Officers will have the ability to choose the most appropriate contractor for the particular location and works required. Performance of the contractors and quality of work will be monitored throughout the contract period.

## Legislation

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

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

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

## Collaborative procurement

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 2:2.2 Infrastructure provision and maintenance supports a diverse range of current and future user needs and activities and is both environmentally and financially sustainable.



## **Options**

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

### *Option 1 (preferred)*

Exercise the twelve (12) month extension option to the existing contract CON2019 1352 Provision of Arboriculture General Tree Services with the panel of suppliers, with the contract completion date being 21 April 2024.

### *Option 2*

Re-tender the services provided by Contract CON2019 1352.

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

## **Resourcing**

### *Financial*

The procurement of contractor services will be funded from the existing operational budget. Various Council businesses will require this type of service. Council's budgets are set through the annual budget process.

When ordering works, Council Officers will determine with the relevant contractor an estimate of equipment and time required to complete works. Additional funding can be sourced for specific circumstances such as nature disasters should these occur and lead to a requirement for additional unbudgeted service.

### *Plant and equipment*

Plan is supplied by panel contractors as part of the contract conditions.

### *Human Resources*

The main Project Supervisor for this contract will be Council Arborist. However, other Council Officers will be able to procure services from the panel of contractors.

### *Risk*

The risks of this proposal have been considered and retaining the existing contractors for the contract extension period is considered a low-risk outcome for Council as both the contractors and their rates are known.

## **Economic**

The Panel of contractors are largely businesses located and operating within East Gippsland with positive local employment and fiscal multiplier effects for the local economy.

## **Social**

Provision of timely tree services is an important service Council provides to its community and assists to ensure that public areas are safe and usable.

### *Gender Impact Statement*

The service has been assessed as not requiring a Gender Impact Assessment.

## **Environmental**

Offering the contract extension to the panel of suppliers ensures ongoing confined aerial tree removal and higher elevated work platform works. This means that Council has the ability to manage hazard trees and vegetation in a manner that often allows for the retention of the tree.

### *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 to this report.

## **Attachments**

Nil

## 5.2.6 CON2023 1539 Supply and Delivery of Granular Pavement Materials

Authorised by General Manager Assets and Environment

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### Conflict of Interest

No Officer who has provided advice in the preparation of this report has disclosed a conflict of interest.

### Executive Summary

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in **Confidential Attachment 1** to this report are confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

This contract replaces the previous contract, CON2019 1335 Supply of Granular Pavement Materials, which expired December 2022. The purpose of this contract is to engage a panel of appropriately qualified and experienced contractors for the supply of granular pavement and quarry rock materials including naturally occurring or process gravels, crushed rock and soft or ripped rock which will be used in various roadwork applications on request. The initial term of the contract is for three (3) years inclusive of annual consumer price index (CPI) adjustment with an anticipated commencement being end April 2023. There are two further extension options, each of up to twelve (12) months inclusive of an annual CPI adjustment, at Council's sole discretion.

A request for tender (RFT) was advertised seeking responses from suitable contractors to be appointed to the panel. Nine (9) tender submissions were received by the closing date of Wednesday 25 January 2023. The submissions were evaluated by the Tender Evaluation Panel (TEP) using a set list of weighted criteria that considered financial value (40%), capacity (25%), capability (25%), local contribution (5%) and sustainability and environment (5%). The financial evaluation analysis was based on the submitted rate for the three (3) most common granular pavement items being:

A TEP report is provided as **Confidential Attachment 1**, detailing the assessment of tenders and the TEP's recommendation.

## **Officer Recommendation**

### ***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. accepts the tenders submitted from the companies for Contract CON2023 1539 Supply of Granular Pavement Materials for the Schedule of Rates (ex GST) as detailed in Confidential Attachment 1;***
- 3. endorses the establishment of a Panel of Suppliers of Granular Pavement Materials contract, based on the tendered schedule of rates as detailed in Appendix A of Confidential Attachment 1 for an initial term of three (3) years inclusive of annual consumer price index adjustment with an anticipated commencement date early April 2023 and comprising of the following panel:***
  - a. \_\_\_\_\_;***
  - b. \_\_\_\_\_;***
  - c. \_\_\_\_\_;***
  - d. \_\_\_\_\_;***
  - e. \_\_\_\_\_;***
  - f. \_\_\_\_\_;***
  - g. \_\_\_\_\_;***
  - h. \_\_\_\_\_; and***
  - i. \_\_\_\_\_.***
- 4. authorises the Chief Executive Officer to exercise two separate extension options of up to twelve (12) months inclusive of an annual consumer price index adjustment subject to suppliers' satisfactory performance;***
- 5. notes that all successful contractors will be advised that the supply of these products is to be determined at the point of engagement based on the combination of supply and cartage rates for the available conforming materials that results in best value for Council for each specific application;***
- 6. authorises the signing and sealing of the contracts in the form proposed; and***
- 7. resolves that Confidential Attachment 1 to this report and all discussions in relation to this attachment remain confidential under sections 3(1) and 66(5) of the Local Government Act 2020, because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.***

## Background

Council is responsible for the maintenance of 2,958 kilometres (km) of roadways throughout the Shire consisting of 1,264 km of sealed and 1,694 km of unsealed roads. The maintenance of these roads requires Council to procure granular materials from local quarry suppliers to be able to undertake any necessary repairs.

The ad-hoc procurement for the provision of these materials might dictate a higher rate unless a pre-existing contract with an agreed schedule of rates is in place. It is also considered a transparent and acceptable process to establish what is effectively a panel of providers for these works. This will ensure the most cost-effective outcome for Council.

Tenders for the supply of granular pavement material were received from a range of quarries with the ability to supply a variety of materials from a variety of locations. It is considered that all contractor/suppliers recommended for appointment to the panel will be able to supply the pre-qualified materials needed for our road maintenance works for the period of the contract (three years).

Acceptance of tenders is not a guarantee that any or all works will be assigned to these contractors, in all cases the material will be procured on a needs basis, with the lowest priced contractor for a particular region offered to supply the required material in the first instance.

## Legislation

This report has been prepared in accordance with *Local Government Act 2020*.

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in **Confidential Attachment 1** to this report are confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

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

Pursuant of section 109(2) of the *Local Government Act 2020*, this report has not been prepared in collaboration with another Council or government entity based on the geographic area the contract is expected to cover.

## **Council Plan**

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

Strategic Objective 2:2.2 Infrastructure provision and maintenance supports a diverse range of current and future user needs and activities and is both environmentally and financially sustainable; and

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

## **Council Policy**

Procurement has been undertaken in accordance with Council's Procurement Policy.

## **Options**

Council has the options of:

- awarding the contracts as recommended, including a 24-month extension period;
- awarding contracts without the option of a further extension period; or
- not awarding the contracts.

## **Resourcing**

### *Financial*

The panel of providers for the Supply of Granular Pavement Materials ensures that supply rates have been predetermined and all variables including margins have been thoroughly considered by the tendering contractors and factored in.

Budgeting and financial management will also benefit by knowing rates up-front and the availability of various type of materials for their respective localities throughout the Shire.

Operating budget exists to cover the cost of procuring the materials covered by CON 2023 1539.

### *Plant and equipment*

Cartage rates are also outlined in each tender's response to the RFT and makes up a significant portion of this service contract.

### *Human Resources*

Work associated with this contract will be undertaken by existing Council Officers as part of their normal duties.

### *Risk*

The risks of this proposal have been considered and are seen to be manageable. Indeed, having this contract in place is considered to mitigate financial and supply risks for Council.

## **Economic**

Many of the recommended panel members for this contract are local businesses. A 5% weighting for local content was also applied to the tender.

## **Social**

Having the ability to reinstate road infrastructure in a timely through the ability to source necessary materials promptly supports the local community.

### *Gender Impact Statement*

This report and the evaluation of tenders for CON2023 1539 has considered the *Gender Equality Act 2020* in its preparation. The contract has been assessed as not requiring a Gender Impact Assessment (GIA).

## **Environmental**

This contract is designed to assist Council maintenance obligations, but also aids in the recovery from natural disasters and other emergency events. Material will be sourced from licenced quarries and suppliers that comply with all relevant environmental and extractive industries legislation.

### *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**

No engagement has been undertaken through this tender process other than the public advertising of the tender.

## **Attachments**

1. CONFIDENTIAL - Tender Evaluation Panel Report [5.2.6.1 - 23 pages]

## 6 Urgent Business

## 7 Confidential Business

Council will close the meeting to the public in accordance with the provision of section 66(2) of the *Local Government Act 2020* to consider the following list of items:

### 7.1 Agriculture Sector Advisory Committee

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.

### 7.2 Sustainability Initiative

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 confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

### 7.3 Personnel 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 personal information that would, if released, result in the unreasonable disclosure of information about personal affairs.

## 8 Close of Meeting