



Council Meeting Agenda



Tuesday 15 August 2023 at 6.00 pm
Council Chambers (and by video conferencing)
East Gippsland Shire Council Corporate Centre
273 Main Street, Bairnsdale 3875



Acknowledgement of Country

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

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

Council information

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

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

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

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

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

Councillors

Cr 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
Alba Elling Acting 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.

Index

1 Procedural	7
1.1 Recognition of Traditional Custodians	7
1.2 Apologies	7
1.3 Declaration of Conflict of Interest	7
1.4 Confirmation of Minutes	7
1.5 Next Meeting	7
1.6 Requests for Leave of Absence	7
1.7 Open Forum	7
1.7.1 Petitions	7
1.7.2 Questions of Council	7
1.7.3 Public Submissions	7
1.8 Items for noting	7
2 Notices of Motion	8
2.1 Develop and Implement a Data Dashboard	8
3 Deferred Business	8
4 Councillor and Delegate Reports	8
5 Officer Reports	9
5.1 Place and Community	9
5.1.1 Planning Application 5.2022.344.1 (344/2022/P) - Multi-lot Subdivision and Native Vegetation Removal - 10 Fullarton Drive, Paynesville	9
5.2 Assets and Environment	406
5.2.1 Toonalook Waters Revegetation Project	406
5.2.2 Capital Works and Major Projects 2022/2023 - Year in Review	415
5.2.3 CON2023 1491 Krauatungalung Walk Stage 1	460
5.2.4 CON2023 1536 Kerb and Channel Replacement on Various Roads in East Gippsland	483
5.2.5 CON2023 1582 Replacement of Reedy Creek Road Bridge, Ensay	490
5.2.6 CON2023 1585 Replacement of Little River Road Bridge, Ensay	494

5.2.7 CON2023 1566 Green Waste Processing and Removal Services	499
5.3 Business Excellence	505
5.3.1 Valuation Averaging Mechanism - Local Government Rates Discussion Paper	505
5.3.2 Council Plan 2021-25 Annual Action Plan 2023/24	514
5.3.3 Municipal Association of Victoria October 2023 State Council Meeting Motions	543
5.3.4 Adoption of Internal Audit Plan 2023-26	549
6 Urgent Business	555
7 Confidential Business	555
8 Close of Meeting	555

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.

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1.2 Apologies

Cr Mark Reeves Mayor
Cr Jane Greacen OAM

1.3 Declaration of Conflict of Interest

1.4 Confirmation of Minutes

That the minutes of the Council Meeting held Tuesday 25 July 2023 be confirmed.

1.5 Next Meeting

The next Council Meeting is scheduled to be held on Tuesday 5 September 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*

1.7.2 *Questions of Council*

1.7.3 *Public Submissions*

1.8 Items for noting

2 Notices of Motion

2.1 Develop and Implement a Data Dashboard

Take notice that it is my intention to move at the Council meeting to be held on Tuesday 15 August 2023 at 6.00 pm or at any adjournment of that meeting:

That a report be presented to a future meeting of Council on the feasibility of developing and implementing publicly available data dashboards to enhance transparency, accountability, and community engagement.

Signed: Cr Sonia Buckley

Date: 2 August 2023

Rationale

Future data dashboards would enable Council to:

- Increase Transparency and Accountability – data dashboards can promote transparency by making information easily accessible to the public. Community members can have the opportunity to access and review Council activities, fostering trust and accountability.
- Augment Community Engagement – by providing data in a visual and understandable format, data dashboards can encourage community engagement and participation in our local governance.
- Further demonstrate evidence-based planning – Council can show that decisions are underpinned and informed by data-driven insights.
- Achieve operational efficiencies – data dashboards can streamline data analysis and reporting processes.

Garnering an understanding of the scope, costs and time required to implement publicly available data dashboards is the first step in enabling Council to potentially achieve this enhanced service to the community.

3 Deferred Business

4 Councillor and Delegate Reports

5 Officer Reports

5.1 Place and Community

5.1.1 Planning Application 5.2022.344.1 (344/2022/P) - Multi-lot Subdivision and Native Vegetation Removal - 10 Fullarton Drive, Paynesville

Authorised by General Manager Place and Community

Conflict of Interest

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

Executive Summary

The planning permit application currently before Council seeks a permit for a Multi-lot Subdivision and Native Vegetation Removal at 10 Fullarton Drive, Paynesville. The subject land is one lot with a land area of 10.7 hectares. The land is located on the northern side of Fullarton Drive and northeast of Eagle Bay Terrace, west of Burden Place, and south of the Point Fullarton Gippsland Lakes Reserve.

Officers have reviewed all of the relevant information, taking into consideration the concerns of objectors, referral authority comments, and recommend issuing a Notice of Decision to Grant a Planning Permit, subject to the conditions set out in **Attachment 1**.

A copy of the plans and supporting documents submitted with the application can be found in **Attachment 2**.

Public notice occurred and there have been 52 written objections submitted. The objections are provided at **Attachment 3**. Referral authority submissions are provided at **Attachment 4**. Minutes of the Planning Consultation Meeting (PCM) are provided at **Attachment 5**.

Following the PCM and in response to objections, the applicants have prepared additional supporting materials for Council's consideration. **Attachment 6** includes a native mammal management plan, revised drainage proposal, revised proposed building envelopes and concept building envelope cross-sections, and confirmation of lodgement of *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) referral.

A detailed assessment of the proposal is provided at **Attachment 7**, which sets out the reasons for the officer recommendation.

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 5.2022.344.1 (formerly referred to as 344/2022/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 and native vegetation removal at 10 Fullarton Drive, Paynesville, subject to permit conditions in Attachment 1.**

Background

Permit History

The subject land has been subject to two previous planning permit applications lodged for Lake Park Holdings Pty Ltd (not the current applicant). Both applications were appealed for Failure to Determine (s79 of the *Planning and Environment Act 1987* (the Act)). The responsible authority position established for each application was not to support the applications. No planning permit was granted by Victorian Civil and Administrative Tribunal (VCAT) in either matter. The relevant determinations may be reviewed at:

[Lake Park Holdings Pty Ltd v East Gippsland SC \[2011\] VCAT 1491 \(4 August 2011\)](#)
[Lake Park Holdings Pty Ltd v East Gippsland SC \[2014\] VCAT 1449 \(21 November 2014\)](#)

The previous determinations have been considered in the preparation of the current planning permit application by the permit applicant. It is noted that multiple objectors to one or both of the previous determinations were involved in the VCAT deliberations and maintain concerns with the proposal, as expressed in their written submissions.

Critical to the assessment of this application in relation to previous VCAT determinations is:

- The proposal must be considered on its individual merits against the Planning Scheme as it currently applies. Changes to Planning Scheme requirements since 2014 may affect the proposal and outcomes.
- Any outcomes discussed in relation to the previous proposals in a compulsory conference (mediation) are not mandatory outcomes of the current proposal.
- Refusal by VCAT to grant a prior permit does not mean that the responsible authority cannot consider an application with a modified outcome. Reference is made to the outcomes of 30 Clifton West Road, Wy Yung, where only particular matters were re-considered in VCAT after the original application was refused.
- The number of lots has been reduced.
- Lots are designed to provide for development on the created lots to be fully above the nominal flood protection level declared for the site.

In the 2014 determination, Members Naylor and Harty wrote:

THE WAY FORWARD

- 141 *We gave serious consideration to issuing an interim decision allowing the Applicant the opportunity to amend the proposal to address our concerns. However, the problem with this approach is that we are unable to be specific as to the changes that are necessary. Some of the issues we have identified affect broad aspects of the proposal and, as such, it is not the role of the Tribunal to redesign a proposal. That task is best left to the applicant and the applicant's expert advisers and technicians.*
- 142 *What we can conclude is that there are many details that need to be dealt with in designing an acceptable subdivision layout for this site. The applicant has successfully dealt with some of these, but there are other details that, in combination, require some significant changes to the subdivision layout. Our strong preference is for the Applicant to consider deleting the northernmost lots 29 to 42 and redesigning lots 1 to 10. We consider this would create opportunities to address the remaining issues in this case.*

Site Analysis

The subject land is formally described as Lot C on Plan of Subdivision 311448U, and is 10.7 hectares in area, and irregularly shaped. The site is at the northern edge of Paynesville, immediately adjacent to the Point Fullarton Gippsland Lakes Reserve (Point Fullarton; refer **Figure 1**).

The site has frontage/access to Burden Place to the east, Molly Drive (currently no addresses allocated), and in two sections of Fullarton Drive (No. 10 and the north-western current extent). The northern extent of the land across the site is low-lying, and the terrain rises to meet surrounding existing residential development to the south/southwest.

The property is grazed intermittently and has been largely left as bare paddock since the original Fullarton Drive subdivision occurred in the early 1990s. Fullarton Drive's current extent is largely developed, as is Eagle Bay Terrace to the western edge of the site. Development on each adjacent lot is limited to single dwellings, most of single-storey construction. The height of dwellings is restricted under Covenants on the majority of the lots, as outlined in the applicant's submission.

There are footpaths along the northern side of Fullarton Drive, but no footpath connection is made to Paynesville Road via Burden place. A recreational walking track is located within the reserve to the north of the site. Informal car parking has been established on the north eastern corner of the lot.

The property is predominantly cleared of standing trees, with the exception of a large tree located on part of the lower area of the site. The tree is intended to be retained within the reserve and adjacent to proposed drainage and wetland infrastructure. Some additional native vegetation has been classified and will be impacted by the site works for the subdivision. The grass cover will also be impacted by the subdivision works. Natural levels will be retained wherever possible.

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



Figure 1: Site and Locality Plan (site in red, town centre purple, growth area yellow)

Proposal Details/Discussion

The application currently before Council seeks approval for:

- Multi-lot Subdivision (shown **Figure 2**; 59 Lots) with lots ranges in sizes from 600m² to 1,693m².
- Establishment of roads (not subject to a planning permit consideration save to create the roads via subdivision) – Molly Drive from the existing extent and looping to Burden Place opposite 23 Burden Place/North of The Inlet – and the extension of Fullarton Drive to the northwest edge of the property, below properties in Eagle Bay Terrace.
- Removal of Native Vegetation
- Five patches of native vegetation, totalling 0.058 ha to be offset to facilitate proposed lots 55, 56, 57, and 58.
- Drainage proposal.
- The applicant has prepared documentation recommending a wetland with two sediment detention basins. A revision to the documentation and peer review is provided as a part of **Attachment 6**.



Figure 2 – Proposed subdivision

The application seeks to respond to the findings of the previous VCAT determinations by:

- Measuring a 1.5 metre (as at 4 July 2023 plans for consideration) height from finished floor level (FFL) of the balcony, deck, or interior of the nearest part of a neighbouring dwelling in Fullarton Drive or Eagle Bay Terrace and setting a height restriction/vertical building envelope on the new property below based on that height or a height of 4.5 metres from a high point of the land, whichever is lesser.
- Reducing the number of lots from 77 proposed by application 1/2012/P.
- Changing the road and lot layout such that only the south side of Molly Drive will contain lots for development, lengthening such lots, and connecting Molly Drive to Burden Place rather than the allowance in position at 10 Fullarton Drive.
- Protecting the most significant tree on the property by redirecting the road alignment and associated services (power, sewer, and water).
- Establishing the reserve area as a functional reserve for drainage, supporting the buffer between development and the RAMSAR wetland environment to the north, and limited passive recreation.

Current Status

The application has been made subject to notification pursuant to the Act and referred to statutory agencies/authorities as required.

Some additional information was provided following the planning consultation meeting, which is contained at **Attachment 6**. The additional information has been reviewed and informs the **recommendation** and proposed permit conditions at **Attachment 1**. It is noted that the commentary in this report relates to the most recent set of plans submitted to Council on 4 July 2023. These changes are not formal amendments to the application, but inform the conditions recommended for approval.

With respect to the EPBC Act, the applicant has been encouraged to undertake a self-assessment. EPBC Act assessment and approval is a process managed by the Commonwealth Government outside of the scope of the Act.

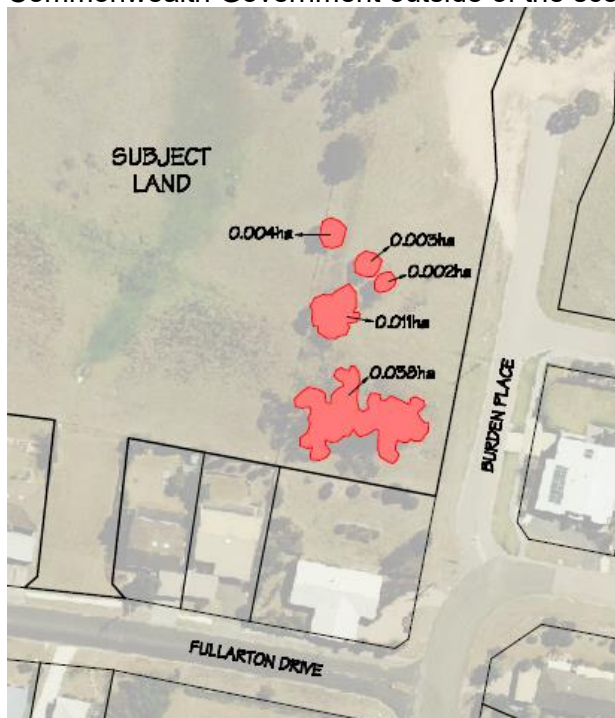


Figure 3: Vegetation to be Removed

Officers were advised by the applicant on 4 July 2023 that the referral (App. No. 01908) specifically addresses the concerns raised by objectors regarding the project's potential impact on Latham Snipe habitat. The applicant has confirmed that if the referral response requires modification to the plan, then an application would be made to amend the planning permit (if such is granted before the referral is concluded).

Further study is planned in the next peak season for migratory birds.

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*.

East Gippsland Planning Scheme

Planning policy relating to the proposal generally seeks to:

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

The key aspect of decision making in relation to this matter will be to ensure that the application has appropriately addressed all the purposes and objectives of the Zone, Overlays and Particular Provisions relating to the subject site and immediate surrounds. A full assessment against the relevant purposes and objectives has been made and provided at **Attachment 7**.

The policy, standards, and decision guidelines are summarised below to inform Council of the scope of considerations which are made in the detailed Planning Scheme assessment.

Planning Scheme Controls and decision criteria

The following is a summary of the controls applicable to the assessment. Further detail of the considerations for each control is at **Attachment 7**.

Scheme Part	Detail	Relevance
Zones	General Residential Zone (Schedule 1)	A permit is required to subdivide land
Overlays	Design and Development Overlay (Schedule 14)	A permit is required to subdivide land
	Land Subject to Inundation Overlay (LSIO)	A permit is required to subdivide land
Particular Provisions	Native Vegetation	A permit is required to remove, destroy or lop native vegetation, including dead native vegetation
	Residential Subdivision	Assessment criteria (objectives and standards) relating to proposals between 16 and 59 lots

The Planning Officers, having considered the proposal in accordance with the relevant zones, overlays, and policies, and with special consideration given to the VCAT decisions, find that the proposal satisfactorily is compliant with the relevant planning requirements and can be implemented and permitted, subject to predominantly standard conditions. The conditions will be satisfied through the certification of the plan of subdivision and statement of compliance with conditions.

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 Planning Delegations Policy has been considered and due to the proposal having received substantial public objection, and subsequently being subject to a planning consultation meeting, the matter is recommended for determination by Council.

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.

Resourcing

Financial

Not applicable.

Plant and equipment

Not applicable.

Human Resources

Assessment of the application undertaken by planning officers of Council.

Risk

The risks of this proposal have been considered and the recommendation is low risk.

Economic

The creation of 59 new development lots and the works required to prepare the lots for development and subsequently build new dwellings represents significant economic activity.

Social

A Social Impact Comment in accordance with Council's Social Impact Assessment Guidelines for Development Applications (May 2013) was included with the application. Officers have reviewed the comment and confirm that no higher level of assessment is required. The size of the development does not warrant a full assessment and there is no identified negative social impact of additional housing development in a residential area which is fully serviced.

Gender Impact Statement

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

Environmental

The proposal is located adjacent to the Gippsland Lakes Reserve, a significant natural environment which is RAMSAR listed. The applicant acknowledges the sensitivities involved in development adjacent to this significant ecosystem. The applicant attests that their objective is to improve conditions through best practice environmental design and response, including improvements to existing stormwater discharge regime for the neighbourhood.

The applicant has made a referral to the Commonwealth Government under the EPBC Act to address the concerns raised by objectors regarding the project's potential impact on Latham Snipe habitat.

A mammal management plan has been developed to assist in carefully developing the site to avoid harm to native species currently occupying or visiting parts of the land. The plan is provided at **Attachment 6**.

When consideration is given to the requirements of the Act with respect to environmental objectives, it is considered that the proposal is compliant, and that by advancing other approval streams before a planning permit is granted, the applicants have shown their commitment to the best possible environmental outcomes, whilst also achieving desired development outcome in appropriately zoned land.

Climate change

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

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

Sea level rise is a critical consideration of the application. The proposal responds to best practice sea level consideration, providing appropriate setbacks from designated inundation levels.

Engagement

Notice of Proposal

Public notification was undertaken in the form of letters to adjoining landowners and occupiers and two signs on site were erected (Fullarton Drive and Burden Place), in accordance with Section 52 of the Act and the instructions issued by the responsible authority.

52 objections have been received. Some objections are lodged from joint objectors, and some objectors have made multiple submissions.

A table outlining the objections is at **Attachment 1.3**.

In summary the objections raised the following concerns/issues:

- Insufficient response to concerns raised in prior VCAT determinations.
- 18 metre rear setback from existing lots.
- View sharing considerations:
 - Height limits proposed at 1.5 m from neighbouring dwellings don't consider seated views – preference for alternative method of calculation – similar to that undertaken in prior VCAT hearings.
 - Height limits should be considered from natural ground level of a given point of the property similar to existing restrictions on neighbouring property.
 - Horizontal views are not comparable to the existing views.
 - Insufficient information to determine how each property's view will be impacted
 - Restrictions on canopy trees is also required.
- Encroachment of development on the Ramsar wetland.
- Loss of habitat for fauna, including protected species under the various Commonwealth agreements.
- Lack of consideration of EPBC Act requirements.
- Snipe habitat within the proposed development area.
- Potential for future subdivision of the proposed lots.
- Traffic and safety.
- Volume of traffic worsening conditions in Burden Place.
- Minimal pedestrian facilities are available.
- Egress to Paynesville Road, sight lines, etc.
- A secondary egress point must be provided.
- Construction traffic and activity, amenity impacts to existing development.

Response to Objections

Council Officers have carefully considered the objections that have been lodged and the presentations which were made in the planning consultation meeting (Minutes of which are provided at **Attachment 5**).

Impact on Views

The applicant has redesigned the proposal which previously was refused by VCAT, taking into consideration the view corridor/view sharing arguments, which were significant reasons for refusal of the prior applications. In reducing the number of lots, increasing the depth of the lots between existing properties on Fullarton Drive and Molly Drive, and contemplating and proposing development guidelines including height restrictions for each lot, the applicant has demonstrated they have also responded to concerns and are seeking to compromise.

It is noted that none of the responses are requirements of the planning controls which apply to the land. An existing Design and Development Overlay regulates when a planning permit would be required in relation to the height of a proposed development. Where a planning permit is required, there will be public notice of the permit application, giving the current/potential future owners and occupiers of land in the area opportunity to further consider dwelling design.

Figure 4 demonstrates a portion of the building envelope plan submitted with the application. Key features of the plan show:

- Setback of 10 metres from rear of existing Fullarton Drive properties, inclusive lots 56 and 57.
- Select mandatory 3 metre setbacks to one side of lots 36, 53, 55, and 59.
- Mandatory setbacks of 3 metres to either side of Lots 37-52, 55, 56, and 57.
- Mandatory 5 metre setback to the southern and western boundaries of Lot 58, and to Fullarton Drive for Lot 59.
- Mandatory 4 metre street setbacks (except to Burden Place for Lot 57).
- Building envelope heights derived from;
 - 4.5m above the highest point of building envelope
 - 7.5m above the lowest point of building envelopeunless otherwise dictated by oblique viewline (cross section plans prepared and attached in **Attachment 6**). The maximum heights (AHD) at the front and rear of the envelopes are drawn on the building envelope plan.

There has been some debate as to whether the calculation of standing eye level should instead be referenced to sitting eye level (1.3 metres), in consideration of the nature of enjoyment of the view. Council officers take the view that there would be greater comfort with and acceptance of the proposal if an amended plan was required to demonstrate height restrictions for each lot consistent with the lesser of:

- 4.5 metres from highest point of the building envelope; or
- 1.3 metres (seated eye level) above the finished floor level of whichever building level of the dwelling on the immediately adjacent lot has established patio/decking/balcony surveyed and recorded on the Plan of Levels (Existing Conditions) (version 2 Crowther and Sadler 09/08/2022).

Despite the debate, the applicants have, since the PCM, prepared the Cross Section plans for each lot relying on the 2 degree oblique view line from 1.5 m. These diagrams are provided at **Attachment 6**. On further review of the VCAT history, Officers note that the determination regarding view sharing has not been seen as a significant precedent. Using the cross-reference system for VCAT cases (eCite), only one further case made reference to the determination in *Lake Park Holdings v East Gippsland Shire [2014]* with respect to views. All other references to both cases were in relation to other matters considered, including native vegetation consideration and reliance on a previously lodged CHMP.

Council Officers support the revised cross sections and vertical height limit calculated by a 2-degree oblique view line 1.5m above the habitable area of the neighbouring dwelling provided in **Attachment 6**. There is an amended plans condition proposed to further modify the section diagrams plans to include an additional restriction for a maximum height limit of 7.49 metres above natural ground level. This would further reduce the maximum heights on only a few lots. Under the current DDO14, where there is a permit required where the height exceeds 7.5 metres from natural ground level, this will prevent the need for a planning permit for a single dwelling on each lot.

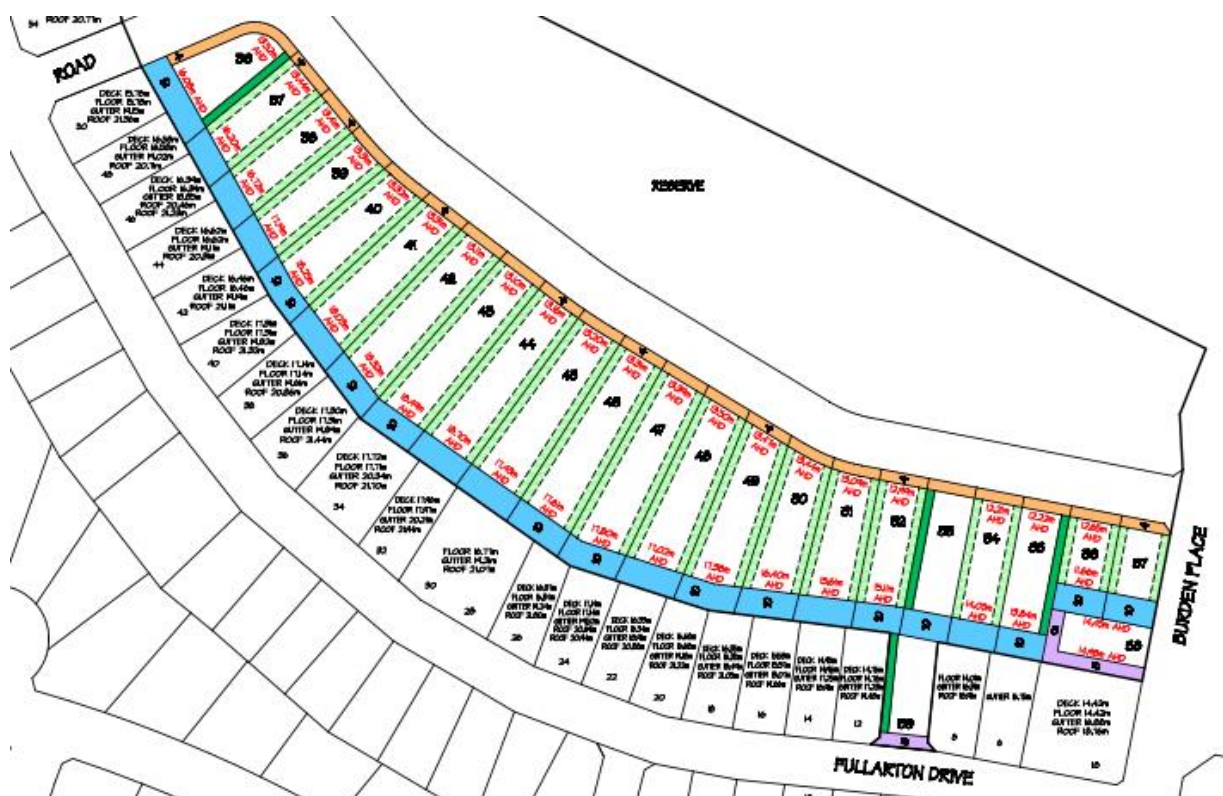


Figure 4 – part (southern) Building Envelope Plan (v7 Crowther and Sadler 09/06/2023)

Figure 5 demonstrates the northern/Fullarton Drive extension building envelope plan. Rear setbacks along this area are reduced to 5 metres. On the western side of the road, only one-sided mandatory side setbacks are imposed. On the eastern side of the road, one of the two 3 metre side setbacks must be adopted. Shared crossovers are also nominated for several lots, helping to encourage boundary sharing development (common walls/garages etc).

Also shown is a 5-metre setback to all boundaries of Lot 34, protecting view corridors for 58 and 60 Fullarton Drive.

A condition is also recommended that a Section 173 Agreement will restrict the height of vegetation planted on the proposed lots:

- Within the building envelope - no greater than the maximum building height allowed, as specified on the endorsed cross section plan pertaining to the individual allotment;
- Outside the building envelope – must not exceed 2m above natural ground level.

Restricting future subdivision

The applicant has confirmed they would be agreeable to a condition of approval restricting future subdivision of the lots created. The building envelopes make further subdivision difficult to achieve. It would be most practical not to impose a condition, as there would remain a requirement for further permits with further opportunity for public notice of any such proposal, along with most other use and development other than standard single dwelling development. Officers do not recommend implementing this condition.

Traffic impacts

Included in the application material was a traffic impact assessment. According to the assessment which is based on best practice assessment of traffic volume, road hierarchy, and road design, the proposed additional traffic fits within the design capability of the existing road network. Future development within the Paynesville Growth Area Structure Plan (PGASP) area may alter traffic movement further, and interventions may occur when that development occurs.

As the site is not immediately adjacent to Paynesville Road, there is no mandatory referral requirement to Department of Transport and Planning.

Native Wildlife

Two processes have commenced since the PCM. One is investigation into habitat of Latham's Snipe and referral of the proposal under the EPBC Act. This process could have been run external to the planning permit process (and is indeed not a requirement of consideration under the Act). The applicant wished to provide certainty to the objectors and responsible authority and has therefore confirmed the referral was made on 3 July 2023. Assessment is likely to take several months, and the applicant has acknowledged that any directions of the referral which will require redesign of the proposal will be taken into account and the permit (if granted before the referral response) would need to be amended. A permit cannot be acted on until the EPBC Act assessment process is completed. A condition to that effect has been included.



Figure 5 - part (northern) Building Envelope Plan (v7 Crowther and Sadler 09/06/2023)

Secondly, the applicant engaged Biosis to prepare a mammal management plan (Biosis, 24 March 2023, included at **Attachment 6**). The findings of the plan suggest management strategies which will minimise impacts of the Eastern Grey Kangaroo population which spends time on the property, amongst other areas including the Point Fullarton Gippsland Lakes Reserve. The recommendations are proposed to be included in construction and environmental management plans prepared as a result of conditions.

Under the PGASP, natural corridors are intended to be protected through the back-zoning of key properties on the north side of Bay Road/Paynesville to Eagle Point walking track. This is a long term solution to maintaining the wildlife corridor – as the PGASP and Eagle Point Structure Plan provide an urban growth boundary for each settlement that will preserve the connection from the rural landscape between settlements to the Point Fullarton Reserve. Section 60 of the Act requires consideration of, “(e) any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.” It is considered by the officers that the net impact of the development is mitigated by maintaining a largely natural reserve in the northern sections of the property, and by introducing stormwater treatment which is currently not provided. Environmental considerations beyond the scope of the planning consideration (EBPC Act) must be resolved at that level and will influence further environmental enhancement of the proposal if required.

Referral Authorities

A multi-lot subdivision has general referral requirements to servicing authorities, who have consented to the application. The referral responses are contained at **Attachment 4**. Reticulated gas is no longer proposed to be installed, following the State Government directive of July 2023.

The application for subdivision of land partially covered with the LSIO carries a referral to East Gippsland Catchment Management Authority. Conditional consent is provided to the grant of a permit, with the conditions focussed on suitable stormwater management and detention to prevent inundation in the lower region of the property.

Internal review of the application was undertaken by the Senior Technical Officer – Development, the Manager Community Facilities and Open Space, and several members of the works team in relation to reserves, stormwater management, and landscaping.

Attachments

1. Proposed Conditions [**5.1.1.1** - 8 pages]
2. Advertised Application Documents [**5.1.1.2** - 112 pages]
3. Objections list [**5.1.1.3** - 106 pages]
4. Referral Authority Responses [**5.1.1.4** - 19 pages]
5. Minutes of the Planning Consultation Meeting 21 December 2022 [**5.1.1.5** - 8 pages]
6. Further Application Documents [**5.1.1.6** - 74 pages]
7. Detailed Assessment of the Proposal [**5.1.1.7** - 55 pages]

PROPOSED CONDITIONS

Application: 5.2022.344.1 (formerly referred to as 344/2022/P)
Proposal: Multi-lot Subdivision and Native Vegetation Removal
Property Address: 10 Fullarton Drive PAYNESVILLE
Property Title Lot C PS 311448 -

WHAT WILL THE PERMIT ALLOWS?

Planning Scheme Clause no.	Description of what the permit allows, in accordance with the endorsed plans
32.08-3	Subdivide land
43.02-3	Subdivide land
44.04-3	Subdivide land
52.17-1	Remove, destroy or lop native vegetation, including dead native vegetation

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**Endorsed Plans**

1. The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Amended Plans requirement

2. Before the plan of subdivision is certified under the Subdivision Act 1988, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application/other specified plans but modified to show:
 - a. Cross section plans generally in accordance with Version 1 (30/05/2023) with vertical heights limited to 7.49 m above natural surface level.
 - b. Building envelope plan consistent with Version 7 (09/06/2023) modified in accordance with 2.a.
 - c. Subdivision layout plan modified in accordance with final drainage plan, if required.

Environment Protection (Biodiversity Conservation) Act 1999

Prior to the commencement of any use or development permitted by this permit, the permit holder must to the satisfaction of the Responsible Authority obtain any necessary further approvals required under the Commonwealth *Environment Protection (Biodiversity Conservation) Act* 1999.

S173 Legal Agreement

3. Before a statement of compliance is issued, the owner must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act* 1987 to provide for the following:
 - a. Any future dwellings on the subject land must be connected to a rainwater tank with a capacity of at least 2000 litres. The rainwater tank must be plumbed to all toilets and laundries in the dwelling/s. All stormwater treatment assets must be maintained in good working order.
 - b. The construction of dwellings must be undertaken on each lot in accordance with the endorsed building envelope plans unless with the written consent of the responsible authority.
 - c. No vegetation shall be planted on the lots:
 - Within the building envelope which exceeds the maximum building height allowed, as specified on the endorsed cross section plan pertaining to the individual allotment; or

- Outside the building envelope which exceeds a height of 2 metres above natural ground level.

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

Native Vegetation

Notification of permit conditions

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

Protection of trees to be retained

5. Before works start, a native vegetation protection fence must be erected around the large tree to be retained on site and be inspected and approved by Council's nominated officer(s). This fence will protect the tree by demarcating the tree protection zone and must be erected at a radius of 12 times the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree. The fence must be constructed of star pickets and fluoro bunting to the satisfaction of the Responsible Authority. The fence must remain in place until all works are completed to the satisfaction of the Responsible Authority.

Except with the written consent of the Responsible Authority, within the tree protection zone, the following are prohibited:

- a. vehicular or pedestrian access
- b. trenching or soil excavation
- c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
- d. entry and exit pits for underground services
- e. any other actions or activities that may result in adverse impacts to retained native vegetation.

Construction activity planned for within the tree protection zone must be designed and managed to prevent the removal of the tree in accordance with the permit conditions.

Native Vegetation Offsets

Offset requirement

6. To offset the removal of 0.058 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) as specified below:

General offset

A general offset of 0.014 general habitat units:

- located within the East Gippsland Catchment Management Authority boundary or East Gippsland Shire Council municipal district
- with a minimum strategic biodiversity score of at least 0.176.

Offset evidence and timing

7. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:
 - an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site and/or
 - credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.

Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

Monitoring and reporting for onsite offset implementation

8. In the event that a security agreement is entered into as per condition 7 the applicant must provide the annual offset site report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Landscaping

9. Before the development starts, a landscape plan must be approved and endorsed by the responsible authority. The landscape plan must:
 - a. be prepared to the satisfaction of the responsible authority
 - b. be prepared by a suitably qualified person
 - c. have plans drawn to scale with dimensions
 - d. be submitted to the responsible authority in electronic form
 - e. include the following:
 - i. Tree Protection Zone plan for any retained vegetation to be approved and implemented before any machinery is onsite or works begins.
 - ii. layout of landscaping and planting within all open areas of the subject land
 - iii. a survey (including botanical names) of all existing vegetation to be retained
 - iv. details of surface finishes of pathways and driveways
 - v. a planting schedule of all proposed street trees, reserve trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant; and
 - vi. Access tracks provided to detention basins of a negotiated standard.

Completion of landscaping

10. Before the issue of statement of compliance, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of the responsible authority. The responsible authority may consent in writing to vary this requirement.

Landscape maintenance

11. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the responsible authority for a period of 24 months from practical completion and joint final inspection with Council's Open Space unit.

Construction Plans and Management

12. 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 to the site), including swale drains and culverts, piping/drains and pits.
 - b. Any modification to the terrain, such as filling and excavation.
 - c. Drainage easements as required.
 - d. Methods of on-site detention, including the provision of sediment traps, wetlands, rock beach outlets, detention basins and gross pollutant traps.
 - e. Avoidance of impact on the retained tree.

- f. Maintenance areas and accessways to accommodate required maintenance vehicles, Constructed to an appropriate standard.
 - g. Maintenance requirements, including proposed scheduling of works specific to asset management best practice related to each type of drainage asset proposed.
13. Before the issue of Statement of Compliance all drainage works and requirements must be undertaken and completed to the satisfaction of the Responsible Authority.
 14. 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.
 15. All new services to the subdivision must be placed underground in shared trenching. Design for the installation of services must meet the requirements of the relevant authorities and must be approved by those authorities to the satisfaction of the Responsible Authority.
 16. Before the commencement of works, road construction plans 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 asphalted pavement for all new road work, with a minimum width of asphalt pavement, the same as width as Fullarton Drive's sealed pavement, or wider, and semi mountable kerb and channel.
 - b. Fully asphalted pavement with a temporary gravel turning area with a minimum radius of ten metres at the end of the new section of Fullarton Drive.
 - c. Verge areas with a width sufficient for the construction of drainage infrastructure and for pedestrian access.
 - d. Concrete footpaths a minimum of 1.5 metres wide on north side of the new section of Fullarton Drive, and on the south side of the proposed new road.
 - e. Common Property concrete driveway, a minimum width of 4m to access Lots 34 and 35.
 - f. Pedestrian and intersection street lighting using LED technology, non decorative.
 - g. Statutory signage and traffic control devices and line marking as appropriate.
 - h. One street tree per lot, no closer than 3m to any service pit, with root barrier asset protection.
 - i. Construction methodology to avoid damage to the tree to be retained.

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.

17. During construction and maintenance activities, adequate steps must be taken to stop soil erosion and the movement of sediment off site and into drainage lines, watercourses and onto adjoining land to the satisfaction of the Responsible Authority. Methods include but are not limited to:
 - a. Control of on-site drainage by intercepting and redirecting run-off in a controlled manner to stabilised vegetated areas on site.
 - a. Installation of sediment control structures such as sediment basins, sediment fences and sediment traps when construction commences and maintaining them until the site is stabilised.
 - b. Re-vegetating all disturbed areas as quickly as possible or within 14 days after construction works are completed.
18. All earthworks associated with the development must be stabilised in accordance with standard engineering design and practices against erosion and failure. All earthworks or

retaining structures must not encroach across neighbouring property boundaries to the satisfaction of the Responsible Authority.

19. Before any works associated with the subdivision start, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
 - Location of any temporary construction works office and machinery storage area;
 - The construction works access way;
 - Details of construction days and hours;
 - 7am - 6pm Monday to Friday
 - 7am - 1pm Saturday
 - Public Holidays; only as approved by Council
 - Vehicle and machinery exclusion zones;
 - Location and management requirements of stockpiled soil;
 - Measures and techniques to protect drainage lines and watercourses from sediment runoff from disturbed or under construction areas;
 - Measures and methods to be employed to protect sites of conservation importance, native vegetation, management of mammals, and areas of archaeological significance;
 - Measures and techniques to manage dust control;
 - A note that Dewatering of sedimentation/retention basins during construction is prohibited without the prior approval of the Responsible Authority;
 - The location of a machinery and vehicle wash down area and requirements for the ongoing use of the of the machinery and vehicle wash down area by contractors;
 - Location and management of litter storage areas, construction waste areas and chemical storage areas; and
 - Methods of ensuring all contractors are informed of the requirements of the construction management plan and persons responsible for ensuring the construction management plan is adhered to.

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

20. Before the issue of a Statement of Compliance, any portion of Council's existing infrastructure damaged as a result of work undertaken on the site or associated with the development must be repaired/reinstated to the satisfaction of the responsible authority.
21. The owner of the land must enter into an agreement with:
 - A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
22. Before issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate

that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Time Limit condition

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

- The native vegetation removal is not started within two years of the date the permit is issued.
- The native vegetation removal is not completed within 10 years of the date the permit is issued.
- The plan of subdivision is not certified within two years of the date the permit is issued.
- 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.

East Gippsland Catchment Management Authority Conditions

Prior to Certification of the Plan of subdivision, a Stormwater Management Plan (SMP) must be developed to the satisfaction of East Gippsland Catchment Management Authority. The Stormwater Management Plan must demonstrate that all stormwater discharge from the subdivision will meet the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO, 1999), and must quantify the reduced loads of sediment, nutrient and gross pollutants in kg/year.

Prior to the issue of a Statement of Compliance for the subdivision, the water quality treatment works outlined in the Stormwater Management Plan must be undertaken to the satisfaction of East Gippsland Catchment Management Authority.

AusNet Electricity Services Pty Ltd conditions

24. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the Subdivision Act.

25. The applicant must –

- Enter into an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot under 16Ha on the endorsed plan.
- Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
- Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.
- Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.
- Adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
- Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty Ltd for any electric substations or Isolating Transformers.

- Provide survey plans for any electric substations or Isolating Transformers required by AusNet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AusNet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

East Gippsland Water conditions

26. Extend water supply infrastructure to the satisfaction of East Gippsland Water.
27. Extend sewerage infrastructure to the satisfaction of East Gippsland Water.
28. Relocate sewerage infrastructure where it significantly traverses proposed lots.
29. Submit design, construction, commissioning and as constructed documentation on all proposed infrastructure, or alterations to existing infrastructure, for written approval by East Gippsland Water.
30. Pay applicable development planning charges.
31. Existing water meter (No. R04010186), is to be disconnected and returned to East Gippsland Water.
32. Place easement(s) on the plan of subdivision over existing/proposed infrastructure, to the satisfaction of East Gippsland Water.
33. Should East Gippsland Water determine that a gravity sewerage system is not feasible, then a pressure sewer system may be approved. In this instance, pressure sewer pumps for relevant lots are to be purchased (prepaid) from East Gippsland Water before the relevant statement of compliance can be issued.
34. Enter into a Developer Works Agreement with East Gippsland Water Prior to the approval of any design plans by East Gippsland Water. This agreement will set out the basis upon which the water and sewerage works (as applicable), must be provided by the Developer, to serve the proposed Development.
35. 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 as agreed in the Developer Works Agreement. The type and extent of additional infrastructure will be subject to detailed engineering design, as approved by East Gippsland Water.

Department of Environment Energy and Climate Action Conditions

36. All works must not increase erosion, sediment, impacts to flora and fauna or the health and viability of the Point Fullarton Gippsland Lakes Reserve and the Lake King wetlands Ramsar site to the satisfaction of the Responsible Authority.

Notes

37. 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.
38. Gas service connections not to be provided in accordance with Victorian State Government ban.
39. Any outcome of the EPBC Act referral which necessitates amendment to the plans must be resolved before the works commence. This may be in the form of a satisfaction matter under condition 1 of the permit or otherwise as a s72 Amendment in accordance with the provisions of the P&E Act.
40. The recommendations of the approved Cultural Heritage Management Plan should be implemented through construction planning and final design, alongside the built outcome.

East Gippsland Water notes

41.
 - (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) 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.
 - (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 specific requirements for sewerage and/or water supply infrastructure relating to coastal inundation or flooding is to be funded by the applicant.

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14 September 2022

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	10 Fullarton Drive PAYNESVILLE Lot C PS 311448
The application is for a permit to:	Multi-lot Subdivision and Native Vegetation Removal
The applicant for the permit is:	Crowther & Sadler Pty Ltd
The application reference number is:	344/2022/P
You may look at the application and any documents that support the application on the website of the responsible authority.	(Intentionally blank)

This can be done anytime by visiting the following website:

<https://www.eastgippsland.vic.gov.au/building-and-development/advertised-planning-permit-applications>

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

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

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

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

Please note submissions received will be made available for inspection and may be made available to other parties in accordance with the Planning & Environment Act 1987. If you have concerns about this, please contact the East Gippsland Shire Council's Planning Office.

Printed 14/09/2022
Page 1 of 112



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

VOLUME 10130 FOLIO 573

Security no : 124099516124D

Produced 09/08/2022 12:34 PM

LAND DESCRIPTION

Lot C on Plan of Subdivision 311448U.
PARENT TITLE Volume 10022 Folio 856
Created by instrument PS311448U 25/08/1993

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

PAYNESVILLE ARMSTRONG PTY LTD of LEVEL 9 575 BOURKE STREET MELBOURNE VIC
3000
AV671916V 26/05/2022

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AV671917T 26/05/2022
PERPETUAL CORPORATE TRUST LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS311448U FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AV662995X (E)	CONV PCT & NOM ECT TO LC	Completed	25/05/2022
AV670407Y (E)	PRIORITY NOTICE	Registered	26/05/2022
AV671916V (E)	TRANSFER	Registered	31/05/2022
AV671917T (E)	MORTGAGE	Registered	31/05/2022

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 10 FULLARTON DRIVE PAYNESVILLE VIC 3880

ADMINISTRATIVE NOTICES

NIL

eCT Control 19205Y MAKINSON D'APICE
Effective from 31/05/2022

DOCUMENT END

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PLAN OF SUBDIVISION	STAGE NO. <div style="text-align: center;">/</div>	LTO use only EDITION	Plan Number PS 311448U
Location of Land Parish: BAIRNSDALE Township: — Section: — Crown Allotment: 145 (PART) Crown Portion: LTO Base Record: PARISH I (2042) Title Reference: V.10022 F.856 Last Plan Reference: PS 307152R LOT 2 Postal Address: FULLARTON DRIVE (at time of subdivision) PAYNESVILLE 3880 AMG Co-ordinates E 562 700 Zone: 55 (of approx. centre of land N 5804 500 in plan)	Council Certificate and Endorsement Council Name: SHIRE OF BAIRNSDALE Ref: 80-91-0096 1. This plan is certified under section 6 of the Subdivision Act 1988. 2. This plan is certified under section 11(7) of the Subdivision Act 1988. Date of original certification under section 6 / / 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988. <u>OPEN SPACE</u> (i) A requirement for public open space under section 18 of the Subdivision Act 1988 has/ has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage..... Council delegate Council seal Date 7 / 2 / 92 Re-certified under section 11(7) of the Subdivision Act 1988 Council Delegate Council Seal Date / /		
Vesting of Roads and/or Reserves			
Identifier	Council/Body/Person		
ROAD RI	SHIRE OF BAIRNSDALE		
FOR EASEMENT INFORMATION SEE SHEET 2			
Survey This plan is/ is not based on survey This survey has been connected to permanent marks no(s) In Proclaimed Survey Area No.			
Easement Information			LTO use only
Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)			Statement of Compliance/ Exemption Statement
Easement Reference	Purpose	Width (Metres)	Origin
	SEE SHEET 2		Land Benefited/In Favour Of
			Received <input checked="" type="checkbox"/>
			Date 23 / 8 / 93
			LTO use only PLAN REGISTERED TIME 3.06 DATE 25 / 8 / 93 Assistant Registrar of Titles Sheet 1 of 4 Sheets
CROWTHER & SADLER PTY. LTD. <i>Licensed Surveyors and Town Planners</i> 152 Macleod Street, P.O. Box 722, BAIRNSDALE, 3875. Phone (051) 52 5011		LICENSED SURVEYOR (PRINT) MICHAEL JOSEPH SADLER SIGNATURE..... DATE 6 / 2 / 92 REF 6724 VERSION	
		DATE 7 / 2 / 92 COUNCIL DELEGATE SIGNATURE Original sheet size A3	

PLAN OF SUBDIVISION		Stage No. /	Plan Number PS 311448U
EASEMENT INFORMATION			
LEGEND: A - APPURTENANT EASEMENT E - ENCUMBERING EASEMENT R - ENCUMBERING EASEMENT (ROAD)			
EASEMENT REFERENCE	PURPOSE	WIDTH (METRES)	LAND BENEFITED / IN FAVOUR OF
E-1	DRAINAGE & SEWERAGE	2	LAND IN LP 136763 & LP 142745
E-2	DRAINAGE & SEWERAGE	SEE DIAG.	LAND IN LP 142745, LP 144653, & LP 146096
E-3	DRAINAGE & SEWERAGE	2	LAND IN LP 144653, LP 146096
E-4	DRAINAGE & SEWERAGE	SEE DIAG.	LAND IN LP 146096
E-5	DRAINAGE & SEWERAGE	SEE DIAG.	LAND IN LP 202536W
E-6	DRAINAGE & SEWERAGE	SEE DIAG.	LAND IN PS 307152R
E-7	WAY & DRAINAGE	18	LAND IN PS 307152R
E-8	DRAINAGE & SEWERAGE	SEE DIAG.	LAND IN THIS PLAN
R-1	WAY, DRAINAGE, SEWERAGE, WATER, ELECTRICITY, TELEPHONE & DATA TRANSMISSION		LAND IN THIS PLAN
CROWTHER & SADLER PTY. LTD. Licensed Surveyors and Town Planners 152 Macleod Street, P.O. Box 722, BAIRNSDALE, 3875. Phone (051) 52 5011			Sheet 2 of 4 sheets
ORIGINAL SCALE	SCALE LENGTHS ARE IN METRES	LICENSED SURVEYOR (PRINT) MICHAEL JOSEPH SADLER SIGNATURE..... DATE 6 / 2 / 22 REF 6724 VERSION	
SHEET SIZE A3	DATE 7 / 2 / 22 COUNCIL DELEGATE SIGNATURE Original sheet size A3		

<h1 style="margin: 0;">PLAN OF SUBDIVISION</h1>	Stage No. <div style="border-bottom: 1px solid black; height: 20px; width: 100%;"></div>	Plan Number <h2 style="margin: 0;">PS 311448U</h2>
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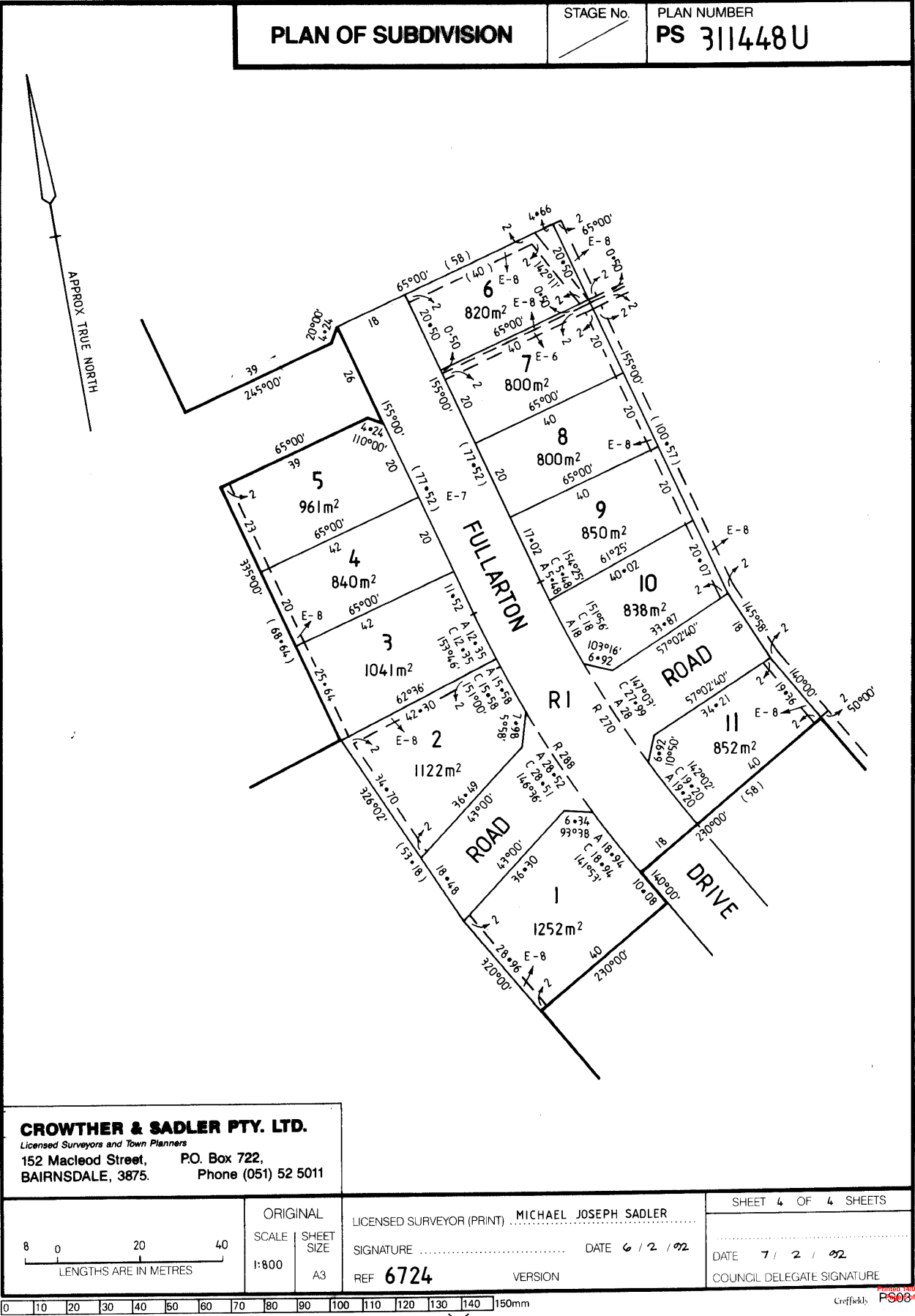
The main plan shows a subdivision of land into several lots. Key features include:

- Lot 10.70 ha** and **Lot 12.72 ha** are the primary lots shown.
- Fullarton Drive** runs along the eastern boundary of the lots.
- Bairnsdale - Paynesville Road** runs along the southern boundary.
- Burden Place** is located to the east of Fullarton Drive.
- The plan includes numerous bearings (e.g., 124°52', 138°26', 77°07') and distances (e.g., 124.052', 138.26', 77.07').
- Enlargements are indicated with labels like "ENLARGEMENT NOT TO SCALE" and "SEE ENLARGEMENT".
- Enlargement details are provided for specific areas, including bearings and distances.

<p>CROWTHER & SADLER PTY. LTD. Licensed Surveyors and Town Planners 152 Macleod Street, P.O. Box 722, BAIRNSDALE, 3875. Phone (051) 52 5011</p>		<div style="text-align: right;"> Sheet 3 of 4 sheets </div> <div style="text-align: right;"> DATE 7 / 2 / 92 COUNCIL DELEGATE SIGNATURE Original sheet size A3 </div>
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ORIGINAL SCALE SHEET SIZE A3 1:4000	<p>SCALE</p> <div style="display: flex; align-items: center; justify-content: center;"> <div style="width: 100px; border-bottom: 1px solid black; position: relative;"> <div style="position: absolute; left: 0; top: -5px;">40</div> <div style="position: absolute; right: 0; top: -5px;">200</div> </div> </div> <p>LENGTHS ARE IN METRES</p>	LICENSED SURVEYOR (PRINT).....MICHAEL JOSEPH SADLER..... SIGNATURE..... DATE 6 / 2 / 92 REF 6724 VERSION
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Planning Report

Multi-Lot Subdivision and Removal of Native Vegetation

10 Fullarton Drive, Paynesville

Our Reference – 19972

9 August 2022



FS 520900



Contents

1. Introduction	3
2. Subject Land & Surrounding Context	4
2.1. Recent Planning Application History and VCAT Lessons	14
2.2. Opportunities and Constraints	16
2.3. Neighbouring Covenants	17
3. Design Philosophy	20
4. The Proposal	21
5. Application triggers	27
5.1 Community consultation	27
6. Cultural Heritage	28
7. Planning Policy	30
7.1 Planning Policy Framework	30
7.2 Local Planning Policy	35
7.3 Paynesville Growth Area Structure Plan	38
8. Planning Elements	40
8.1 General Residential Zone	40
8.2 Design and Development Overlay – Schedule 14	46
8.3 Land Subject to Inundation Overlay	48
8.4 Native Vegetation	49
8.5 Public Open Space Contribution and Subdivision	55
8.6 Traffic Implications	56
8.7 Social Impact Comment	57
9. Conclusion	58
10. List of Attachments	59

Note: Applicable Planning Application fee is \$2,048.40

1. Introduction

This Planning Report is prepared in support of a proposed multi-lot subdivision and removal of native vegetation at 10 Fullarton Drive, Paynesville. The report addresses the provisions of the General Residential Zone, Design and Development Overlay 14, Land Subject to Inundation Overlay and relevant Particular Provisions as contained within the East Gippsland Planning Scheme.



Locational Plan (Source: Vic Plan)

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Page 4

2. Subject Land & Surrounding Context

Formally described as Lot C on PS311448 the subject land is known as 10 Fullarton Drive, Paynesville.

The subject land is irregular in shape and consists of an area of 10.702 hectares.



Aerial image of the subject Land and immediate Surrounds (Source: Intramaps)

The land enjoys road frontage to Fullarton Drive (to the east of the subject land and to the central part of the property, Burden Place east of the subject land, and an unnamed road stub approximately 40m long located centrally extending north-east from the intersection of Fullarton Drive and Wisteria Place.



Existing road stub viewed from Fullarton Drive

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Page 5

A road sign indicates this small section of road between 50 Fullarton Drive and 54 Fullarton Drive is named Molly Drive, however no formal road name appears to have been adopted on external mapping. Molly Drive is recognised on Council's Public Road Register.



Molly Drive road sign

Fullarton Drive is a constructed urban road containing road pavement, roll over kerb and street drainage.



Fullarton Drive looking east from intersection of Wisteria Place and Molly Drive

Burden Place is a part developed urban road and part unconstructed road to the north.

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Page 6



Burden Place looking southward, with subject land to right of picture



Northern extent of Burden Place that is not yet constructed

The site also enjoys a northern frontage to the Point Fullarton Gippsland Lakes Reserve, its western boundary adjoins an existing agricultural property and south of the land is numerous residential properties within Fullarton Drive and Eagle Bay Terrace.

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Page 7

The land is currently undeveloped residential zoned land used for the purposes of cattle grazing. There is a significant Gippsland Red Gum located in the eastern part of the subject land and patches of native vegetation located adjacent to the northern boundary, and within the eastern part of the property along the Burden Place interface.



Tree to be retained, viewed from the east (Source: Roots 2 Leaves)

The property falls from the southern boundary to the northern boundary however, not at a consistent grade. The land has an undulating form from east to west.



Undulating landform of the subject land, looking east from Molly Road

An Existing Conditions Plan highlighting the contours of the land is provided in support of the Application to provide more detail on existing levels on site.

Located to the north of the property is the Point Fullarton walking/cycling path that links Paynesville with Eagle Point, the Point Fullarton Gippsland Lakes Reserve and further north Lake King. The reserve area contains patches of native vegetation close to the northern boundary of the land and recedes to brackish water tolerant lower forms of native vegetation further north.

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Page 13 of 112

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Page 8



Eastern entrance to the Point Fullarton Walking/Cycling Path

East of the subject land across Burden Place is the southern “bank” of residential properties within Windermere Terrace and residential properties within The Inlet that front the constructed waterway. To the north-east is an undeveloped parcel of Mixed Use Zoned land.



Existing dwellings in The Inlet



Existing dwellings in Windermere Terrace, viewed from The Inlet

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Page 9

West of the subject land is a vacant parcel of farming land that is currently used for grazing. It is noted that this land is identified for future residential rezoning in the Paynesville Growth Area Structure Plan.



Adjacent FZ land, viewed from the western termination of Fullarton Drive

Immediately to the south of the property are the northern facing residential “banks” of properties developed along Fullarton Drive and Eagle Bay Terrace. These properties have generally been developed with dwellings orientated to face northwards for good solar exposure and to take advantage of views.



Existing dwellings on northern side of Fullarton Drive, viewed from subject land



Existing dwellings on northern side of Fullarton Drive, viewed from subject land

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Page 10



Examples of existing dwellings on northern side of Fullarton Drive, where the built form transitions with the topography



Existing dwellings developed on northern side of Eagle Bay Terrace



Existing dwellings developed on northern side of Eagle Bay Terrace

South of these properties are further residential homes developed on the southern side of Fullarton Drive and Eagle Bay Terrace.



Existing dwellings developed on southern side of Fullarton Drive

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Page 11



Existing dwellings developed on southern side of Fullarton Drive



Looking west along Eagle Bay Terrace

There is great variety and little consistency associated with built form, with a range of forms and styles reflecting the tastes and preferences of individual landowners.

The sloping topography allows for the staggering of built form across allotments in a northerly direction, providing for the sharing of views.



Example of view sharing across allotments, looking north-east from Eagle Bay Terrace

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Page 12

No stormwater drainage infrastructure provides formal drainage of the property however, an unregulated stormwater drainage outfall that services the southern precinct of the area is located within the eastern part of the property. Overland flow from higher properties to the south is discharged across the subject land to the adjacent Crown Reserve without any form of detention or treatment.

Reticulated services are available within the locality, including natural gas and Fibre to Node NBN.

The subject land enjoys relatively easy access to commercial and entertainment areas, educational facilities, active and passive recreational opportunities, community facilities and services as well as employment nodes.

Site Context Plan



A	Subject land
B	Point Fullarton Wetland and walking track (approximate location)
C	Paynesville Primary School
D	Active Recreation Precinct
E	Paynesville Kindergarten
F	Industrial and Marine Employment precinct
G	Commercial Centre – southern strip
H	Commercial Centre – eastern strip
I	Gippsland Lakes Yacht Club

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Page 14

2.1. Recent Planning Application History and VCAT Lessons

Of relatively recent times there have been two planning applications seeking to develop the subject land to subdivide the land to create a multi-lot subdivision.

The two applications were each refused by East Gippsland Shire Council were the subject of applications for review at the Victorian Civil and Administrative Tribunal (VCAT). The two applications were refused at VCAT.

A review of the VCAT decisions and associated application documentation provides advice and guidance on future applications.

Application 1: VCAT Reference P3462/2010¹ Planning Application 385/2010/P

Application 1 sought an 84 lot subdivision that was amended prior to the VCAT hearing to an 82 lot subdivision.

The decision advises, in short, that the proposed subdivision did not adequately address the sensitivities of the subject land and the surrounds.

VCAT acknowledged that the land was within the town boundary and the proposal accorded with local policy to utilise residential zoned land for residential development, however there was no overriding demand for residential development to outweigh the constraints of the subject land.

The proposed filling of the land to mitigate future climate change impacts was considered an inappropriate design response. VCAT determined there should be no development below 2.8 metres AHD, and that the sensitive interface with public land must be carefully considered.

The decision directed that stormwater design must be carefully considered in light of possible climate change and impacts on vegetation within the coastal reserve. The retention and protection of the large Gippsland Red Gum was emphasised.

Views to and from Lake King, including views of neighbouring properties towards Lake King have to be considered carefully. View sharing is considered necessary and appropriate, however a one-size-fits-all building envelope may not be a sufficiently responsive outcome over the whole site.

Traffic generation was not considered unreasonable, with pedestrian safety in terms of a broader footpath network deemed a matter for Council consideration. It is worth noting that at the time, footpath provision in the broader Paynesville area was extremely limited.

¹ Lake Park Holdings Pty Ltd v East Gippsland SC [2011] VCAT 1491, http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2011/1491.html?context=1;query=lake%20park%20holdings%20pty%20ltd%20v%20east%20gippsland%20sc;mask_path=au/cases/vic/VCAT

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Page 15

**Application 2: VCAT Reference P2565/2013²
Planning Application 1/2012/P**

Application 2 proposed a multi-lot subdivision creating 77 lots.

VCAT observed that further residential development was appropriate within the township boundary, with no local policy seeking to exclude the land from development or stipulate lot sizes or density.

Additional traffic generation was again considered acceptable.

Retention of the Gippsland Red Gum was again emphasised, and the location of public open space adjoining the reserve was deemed acceptable. Landscaping of the reserve should incorporate elements of lower height vegetation to assist to screen development whilst also allowing for view opportunities.

Efforts to minimise the loss of native vegetation were encouraged, acknowledging that some vegetation removal may be unavoidable, and should be. The removal of native vegetation is acceptable under the Guidelines, however removal should be minimised where possible, and appropriately offset.

The interface with Farming Zoned land was not considered to have been appropriately addressed given farming activities that will occur on the adjoining land. This matter is no longer considered to carry weight given the adoption of the Paynesville Growth Area Structure Plan and Council's intent to rezone for residential use.

The proposed subdivision design was considered by VCAT not to achieve appropriate view sharing. VCAT observed that two storey form is acceptable provided reasonable view sharing is incorporated.

In assessing view impacts on adjoining dwellings, the Tribunal found it unreasonable to assess based on a sitting view of 1.2m, and instead adopted a standing height of 1.5m.

Setbacks of built form to neighbouring properties was considered important to relieve visual bulk.

Careful consideration of stormwater treatment and detention is required, and the use of a wetland would be consistent with good practice, even when located on land subject to inundation in a flood event. Improved environmental outcomes would be achieved by capturing stormwater from existing residential development to the south, that currently discharge stormwater untreated directly into adjoining Crown land.

² Lake Park Holdings Pty Ltd v East Gippsland SC [2014] VCAT 1449, http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2014/1449.html?context=1;query=lake%20park%20holdings%20pty%20ld%20v%20east%20gippsland%20sc;mask_path=au/cases/vic/VCAT

2.2 Opportunities and Constraints

To achieve an appropriate design response for the development of the property it was considered necessary to understand the site opportunities and constraints, summarised in the following table.

Opportunities	Constraints
GRZ1 zoning, within settlement boundary	Low lying in parts
North facing land parcel	Potential climate change impacts
Expansive vista	Topography
Ability to link with existing infrastructure	Servicing limitations
Environmental opportunities	Revegetation / landscaping
Generous land area	Possible presence of Coastal Acid Sulfate Soils
Opportunity to respect and share views of neighbouring properties	Community expectations following recent VCAT decisions
Topography	Covenants established on adjacent properties
Landscaping	
Strategic expectations for residential development to the west	

2.3 Neighbouring covenants

To understand the constraints imposed on adjoining properties, we have obtained title search particulars for a sample of adjoining lots within Fullarton Drive, Eagle Bay Terrace and Burden Place. A total of 11 titles were researched, examining properties created through seven different Plans of Subdivision.

Initially it was anticipated that allotments within a Plan of Subdivision would have had an identical Restrictive Covenant applied as part of the initial transfer of land from the Developer.

On examination this proved not to be the case, with a great deal of variety in restriction, and inconsistency in Application. Whilst this investigation was not exhaustive, it provides some insight on existing encumbrances.

Properties on the lower (north-eastern) side of Fullarton Drive typically have a Covenant that prohibits structures with a greater height than 4.5m from the natural surface of the ground at the highest point of the allotment. These Covenants do not expire. The lower allotments north of Molly Drive are an exception, with no limitations on height given the absence of any encumbrance.

Properties on the higher (south-western) side of Fullarton Drive have no limitations, with no Covenants imposed. Similarly, the property at 18-20 Burden Place is not encumbered.

The majority of properties within the Eagle Bay Village are encumbered with an expansive Covenant that imposes the following limitations:

- Prescribes a minimum floor area for dwellings;
- Prohibits the use of second hand materials (with an exception for second hand bricks);
- Requires external materials to be bricks of a nominal dimension, unless treated with render or texture coating;
- Prohibits external walls of heavily blended, mottled or rock face brick work;
- Prohibits the use of Hardiplank or cement sheet as an external wall or roofing material;
- Prescribes roofing materials of slate, clay tile, cement tile or colorbond;
- Prescribes a maximum floor area for outbuildings;
- Prescribes a minimum roof pitch of 22° for any structure greater than 10m²;
- Prescribes a minimum internal ceiling height;
- Requires gutters and downpipes to be colour coated or painted;
- Prescribes dwellings constructed at 2, 4 and 6 Eagle Bay Terrace (inclusive) to adopt a minimum setback of 9 metres for any windows, doorways, balconies or other similar viewing points;
- Prescribes fencing materials for side and front fences;

-
- The map shows a residential area with several streets and plots. The streets include Eagle Bay Terrace, Bannan Court, The Crescent, Eagle Bay Terrace, and Eagle Bay Drive. The plots are numbered, and the map is labeled 'FZ1' and 'GRZ1'. A red line outlines a large area, and a yellow line outlines a smaller area. A blue rectangle highlights a specific plot.

Despite the expansive limitations on many elements of built form, there is no maximum height limitation on dwellings or outbuildings. Conversely, Clauses (a)(viii) and (a)(ix) prescribe minimum heights. The only elements that seek to preserve views at height is Clause (e) relating to vegetation between dwellings. Building envelopes were not imposed on allotments within this Estate.

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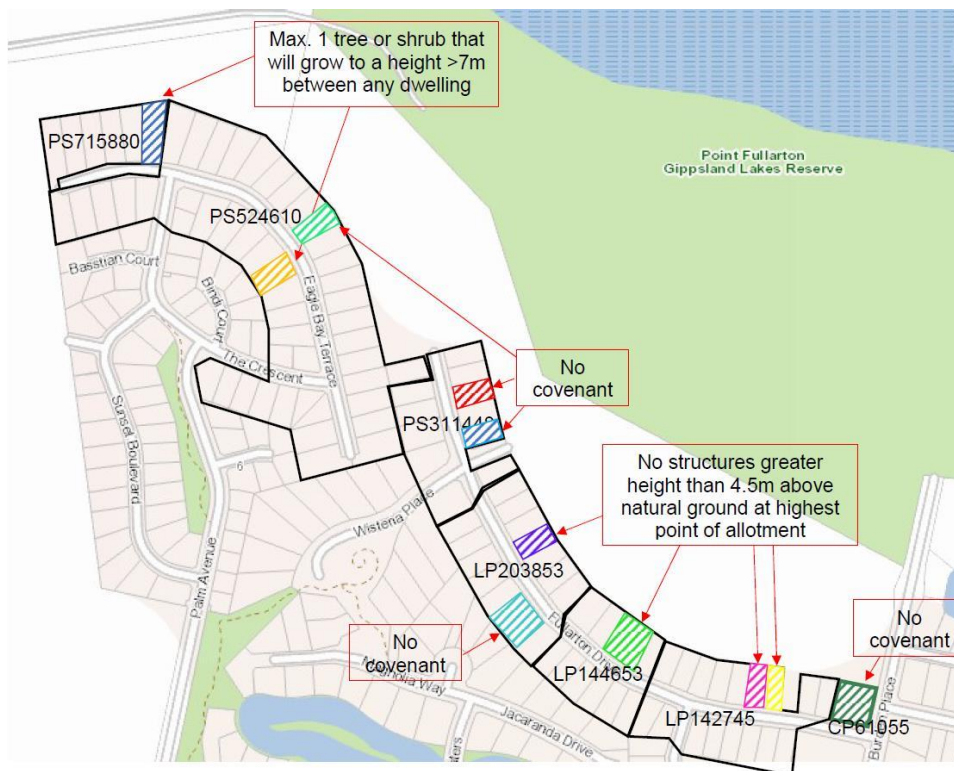
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Page 19

Interestingly, of the three titles reviewed within the Eagle Bay Village estate there was some variety, one had no form of Covenant registered on title. The other two had a Covenant with an expiration date of 31 December 2024.

The following diagram demonstrates the extent of covenant research undertaken. Copies of the title search particulars are able to be provided to Council should it be of assistance.



Map of surrounding covenants as researched
(Base plan sourced from VicPlan)

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Printed 14/09/2022
Page 25 of 112

3. Design Philosophy

The subject land has recently changed ownership, and the new owner wishes to create a subdivision that is an extension of the Paynesville northern precinct that demonstrates site responsiveness and inclusion, taking on board the direction provided by previous VCAT decisions and undertaking a review of the property's constraints and opportunities.

The intention is to develop the property in a responsible manner to ensure environmental sustainability, neighbour's amenity is not unreasonably impacted, and the internal and external amenity of future residents is afforded.

The design team considered the unique location, with the concerns of neighbours of great importance.

Research of prior applications for review lodged at VCAT with respect to the property clearly advises of the need for view sharing. View sharing is not about maintaining a current view enjoyed by neighbouring residents nor is it appropriate for a new proposal to obliterate views.

To address this matter it was considered necessary to obtain accurate information to inform building envelopes. A Feature Survey was undertaken to establish the existing conditions of the subject land, obtaining data in the form of service availability, service location, levels of the subject land, levels of neighbouring properties (including ground, floor and ceiling height) and an understanding of the environmental significance of the area. This information is depicted on the Existing Conditions with Levels Plan (Version 2) which accompanies this Application.

4. The Proposal

The subject Application proposes a multi-lot subdivision to create 59 vacant lots for future residential development.

The subdivision layout strikes a balance of residential expansion, compliance with Council's Strategic Planning Strategy, ensuring neighbours amenity, respecting the neighbourhood character, consideration of topography, provision of public open space and environmentally sensitive design.

A significant area of public open space is proposed to the north of the subject land (3.613 hectares) providing for current and potential environmental impacts into the future including more frequent flooding and coastal climate change impacts such as vegetation migration, native fauna and flora refuge, visual and physical setback to the foreshore and a passive recreational area for occupants of the area.

The proposed Reserve will include that part of the informal car park utilised by some visitors to the Point Fullarton Walking/Cycling Path located on the subject land.



Informal car parking area, established primarily on subject land

The proposed subdivision design differs from previous schemes by limiting proposed development to a single row of lots in front of the existing housing in Fullarton Drive via a new intersection with Burden Place in the east.

This new road will connect in the west with Molly Drive, with land on the northern side of the road retained within a Reserve. This design provides opportunity for casual surveillance and active interface with the Reserve, creating for large extensive lots where future development will be required to work with the terrain of the land.

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Page 22



Extract from Proposed Subdivision Plan depicting eastern component

The westerly section of the development will consist of two banks of lots and providing a vehicle link to the west through the extension of Fullarton Drive. The topography of this part of the land slopes more steeply towards the Crown abuttal, which allows for more development potential without unreasonable impact on the views of neighbouring residents.



Extract from Proposed Subdivision Plan depicting western component

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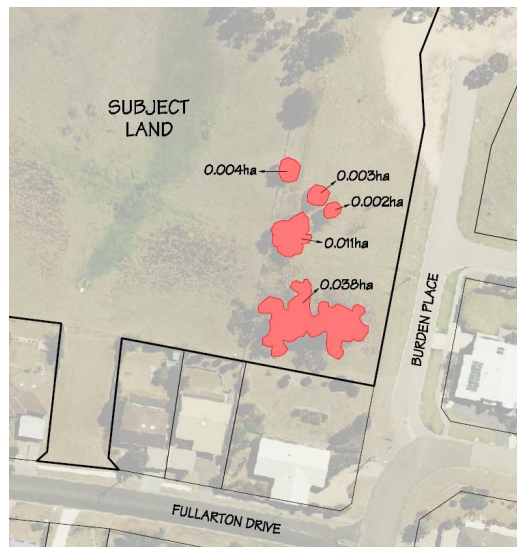
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Page 23

The proposed subdivision will necessitate the removal of native vegetation within the eastern parts of the subject land, as detailed on the Plan of Vegetation Removal.

The extent of vegetation to be removed has been minimised as far as possible, with vegetation closer the northern Crown boundary retained, as has the Large Old Tree.

A later section of this Report will address consideration of Clause 52.17 relating to *Native Vegetation*.



Extract from Plan of Vegetation Removal

Each of the proposed allotments will be connected to electricity, water, sewerage, drainage and telecommunications via reticulated means.

While the subject land is currently connected to all available services within the area, existing connections on the land will need to be upgraded for future development, as detailed within the Access & Servicing Strategy prepared by Crossco Consulting submitted as part of this Application.

Given the irregular shape of the two westernmost allotments, our client intends to retain proposed Lots 1 and 16 within their ownership in the medium term, pending Council rezoning of the neighbouring western property. Upon rezoning, these allotments will be realigned (subject to further Council approval) to achieve a more regular allotment form, consistent with adjoining lots to the east.

Response to future Climate Change impacts

Although the land has been residentially zoned for many years and located within the town boundary, in designing the subdivision the site has been assumed as a greenfield site within the context of future climate change impacts. The main distinction here is that projected sea level rise to the year 2100 has been considered, as opposed to the incremental sea level rise to the year 2040 which may be considered for infill sites within existing urban area.

The subdivision has been designed with regard for proposed sea level rise of not less than 0.8 metres by 2100, and the declared flood level for Paynesville of 2.0m AHD.

Fill and protection options were not explored, considered to represent maladaptation and an inappropriate response. Rather, an appropriate design response is proposed through a combination of non-intervention, avoidance and nature-based methods.

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Page 29 of 112

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Page 24

To achieve this, it was considered necessary to ensure all future lots be wholly located above the 2.8 metre AHD level, allowing for future climate change sea level rise on top of a 1:100 AEP flood level.

The provision of a large Reserve containing the lower-lying portions of the site is considered an appropriate response having regard for the following:

- It avoids intervention with coastal processes via careful management of the reserve for the purposes of maintenance and minor land management (i.e. grass slashing).
- The reserve provides opportunity for nature-based adaptation including natural revegetation and migration of flora species.
- Under single management an integrated approach to management of the lower areas of the land can be better achieved.
- In the short to long-term the public open space can augment the foreshore reserve allowing for a wildlife corridor to be achieved in perpetuity and provide an immediate wildlife refuge.

Interface with proposed Reserve and Crown land

The Point Fullarton Reserve and walking/cycling track, located to the immediate north of the subject land, provide an important community environmental and passive recreational asset.

During the marketing campaign associated with the sale of the subject land by previous owners, some members of the public expressed concern that the proposed development would result in the removal of the existing walking track. We categorically deny this suggestion, as the track is entirely located on the adjacent Crown land. The proposed subdivision will not alter this highly valued community asset, nor the integrity of native vegetation along the northern boundary.

The provision of a Reserve adjacent to the northern boundary will provide further protection to the sensitive Crown abuttal.

In response to this context, the fencing of the proposed lots with an abuttal to the proposed Reserve must be sensitively designed and present in a consistent style and form for the dual purposes of an aesthetically appealing presentation and the delineation of the public / private interface.

It is expected that a Condition of Planning Permit would require detail on the proposed fencing to be erected on the northern boundaries of lots 16-35 to be specified on the Reserve Landscape Plan.

The erection and ongoing maintenance of fencing in accordance with the endorsed plan would then be enshrined within a Section 173 Agreement.

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Printed 14/09/2022
Page 30 of 112

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Page 25

Building Envelopes

A key element of the subject Application is the nomination of lot specific three-dimensional building envelopes, which will specify vertical and horizontal limitations to development.

Building envelopes will nominate minimum setbacks from boundaries and maximum building heights for future dwellings. Building envelopes will apply to all ancillary structures excluding swimming pools and retaining wall structures.

With the sharing of views considered paramount, the height of buildings will typically be limited to 4.5m AHD above the highest level within the building envelope. The only exceptions are where this would result in a height greater than the standing eye level of the immediately adjoining dwelling, as established by survey. In those instances, the maximum height will not exceed the standing eye level of the immediately adjacent dwelling.

Rear setbacks have been nominated with respect for the prevailing landform. In the western component, where the land slopes more steeply in a northerly direction, a rear setback of 5m is proposed. For the eastern component, where the slope is more gentle, a 10m rear setback is proposed.

To review the appropriateness of the proposed maximum heights, a series of sectional drawings have been prepared by Modan which demonstrate how views will continue to be shared and enjoyed by adjacent properties and the proposed allotments.

These sections show exaggerated possible built form outcomes with the intention of presenting a 'worst case scenario', and in some instances show future buildings well in excess of that able to be developed in the General Residential Zone, being 11.0 metres.

A minimum front setback of 4m has been nominated for all allotments. A 3m side setback on one side is proposed for each allotment. This will maintain corridors of views between dwellings, whilst also retaining the efficiencies that can be achieved in construction when an element such as a garage wall is constructed on the side boundary, as is typical for many contemporary homes.

For proposed Lots 16-33 (inclusive) and 36-57 (inclusive), the location of the side setback will be left to the discretion of the purchaser, with alternate options provided. This discretion has not been afforded to Lots 34, 35, 58 or 59, where the side setback has been nominated having regard for either lot orientation or encumbrances associated with existing or proposed easements.

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Page 31 of 112

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Page 26

For Lots 1-15 (inclusive), side setbacks have been nominated on the opposite side of the proposed vehicular access that is to be constructed as part of the civil works program, having regard for the steeper landform. Careful positioning of the crossovers has provided the opportunity to provide for view sharing corridors, informed by an inspection of adjoining properties.

Draft Development Guidelines

To ensure an appropriate built form outcome is achieved, that respects the locale of the setting and provides for high quality design that is sympathetic of views of future built form from the public and private realm, draft Development Guidelines have been developed.

A draft document forms part of the suite of documents supporting this Application, however we expect Council will require further refinement of this document prior to endorsement, taking on board feedback from referral authorities and other interested parties. The draft Guidelines address matters such as front, side and rear setbacks, and provide clarity on maximum building heights in addition to the numeric limitation specified on the Building Envelope Plan.

The Guidelines seek to ensure appropriate built form when viewed from Lake King, with the intention to provide a good quality amenity for new and existing residents, and negate visual intrusion to neighbours by restricting vegetation height and the prohibition of any structures (including sheds) or the parking of vehicles or the like within setbacks.

Proposed Section 173 Agreement

A Section 173 Agreement is proposed to be entered with Council to ensure ongoing compliance with the Building Envelope Plan and the Development Guidelines.

Unlike other instruments such as a Developer Covenant, Restriction on Title or Memorandum of Common Provisions, in this instance a Section 173 Agreement is considered the preferable mechanism as it provides assurance to existing residents, who would not otherwise be beneficiaries of such instruments, of the enforceability of the Development Guidelines.

The Section 173 agreement will enable Council to be an independent party to ensure compliance with the setbacks and Guidelines and provide statutory review.

19972 Report

5 Application triggers

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

- Clause 32.08-3 of the General Residential Zone for subdivision;
- Clause 43.02-3 of the Design and Development Overlay 14 for subdivision;
- Clause 44.04-3 of the Land Subject to Inundation Overlay for subdivision; and
- Clause 52.17 relating to Native Vegetation for the removal of native vegetation.

5.1 Community consultation

It is acknowledged that recent Planning Applications proposing the subdivision of the subject land resulted in unprecedented levels of objection from the community. Many of the concerns held by the community were well articulated in the VCAT decisions, which has guided the design philosophy adopted for the subject Application.

To 'test' the current proposal, we have undertaken selected consultation with a small group of interested persons, including some of the parties to the previous VCAT decisions. This provided the opportunity to socialise the proposed subdivision layout, and provided valuable insight which has informed the preparation of this Application.

In addition to the conventional public notification requirements prescribed by Section 52 of the *Planning & Environment Act 1987*, we believe there would be merit in convening a drop-in session where interested persons may learn more about the proposal. This has been raised in pre-application discussions with the Manager Planning, and we look forward to working with Council on how this opportunity could best be delivered to benefit the Paynesville community.

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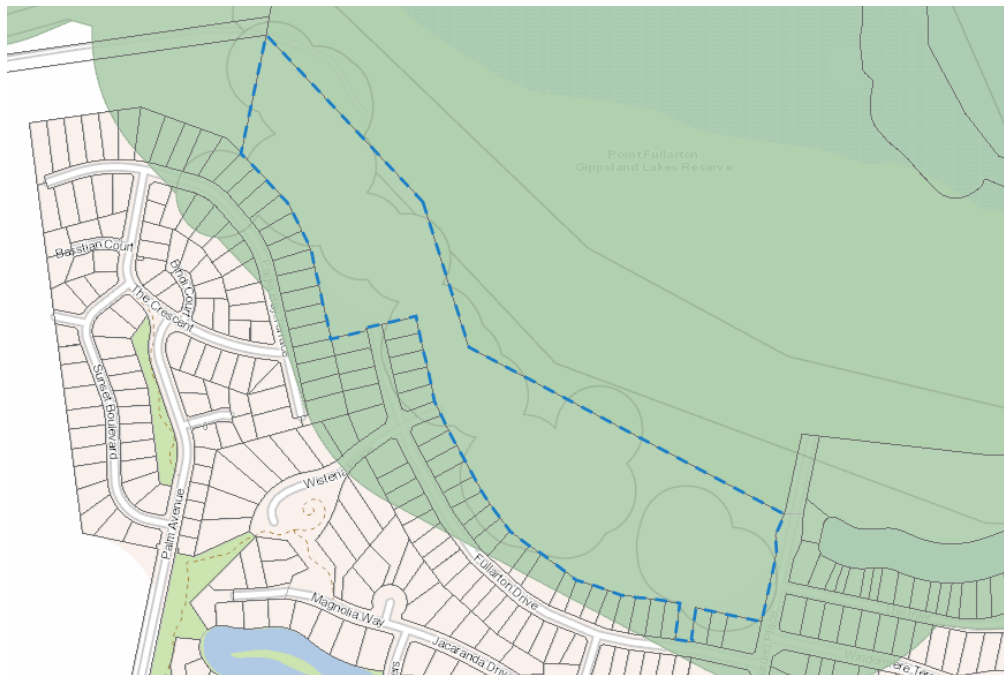
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Page 28

6. Cultural Heritage

The proposed subdivision represents a high impact activity of land deemed to be of Cultural Heritage Sensitivity, and therefore requires the preparation of a Cultural Heritage Management Plan (CHMP) pursuant to Regulation 7 of the *Aboriginal Heritage Regulations 2007*.



Extract from Cultural Heritage Sensitivity mapping, with sensitive areas shown in green (Source: VicPlan)

CHMP No. 10680 was prepared by Vanessa Edmonds of Archaeological Consulting Services Pty Ltd on 15 April 2010, and subsequently approved by the Gunaikurnai Land and Waters Aboriginal Corporation on 22 April 2010. A copy is enclosed in support of the subject Application.

Whilst this CHMP depicts an alternative scheme of subdivision, as pursued by Planning Application 385/2010/P, VCAT has previously determined in 2014 that this specific earlier approval may be utilised in support of an amended subdivision proposal.

In *Lake Park Holdings Pty Ltd v East Gippsland SC & Ors (includes Summary)* (Red Dot) [2014] VCAT 826³, Deputy President Dwyer determined this was acceptable where there was a continuing nexus between the CHMP and the activity for which the planning permit was being sought.

³ http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2014/826.html?context=1;query=lake%20park%20holdings%20pty%20ld%20v%20east%20gippsland%20sc;mask_path=au/cases/vic/VCAT

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Page 29

This represented a departure from the Three Pillars 'test' previously established by Deputy President Gibson in 2012⁴.

Deputy President Dwyer observed, at paragraph 26, the following:

To use the approach I have outlined above, it is necessary to undertake a fair and objective reading of the CHMP as a whole. Having done so, I consider that the CHMP dated 15 April 2010 is a sufficient CHMP in respect of the activity now proposed in the permit application that is the subject of the application for review in this proceeding. My reasons for forming this view in this case are primarily as follows:

- *the approved CHMP references a plan (Figure 2-1) as part of its description of the activity, but not in a manner that ties it exclusively to that plan. That plan shows a proposed subdivision layout for 82 lots, and the balance as open space, whereas the activity is described in the CHMP as being a residential subdivision of 'up to 110 lots'. There is an implicit recognition that the number of lots may vary, provided the maximum is not exceeded;*
- *the current amended plans show a 77 lot subdivision, with a virtually identical road layout to that on the plan in the approved CHMP. The only material change is that the overall site coverage of lots has been reduced, by removing or reducing the size of lots adjacent to the lakeside reserve, and with a larger area now included within that reserve. The evidence is that the amended lots now sit above relevant flood levels, and less excavation and fill will be required;*
- *importantly, the CHMP was undertaken as a 'complex' assessment across the entire activity area, and it had identified a number of aboriginal heritage sites – one of moderate/high scientific significance. The CHMP nonetheless allows for disturbance of all such sites, subject to certain 'salvage' excavations to obtain samples of archaeological deposits at least one month prior to the subdivision activity commencing. The CHMP thus essentially contemplates disturbance of the entire site after these salvage excavations and sampling are undertaken. The proposed changes to the subdivision layout and open space will therefore not affect the specific outcome contemplated by the already approved CHMP. The changed layout cannot be said to open up any new parts of the activity area, within which a proper assessment has not been undertaken or for which there are no relevant recommendations; and*
- *the CHMP does contain very specific recommendations in relation to two aboriginal heritage sites, including the site of moderate/high scientific significance. However, these specific recommendations allow for the complete disturbance of these sites as well, subject to the prior 'salvage' excavations I have mentioned. The proposed changes to the subdivision layout and open space in the vicinity of these sites will therefore also not affect the specific outcome for these sites contemplated by the already approved CHMP.*

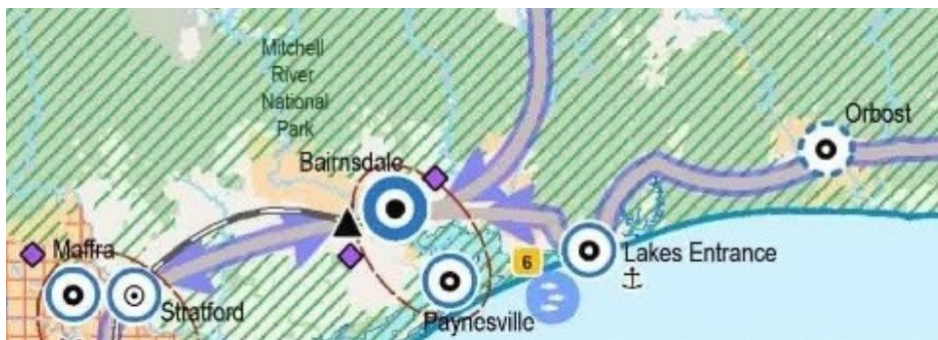
The approved CHMP is able to be submitted in support of the subject Application, having regard for the tests outlined above. The proposed subdivision is able to comply with the management recommendations specified within the approved CHMP, which includes a controlled salvage excavation of no less than 5m².

⁴ Three Pillars Property Group v Brimbank CC (includes Summary) (Red Dot) [2012] VCAT 368 (2 April 2012): <http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2012/368.html>

7. Planning Policy

7.1 Planning Policy Framework

Paynesville is recognised as a sub-regional network of Bairnsdale highlighting the close economic, social and cultural links between the two urban areas. Clearly defined within Clause 11.01-1R *Settlement - Gippsland* sub-regional networks are supported to grow and support an integrated relationship between towns.



Extract from Gippsland Regional Growth Plan, highlighting the sub regional network linking Paynesville and Bairnsdale (Clause 11.01-1R)

Developing a network of settlements across Victoria to provide for growth, opportunity and deliver choice, Bairnsdale (and the sub-regional network of Paynesville) is supported for sustainable growth. The proposed subdivision builds on the networks of high-quality integrated settlements of Victoria as outlined in Clause 11.01-1S *Settlement - Victoria* and achieves many of the strategies including:

- Provides for population growth of a of a sub-regional settlement.
- Assists to meet the needs of appropriately located residential development to meet the community's needs.
- Minimises the exposure to natural hazard due to future climate change.
- Limits urban sprawl and directs growth into a residential zoned parcel of land within the existing township boundary.
- Provides for compact urban areas around the existing social, community, commercial and employment areas of the Paynesville township.
- Ensures land identified for future urban expansion is not compromised and is integrated into the proposed development.

Clause 11.02-1S *Supply of Urban land* seeks to ensure an appropriate supply of urban land is provided for future residential, commercial and industrial development. The subject land has been zoned for residential development since the commencement of the East Gippsland Planning Scheme. The proposed development seeks to sensitively and responsively develop the land for urban development as has been the strategic intent of the planning scheme since inception and prior.

Planning for Places at Clause 11.03 acknowledges the need for growth areas (at Clause 11.03-2S). The proposal represents the logical development of the land for residential purposes while appropriately considering the natural environment and local conditions. The proposal will facilitate land supply for urban development in a logical and integrated manner, responding to the significant increase in demand for vacant land escalating during the past two years. The proposal will assist to enact the development of the town envisaged by Council, and provides a unique diversity of development parcels while maintaining environmental and social responsibilities.

Consistent with Clause 11.03-04S *Coastal Settlement* the proposed subdivision:

- Will assist to manage coastal population growth within a zoned, integrated land parcel and urban modified environment.
- Builds upon the existing coastal development node of Paynesville.
- Is within the township boundary.
- Avoids current and potential impact from future climate change.
- Ensures future lots will be connected to all available utility services in particular sewerage.
- Improves the current unregulated and untreated discharge of local precinct stormwater over the property by providing appropriate and environmentally sensitive treatment.

The subdivision design respects Clause 12.01-1S *Protection of Biodiversity*, acknowledging the unique and important biodiversity of this area of the Gippsland Lakes. The proposed Reserve will provide a significant buffer from coastal Crown land ensuring existing vegetation is protected, providing space for RAMSAR flora and fauna habitat to be respected, allowing future migration of vegetation species as a result of potential future climate change and allows for a fauna refuge. Whilst a small amount native vegetation loss will occur, native vegetation offsets will be met, ensuring no net loss of biodiversity.

The subdivision will result in the need to remove a small amount of native vegetation. The native vegetation to be removed to facilitate the subdivision is of a low ecological quality. Vegetation losses will be offset as per the guidelines for native vegetation removal however, the provision of public open space with associated native vegetation benefits (opposed to current grazing) will provide an environmental gain, as well as meeting native vegetation offset requirements as per the regulations consistent with Clause 12.01-2S *Native Vegetation Management*.

The subdivision design has had regard to the sensitive marine and coastal environmental location. Provision of generous public open space will provide flora and fauna opportunities with sensitive management. The proposed revegetation and landscaping has been deliberately proposed to ensure environmental gains while ensuring view loss for current and future occupants is not compromised and possible impact of bushfire is minimised as sought by Clause 12.02-2S *Protection of Marine and Coastal Environment*.

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Page 32

There is the need to sensitively design stormwater to prevent pollutants, sediment and ensure appropriate water quality entering the natural environment. The proposal seeks to prevent any direct discharge of stormwater into the natural environment. Stormwater will be captured and treated in an environmentally sustainable manner before release including stormwater that is currently discharging over the property in an unregulated and untreated manner.

It has been seen as prudent to ensure that prior to and during development of stormwater disposal basins there is the possibility of uncovering coastal acid sulfate soils. A management plan has been developed to ensure any CASS is treated responsibly in accordance with established Best Practice Guidelines⁵.

The Gippsland Lakes is nominated a significant environment and landscape at Clause 12.05-1S. The landscape will be respected through the subdivision design with the incorporation of public open space fronting the immediate Gippsland Lakes reserve, landscaping of the reserve, use of sensitive building heights within a backdrop of urban development and guidelines promoting development that respects the topography of the land as such the proposal is considered to respond appropriately.

To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning is the objective of Clause 13.01-1S *Natural Hazards and Climate Change*. It is proposed to only develop land for residential purposes located well above the predicted sea level rise including a 1:100 year flood event, which for Paynesville is 2.8 metres AHD. The majority of lots areas will be above 4.0 metres AHD ensuring appropriate mitigation from future predicted climate change in the event of a 1:100 year flood event. Consistent with *Coastal Inundation and Erosion* Clause (13.01-2S) the proposal seeks to avoid the impacts of predicted sea level rise.

It is noted that the subject land is not located within a Bushfire Management Overlay nor is the land within a designated bushfire prone area as advised by Clause 13.02-1S.

The subject site contains low lying land towards the northern boundary. The land is subject to currently infrequent flooding impacts as modelled by the 1:100 ARP flood. This part of the property will not be developed for the purposes of residential development ensuring the objectives and strategies of Clause 13.03-1S *Floodplain Management* are achieved.

The subject land is bounded by Farming Zone land to the west which is used for agricultural production in the form of cattle grazing. This land has been earmarked for future residential development into the future in accordance with the Paynesville Growth Area Structure Plan.

⁵ Department of Sustainability and Environment, Victorian Best Practice Guidelines for Assessing and Managing Coastal Acid Sulfate Soils, October 2010:
https://www.marineandcoasts.vic.gov.au/_data/assets/pdf_file/0016/31237/CASS-BPMG-2010.pdf

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Page 33

It is understood Council has and continues to pursue the strategy to rezone the land for residential development as such the objectives and strategies associated with Clause 14.01 *Agriculture* and consideration of the interface with farming land are considered to have minimal relevance.

The proposed design response involves a multi-lot subdivision that creates a new road to front the proposed reserve and extends an existing road to create a bank of residential lots to the west that front the reserve. The development of a road that fronts the reserve will provide for security and casual surveillance of the reserve and allows for public participation of the reserve.

The lots to the west fronting the reserve are intended to have fencing of a consistent and transparent nature to be specified on a Detailed Landscape Plan and enforced through Guidelines within a legal agreement to ensure casual surveillance of the reserve can take place. Given the northern outlook of dwellings afforded it is envisaged that the reserve will have inherent safety as sought by Clause 15.01-1S relating to *Urban design*. Associated with the design philosophy of the subdivision the built form will be respectful of the landscape settling, topography of the land, interface with the public realm, provides for view sharing and will develop lots of a size, shape and character respectful of the locale and setting.

Clause 15.01-3S *Subdivision Design* seeks to ensure the design of subdivision achieves attractive, safe, accessible, diverse and sustainable neighbourhoods. The proposed subdivision provides an attractive and safe neighbourhood by providing extensive public open space, good amenity outcomes for future residents having north facing allotments, road connections that provide for the sharing of traffic volumes, providing alternatives in the event Fullarton Drive is inoperable, and connects with the wider Paynesville northern residential community.

Lot sizes are diverse allowing for a range of housing options and design while space has been provided to ensure the wildlife corridor along the Lake frontage will be retained including the protection of the Gippsland Red Gum that will provide immediate appeal for future residents. A footpath network has been developed to ensure that healthy lifestyles can be attained, car dependency can be reduced and the informal car parking area associated with the Point Fullarton Walking Track can be formalised.

The neighbourhood character of the northern Paynesville district area is categorised, in general, by single lots with detached dwellings. The proposed subdivision has been designed to ensure the character of significant land parcels and detached dwellings can continue. Lot sizes, shape and orientation provides consistency with neighbouring areas and promotes sustainable housing development. The proposed subdivision will maintain appropriate street development and alignment of roads and lots will fit comfortably within the locale as sought through Clause 15.01-5S *Neighbourhood Character*.

Clause 16.01-1S *Housing Supply* seeks to facilitate well-located, integrated and diverse housing that meets community needs. The proposed development

19972 Report

Crowther & Sadler Pty Ltd

Printed 14/09/2022
Page 39 of 112

East Gippsland Shire Council

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Page 34

provides an excellent opportunity to provide housing that is consistent with the character of the area, can facilitate housing which can take advantage of the solar aspect, represents appropriate development and infill of residential zoned land, integrates well with the existing urban fabric and provides housing opportunities within a town that has recently seen an extensive take up of existing (and future) housing stock.

Consistent with Clause 18.02 *Movement Networks* the proposed subdivision will provide for footpaths, road upgrades and new roads of a standard meeting the requirements of the Infrastructure Design Manual and achieving a safe and efficient network for pedestrians, cyclists and vehicles.

As sought by VPP 19 *Infrastructure* the proposed development will successfully link in with the existing infrastructure of the area and will improve stormwater drainage outcomes.

7.2 Local Planning Policy

The subject land has been identified for many years to be within the town boundary and is zoned for residential purposes. The land is therefore, considered infill development of a growth area. As sought by Clause 21.03 *Settlement* the proposed development achieves the relevant objectives and goals:

- Will make the best use of the community's investment in infrastructure.
- Ensures connection to reticulated sewerage
- Provides a diversity of lots in the form of size and shape ensuring that the future lots can be developed and enjoyed by a range of household types.
- Has been designed to deliberately avoid future climate change impacts and respect the foreshore fauna and flora.
- Provides for infrastructure links in the form of footpath and road connections to the wider precinct.
- Provides infill of an underutilised vacant residentially zoned property that is within the settlement boundary and connected to the wider township.
- Resists providing pedestrian trails through the adjoining native vegetation within the foreshore reserve, and directs pedestrian flow to existing road reserves (that link to the Fullarton Point Walking Track).

The proposed subdivision design enhances the environmental values of the precinct. Lessons learnt from previous proposals advise of the need to retain the Gippsland Red Gum which has been achieved, and to provide space for migrating vegetation in a southerly manner due to potential climate change through the provision of a generous area of public open space. Native vegetation required to be removed to facilitate the subdivision has been kept to an absolute minimum, and will be offset in accordance with the relevant ensuring the biodiversity of the area is maintained as sought by Clause 21.04-1.

As required by Clause 21.04-2 *Landscape*, the proposed subdivision's future development has been taken into consideration to ensure the landscape amenity of surrounding properties are maintained. The subject site is located within a heavily modified environment surrounded by extensive development to the south. The proposal incorporates building envelopes to reduce massing, scale and height. This is achieved through setbacks and height limitations, informing the design of future development to utilise the topography of the land with stepped design preventing excessive and prominent building form and massing across lots.

The use of water sensitive design through detention and treatment basins (incorporating untreated stormwater discharge on the property) is recognised as best practice and improves the quality of stormwater discharging from the new proposal (See Clause 21.03-4).

Floodplain Management at Clause 21.05-1 has been acknowledged and is accommodated for within the subdivision design. The proposal seeks to avoid

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Page 36

the hazard with all development located above the 2.8 metre contour and resists maladaptation, such as proposing fill in the floodplain.

The adjacent western property is identified in the Paynesville Growth Area Structure Plan as land to be rezoned for residential purposes. The land is not identified as prime agricultural land and the development of urban development on the subject site will have little impact on the current maintenance grazing activities currently taking place on the western property (as it does on the subject land currently) ensuring productive agricultural land is not detrimentally impacted (Clause 21.06-1).

The proposed subdivision has appropriately considered the character of this northern precinct of Paynesville. The proposed lot orientation, size, shape and boundaries has had respect for the existing town character and amenity of neighbouring properties. The foreshore area is well respected through the setback of lots and subsequent built form from the foreshore reserve. Social impacts of the proposal have been considered and a social impact comment has been provided in a later section of this report, demonstrating compliance with Clause 21.07 *Built Environment and Heritage*.

Clause 21.08 *Housing* in local policy seeks to provide local content above State policy. The proposal will provide 59 lots within an established urban and residentially zoned area for future housing within a settlement, allowing for a diversity of housing and provides choice for future landowners.

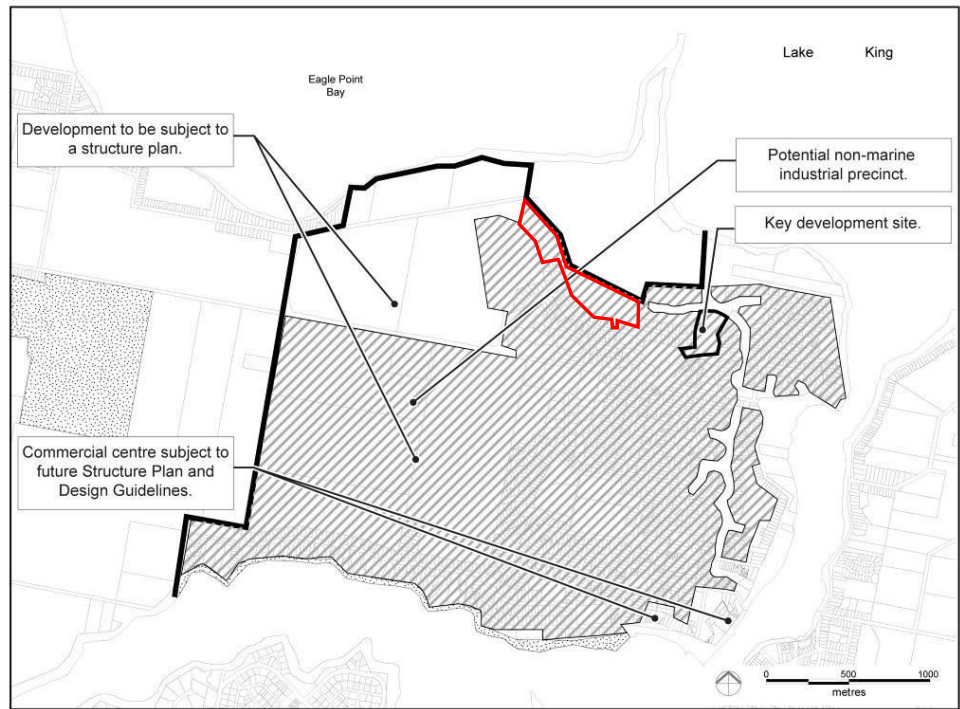
Clause 21.12 *Strategies for Sub-Regions, Towns and Localities* describes Paynesville as forming part of the Lakes & Coastal Sub-region. It advises that Paynesville, located approximately 16 kilometres south of Bairnsdale, has grown in recent times, and acts as both a dormitory and retirement area. Opportunity for significant expansion of the town is recognised by virtue of the district town classification within the Coastal Settlement Framework at Clause 21.12-2.

The proposed subdivision is consistent with the vision for Paynesville, as it provides for the expansion of residential opportunities taking advantage of the features of the locality around boating, tourism and healthy living, with access to walking and riding trails, passive and active recreation.

Objectives relevant to the proposal include:

- To ensure that there is a connectivity between precincts, including residential, commercial and recreation town centre activity areas, the foreshore and waterfront and the natural environment.
- To manage the expansion of the town boundary and new residential development to ensure a variety of housing types and styles and add to the special character of Paynesville.

Consistent with the relevant strategies that underpin the objectives, the proposal is consistent with the *Paynesville Strategy Plan* and provides opportunities to supplement and create new vegetated areas within the town boundary which will be achieved through the provision of an expansive area of public open space. Notably the subject land is identified as a residential area to 2020 in the *Paynesville Strategy Plan*.



LEGEND

- Settlement Boundary
- Key areas of open space
- Residential development area to 2020

Paynesville Strategy Plan, with subject land highlighted in red (Clause 22.12-2)

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Page 38

7.3 Paynesville Growth Area Structure Plan

On 2 August 2016 East Gippsland Shire Council adopted the *Paynesville Growth Area Structure Plan* ('PGASP').

The PGASP study area does not directly include the subject land, however it has high relevance as it relates to the direct western neighbouring property and the general growth of Paynesville.



Extract from Figure 1, with subject land marked in yellow (PGASP, p.6)

PGASP clearly identifies the land to the west of the subject land to be rezoned residential. It is our understanding that Council is currently preparing a Planning Scheme Amendment to achieve this objective. The plan also identifies the need for the continuation of Fullarton Drive to provide vehicular and pedestrian permeability of the precinct, allowing for traffic volumes and flows to be evenly distributed and to provide for orderly future development.

A Traffic Assessment Report prepared by SALT³ forms part of the adopted PGASP document which specifies minimum construction standards for the extension of Fullarton Drive within the subject land, categorising the road as an Access Place, which proposes a 15.0m wide road reserve with a footpath on one side only.

19972 Report

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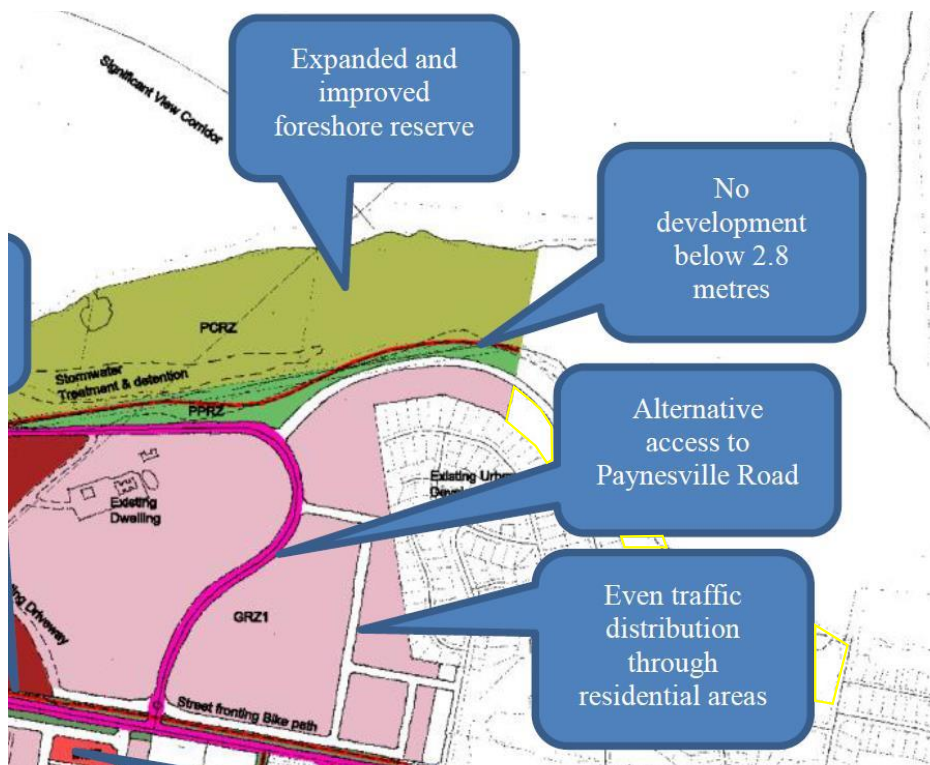
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Proposed Road Categories, with subject land marked in yellow (SALT³, p. 37)

PGASP anticipates parts of the precinct will be impacted by coastal climate change, and calls for careful consideration of the foreshore reserve below 2.8 metres AHD. The proposed subdivision will assist with this objective providing for stormwater treatment through nutrient stripping and revegetation opportunities within the extensive public reserve proposed below the 2.8 metres AHD contour.

The proposed subdivision is consistent with the objectives and guidelines as stipulated in PGASP, acknowledging that although adopted by Council it is yet to have any statutory weight.



*Extract from Annotated Preferred Urban Structure Plan,
with subject land marked in yellow (PGASP, p.16)*

8. Planning Elements

8.1 General Residential Zone

The subject land is located in the General Residential Zone.



Extract from GRZ mapping (Source: VicPlan)

The proposed subdivision is entirely consistent with the purpose of the General Residential Zone ('GRZ') as it seeks to facilitate orderly development that respects the neighbourhood character of the area, both established and preferred. The proposal will result in housing growth in a location that is well placed in terms of access to services and facilities.

The subject application does not require consideration of garden area, given each of the proposed allotments exceeds 400m² in area. All proposed lots are appropriately dimensioned and oriented to accommodate future residential development with appropriate solar access, with sufficient area to accommodate private open space, garden area, externally accessible storage and vehicle manoeuvres.

There are no neighbourhood character objectives contained within Schedule 1 to the GRZ.

An application to subdivide land must meet the objectives and should meet the standards of Clause 56. An assessment of the proposed subdivision against the relevant objectives and standards of Clause 56 is provided in the following table.

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Page 41

Objective	Design Response
56.01-1 Subdivision Site & Context Description	Complies <p>Earlier sections of this Report provide a detailed description of the subject land and surrounds, supported by an Existing Conditions Plan that forms part of this submission.</p> <p>The site sits within an existing residential precinct and has the ability to be connected to a full range of reticulated services.</p> <p>The site is located a short walk to Fullarton Reserve Walking Track and is within close proximity to community facilities, commercial services, educational facilities and active and passive recreation.</p>
56.01-2 Subdivision Design Response	Complies <p>Allotments have been designed to complement the surrounding pattern of subdivision, will incorporate building envelopes to ensure view sharing and appropriate future built form development. Access is provided via a new road that leads from Burden Place to Molly Drive, and the western extension of Fullarton Drive. An expansive public open space reserve adjoining the foreshore reserve is proposed for passive recreational enjoyment and landscape/environmental improvements.</p>
56.02-1 Strategic Implementation Objective	Complies <p>Please refer to Section 7 of this report for commentary on compliance with State and Local Policy, including the Paynesville Growth Area Structure Plan.</p>
56.03-4 Built Environment Objective	Complies <p>The subdivision has been designed to facilitate future vehicle and pedestrian connectivity with the western adjoining property consistent with the PGASP.</p> <p>The proposed subdivision layout and incorporation of building envelopes integrates lots with the existing built form (housing) of the area.</p> <p>The provision of a large area of public open space will provide a community asset for occupiers of the proposed subdivision and the wider precinct.</p>
56.04-1 Lot Diversity & Distribution Objectives	Complies <p>The proposed allotments range from 600m² in area to 1,693m² in area, providing for diversity in size whilst being respectful of the existing allotment pattern and surrounding development.</p> <p>No average net residential density is specified for the subject land within the East Gippsland Planning Scheme.</p>

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Page 42

Objective	Design Response
56.04-2 Lot Area & Building Envelopes Objective	Complies <p>With each proposed allotment in excess of 500m² in area, there is no requirement to nominate Building Envelopes as part of the proposal.</p> <p>Having regard for previous VCAT decisions, it was considered imperative to provide building envelopes to ensure appropriate future built form outcomes are achieved and view sharing is provided for neighbouring properties.</p> <p>Each of the proposed lots can easily accommodate a rectangle measuring 10m x 15m. The lot dimensions are appropriate to accommodate private open space, vehicle movements and infrastructure whilst maintaining good solar access.</p>
56.04-3 Solar Orientation of Lots Objective	Complies <p>The proposed layout and orientation provides appropriate solar exposure to each allotment. All proposed lots are generous in size ensuring strong solar access, having regard for future built form outcomes.</p>
56.04-4 Street Orientation Objective	Complies <p>All lots, with the exception of Lot 34, have the ability to front the new road, Burden Place or Fullarton Drive.</p> <p>The proposed new internal road will provide an active interface with the proposed public open space, and lots have been orientated to face the public open space and provide opportunities for casual surveillance.</p>
56.04-5 Common Area Objectives	N/A <p>There are no areas of Common Property nominated.</p>
56.05-1 Integrated Urban Landscape Objectives	Complies <p>It is anticipated that a condition on permit will trigger requirement for a Landscape Plan to be endorsed which will include the nomination of street trees to achieve the expected streetscape presentation for each of the road types, in addition to enhancing landscaping along Burden Place and Molly Drive.</p> <p>A Reserve Landscape Plan will also be required, informed by detailed drainage design of the proposed basins. It is considered important that landscaping in the public open space reserve has incorporates vegetation of a lower height to respect views of the Lakes enjoyed by current and future landowners, but ensuring a softening of future built form when viewed from the Lake and adjacent Crown land.</p>

19972 Report

Crowther & Sadler Pty Ltd

Printed 14/09/2022
Page 48 of 112

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Page 43

Objective	Design Response
56.05-2 Public Open Space Provision Objectives	Complies <p>The proposed large area of public open space will perform a passive recreation, environmental and drainage function, incorporating water sensitive urban design techniques and enhance the nature based character of the area.</p> <p>Each of the proposed lots is within 1km of the proposed open space, consistent with the requirements of Standard C13.</p>
56.06-2 Walking & Cycling Network Objectives	Complies <p>A footpath will be developed along the southern side of the new road that will link to Fullarton Drive via Molly Drive.</p> <p>New footpaths will be provided on each side of the Fullarton Drive extension. The width of each road is sufficient for the joint use of vehicles and cyclists.</p>
56.06-4 Neighbourhood Street Network Objective	Complies <p>As advised by the Traffic Impact Assessment the proposed roads are of suitable widths to accommodate additional traffic volumes, with the surrounding road network able to readily accommodate any additional traffic. Proposed road designs were determined to be consistent with the IDM, the Planning Scheme and best practice.</p> <p>No modifications to the existing road network are considered necessary, and all lots can be easily accessed by service and emergency vehicles.</p>
56.06-5 Walking & Cycling Network Detail Objectives	Complies <p>Footpaths have been logically located to provide appropriate pedestrian access. Pavement edge, kerb and channel are integrated to ensure safe travel for cyclists. Footpaths are of a sufficient width to accommodate wheelchairs, prams and other footpath bound vehicles.</p>
56.06-6 Public Transport Network Detail Objectives	Complies <p>Unfortunately, public transport within Paynesville is limited. The PGASP Traffic Assessment Report does not suggest any future bus routes north of Paynesville Road, suggesting that <i>"the street forms as proposed will be adequate to accommodate alterations to accommodate bus stops as required"</i> (p.46). As the land to the west of the subject land is further developed with an access onto Paynesville Road there may be the need to provide for bus stops further to the west, however at this time based on the strategic vision it is unlikely considered unlikely.</p>

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Page 44

Objective	Design Response
56.06-7 Neighbourhood Street Network Detail Objective	Complies The proposed road network will be constructed to the specifications of Infrastructure Design Manual (refer to Access and Servicing Strategy Plans). We understand these specifications are prioritised over those contained within the Planning Scheme.
56.06-8 Lot Access Objective	Complies The proposed subdivision has been designed to ensure safe and convenient vehicle access and egress for all allotments. None of the proposed allotments will be provided access from an arterial road and each of the Lots are greater than 300m ² in area.
56.07-1 Drinking Water Supply Objectives	Complies Reticulated drinking water is available to the land. It is expected that a condition of permit will require the owner of the land to enter into an agreement with East Gippsland Water for the supply of reticulated water to each lot.
56.07-2 Reused & Recycled Water Objective	N/A East Gippsland Water, the relevant local authority does not have any requirements for the installation of reused and recycled water supply in this precinct at this time. The use of rainwater tanks with a minimum retention & reuse of 2000 litres will allow for garden irrigation and use in sanitary facilities, reducing demand for reticulated water.
56.07-3 Wastewater Management Objective	Complies 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 connection of each lot to the reticulated sewer network.
56.07-4 Stormwater Management Objectives	Complies The accompanying Site Drainage Plans demonstrates how the site can be drained to best practice requirements. It is proposed to utilise rainwater tanks with a minimum retention & reuse of 2000 litres, overflow for tanks will be drained via pipes to sediment basins (where in times of peak flows stormwater overflow will be diverted to drying areas and allowed to evaporate), then transferred to the wetland and/or bio-retention basin for release into a contour swale. It is expected that a condition of permit will require the preparation of a Detailed Drainage Design to the satisfaction of Council.

19972 Report

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Printed 14/09/2022
Page 50 of 112

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Page 45

Objective	Design Response
56.08-1 Site Management Objectives	Complies <p>The site will be managed to the satisfaction of the Responsible Authority. Site management techniques and information will be included within the project's Construction Management Plan, expected to be required as a Condition of Permit. It is expected that the Construction Management Plan must have regard for the amenity of existing neighbouring properties during construction activities.</p>
56.09-1 Shared Trenching Objectives	Complies <p>Shared trenching for reticulated services will be undertaken where possible in accordance with the standards of the relevant supply agency.</p> <p>Shared trenching is a common construction method that also provides cost benefits to the developer. The need for shared trenching can be stipulated within permit conditions if necessary.</p>
56.09-2 Electricity, telecommunications & Gas Objectives	Complies <p>Electricity, telecommunications and gas are available within the precinct. Each of the proposed lots are able to be connected in accordance with the requirements of the respective service provider.</p>
56.09-3 Fire Hydrants Objective	Complies <p>Details as to the location of fire hydrants will be provided as part of detailed construction documentation in accordance with permit conditions.</p> <p>Hydrants will be located to ensure appropriate coverage to rear of future dwellings by being within 120 metres of rear boundaries.</p>
56.09-4 Public Lighting Objective	Complies <p>Street lighting will be provided in accordance with Council's standard, with detail regarding location and standard to be provided as part of detailed construction documentation.</p>

The assessment of the proposal against the relevant objectives and standards of Clause 56 indicates a high level of compliance. It is accepted that service provider and referral agency responses will form conditions of the permit. It is also acknowledged that further detailed plans will need to be submitted to address matters such as landscaping, drainage and construction management.

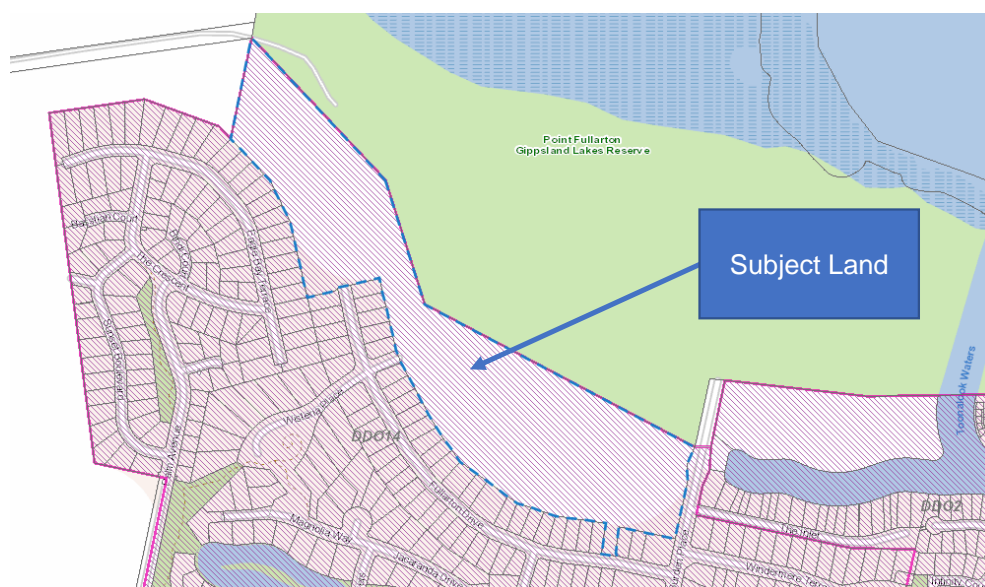
19972 Report

Crowther & Sadler Pty Ltd

Printed 14/09/2022
Page 51 of 112

8.2 Design and Development Overlay – Schedule 14

The property is located in the Design and Development Overlay - Schedule 14 (*Residential Development in Coastal Settlements: Paynesville*).



Extract from DDO14 mapping (Source: VicPlan)

The land is not located within any specific area identified in the Schedule, however objectives and decision guidelines apply to all areas including the subject land. We note there are no design objectives that relate specifically to subdivision.

It is considered that the proposed subdivision responds well to the objectives and decision guidelines of all areas:

- The township character of Paynesville in this precinct are of larger lots orientated to the north to capture solar access and take advantage of the expansive northerly views. The subdivision will continue to provide lots of similar orientation, shape and area to the adjoining lots. Lots to the east of the land are larger than adjoining lots to enable for an appropriate design response associated with future dwelling development.
- The height and visual bulk of future development on the lots to be created has been carefully considered. Building envelopes have been proposed to allow for view sharing, directing future dwellings to be designed with respect for the topography of the land and minimising height and scale when viewed from the water.
- Landscaping the public open space reserve and the existing vegetation within the foreshore reserve will provide softening of the future dwellings when viewed from the foreshore walking track and more so when viewed from the water.

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Page 47

- There is an opportunity with the provision of public open space to in part restore the vegetated character of the area and provide for environmental gains via improvements to water quality and allowing for regeneration and space for vegetation migration in time.
- It is proposed to introduce Development Guidelines via a section 173 agreement that will specify a range of design requirements, height limitations, setbacks, minimising plant heights to the rear of lots backing onto existing development and the like.
- Care has been taken to ensure the protection of the Gippsland Red Gum, to ensure native vegetation within the foreshore and wetlands is respected via minimising excavations close to the vegetation, and preventing the direct release of stormwater into the wetlands.
- Pedestrian footpaths will be provided allowing pedestrian linkages into the wider precinct.
- The public open space provision will provide for and add to the foreshore wildlife corridor and act as a fauna refuge.
- The subdivision of private lots will be well above the predicted sea level rise combined with a 1:100 rainfall event (which is declared at 2.8 metres AHD in Paynesville).

8.3 Land Subject to Inundation Overlay

A small part of the subject land is located in the Land Subject to Inundation Overlay, as depicted in the following image.



Extract from LSIO mapping (Source: VicPlan)

The subdivision design has been careful to avoid areas affected by the Land Subject to Inundation Overlay and areas that will potentially be impacted by future climate change. As such all proposed freehold lots to be created are well above the 2.8 metre AHD contour.

A contour swale drain is proposed to be constructed within the mapped overlay area. It is considered that this minor intrusion into the Overlay area is acceptable as it will provide for appropriate drainage discharge on the land rather direct than to the wetlands during the overwhelming majority of days.

The proposed works do not require planning approval, being associated with a minor utility installation (storm or flood water drains or retarding basins). Clause 62.02-1 exempts buildings and works associated with a minor utility installation.

8.4 Native Vegetation (Clause 52.17)

The proposal will result in the removal of a small patch of native vegetation, that has been significantly degraded as a result of weed infestation.

The application has appropriate regard for the provisions of Clause 52.17 *Native Vegetation*. The design has been developed to avoid where possible the removal of native vegetation including ensuring the large old Gippsland Red Gum is retained and avoidance of native re-vegetation removal that is occurring on the northern lower sections of the property adjacent to Crown land.



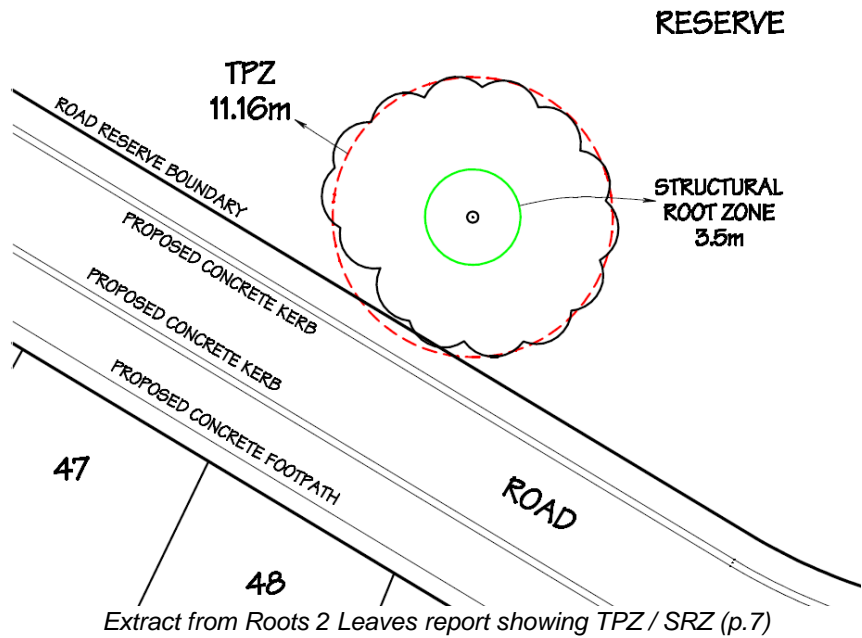
Extract from NVIM mapping, with vegetation to be retained shown in green, and removed shown in red (Source: <https://nvim.delwp.vic.gov.au/Biodiversity>)

To ensure the large Gippsland Red Gum will not be impacted as a result of the subdivision, an Arborist was commissioned to inspect the tree, determine the Tree Protection Zone and Structural Root Zone of the tree, and to provide recommendations on protection measures to be adopted during construction, to ensure the ongoing health of the tree. A Development Site Report prepared by Roots 2 Leaves Tree Services is provided in support of the Planning Application.

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Page 50



The small area of lower grade native vegetation proposed to be removed from the south-eastern part of the subject land comprises isolated and heavily degraded native vegetation.



Vegetation to be removed, viewed from Burden Place
(Date of photograph: 9 August 2022)

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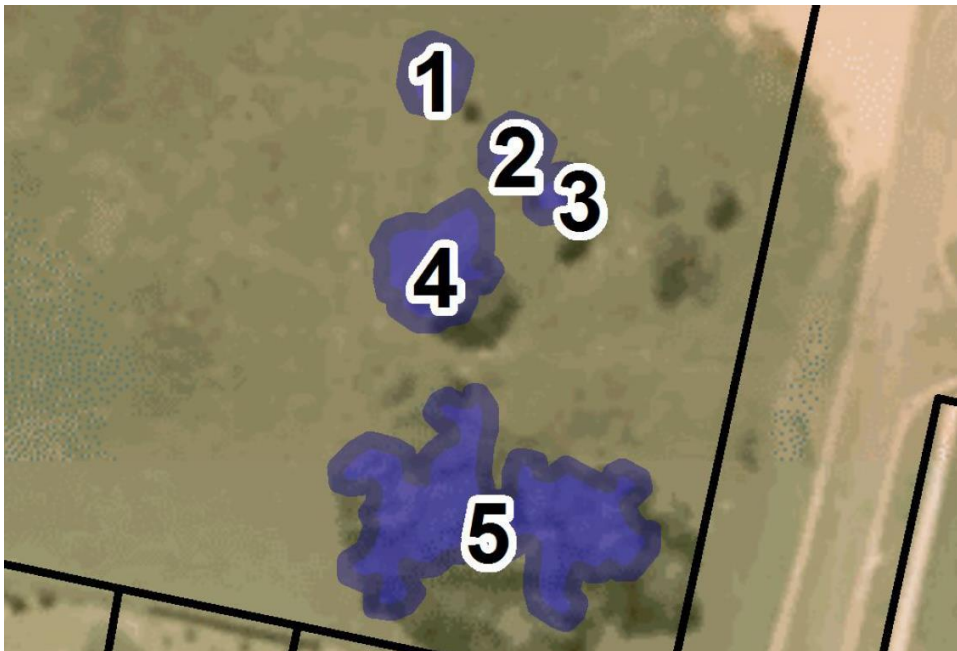
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Page 51



*Vegetation to be removed, viewed from Burden Place
(Date of photograph: 9 August 2022)*

Five small patches with a combined extent of 0.058 hectares are proposed to be removed, with no large trees included within the patches, and no large or small scattered trees to be removed.



Mapped extent of native vegetation to be removed (Source: NVIM Report)

The extent of vegetation proposed to be removed has been minimised as far as possible, with no ability to avoid vegetation loss and achieve a structured urban form with appropriate access provisions.

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Page 52



*Extent of vegetation removal proposed has been minimised as far as possible
(Date of photograph: 9 August 2022)*

A Native Vegetation Removal Report has been prepared documenting the extent of vegetation proposed to be removed, confirming the application is able to proceed under a Basic Assessment Pathway.

To compensate for the loss of native vegetation, a third-party offset will be secured to ensure no net loss of biodiversity, in accordance with the requirements of Clause 52.17-5. The offset type is a general offset and the offset amount is 0.014 general habitat units. A quotation from Vegetation Link confirming the availability of the required credits with all necessary attributes has been obtained and is included with the application.

In response to the application requirements specified at Table 4 of the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017) ('the Guidelines') we offer the following comments.

Requirement	Response
1. Information regarding native vegetation to be removed.	<p>The enclosed Vegetation Removal Plan depicts the extent of native vegetation to be lost in the context of the property.</p> <p>Please refer to the enclosed Native Vegetation Removal Report ('NVR') that confirms the Application is able to proceed under a Basic Assessment Pathway.</p> <p>The extent of vegetation removal proposed includes five small patches totalling 0.058 ha. No scattered trees or large trees within patches are proposed to be removed.</p> <p>The NVR has determined the strategic biodiversity value score of the vegetation presumed to be lost is 0.176, with a condition score of 0.240.</p>

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Printed 14/09/2022
Page 58 of 112

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Page 53

Requirement	Response
1. Information regarding native vegetation to be removed (continued)	<p>The subject land does not include any coastal areas or sensitive wetlands.</p> <p>General offsets in the order of 0.014 general habitat units with a minimum strategic biodiversity value score of 0.176 will be required to compensate for the native vegetation loss.</p>
2. Topographic and land information	Please refer to the enclosed Existing Conditions Plan that confirms the subject land is undulating with slopes exceeding 20 percent, there is little evidence of erosion.
3. Recent, dated photographs of the native vegetation to be removed	<p>In addition to photos provided on previous pages, the following photos are of the native vegetation to be removed, taken on 25 March 2022.</p> 

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Page 54

Requirement	Response
4. Other vegetation removed	We are unaware of any other native vegetation approved to be removed, removed without the required approvals, on the subject land or contiguous land in the same ownership.
5. Avoid & minimise statement	<p>The subject land is identified as an area for residential development. In delivering the expected outcome and creating lots each less than 4,000m², all vegetation within the property boundaries of proposed freehold lots is presumed lost in addition to the loss associated with the new road. The application seeks to minimise the removal of native vegetation by retaining one large native tree (Gippsland Red Gum). Retention of the tree has been assessed by an arborist. The investigation has identified opportunities in by which the tree can be afforded protection and retained.</p> <p>Works associated with the construction of road infrastructure and service provision will be located outside the Tree Protection Zone.</p> <p>Vegetation in proximity to the northern boundary, adjoining Crown land, is also avoided.</p> <p>A third party offset will be provided to compensate for the loss of native vegetation, to the satisfaction of DELWP.</p>
6. Property Vegetation Plan	Not applicable – A Property Vegetation Plan made pursuant to Section 69 of the <i>Conservation, Forests and Land Act 1987</i> has not been prepared.
7. Defendable Space	Not applicable – the subject land is not located within the Bushfire Management Overlay.
8. Native Vegetation Precinct Plan Response	Not Applicable – the Application is not made under Clause 52.16. No Native Vegetation Precinct Plan applies to the subject land.
9. Offset Statement	Please refer to the enclosed quotation from Vegetation Link (dated 26 July 2022) confirming that the required native vegetation credits with suitable attributes are available for purchase from a third party. The quotation confirms the offset will be located within the boundaries of either the East Gippsland Catchment Management Authority or East Gippsland Shire.

19972 Report

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Printed 14/09/2022
Page 60 of 112

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Page 55

8.5 Public Open Space Contribution and Subdivision (Clause 53.01)

The Plan of Subdivision included within the accompanying title search particulars details that a public open space contribution has been made previously. Accordingly, no further contribution is required, pursuant to Section 18(5) of the *Subdivision Act 1988*.

Regardless, it is proposed to create a public open space reserve of 3.613 hectares to be vested with Council. The public open space will provide for passive recreation, landscaping, water quality treatment and environmental benefits.

It is acknowledged that a small portion of the proposed Reserve will be burdened by stormwater infrastructure. Given this infrastructure will treat the wider catchment including the subject land, delivering improvements in water quality above and beyond that required by the subject Application.

It is expected that Council will require the development of a Reserve Landscape Plan as a Condition of Permit, and that the Reserve will be transferred to Council ownership in a fully developed form, following the standard maintenance period.

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Page 56

8.6 Traffic Implications

The Application is supported by a Traffic Impact Assessment prepared by Traffix Group. The Assessment was informed by traffic surveys, intersection turning movement counts and a review of accident data for the locality

Consistent with the methodology adopted in traffic studies supporting the Paynesville Growth Area Strategy, the Traffix Report also adopted a conservative rate of 7 vehicle trips per day per lot. The Assessment determined the surrounding road network is capable of accommodating the additional traffic likely to be generated by the proposed subdivision, and that the proposed new road standards are consistent with the requirements of the Infrastructure Design Manual, Clause 56 of the East Gippsland Planning Scheme, and best practice.

The Assessment concludes with the following statement:

“Overall, there are no traffic engineering reasons why a permit for this residential subdivision should not be granted, subject to appropriate conditions” (p.29).

8.7 Social Impact Comment

Given the application seeks to create between twenty and sixty lots, Policy Guidelines for Residential Development as detailed at Clause 21.08 require the provision of a Social Impact Comment in accordance with Council's *Social Impact Assessment Guidelines for Development Applications* (May 2013) ('SIA Guidelines').

We provide the following comments based on the discussion points provided at Attachment 4 of the SIA Guidelines:

- 2021 Census data recently released for the Statistical Area of Paynesville indicates an average of 2.0 persons per household. It is estimated the development of 59 proposed lots would result in a population increase of 118 persons, being an increase of 2.7% on the 2021 Census data. The inclusion of 59 new dwellings represents a 2.1% increase in the number of dwellings for the statistical area. The estimated resident population over the past five years has increased by 203 persons, or 5%. On that basis the additional population resulting from the proposed subdivision is not considered to be of statistical significance.
- The median age of the Statistical Area of Paynesville is 63 years. This reflects an aged community, much older than the National median age of 38 years.
- The proposed subdivision will not result in any benefit or disadvantage, direct or indirect, to a particular population cohort or group in the community.
- The proposal will not create any increased employment opportunities, other than those generated as a consequence of construction activity.
- Median rent and mortgage repayments for the Paynesville statistical area are substantially less than the Australian average, indicating more affordable housing. The creation of additional allotments will deliver improvements consistent with the objectives promoted by *Homes for Victorians* (2017).
- The proposal is not considered to have an impact on current social, recreational or community infrastructure in the precinct, based on the benchmarks for quantitative analysis provided at Table 4 of the SIA Guidelines.
- The proposed development will expand the existing footpath network, which will in turn decrease the risk for pedestrians within the development and the precinct.

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

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Page 58

9. Conclusion

The proposed multi-lot subdivision and removal of native vegetation at 10 Fullarton Drive, Paynesville is considered to accord with all relevant provisions of the General Residential Zone, Design and Development Overlay 14, Land Subject to Inundation Overlay and relevant Particular Provisions of the East Gippsland Planning Scheme.

The subdivision has been designed in a site responsive manner balancing competing policies and objectives contained within the East Gippsland Planning Scheme, and having regard for community expectations and previous decisions by VCAT. The resultant proposal is consistent with the Planning Policy Framework and Local Policy and has been designed to complement the adjoining properties.

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

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Page 59

10. Attachments

- Application Form (lodged via Portal)
- Existing Conditions Plan (Version 1)
- Plan of Levels (Existing Conditions) V2
- Proposed Subdivision Plan (Version 3)
- Proposed Building Envelope Plan (Version 6)
- Vegetation Removal Plan (Version 1)
- Draft Development Guidelines
- Archaeological and Heritage Management Solutions
 - CHMP 10690
- Roots 2 Leaves Tree Services
 - Development Site Report
- Crossco Consulting:
 - Access & Servicing Strategy
 - Stormwater Management Strategy
- Traffix Group
 - Traffic Engineering Assessment
- Modan
 - Sectional drawings
- Native Vegetation Removal Report (21 July 2022)
- Vegetation Link
 - Quotation (26 July 2022)
- Waterway Management Consultants
 - Peer review and letter of support (5 August 2022)
- Copy of Title

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Northviews Residential Subdivision, 10 Fullarton Drive, Paynesville, Gippsland Lakes, Southeast Victoria

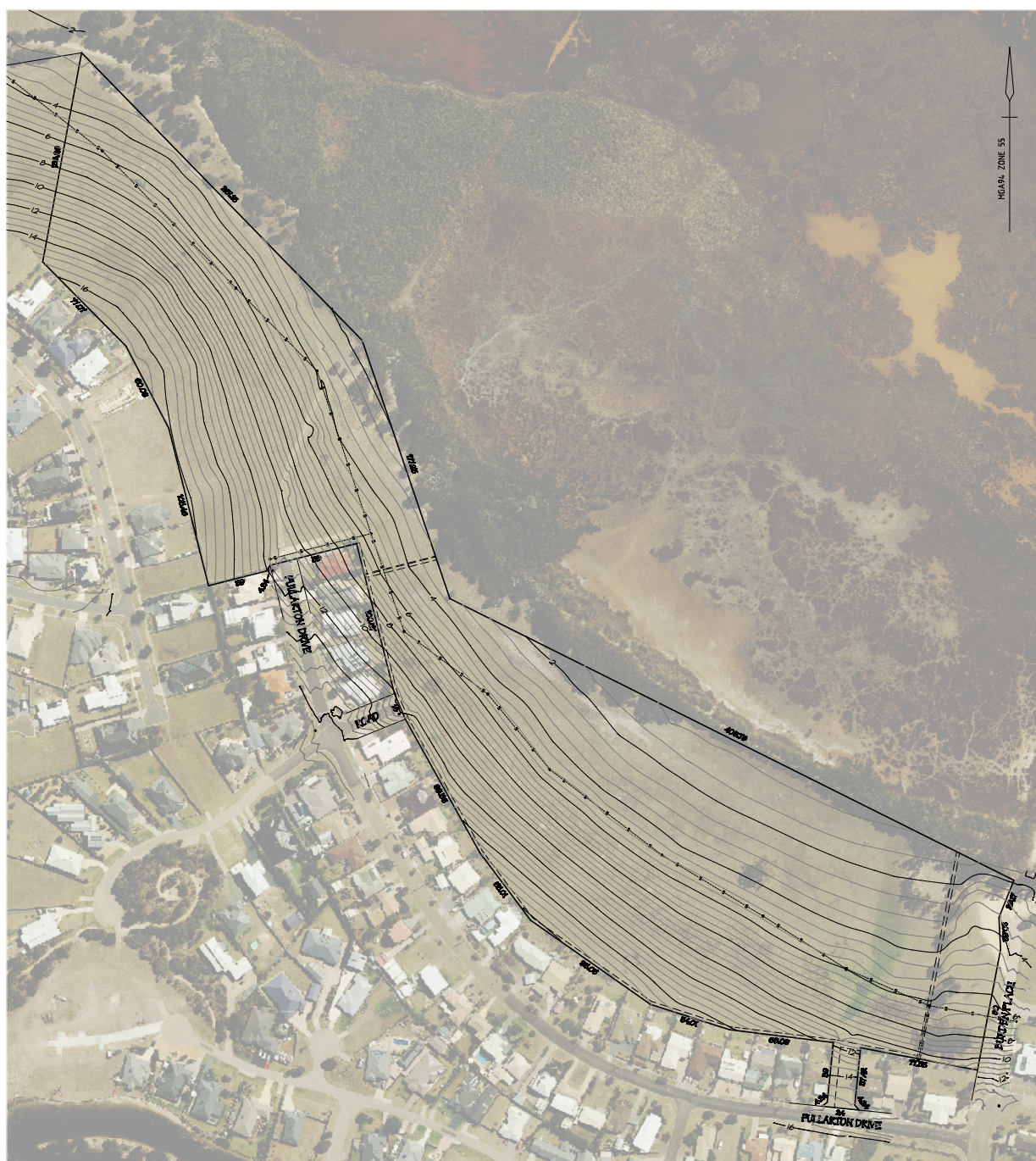
COMPLEX CULTURAL HERITAGE MANAGEMENT PLAN (MEDIUM)



Cultural Heritage Management Plan Identifier: 10690
Date of Completion: 15th April 2010



**Printed 14/09/2022
Page 66 of 112**



<p>RESI VENTURES PTY LTD 10 FULLARTON DRIVE, PAINESVILLE</p>		<p>SCALE (INSET 1:250)</p> <p>1 : 1250</p>	<p>NOTATIONS</p> <p>AREAS ARE APPROXIMATE ONLY DIMENSIONS ARE SUBJECT TO SURVEY</p>	<p>EXISTING CONDITIONS PLAN</p> <p>PARISH OF BAIRNSDALE CROWN ALLOTMENT 144 (PART) LOT C ON PS311448U</p>
<p>Crowthorne & Sadler Pty Ltd. LICENSED SURVEYORS & TOWN PLANNERS REGULATED PROFESSIONAL SERVICES ACT 1998 A 626486-001 & contact@cwthsadlersurveys.com.au</p>	<p>SCALE (INSET 1:250)</p> <p>1 : 2500</p>	<p>SUBSIDIARY EXP.</p> <p>19972</p> <p>VERSION 1 - PRN 14/06/2022</p>		<p>Printed 14/09/22 Page 67 of 1</p>



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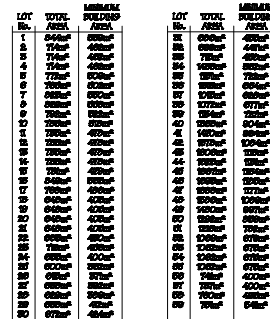
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PARISH OF BAIRNSDALE
CROWN ALLOTMENT 144 (PART)
LOT C ON P5311448U

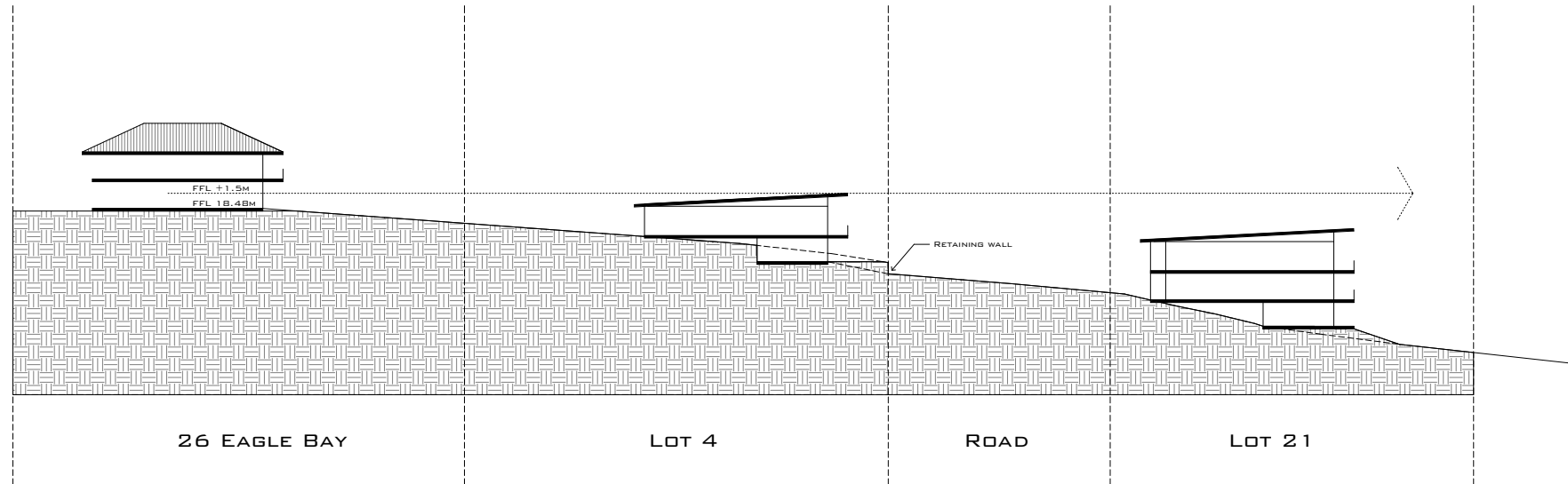
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Page 68 of 112



<p>RESI VENTURES PTY LTD 10 FULLARTON DRIVE, PAINESVILLE</p>	<p>SCALE (INSET 1:2500)</p>	<p>1 : 1250</p>	<p>NOTATIONS</p> <p>AREAS ARE APPROXIMATE ONLY DIMENSIONS ARE SUBJECT TO SURVEY</p>	<p>PROPOSED SUBDIVISION</p> <p>PARTISH OF BAIRNSDALE CROWN ALLOTMENT 144 (PART) LOT C ON P531144B</p>
<p>Crowther & Sadler Pty Ltd LICENSED SURVEYORS & TOWN PLANNERS 181 MACDOONALD STREET, MELB. VIC 3000 P 034482 0011 E contact@crowthersadlers.com</p>	<p>SCALE (INSET 1:2500)</p>	<p>1 : 2500</p>	<p>SUBDIVISION EXP.</p> <p>19972 VERSION 3 - PLANN 27/04/2022</p>	
<p>FLORIDA: Reg. Label: 19520-19999, 19992-19999, 19992 2nd Verh. 19992, 19992 Prop. Verh. 19992</p>				<p>Printed 14/09/22 Page 69 of 1</p>

Printed 14/09/2022
Page 70 of 112

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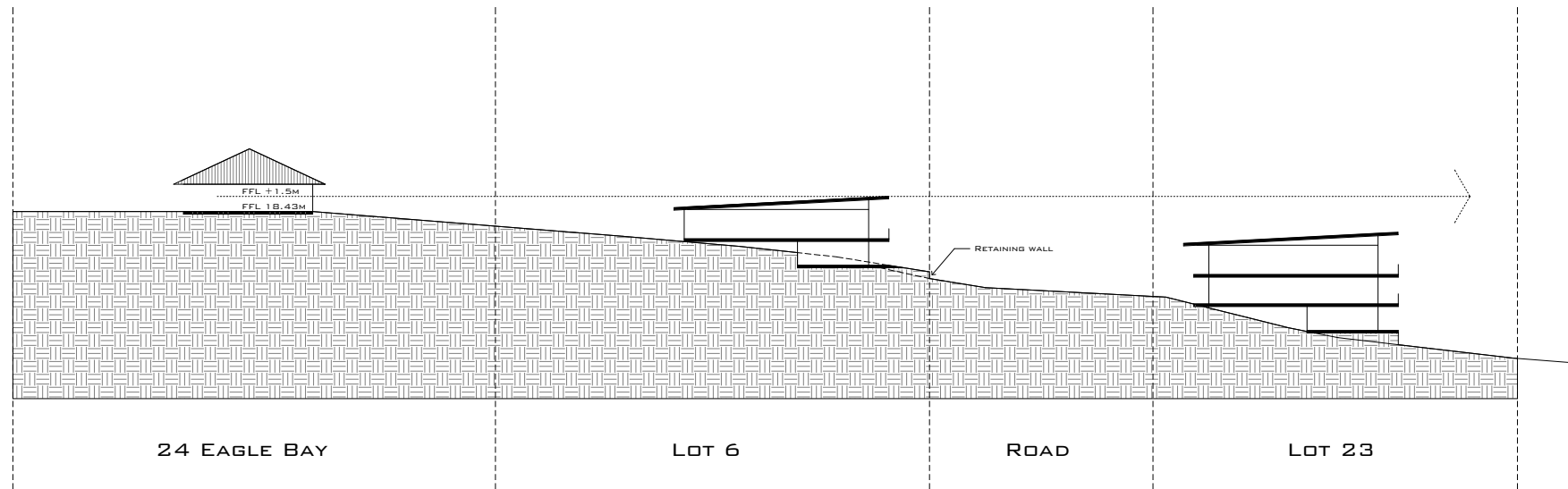


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UD101
26 Eagle Bay
Scale: 1:200 @A1
CLIENT: Resi Ventures
ADDRESS: Paynesville, Victoria
PROJECT: Paynesville
STATUS: DRAFT
DATE: 8/8/2022
VERSION: 3

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Page 71 of 112
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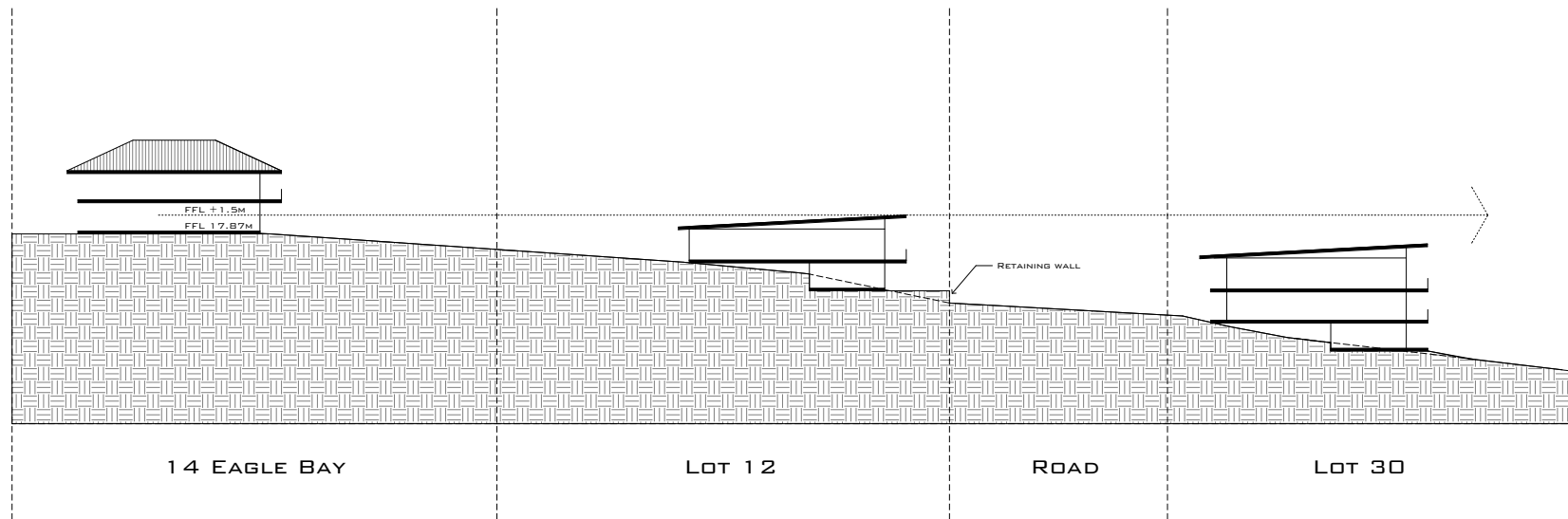
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UD102

24 Eagle Bay	CLIENT Resi Ventures	ADDRESS Paynesville, Victoria	DATE 8/8/2022
Scale 1:200 @A1	PROJECT Paynesville	STATUS DRAFT	VERSION 3

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Page 72 of 112
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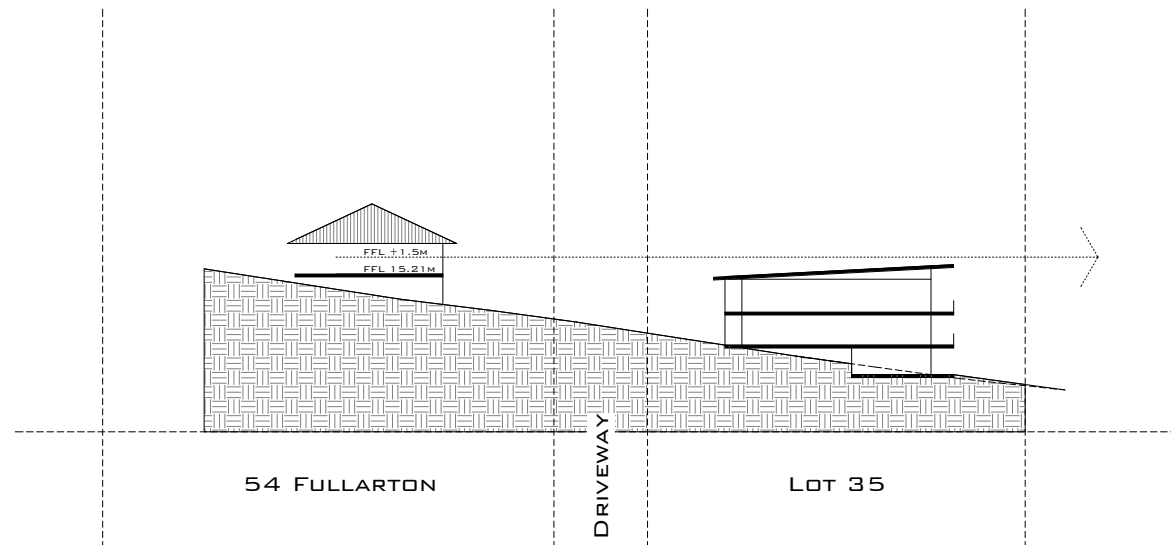


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Scale 1:200 @A1
CLIENT Resi Ventures
ADDRESS Paynesville, Victoria
PROJECT Paynesville
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Page 73 of 112
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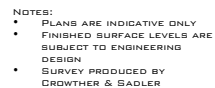


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UD104	54 Fullarton	CLIENT	ADDRESS	DATE
		Resi Ventures	Paynesville, Victoria	8/8/2022
Scale	1:200 @A1	PROJECT	STATUS	VERSION
		Paynesville	DRAFT	3

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MJ 0400642347	Printed 14/09/2022 Page 74 of 112 E: info@modan.com.au



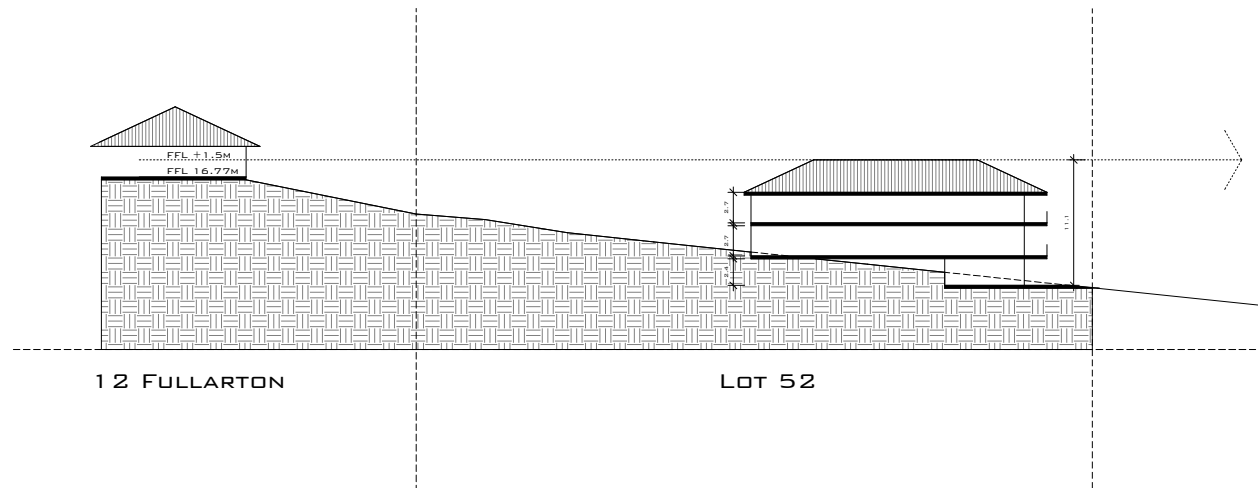
CLIENT	ADDRESS
Resi Ventures	Paynesville, Victoria
PROJECT	STATUS
Paynesville	DRAFT

DATE
8/8/2022

VERSION
3

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NOTES:

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- FINISHED SURFACE LEVELS ARE SUBJECT TO ENGINEERING DESIGN
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UD106	12 Fullarton	CLIENT	ADDRESS	DATE
		Resi Ventures	Paynesville, Victoria	8/8/2022
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		Paynesville	DRAFT	3

UD106	12 Fullarton	CLIENT	ADDRESS	DATE
		Resi Ventures	Paynesville, Victoria	8/8/2022
	Scale: 1:200 @A1	PROJECT	STATUS	VERSION
		Paynesville	DRAFT	3

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Page 76 of 112

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DRAFT DEVELOPMENT GUIDELINES
10 Fullarton Drive, Paynesville
 Lot C on PS311448U

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INTRODUCTION

These Guidelines have been prepared to protect and enhance the value and amenity of the estate and adjoining properties by ensuring future development is sympathetic to existing development and subject to similar planning and development controls and considerations.

DESIGN PHILOSOPHY

The design philosophy for the residential development is to assist owners and their designers to build homes with a cohesive appearance throughout the estate, respectful of the surrounding environment.

In general, the design philosophy has been based around a style that can be referred to as Coastal Urban Design that encourages built forms and landscaping to emphasise the coastal atmosphere of the locality.

AIM

- Establish an appropriate architectural, landscape and coastal urban character with design elements that respond to the coastal identity and contributes to the natural setting.
- Create a quality residential development with high standards of design and construction to establish visual connectivity and compatibility throughout the estate.
- Retain important vistas of the Gippsland Lakes and its environs.
- Encourage the exploration and use of the most appropriate, site responsive and environmentally sensitive engineering solutions to optimise energy efficiency.

GUIDELINE ELEMENTS

1. BUILDING SETBACKS

- All front, side and rear setbacks must comply with ResCode, unless otherwise outlined in the building envelope diagrams or s173 Agreement.
- All Buildings, including outbuildings must be contained within the building envelope nominated on the Building Envelope Plan as endorsed by Council or as amended from time to time. Swimming pools, pool fences and retaining walls may be constructed outside the building envelope.
- Garage doors must be setback a minimum of 5 metres from the property frontage to provide opportunity for off-street visitor parking.
- Buildings must not be set back from the front street alignment more than one-third of the depth of the allotment, in accordance with Building Regulation 73.

2. SITE PLANNING AND DESIGN

- Buildings must be appropriately designed to minimise visual impacts from the public realm.
- Consider the location and conditions of the site, e.g., slope, views, overshadowing and solar access, overlooking private open spaces of neighbouring properties. Design to maximise northerly views.
- Access constraints into lots will determine the position of the garage and the configuration of the dwelling. In general, vehicle access and garage positioning should be closer to the road frontage thereby reducing land cut and retaining walls.
- Utilise sun penetration with shading to optimise passive solar benefits in conjunction with insulation and other building methods to conserve energy. Sun protection of walls, openings and

Printed 14/09/2022
Page 77 of 112

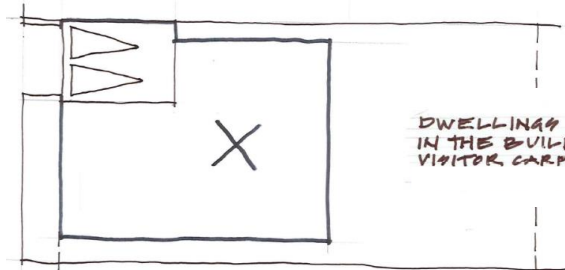
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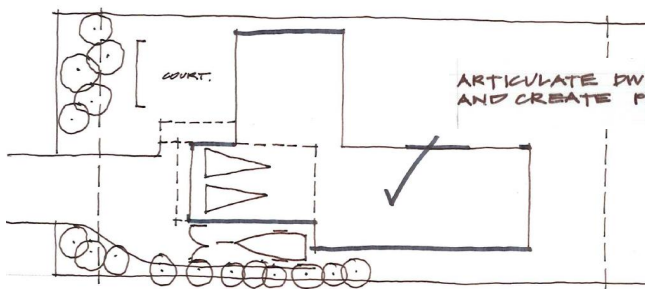
terraces should be achieved by roof overhangs, verandahs, pergolas or other structurally integrated elements of the building.

- Building envelopes are minimum dimensions. Further indentations and recesses to articulate facades are encouraged. A sheer un-modulated building façade to the minimum front setback are not supported.



DWELLINGS THAT MAXIMISE THE AVAILABLE AREA IN THE BUILDING ENVELOPE ARE DISCOURAGED. VISITOR CARPARKING MUST BE PROVIDED ON SITE

- Corner site designs must address both street frontages through landscaping solutions to both street frontages.
- Design dwellings, terraces, etc. to prevent overshadowing and overlooking of habitable rooms and private open spaces of neighbouring properties.



ARTICULATE DWELLINGS TO MINIMISE 'BULK' AND CREATE PROTECTED EXTERNAL SPACES.

3. BUILT FORM

- Buildings should be designed with a modulated and stepped or terraced profile towards the north. The aim is for a gradual transition from the streetscape towards the foreshore.
- Replicated historical or period designs are inappropriate and will not be approved. Designs that incorporate and reflect the forms of a coastal environment with a relaxed, lightweight style are encouraged.



- Transportable buildings and dependent persons units are not permitted.

4. BUILDING HEIGHT

The Building Envelope Plan as endorsed by Council nominates a maximum building height to Australian Height Datum (AHD) for each allotment, with the objective being to protect the visual amenity and maximise the sharing of views throughout the estate.

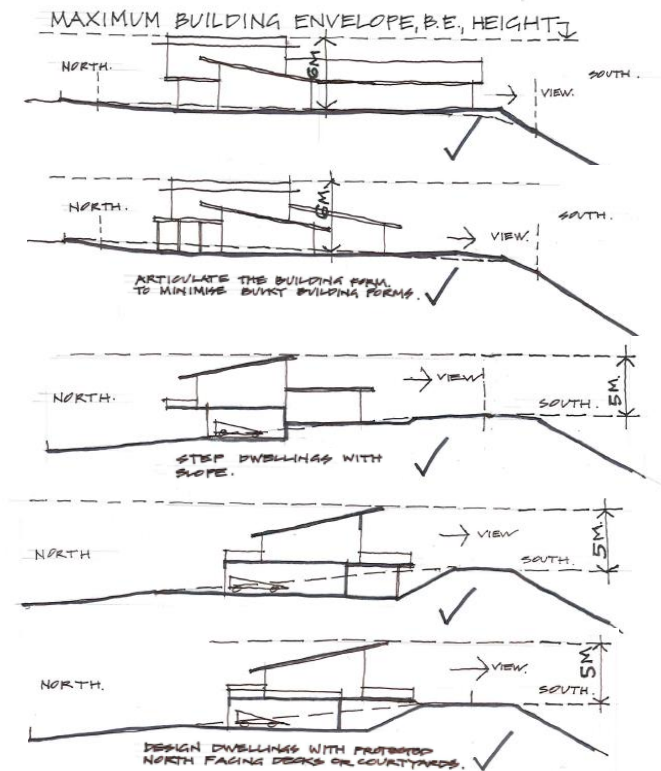
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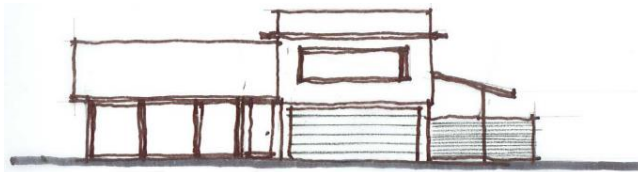
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Buildings on sloping land should be designed in a manner that reduces the overall height above natural surface level, with split level designs encouraged. For the avoidance of any doubt, no part of any structure may exceed the maximum building height. This includes the roof and any roof-top elements, such as solar panels or antennas.



5. GARAGES, CARPORTS AND OUTBUILDINGS

- Each lot must provide for fully enclosed or covered parking for not less than 2 cars.
- The siting of the garage/carport should not visually dominate the streetscape but should be integrated and appear as a complementary part of the dwelling.



- Garages, carports and outbuildings incorporated within the roof structure of the dwelling are preferred.
- Freestanding structures that are part of an overall integrated design for the lot and constructed of materials consistent with those used for the primary dwelling are also encouraged.
- Outbuildings may only be constructed in conjunction with or subsequent to the construction of a dwelling.
- Outbuildings must not be constructed of or clad entirely in Colorbond or the like.
- For the avoidance of any doubt, outbuildings must also comply with the building height restrictions, and must be contained within the Building Envelope.

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Page 79 of 112

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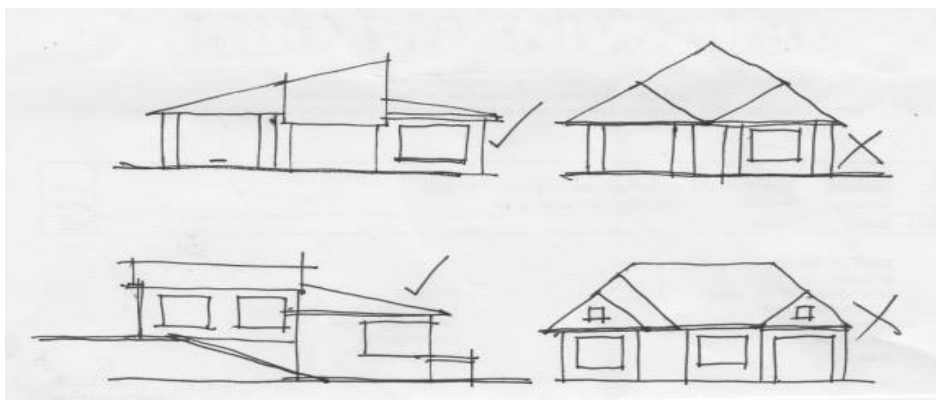
Page 4

6. WINDOWS AND OPENINGS

- Windows should be located to optimise views where possible and to take advantage of solar access to living areas.
- The coastal theme and views encourages the use of large window openings. Window grouping and placement in relation to solid walls should be balanced in relation to overall proportions.

7. ROOF FORM

- Varied but harmonious range of roof forms to blend with the general slope of the land and designed to allow views from adjoining sites is encouraged.
- Complementary roof design is important to maintain a coherent image for the development and to avoid competing and dominating forms.
- Roof form, material and colour on garages and carports should be integrated and complementary to the main house roof.
- Simple, low pitched roof forms with profiles that are sympathetic to the slope and are integrated within the total building design are encouraged.
- Roof forms that incorporate any elements of hip or gable construction will not be approved.



8. EXTERNAL MATERIALS AND COLOURS

- Building materials and colours must complement the natural coastal environment and vegetation. A subdued and natural palette is preferred to minimise reflection and glare.
- Variation in building materials is encouraged to provide articulation and interest. Careful consideration should be given to the percentage and proportion of the appropriate materials to provide a balanced mix.
- Small architectural elements, such as accents, features and imaginative elements, which use highlight colours or materials are encouraged.
- New materials must be utilised for all buildings, excluding recycled materials considered appropriate by the Responsible Authority on the basis of architectural merit.

9. SERVICE AREAS AND EXTERNAL FIXTURES

- Boats, caravans, recreational vehicles or trailers parked on any lot must be reasonably concealed from public view from the street, reserves, adjoining allotments and the lake.
- No boats, caravans, recreational vehicles or trailers may be parked within 10 metres of the rear boundary of an allotment.

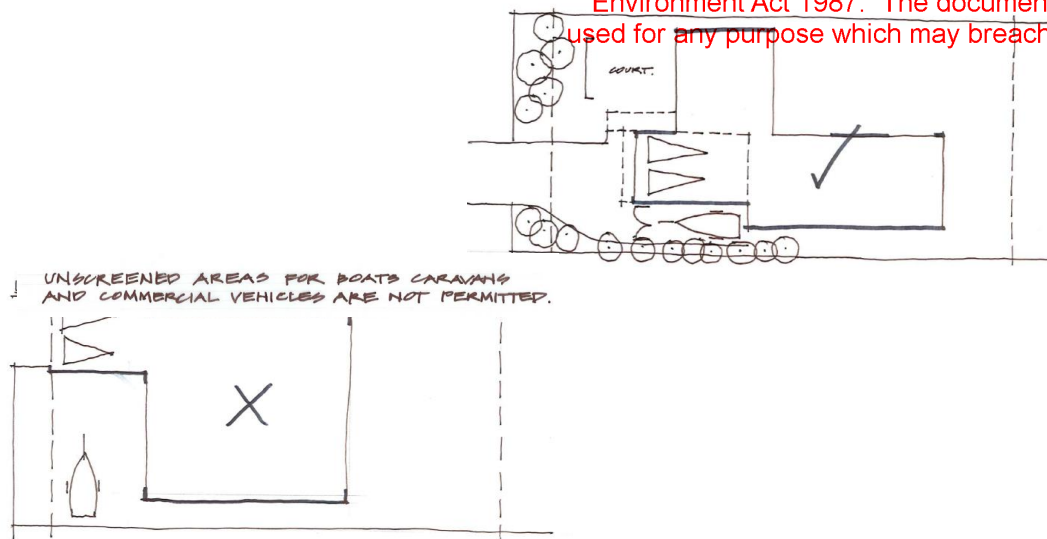
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Page 80 of 112

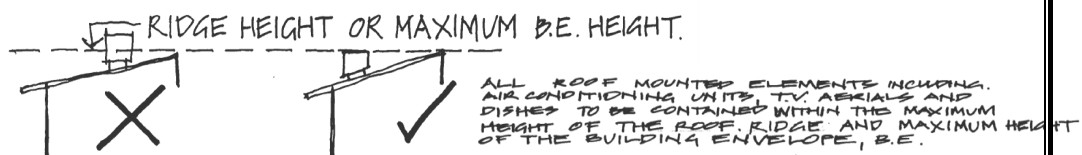
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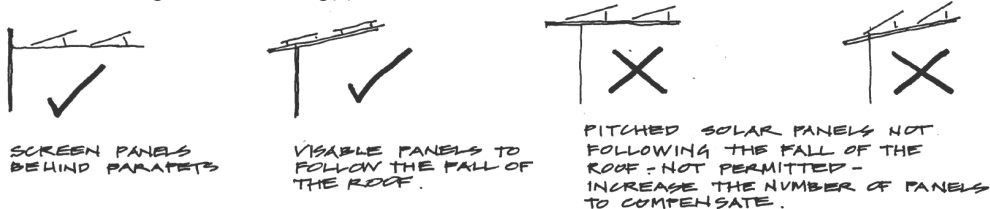
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- Areas used for the purpose of airing or drying clothes, water storage tanks, refuse storage areas and heating and cooling units must also be reasonably concealed from public view.
- Roof mounted equipment (e.g. Air conditioning units, Aerials, antennas, satellite dishes and the like) must not project above the roof ridgeline and be appropriately screened.



- If solar panels are to be used, elevation plans must demonstrate how they are to be integrated within the design of the building(s).



10. LANDSCAPE GUIDELINES

- Landscaping should minimise the visual intrusion of buildings and car parking areas and contribute to the prevailing pattern of vegetation.
- Native species are encouraged with vegetation responding to the coastal setting preferred.
- Each allotment may plant no more than one tree or shrub which will grow to a height at maturity of greater than 5 metres.
- Nominated street trees, or any other vegetation within road reserves, must have a height at maturity of no greater than 5 metres.

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Page 81 of 112

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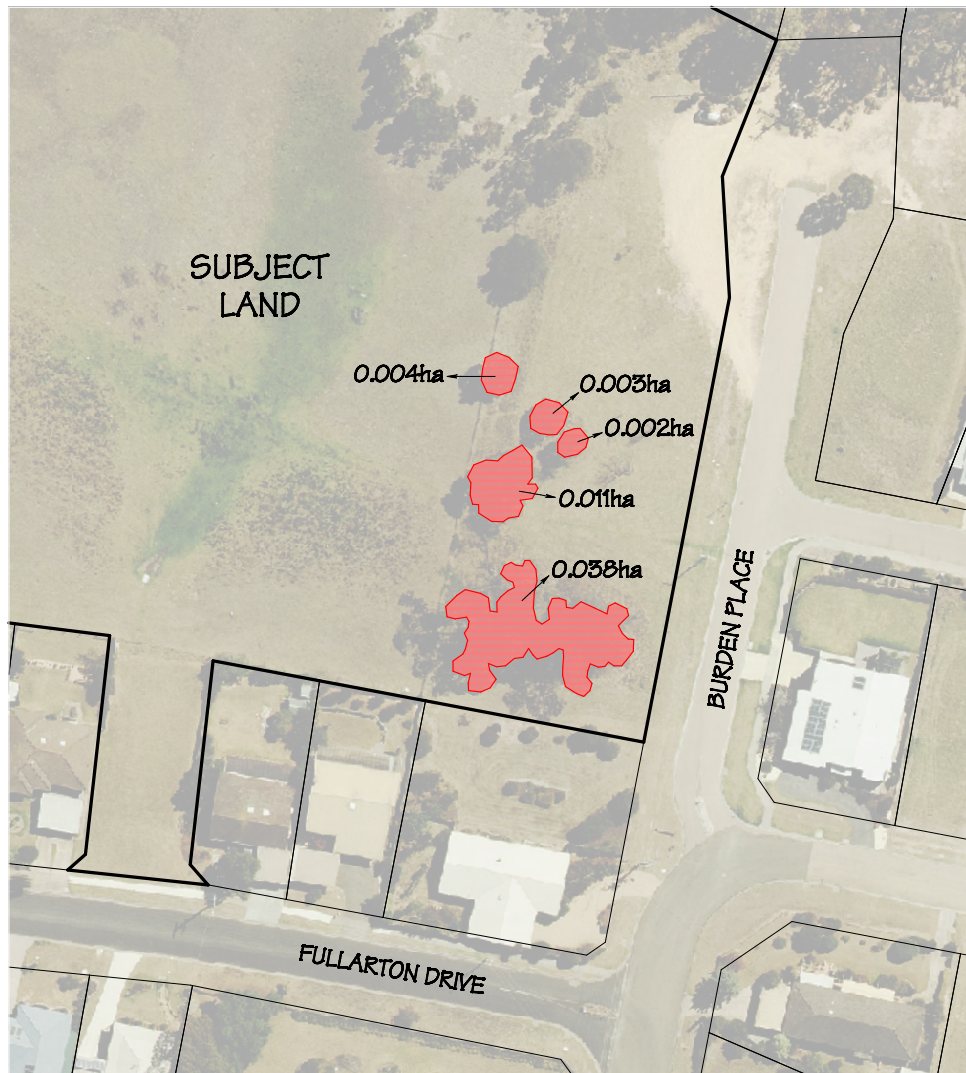
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PLAN OF VEGETATION REMOVAL

PARISH OF BAIRNSDALE
CROWN ALLOTMENT 144 (PART)

LOT C ON PS311448U

MCA94, ZONE 55



RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

Crowther & Sadler Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS
182 MACLEOD STREET, BAIRNSDALE, VIC., 3875
P. (03) 6162 8011 E. contact@crowthersadler.com.au

FILENAME: Y:\19000-19999\19900-19999\19972 Resi Ventures\19972 Veg Removal V1.pro

NOTATIONS

 - DENOTES VEGETATION
TO BE REMOVED

SCALE (SHEET SIZE A3)

1 : 800

SURVEYORS REF.

19972

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Page 82 of 112

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179 Old Orbost Road, Swan Reach 3909

ABN: 301 597 457 67

Development Site Report

10 Fullarton Drive, Paynesville

Crowther & Sadler Pty Ltd

Prepared by

Nathan Williamson

Certificate 5 Arborist

ISA TRAQ Qualified

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Page 83 of 112

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Pre-development Site Report – 10 Fullarton Drive, Paynesville

Table of Contents

Executive Summary.....	3
Introduction	4
Brief.....	4
Scope of works.....	4
Methodology.....	5
Discussion	6
Conclusion	9
Recommendations	9
References	10
Appendices 1	11
Testimony.....	11
Appendices 2	11
Limitations of Tree Risk Assessments.....	11
Glossary.....	11
Visual Tree Assessment (VTA).....	13
Appendices 3	14
Appendices 4	15
Assumptions and Limiting Conditions	16

July 27, 2022

2

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Page 84 of 112

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Pre-development Site Report – 10 Fullarton Drive, Paynesville

Executive Summary

On the 20th of July 2022, Roots 2 Leaves Tree Services was contacted requesting a site inspection at 10 Fullarton Drive and the property behind. A scope was identified prior to the site visit. That scope required the company to identify a single tree within the proposed area, if any are significant, as well as their SRZ and TPZ for the planned development.

The consultation involved inspection of a Red Gum Located within the centre of the property, the site was measured by plans supplied to identify no go Zones for Tree protection and if room was left for the road proposal.

This tree has been assessed using the Tree Risk Assessment Qualified system (TRAQ) to identify risk, visual inspections have been conducted using VTA and development encroachments have been identified by calculating and measuring the TPZ



July 27, 2022

3

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Page 85 of 112

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Pre-development Site Report – 10 Fullarton Drive, Paynesville

Introduction

Brief

This report has been commissioned by Kate Young – Crowther & Sadler Pty Ltd and she has requested Roots 2 Leaves Tree Services to visit the site in Paynesville and assess and identify a tree that is within the proposed site as well as give advice on any trees that may be affected by the proposed works.

This report has been prepared by Roots 2 Leaves Tree Services Pty Ltd and authorized by its employee, Nathan Williamson, Consulting Arborist.

A Site inspection was carried out on 27th July, 2022, by Nathan Williamson. Data entry has been provided by Nathan Williamson of Roots 2 Leaves Tree Services Pty Ltd.

Trees are a lovely part of our environment and without them we would lose out on many great advantages including shade, aesthetics, and most importantly our existence. However, it is necessary that trees in key areas, such as high traffic areas, are assessed for health, structure, and any associated risks.

Scope of works

- Identify Tree Species
- Provide site image with all trees
- Include existing and proposed site maps
- Provide images of each tree and identification
- Provide information on each tree including TPZ and SRZ
- Outline TPZ protection and Tree Management

July 27, 2022

4

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Page 86 of 112

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Pre-development Site Report – 10 Fullarton Drive, Paynesville

Methodology

Inspection date

27/7/2022

Date report was written

27/7/2022

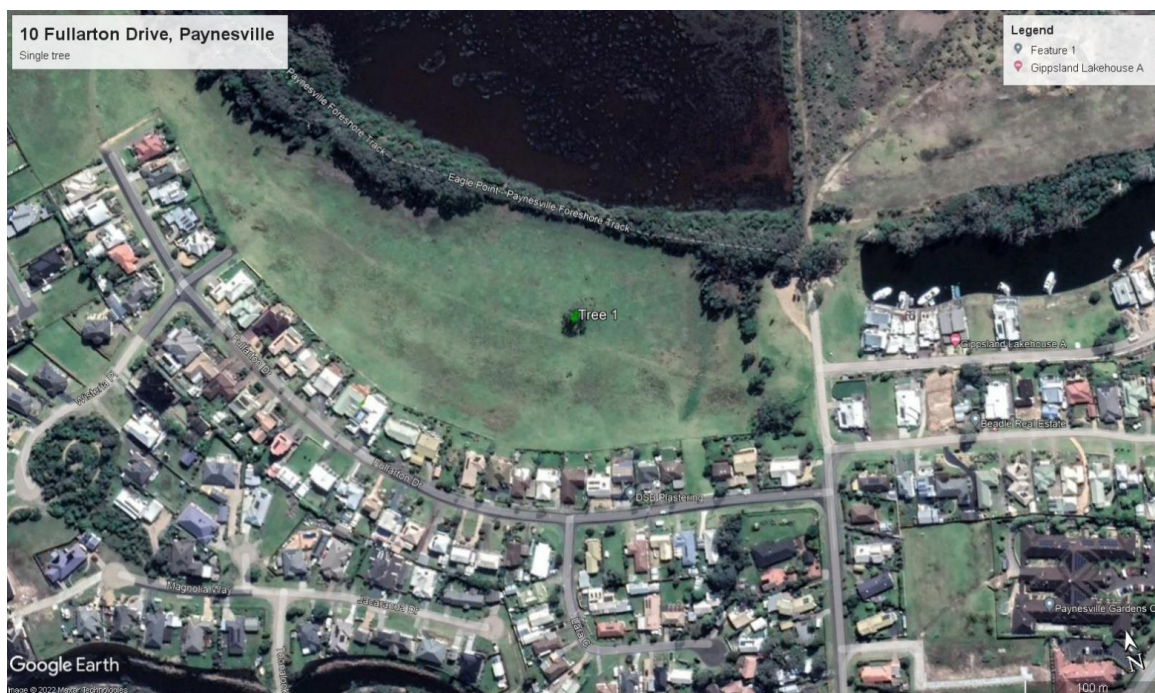
Inspection method

The site inspection was carried out unaccompanied during sunny and still conditions. The trees were inspected from the ground and observations were made of the growing environment and surrounding area. Wood density and extent of decay was determined using a mallet where appropriate. Distances were measured using a measuring wheel. TPZ was calculated using DBH Tape

This assessment has been conducted using the (VTA) method for assessment Level 1. This method has been slightly modified to include a walk around the trunk.

The content of this report has been prepared based on the arborist's experience within the tree industry.

All information that has been given to the arborist has been included in this report.



Site Map 1 – image includes the tree locations and numbers within 2-meter accuracy

July 27, 2022

5

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Page 87 of 112

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Pre-development Site Report – 10 Fullarton Drive, Paynesville

Discussion

Tree #	1
Genus & Species	<i>Eucalyptus tereticornis</i>
Common name	Red Gum
DBH (m)	.93
Height (m)	16
Spread (m)	12
Age	Mature
Health	Fair
Structure	Good
Native	Yes
Retention value	High
Tree Protection	
TPZ	11.6m
SRZ	3.5m



- This tree was identified to have some large amounts of deadwood within the canopy
- This tree is Single Stemmed
- This tree has an evenly balanced crown
- Bird hollows and bird nest where observed.
- Minor Damage to cambium at base, likely from cattle or wildlife
- Tree is Native to the region.

Trees play a huge part in new and old developments; it is important where possible to work around trees and attempt to retain them however sometimes an area may have large numbers of trees and there isn't enough space to develop without damaging trees or their roots. This report helps to identify the Tree Protection Zones (TPZ) and Structural Root Zones (SRZ) to identify if this tree will be adversely affected by the proposed development.

Due to changes within the Arboriculture field, there is now a new method for identify the SRZ, this is calculated by measuring the DRC, Diameter of the Root Crown (Buttress of Tree) and then following the calculations. This information can be found within our data tables.

July 27, 2022

6

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Page 88 of 112

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Pre-development Site Report – 10 Fullarton Drive, Paynesville

The Observed Red Gum located at 10 Fullarton Drive, Paynesville is a native species and is located within the proposed development, Measurements have been taken using the plans provided by Crowther & Sadler. It was measured that the tree is located 26m from the nearest property boundary.

The Tree was measured and has a DBH of .93m and a Tree protection zone of 11.6m and a SRZ of 3.5m. If the Proposed Road and curb is kept to a maximum of 15m from the property boundaries, then this will allow full protection of the TPZ of the tree. If more room for the road construction is required, then Australian Standards for Trees on development sites will allow a 10% encroachment into the TPZ without further investigation required.

Additional protection measures should be considered still which include:

- Canopy dripline should be mulched.
- Exclusion tapes or fencing should be erected around the TPZ Restricting all access.
- After excavation any severed roots should be cut clean by an arborist.
- Some minor pruning should also be considered.

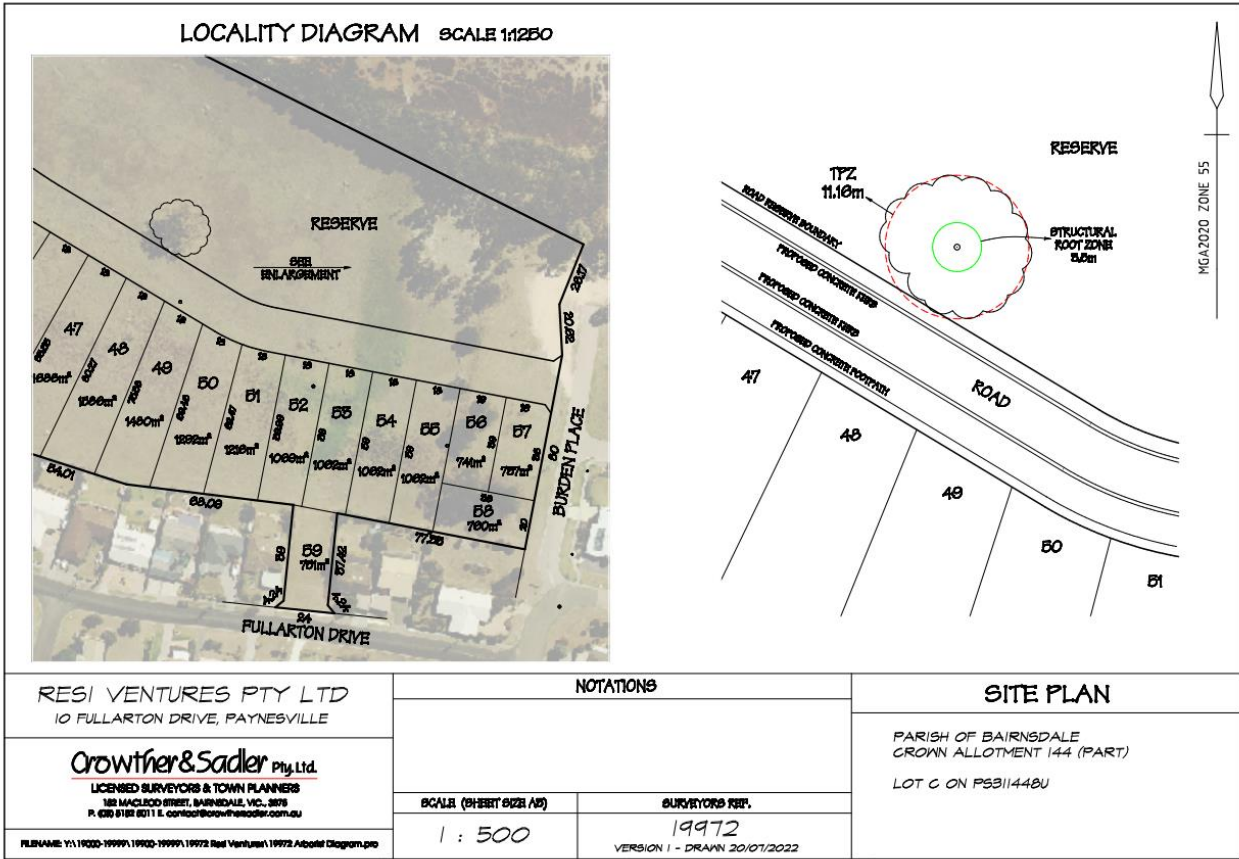


Figure 1 – image showing Tree Location and TPZ/SRZ

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Pre-development Site Report – 10 Fullarton Drive, Paynesville



Figure 3 – Image Showing Distance from property boundary to trunk

A Sewage or Storm Water Access Point was also observed near the property boundaries on site. All services should remain on the south side of the road.

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Pre-development Site Report – 10 Fullarton Drive, Paynesville

Conclusion

If the road Construction and edges are kept to a maximum width of 15m from the property boundaries to the south, then no works will affect the TPZ of this tree. However if an additional meter or 2 is required then this will still be within the 10% allowance and will not affect the health or Structure of the tree. See Figure 4

By creating a no-go zone and mulching the drip line this will both improve tree health and prevent equipment and personnel from parking or driving over the TPZ and will eliminate any concerns of compaction or root damage.

If roots are observed over 3cm DBH after the excavation has been carried out it is recommended that an arborist be contacted to come in and clean cut the observed roots and record this data.

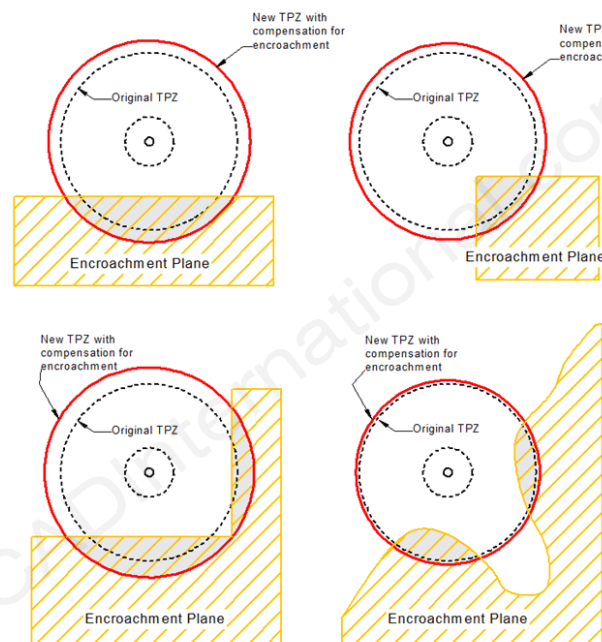


Figure 4 – Acceptable TPZ Encroachments according to Australian Standards

Recommendations

- Mulch the trees dripline.
- Create a no-go zone around the TPZ.
- Keep All Construction and Equipment out of TPZ or out side 10% encroachment.
- Prune Deadwood From tree for future safety.
- Follow up with an inspection after excavations have been completed and clean cut any roots.

July 27, 2022

9

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Page 91 of 112

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July 27, 2022

10

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 Page 92 of 112

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Pre-development Site Report – 10 Fullarton Drive, Paynesville

Appendices 1

Testimony

I am a Qualified Consulting Arborists with over 8 years in the industry directly and many more years spent learning about trees and arboriculture, I have Studied both my Cert 3 in Arboriculture and Cert 5 in Arboriculture at Wodonga institute of Tafe, under the instruction of some reputable industry leaders including Rod Hall.

As an arborist in the Field, I have extensive knowledge of trees and multiple situations and locations including remote/ Forest settings to Cityscapes/urban settings.

Appendices 2

Limitations of Tree Risk Assessments

It is important for the tree owner or manager to know and understand that all trees pose some degree of risk from failure or other conditions. The information and recommendations within this report have been derived from the level of tree risk assessment identified in this report, using the information and practices outlined in the International Society of Arboriculture's Best Management Practices for Tree Risk Assessment, as well as the information available at the time of the inspection. However, the overall risk rating, the mitigation recommendations, or any other conclusions do not preclude the possibility of failure from undetected conditions, weather events, or other acts of man or nature.

Trees can unpredictably fail even if no defects or other conditions are present. It is the responsibility of the tree owner or manager to schedule repeat or advanced assessments, determine actions, and implement follow up recommendations, monitoring and/or mitigation. Roots 2 Leaves Tree Services can make no warranty or guarantee whatsoever regarding the safety of any tree, trees, or parts of trees, regardless of the level of tree risk assessment provided, the risk rating, or the residual risk rating after mitigation.

This information is solely for the use of the tree owner and manager to assist in the decision-making process regarding the management of their tree or trees. Tree risk assessments are simply tools which should be used in conjunction with the owner or tree manager's knowledge, other information and observations related to the specific tree or trees discussed, and sound decision making.

Glossary

Tree risk Assessment has a unique set of terms with specific meanings. Definitions of all specific terms may be found in the International Society of Arboriculture's Best Management Practice for Tree Risk Assessment. Definitions of some of these terms used in this report are as follows:

The likelihood of failure may be categorized as imminent meaning that failure has started or could occur at any time; probable meaning that failure may be expected under normal

July 27, 2022

11

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Page 93 of 112

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Pre-development Site Report – 10 Fullarton Drive, Paynesville

weather conditions within the next 3 years; possible meaning that failure could occur but is unlikely under normal weather conditions during that time frame; and improbable meaning that failure is not likely under normal weather conditions and may not occur in severe weather conditions during that time frame.

The likelihood of the failed tree part impacting a target may be categorized as high meaning that a failed tree or tree part will most likely impact a target; medium meaning that a failed tree or tree part may or may not impact a target with equal likelihood; low meaning that the failed tree or tree part is not likely to impact a target; and very low meaning that the chance of a failed tree or tree part impacting the target is remote.

The Likelihood of Failure and Impact is defined by Table 1, the Likelihood Matrix:

Likelihood of Failure	Likelihood of Impacting Target			
	Very Low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

The consequences of a known target being struck may be categorized as severe meaning that impact could involve serious personal injury or death, damage to high value property, or disruption to important activities; significant meaning that the impact may involve personal injury, property damage of moderate to high value, or considerable disruption; minor meaning that impact could cause low to moderate property damage, small disruptions to traffic or a communication utility, or minor injury; and negligible meaning that impact may involve low value property damage, disruption that can be replaced or repaired, and do not involve personal injury.

Targets are people, property, or activities that could be injured, damaged, or disrupted by a tree failure

Levels of assessment

- 1) *Limited visual assessments* are conducted to identify obvious defects.
- 2) *Basic assessments* are visual inspections done by walking around the tree looking at the site, buttress roots, trunk, and branches. It may include the use of simple tools to gain information about the tree or defects.
- 3) *Advanced assessments* are performed to provide detailed information about specific tree parts, defects, targets of site conditions. Drilling to detect decay is an advanced assessment technique.

Tree Risk Ratings are terms used to communicate the level of risk rating. They are defined in Table 2, the Risk Matrix, as a combination of Likelihood and Consequences:

July 27, 2022

12

Printed 14/09/2022
Page 94 of 112

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Pre-development Site Report – 10 Fullarton Drive, Paynesville

Likelihood of Failure & Impact	Consequences of Tree Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

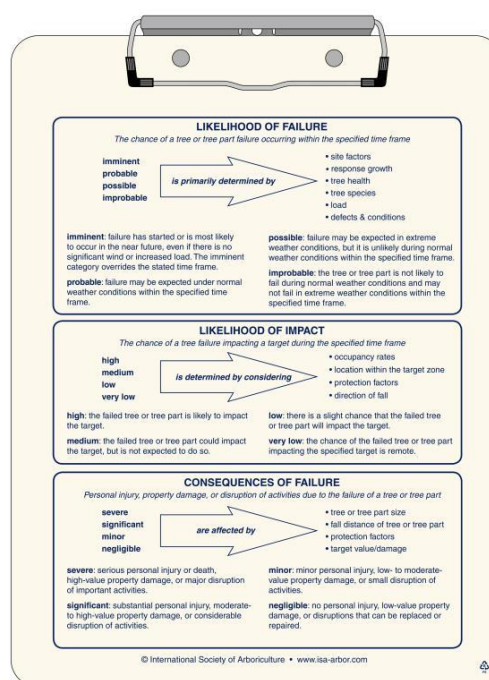
Overall tree risk rating is the highest individual risk identified for the tree. The residual risk is the level of risk the tree should pose after the recommended mitigation. Mitigation priority 1 is defined as mitigation activities that should be scheduled prior to the next growing season. Mitigation Priority 2 can be scheduled on the next routine maintenance cycle.

Information and likelihoods are observed and depending report type written, this image shows the likelihoods and site factors etc observed on site.

Visual Tree Assessment (VTA)

VTA is a visual tree inspection method which, guided by the principles of biomechanics and based on the “Axiom of Constant Stress” (Mattheck, 1993), considers, and complies with the current jurisdiction (Breloer and Mattheck, 1992). The VTA procedure is composed of three steps:

1. Visual inspection for diagnostic symptoms of defects and visual inspection of the tree’s vitality. No further steps are taken when there are no indications that the tree presents a significant hazard.
2. Thorough examination of any defects which have been indicated in step 1.
3. Measurement and analysis of defects which turn out to be critical. Evaluation of the tree’s residual strength.



July 27, 2022

13

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Page 95 of 112

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Appendices 3

Arboriculture Descriptors (from Table 1) Taken from Cameron McGregor May 2018

a) Tree Name

Provides botanical name (genus, species, variety, and cultivar) according to accepted international taxonomic classification, and common name

b) Tree Type

Describes the general geographical origin of the species and its type e.g., deciduous or evergreen.

Category	Description
Native Evergreen	evergreen Occurs within Australia and typically retains its leaves year-round Exotic deciduous
Exotic deciduous	Occurs outside Australia and typically sheds its leaves during Winter

c) Height & Width

Indicates the height and width of individual trees. Measurement is expressed in meters. Height was determined using a Clinometer and width was paced.

d) DBH

Diameter at Breast Height (1.4 meters from ground level). Measurements were taken using a diameter tape and is expressed in millimetres.

e) Age

Relates to the physiological stage of the tree's life cycle.

Category	Description
Semi-mature (SM)	Tree rapidly increasing in size and yet to achieve expected size
Mature (M)	Tree at expected Size in situation, with reduced incremental growth

f) Health

Assesses various attributes to describe the overall health and vigour of the tree

Descriptor	Vigour/extension growth	Decline symptoms/deadwood	Foliage density, size, colour	Pest & disease
Good	Above typical	None or Minimal	Better than typical	None or minimal

July 27, 2022

14

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Page 96 of 112

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Fair	Typical	Typical or expected	Typical	Typical, within damage threshold
Fair to Poor	Below Typical	More than typical	Exhibiting deficiencies	Exceeds damage thresholds
Poor	Minimal	Excessive and large amount/size	Exhibiting severe deficiencies	Extreme and contributing decline

g) Structure

Assesses principal components of tree structure

Descriptor	Root plate and lower stem	Trunk	Primary Branch support	Outer Crown and roots
Good	No damage, disease or decay, obvious basal flare, stable in ground	No damage, disease, or decay, well tapered	Well formed, attached, spaced, and tapered	No disease, decay, or structural defect
Fair	Minor damage or decay, basal flare present	Minor damage or decay	Typically formed, spaced, and tapered	Minor damage, disease, or decay; minor branch end weight or over extension
Fair to Poor	Moderate damage or decay; minimal basal flare	Moderate damage or decay, approaching recognised thresholds	Weak decayed or with acute branch attachments, previous branch failure evidence	Moderate damage, disease, or decay fungal fruiting bodies present; major branch end weight or over extension
Poor	Major damage, disease, or decay; fungal fruiting bodies present. Excessive lean placing pressure on root plate	Major damage, disease or decay exceeds recognised thresholds, fungal fruiting bodies present. Acute lean, stump resprout.	Decayed cavities or has acute branch attachments with included bark; excessive compression flaring, failure likely	Major damage, disease, or decay; fungal fruiting bodies present, major branch end weight or over extension

Appendices 4

Occupancy rates in target zones (Taken directly from TRAQ 2013)

The amount of time one or more targets is within the target zone- its occupancy rate- is a primary component of assessing the likelihood of a target being impacted. Not all targets may be always present in the target zone. Occupancy rates can be classified as constant, frequent, occasional, or rare. Static targets, represent a constant occupancy, while movable and mobile targets can be in any of the following four classifications:

Constant Occupancy

Constant occupancy indicates that a target is present at nearly all times, 24 hours a day, 7 days a week. Examples include, buildings, constant steady stream of traffic, constant steady stream of pedestrians. Each person or vehicle may occupy the target area for a very short time but, in aggregate, they represent constant occupancy.

July 27, 2022

15

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Page 97 of 112

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Frequent Occupancy

If the target zone is occupied for a large portion of a day or week, the use is classified as frequent. Suburban streets that receive moderate volumes of traffic, car parks for facilities that are open during the daytime only, footpaths in shopping areas, and busy delivery areas are examples of frequent occupancy.

Occasional Occupancy

Occasionally used sites can be defined as those that are occupied by people or targets infrequently or irregularly. Examples include country roads, low use footpaths, and low use sections of parks. In some instances, a seldom-used area may be heavily used for short periods. Examples might include cemeteries, a field surrounded by trees that is used for special event parking, or trails and access roads used only when an event is under way. The client or tree manager may define whether the risk assessment is to consider low- or high use times or both.

Rare Occupancy

This category is for sites that are not commonly used by people. Backcountry trails, fenced areas that are well away from more actively used parts of a site, remote parts of an estate, and gardens through which neither workers nor visitors typically pass would all have a rare occupancy. The client or tree manager may decide, as a matter of policy, that the risk in these areas is so low that risk assessments is not justified.

Assumptions and Limiting Conditions

- This report has been prepared utilising accepted contemporary standards of tree care and maintenance, evaluation and assessment procedures, diagnostic and reporting techniques and sound arboriculture practices as recommended by the sources listed in the 'References' section of this report.
- The information and recommendations within this report have been derived from the level of tree risk assessment identified in this report, using the information and practices outlined in the International Society of Arboriculture's Best Management Practices for Tree Risk Assessment, as well as the information available at the time of the inspection.
- All care has been taken to obtain reasonable and relevant information from qualified and reliable sources in the preparation of this report
- Any legal or technical description given is assumed to be correct.
- No responsibility is assumed by Roots 2 Leaves for matters legal in nature related to this Tree Risk Report (report).
- The overall risk rating, the mitigation recommendations, or any other conclusions do not preclude the possibility of failure from undetected conditions, weather events, or other acts of man, animals or nature.
- All trees can unpredictably fail even if no defects or other conditions are present, and therefore all trees pose some degree of risk from failure or other conditions.

July 27, 2022

16

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Page 98 of 112

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- Roots 2 Leaves and their employees cannot detect every condition that affects a tree's health, condition, and structural integrity. Conditions are often hidden within trees and below ground where humans cannot naturally see or detect.
- Roots 2 Leaves cannot and does not make any warranty or guarantee whatsoever regarding the safety of any tree, trees, or parts of trees, regardless of the level of tree risk assessment provided, the risk rating or the residual risk rating after mitigation.
- Notwithstanding anything in the report, express or implied, the client is not entitled to recover from Roots 2 Leaves Tree Services Pty Ltd, its employees, agents and/or subcontractors, any damages for business interruption or loss of actual or anticipated revenue, income or profits or any consequential, special, contingent or penal damage, whatsoever, and the client releases Roots 2 Leaves Tree Services Pty Ltd from any such liability.
- Without limiting any of the foregoing, the Client or other person shall at all times be limited (to the extent permitted by law) to damages in the amount paid by the Client to Roots 2 Leaves for its services. The limitation applies whether the claim is based on warranty, contract, statute, tort (including negligence) or otherwise.
- Visual material within this Report such as sketches, diagrams, photographs, etc. are not necessarily to scale and should not be construed as engineered data for construction.
- Unless otherwise stated, Roots 2 Leaves' employee's observations have been visually made from ground level.
- In the event that Roots 2 Leaves recommends retesting or inspection of trees at stated intervals, or recommends the installation of engineering solutions, it is recommended that such retesting or inspections are done at 12 month intervals (maximum) unless otherwise specified in writing. It is the responsibility of the tree owner or manager or other person responsible for the trees to initiate and arrange for the retesting or inspections.
- Intervention treatments of trees may involve considerations beyond the scope of Roots 2 Leaves, such as property boundaries and ownership, disputes between neighbours, sight lines, landlord-tenant matters, and other related incidents. Roots 2 Leaves cannot take such issues into account unless complete and accurate information is given prior or at the time of the site inspection. Roots 2 Leaves cannot accept responsibility for the authorisation or non-authorisation of any recommended treatment or remedial measures undertaken.
- If this report is to be used in a court of law, or any other legal situation, or by other parties Roots2Leaves Tr must be advised in writing prior to the written report being presented in any form to any other party. All written reports must be read in their entirety. At no time shall part of the written assessment be referred to unless taken in full context with the whole written report.

July 27, 2022

17

Printed 14/09/2022
Page 99 of 112

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Native vegetation removal report

A report to support an application to remove, destroy or lop native vegetation in the Basic Assessment Pathway using the modelled condition score

This report provides information to support an application to remove native vegetation in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation*. The report is not an assessment by DELWP or local council of the proposed native vegetation removal. Biodiversity information and offset requirements have been calculated using modelled condition scores contained in the *Native vegetation condition map*.

Date and time: 22 July 2022 14:02 PM

Lat./Long.: -37.9043204976289,147.718860626839

Native vegetation report ID:

Address: 10 FULLARTON DRIVE PAYNESVILLE
3880

319-20220722-013

Assessment pathway

The assessment pathway and reason for the assessment pathway

Assessment pathway	Basic Assessment Pathway
Extent of past plus proposed native vegetation removal	0.058 hectares
No. large trees	0 large tree(s)
Location category	Location 1 The native vegetation is not in an area mapped as an endangered Ecological Vegetation Class, sensitive wetland or coastal area. Removal of less than 0.5 hectares will not have a significant impact on any habitat for a rare or threatened species.

Offset requirement

The offset requirement that will apply if the native vegetation is approved to be removed

Offset type	General offset
Offset amount	0.014 general habitat units
Offset attributes	
Vicinity	East Gippsland Catchment Management Authority (CMA) or East Gippsland Shire Council
Minimum strategic biodiversity value score	0.176
Large trees	0 large tree(s)

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Native vegetation removal report

Biodiversity information about the native vegetation

Description of any past native vegetation removal

Any native vegetation that was approved to be removed, or was removed without the required approvals, on the same property or on contiguous land in the same ownership, in the five year period before the application to remove native vegetation is lodged is detailed below.

Permit/PIN number	Extent of native vegetation (hectares)
None entered	0 hectares

Description of the native vegetation proposed to be removed

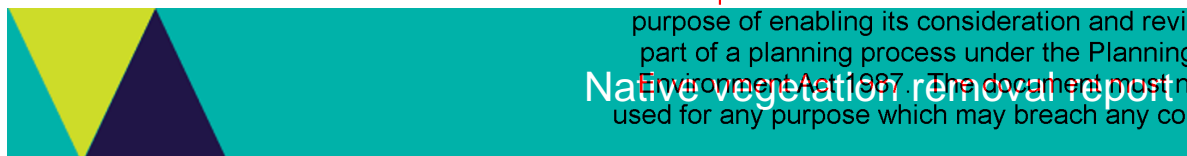
Extent of all mapped native vegetation	0.058 hectares
Condition score of all mapped native vegetation	0.240
Strategic biodiversity value score of all mapped native vegetation	0.220
Extent of patches native vegetation	0.058 hectares
1	0.004 hectares
2	0.003 hectares
3	0.002 hectares
4	0.011 hectares
5	0.038 hectares
Extent of scattered trees	0 hectares
No. large trees within patches	0 large tree(s)
No. large scattered trees	0 large tree(s)
No. small scattered trees	0 small tree(s)

Additional information about trees to be removed, shown in Figure 1

Tree ID	Tree circumference (cm)	Benchmark circumference (cm)	Scattered / Patch	Tree size
N/A				

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Native vegetation removal report

Other information

Applications to remove, destroy or lop native vegetation must include all the below information. If an appropriate response has not been provided the application is not complete.

Photographs of the native vegetation to be removed

Recent, dated photographs of the native vegetation to be removed must be provided with the application. All photographs must be clear, show whether the vegetation is a patch of native vegetation or scattered trees, and identify any large trees. If the area of native vegetation to be removed is large, provide photos that are indicative of the native vegetation.

Ensure photographs are attached to the application. If appropriate photographs have not been provided the application is not complete.

Topographical and land information

Description of the topographic and land information relating to the native vegetation to be removed, including any ridges, crests and hilltops, wetlands and waterways, slopes of more than 20 percent, drainage lines, low lying areas, saline discharge areas, and areas of existing erosion, as appropriate. This may be represented in a map or plan. **This is an application requirement and your application will be incomplete without it.**

Avoid and minimise statement

This statement describes what has been done to avoid the removal of, and minimise impacts on the biodiversity and other values of native vegetation. **This is an application requirement and your application will be incomplete without it.**

Defendable space statement

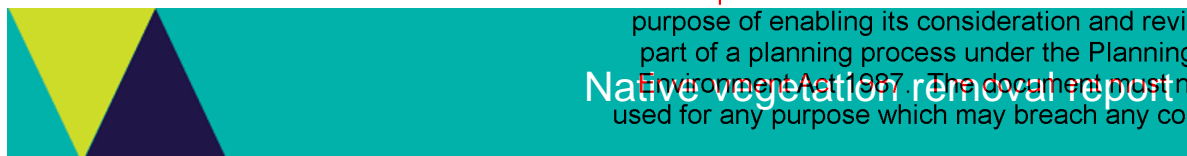
Where the removal of native vegetation is to create defendable space, a written statement explaining why the removal of native vegetation is necessary. This statement must have regard to other available bushfire risk mitigation measures. This statement is not required if your application also includes an application under the Bushfire Management Overlay.

Offset statement

An offset statement that demonstrates that an offset is available and describes how the required offset will be secured. **This is an application requirement and your application will be incomplete without it.**

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Next steps

Applications to remove, destroy or lop native vegetation must address all the application requirements specified in *Guidelines for the removal, destruction or lopping of native vegetation*. If you wish to remove the mapped native vegetation you are required to apply for a permit from your local council. This *Native vegetation removal report* must be submitted with your application and meets most of the application requirements. The following needs to be added as applicable.

Property Vegetation Plan

Landowners can manage native vegetation on their property in the longer term by developing a Property Vegetation Plan (PVP) and entering in to an agreement with DELWP.

If an approved PVP applies to the land, ensure the PVP is attached to the application.

Applications under Clause 52.16

An application to remove, destroy or lop native vegetation is under Clause 52.16 if a Native Vegetation Precinct Plan (NVPP) applies to the land, and the proposed native vegetation removal is not in accordance with the relevant NVPP. If this is the case, a statement that explains how the proposal responds to the NVPP considerations must be provided.

If the application is under Clause 52.16, ensure a statement that explains how the proposal responds to the NVPP considerations is attached to the application.

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Authorised by the Victorian Government, 8 Nicholson Street, East Melbourne.

For more information contact the DELWP Customer Service Centre 136 186

www.delwp.vic.gov.au

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This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Obtaining this publication does not guarantee that an application will meet the requirements of Clauses 52.16 or 52.17 of planning schemes in Victoria or that a permit to remove native vegetation will be granted.

Notwithstanding anything else contained in this publication, you must ensure that you comply with all relevant laws, legislation, awards or orders and that you obtain and comply with all permits, approvals and the like that affect, are applicable or are necessary to undertake any action to remove, lop or destroy or otherwise deal with any native vegetation or that apply to matters within the scope of Clauses 52.16 or 52.17 of planning schemes in Victoria.

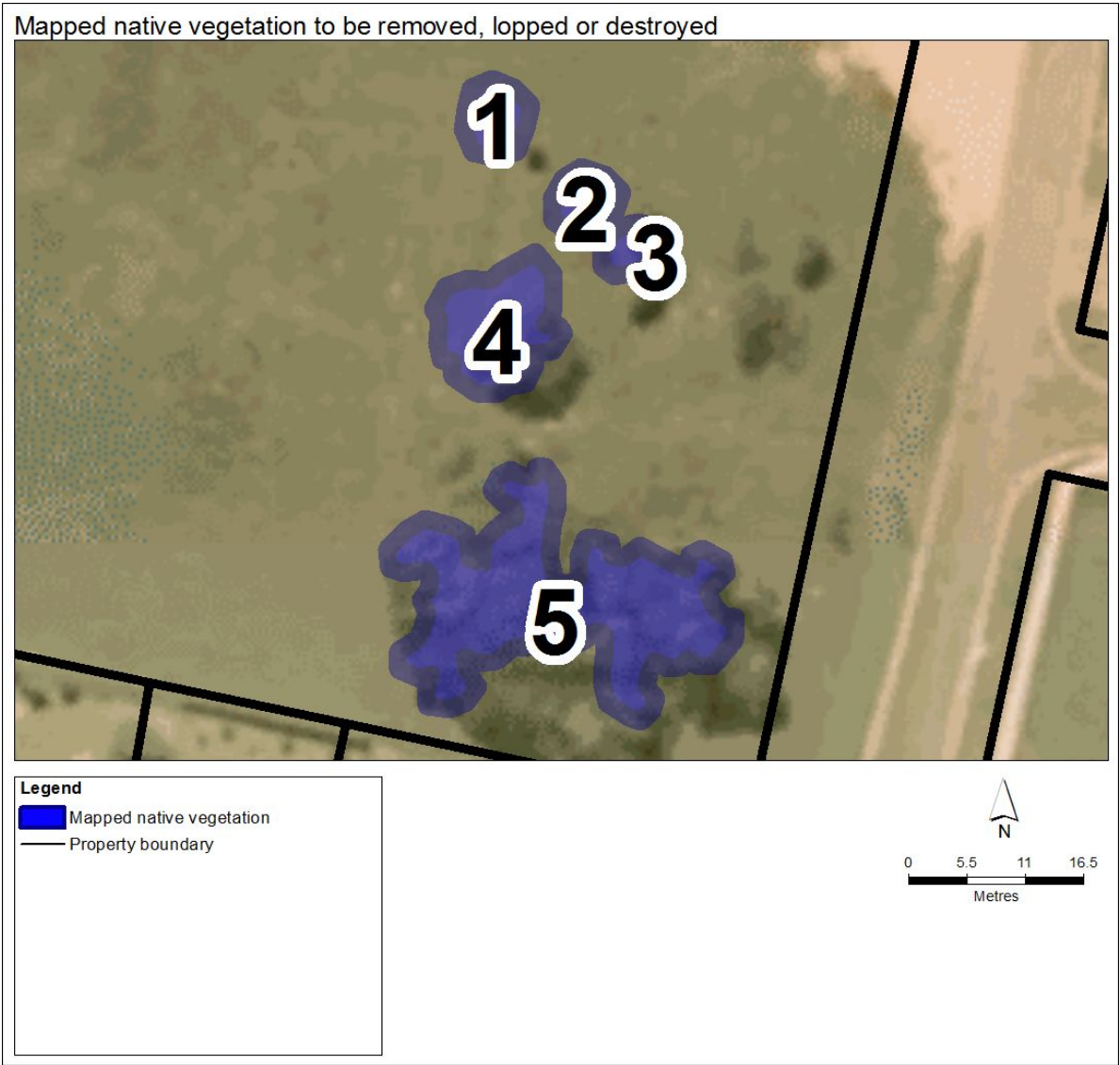
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Native vegetation removal report

Figure 1 – Map of native vegetation to be removed, destroyed or lopped



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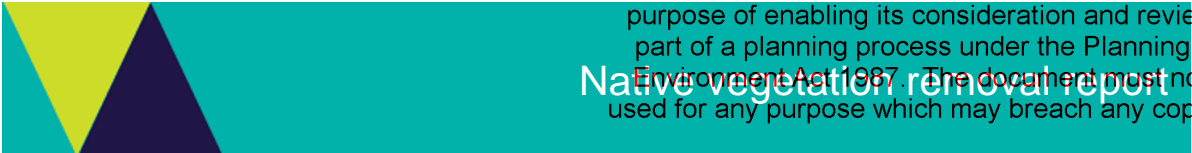
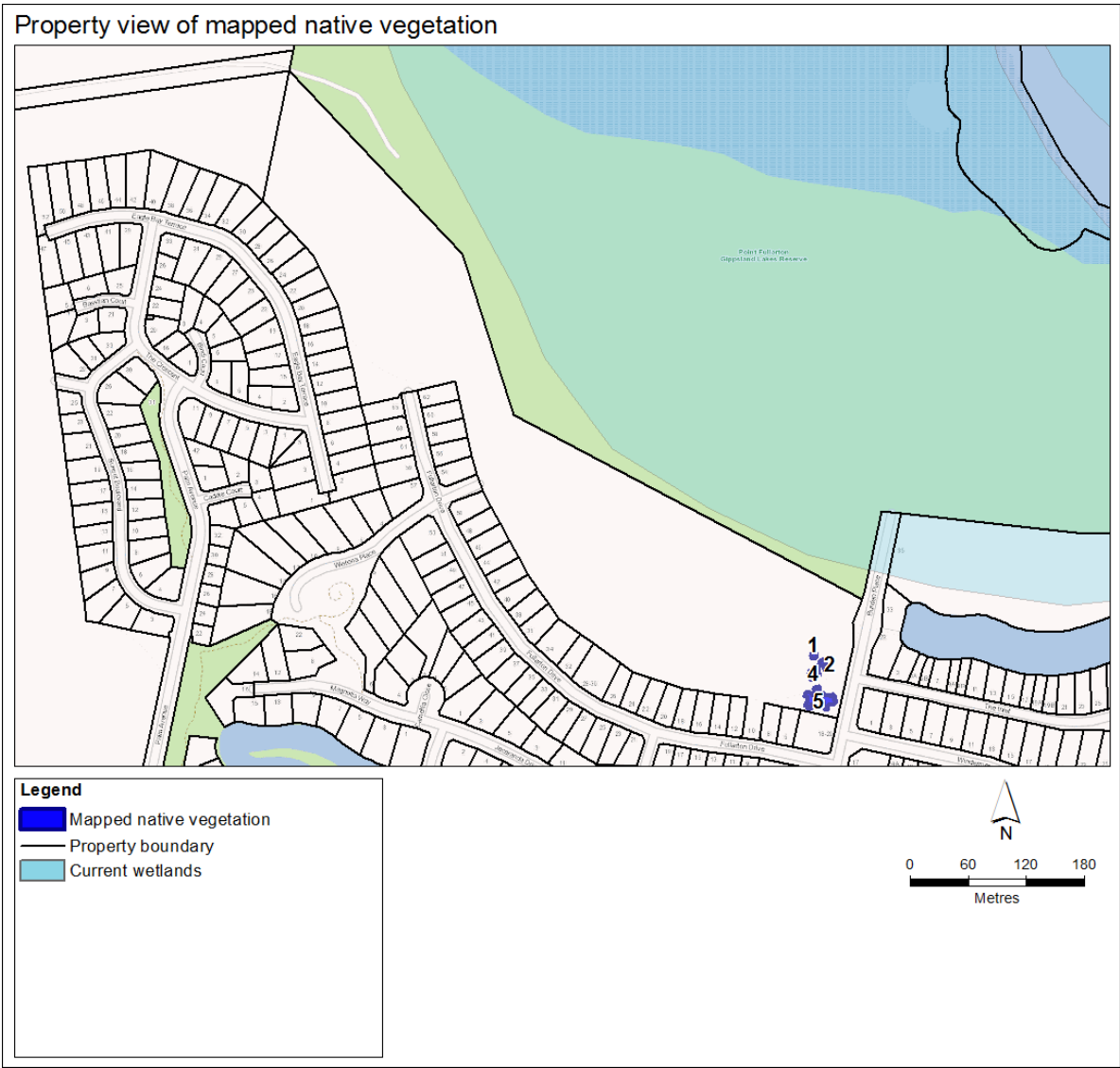
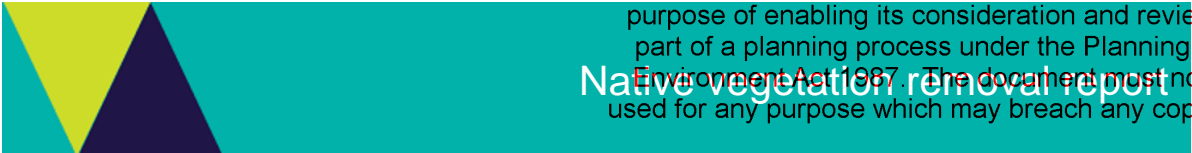


Figure 2 – Map of property in context



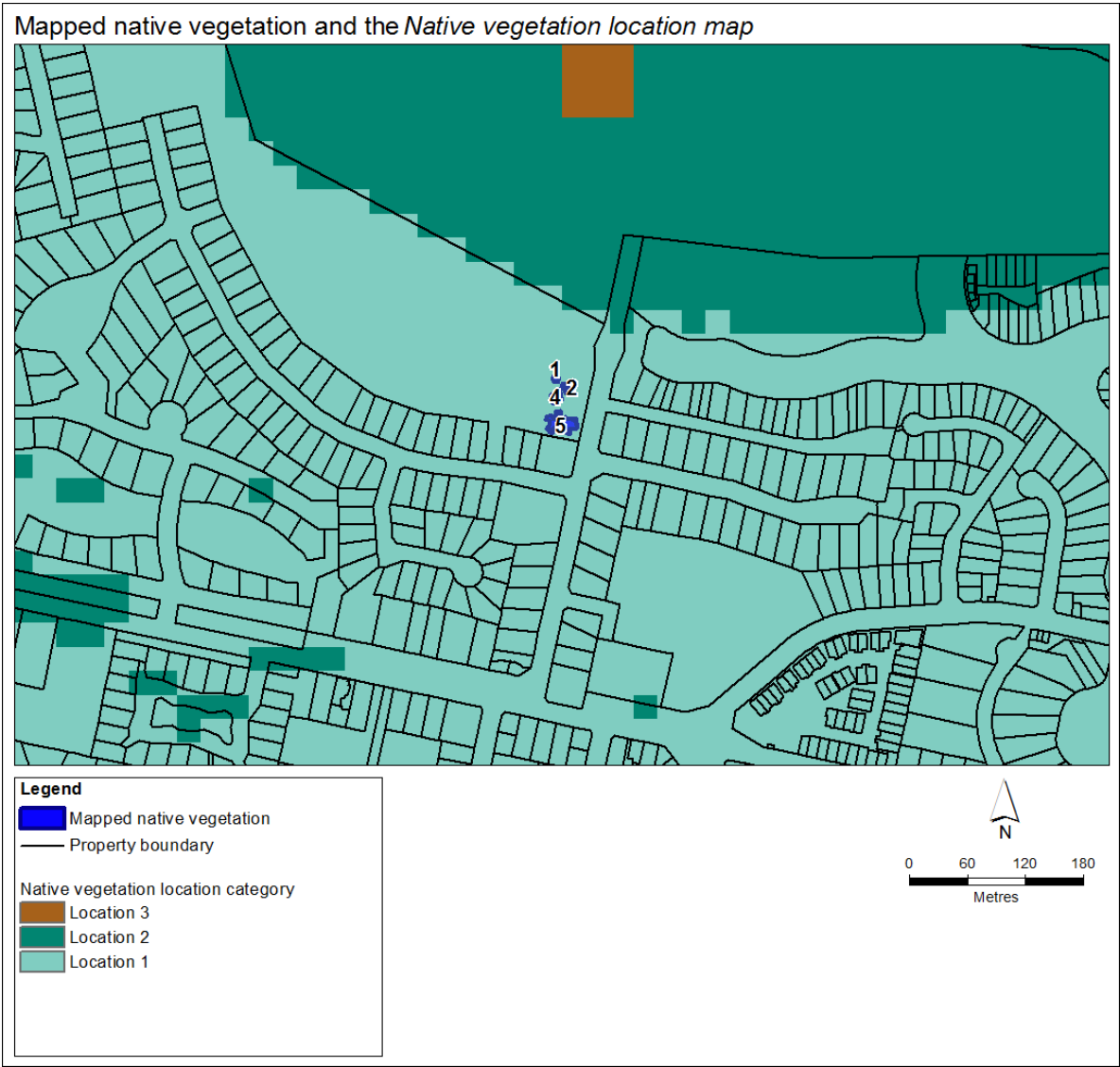
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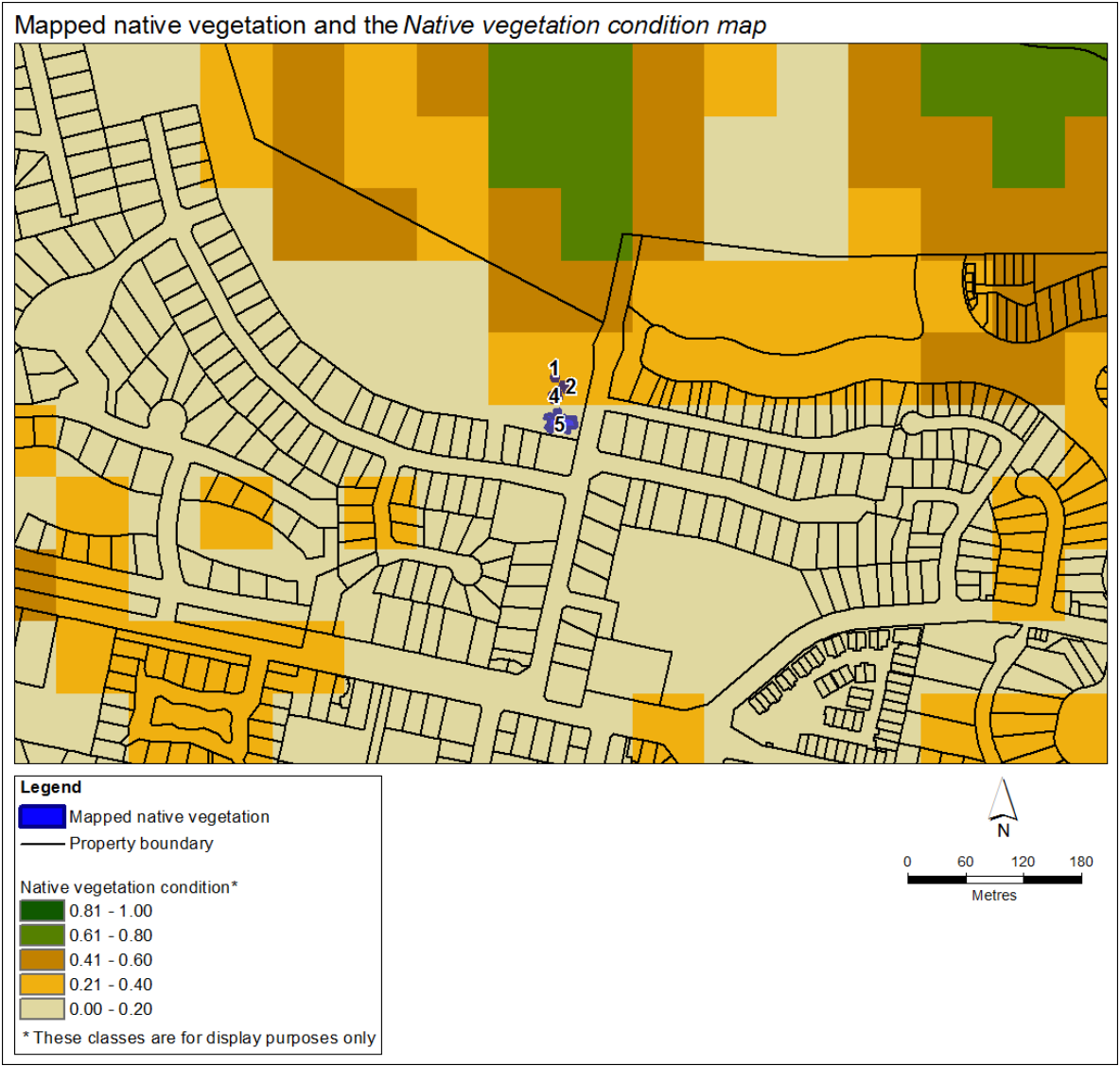
Figure 3 – Biodiversity information maps



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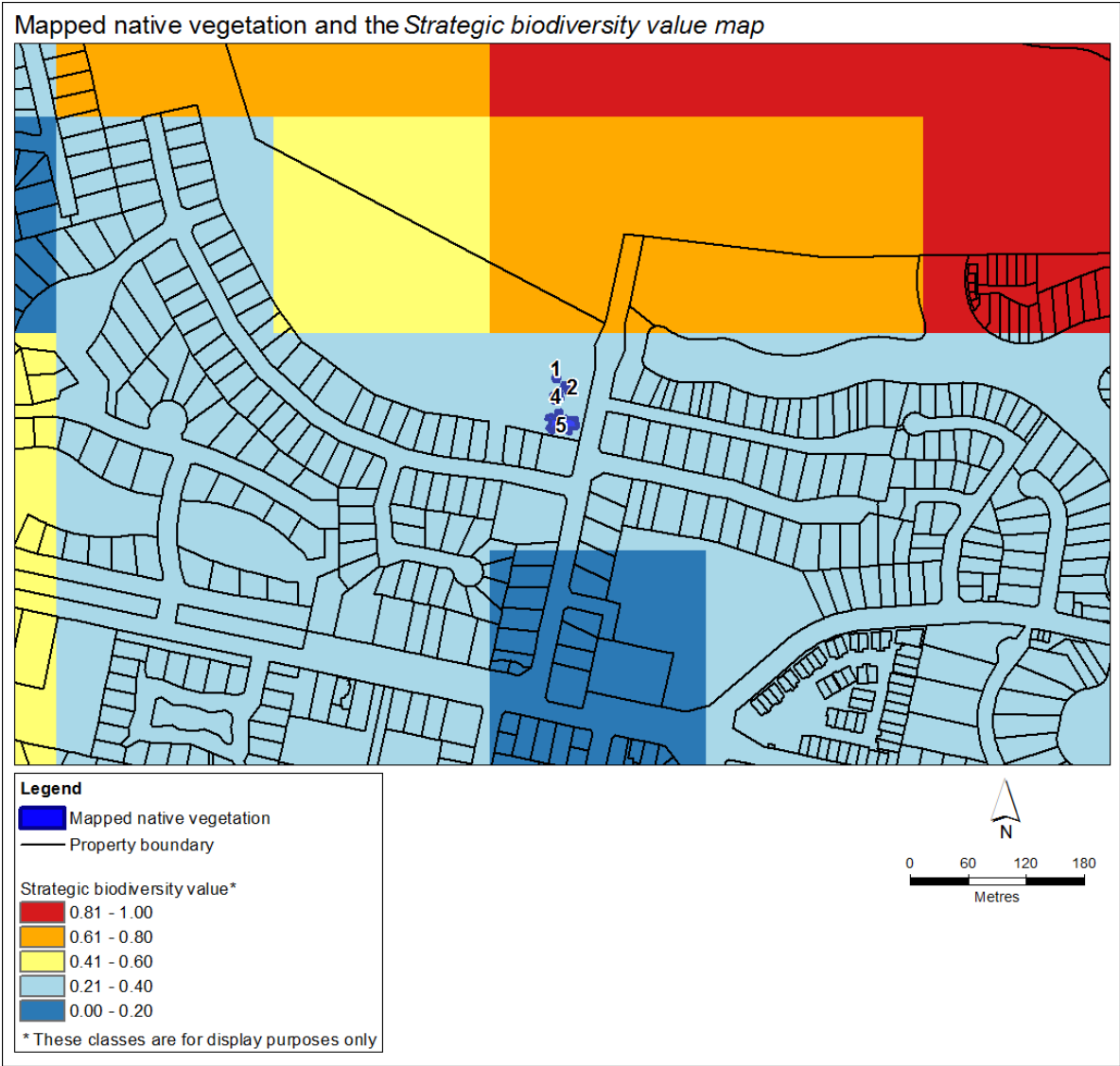
Native vegetation removal report



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Native vegetation removal report



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Native vegetation removal report

Appendix 1 - Details of offset requirements

Native vegetation to be removed

Extent of all mapped native vegetation (for calculating habitat hectares)	0.058	The area of land covered by a patch of native vegetation and/or a scattered tree, measured in hectares. Where the mapped native vegetation includes scattered trees, each tree is assigned a standard extent and converted to hectares. A small scattered tree is assigned a standard extent defined by a circle with a 10 metre radius and a large scattered tree a circle with a 15 metre radius. The extent of all mapped native vegetation is an input to calculating the habitat hectares.
Condition score*	0.240	The condition score of native vegetation is a site-based measure that describes how close native vegetation is to its mature natural state. The condition score is the weighted average condition score of the mapped native vegetation calculated using the <i>Native vegetation condition map</i> .
Habitat hectares	0.014	Habitat hectares is a site-based measure that combines extent and condition of native vegetation. It is calculated by multiplying the extent of native vegetation by the condition score: Habitat hectares = extent x condition score
Strategic biodiversity value score	0.220	The strategic biodiversity value score represents the complementary contribution to Victoria's biodiversity of a location, relative to other locations across the state. This score is the weighted average strategic biodiversity value score of the mapped native vegetation calculated using the <i>Strategic biodiversity value map</i> .
General landscape factor	0.610	The general landscape factor is an adjusted strategic biodiversity value score. It has been adjusted to reduce the influence of landscape scale information on the general habitat score.
General habitat score	0.009	The general habitat score combines site-based and landscape scale information to obtain an overall measure of the biodiversity value of the native vegetation. The general habitat score is calculated as follows: General habitat score = habitat hectares x general landscape factor

* **Offset requirements for partial removal:** If your proposal is to remove parts of the native vegetation in a patch (for example only understorey plants) the condition score must be adjusted. This will require manual editing of the condition score and an update to the calculations that the native vegetation removal tool has provided: habitat hectares, general habitat score and offset amount.

Offset requirements

Offset type	General offset	A general offset is required when the removal of native vegetation does not have a significant impact on any habitat for rare or threatened species. All proposals in the Basic and Intermediate assessment pathways will only require a general offset.
Offset multiplier	1.5	This multiplier is used to address the risk that the predicted outcomes for gain will not be achieved, and therefore will not adequately compensate the biodiversity loss from the removal of native vegetation.
Offset amount (general habitat units)	0.014	The general habitat units are the amount of offset that must be secured if the application is approved. This offset requirement will be a condition to any permit or approval for the removal of native vegetation. General habitat units required = general habitat score x 1.5
Minimum strategic biodiversity value score	0.176	The offset site must have a strategic biodiversity value score of at least 80 per cent of the strategic biodiversity value score of the native vegetation to be removed. This is to ensure offsets are located in areas with a strategic biodiversity value that is comparable to the native vegetation to be removed.
Vicinity	East Gippsland CMA or East Gippsland Shire Council	The offset site must be located within the same Catchment Management Authority boundary or municipal district as the native vegetation to be removed.
Large trees	0 large tree (s)	The offset site must protect at least one large tree for every large tree removed. A large tree is a native canopy tree with a Diameter at Breast Height greater than or equal to the large tree benchmark for the local Ecological Vegetation Class. A large tree can be either a large scattered tree or a large patch tree.

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Our reference: VLQ-8328

Your reference: 10 FULLARTON DRIVE
PAYNESVILLE

26 July 2022

Amie Ingwersen
Crowther & Sadler

Dear Amie

RE: Quotation for the supply of native vegetation credits

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

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

Offset type	Vicinity	General habitat units (GHU)	Min. strategic biodiversity value (SBV)	Large trees
General	East Gippsland CMA or LGA	0.014	0.176	0

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

**CTA pathway – offset site located in the East Gippsland Shire area
(approx. 4-6 week turnaround from acceptance of quote)**

Cost of native vegetation credits – invoiced by Credit Owner	\$1,400.00
Transaction fees – invoiced by Vegetation Link	\$1,280.00
Total (ex. GST)	\$2,680.00
Total (inc. GST)	\$2,948.00

If you would like to purchase credits, let us know that you accept the quote and return the attached **purchaser details form** by email. Upon receipt of the form, we will begin the trade process. Further details of the process for credit allocation is in the FAQ below.

Should you have any queries, please do not hesitate to contact us on 1300 VEG LINK (1300 834 546) or email offsets@vegetationlink.com.au.

Sincerely,



Lucas Rotteveel
Biodiversity Offset Broker

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

Vegetation Link Pty Ltd
ABN: 92 169 702 032
www.vegetationlink.com.au

1300 VEG LINK (1300 834 546) | offsets@vegetationlink.com.au | PO Box 10 Castlemaine VIC 3430

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Page 110 of 112

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vegetationlink

FAQs

What is a third party offset?

A third party offset is an offset site owned by another landowner who manages and protects native vegetation on their land. Landowners who establish these offset sites are required to:

- Enter into a Landowner Agreement for the specified offset site. A landowner agreement is in perpetuity and is binding upon the current and future landowners of the site. It permanently restricts use of the site for many purposes.
- Implement a detailed 10-year Management Plan endorsed by the DELWP Native Vegetation Offset Register to manage and improve the biodiversity values of the site.

How is the price of native vegetation offset credit (GHUs, GBEUs etc.) determined?

Landowners who own offset sites set their own price for native vegetation credits. They determine the price based on numerous factors. This includes but not limited to site establishment, the cost to manage the site in perpetuity (e.g., maintain fencing, control pest species), foregone use cost, and administrative costs. Depending on how the site is registered, the credit fee may be paid to either DELWP or directly to the landowner.

Further information about the work some of our landowners are doing can be found on the [Vegetation Link website](#).

What is the process after I accept the quote?

After you accept the quote and return the purchaser table, the following steps will be undertaken:

1. We will set up a contract between the parties involved and send the contract out for signing by all parties.
2. Once the contract is signed by all parties, invoices will be issued for the fees listed in the quotation. We will send you two invoices, one for our transaction fee invoiced by Vegetation Link and one for the credit fee, usually to be paid to DELWP or the landowner. We recommend providing remittances for your payments.
3. Once payments are received, Vegetation Link will send you an allocated credit extract from the Native Vegetation Offset Register and your executed contract as evidence that you have purchased the offset.

How long will the process take? When will I get my credits?

Generally, the process from quote acceptance to having evidence of allocated credits takes between 2-6 weeks. This is dependent on a range of factors including the type of landholder agreement, contract types and organisational workflows. We work as quickly as possible to get your credits to you within this time period.

We note that you **cannot** remove vegetation until you have been given permission by the Responsible Authority (usually the council that has issued your permit).

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vegetationlink

What happens if I don't have a permit yet?

When people are buying credits before a permit is issued, the following three options are most common:

- You can pay for the offsets before the planning permit is available, and then the offsets are allocated to the permit when it is available. This will incur an additional \$50 fee from DELWP. When considering this option, it is important to realise that your estimated offset requirements may be different than the actual permit requirements.
- You can wait for the planning permit to be approved first and then request a quote to meet the requirements in your permit. Should credits be available, you can then start the offset purchase process. We then use the planning permit number for allocating the credits. Allocating credits to the permit is evidence that you have purchased your offset.
- You can request a quote to confirm availability and to get an idea of the cost of offsetting before you apply for a permit. Once you receive the planning permit you can request an updated quote. It is at this point that you can then go through the offset purchase process.

We cannot guarantee credit availability until a) contracts are executed, or b) credits have been held via a pending trade lodged with DELWP Native Vegetation Offset Register.

We cannot guarantee price until a) a quote has been accepted within 14 days, and b) a Credit Trading Agreement is signed within 21 days, and c) the invoice for the credits is paid within 28 days of the date the invoice is issued.

If I sign the contract, does that mean I MUST pay for the credits?

Yes, you have entered into a contract agreeing to pay for the offset credits therein and are required to pay for those credits. The credits must be paid for within 28 days of the date of the invoice.

Can you hold the credits for me, as I want to pay later?

We are unable to hold credits for later payment. Please also see 'What happens if I don't have a permit yet?' above.

For further information, see [our website](#) or the [DELWP website](#).

Objector	Grounds of Objection	How Objector will be impacted
1	<ul style="list-style-type: none"> The subdivision will create significantly more traffic in Fullarton Drive which will have an adverse effect on existing properties. It is considered that if the subdivision is approved the applicant should be required to provide an alternative route to Paynesville Road. The provision of an additional exit route from the area should also be required to provide in the event of an emergency occurring and prevent mass congestion. The increased traffic will cause danger and congestion at (1) the intersection Fullarton & Burden Place and (2) the intersection of Burden Place and Paynesville Road. At present times the (2) is very congested and dangerous with the service station on the corner and will be exasperated with further traffic flow. On frequent occasions very dangerous driving conditions apply from Burden Place with entry I exits from the service station which requires turns onto the wrong side of the road to get onto the Paynesville Road. If the application is approved in any form it should be assured that trucks and other vehicles are not permitted to transit Fullarton Drive/ Burden Place to exit Paynesville Road and that any traffic associated with the subdivision passes through adjoining property to the west of the existing Fullarton Drive. Appropriate storage of machinery when not in use should also take place so as to minimize any noise/disruption to existing residents. It is considered that allotments 42 - 59 should have a caveat attached to each to ensure that further subdivision of the allotments is not possible. Battle axe shaped allotments have been approved and taken place in other parts of this township and appropriate notation should be made to ensure this is not possible on these allotments . It should be noted on all allotments and specifically allotment 59 being within the proposed subdivision (Planning Application 344/2022/P) by way of a caveat title registration that 'there shall not be any dwelling house or erection or structure whether permanent or temporary on the land hereby transferred or any part thereof which shall be of a greater height than 4.5 metres from the natural surface of the ground at the highest point of the land hereby transferred.' This is taken from the title of our property being 11 (lot 2 on LP 142745 Vol 09432 Folio 316) Fullarton Drive. The environmental aspects of this area including its wetlands, bird and animal life should be conserved and preserved and increased development in this area will have a detrimental affect. This in particular to the areas noted on the plan of the proposed subdivision marked Reserve The large standing gum trees should be retained. In the general area of this proposed subdivision other large gums 'have died' and or have been 'removed' presumably without any real justification except for so called progress being for the financial benefit of the property owner and this should not be permitted If this subdivision is approved. 	
2	First the lack of views from my house would be overlooking. Houses in the front of me. Also the wildlife will go which all of us have had pleasure watching for so long. I am concerned about the amount of increase in traffic around Burden Place and Fullarton Drive	I would not like to see any subdivisions go ahead of any of the blocks that are sold especially in front of my block, also the amount of blocks that will be offered for sale in the area from No. 10 Fullarton Drive. I would not like to see two storeys built in front of me.
3	<ul style="list-style-type: none"> The subdivision will create significantly more traffic in Fullarton Drive which will have an adverse effect on existing properties. It is considered that if the subdivision is approved the applicant should be required to provide an alternative route to Paynesville Road. The provision of an additional exit route from the area should also be required to provide in the event of an emergency occurring and prevent mass congestion. 	

Objector	Grounds of Objection	How Objector will be impacted
	<ul style="list-style-type: none"> • The increased traffic will cause danger and congestion at (1) the intersection Fullarton & Burden Place and (2) the intersection of Burden Place and Paynesville Road. At present times the (2) is very congested and dangerous with the service station on the corner and will be exasperated with further traffic flow. On frequent occasions very dangerous driving conditions apply from Burden Place with entry I exits from the service station which requires turns onto the wrong side of the road to get onto the Paynesville Road. • If the application is approved in any form it should be assured that trucks and other vehicles are not permitted to transit Fullarton Drive/ Burden Place to exit Paynesville Road and that any traffic associated with the subdivision passes through adjoining property to the west of the existing Fullarton Drive. Appropriate storage of machinery when not in use should also take place so as to minimize any noise I disruption to existing residents. • It is considered that allotments 42 - 59 should have a caveat attached to each to ensure that further subdivision of the allotments is not possible. Battle axe shaped allotments have been approved and taken place in other parts of this township and appropriate notation should be made to ensure this is not possible on these allotments . It should be noted on all allotments and specifically allotment 59 being within the proposed subdivision (Planning Application 344/2022/P) by way of a caveat title registration that 'there shall not be any dwelling house or erection or structure whether permanent or temporary on the land hereby transferred or any part thereof which shall be of a greater height that 4.5 metres from the natural surface of the ground at the highest point of the land hereby transferred.' This is taken from the title of our property being 11 (lot 2 on LP 142745 Vol 09432 Folio 316) Fullarton Drive. • The environmental aspects of this area including its wetlands, bird and animal life should be conserved and preserved and increased development in this area will have a detrimental affect. This in particular to the areas noted on the plan of the proposed subdivision marked Reserve • The large standing gum trees should be retained. In the general area of this proposed subdivision other large gums 'have died' and or have been 'removed' presumably without any real justification except for so called progress being for the financial benefit of the property owner and this should not be permitted If this subdivision is approved. 	
4	<p>No written clarification of whether the new blocks can be further subdivided</p> <p>No written clarification of whether multiple units can be built on these new blocks and may be rented out.</p> <p>18 metres rear setback from boundary stipulated by VCAT has not been written into the latest proposal.</p>	<p>Loosing the serenity of the area, Loosing the view of our amenity is a major concern. An oblique rather than horizontal sight line would be of some help. 1.5 metre sight line is of concern because from a sitting position that is not satisfactory.</p> <p>The height of vegetation was questioned at the Paynesville meeting 7/10. Crowther & Sadler Pty Ltd land surveyors dismissed this saying vegetation growth on northern side has not affected views from the southern side. This is completely irrelevant because the existing house blocks do not back onto one another. So there definitely needs to be height vegetation restrictions placed on purchasers of the new blocks.</p>

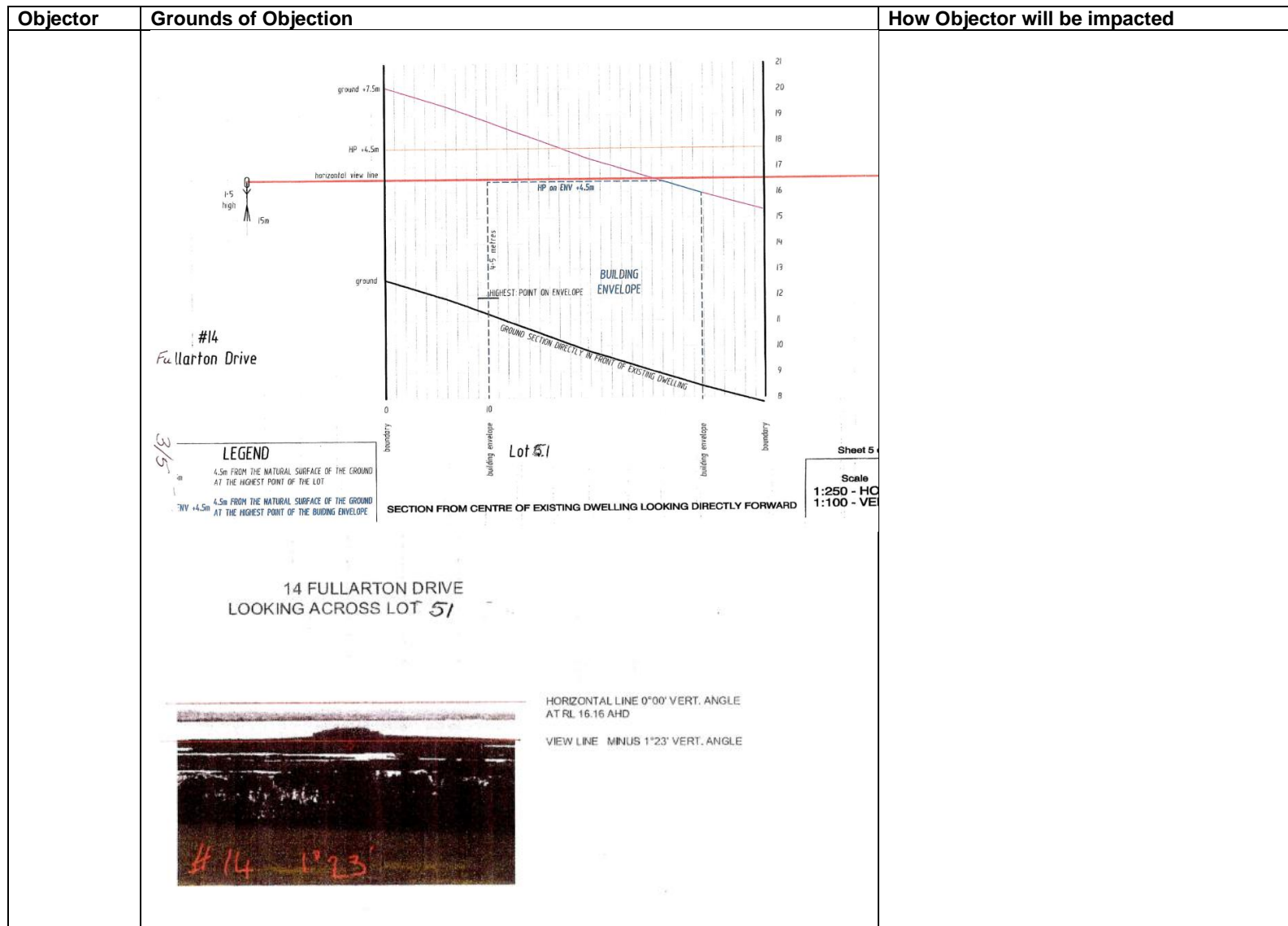
Objector	Grounds of Objection	How Objector will be impacted
5	<p>Concern regarding the significant increase in traffic along Fullarton Drive and impact of increased number of cars entering Burden Place and onto the Paynesville Road</p> <p>Our view will be significantly impacted. With the 1.5m height view clearance, this will still only enable use a vision of sky, blocking out our current wetlands and lake views.</p> <p>There is no height restriction on vegetation planted by land purchasers which potentially will further intrude on our view.</p>	<p>Our views will be significantly impacted.</p> <p>I have a genuine safety concern regarding turning Right into Burden Place and turning right onto the Paynesville Road due to a significant increase in car traffic if this development goes ahead unamended.</p> <p>I have a concern about the increase in vehicle noise due to additional traffic.</p> <p>I will be affected by the loss of tranquility of the area which we now experience.</p>
6	<p>The application has not satisfactorily addressed reasonable view sharing with adjoining properties to the south.</p> <p>On reading the application I am unable to understand how reasonable view sharing with the existing residents to the south has been achieved. The application discusses both horizontal view lines at a standing eye level of 1.5m and also AHD's of each block. From this information I am unable to work out how much of a view I lose and what parts of my view I will retain.</p> <p>I understand that an oblique viewing line down to the lake is necessary for reasonable view sharing. The applicant must be required to demonstrate to each resident the extent of our panoramic view after homes are built in front of us to the AHD height allowed.</p> <p>There is nothing in the plan to prevent further subdivision of blocks into battle axe style blocks which would increase density to an unacceptable level as well as threaten any view sharing opportunities.</p> <p>Battle axe blocks do not fit with the neighbourhood character of this area as described in the application page 39 - The neighbourhood character of northern Paynesville district area is categorised in general by single lots with detached dwellings. There must be clearly no ability to further subdivide any of these blocks</p> <p>All restrictions must be required to be registered on the titles of the new lots.</p>	<p>Currently I enjoy the wonderful amenity of a magnificent panoramic view of the RAMSAR wetland, lake and hills beyond as well as the native vegetation and including an uninterrupted view of the superb Gippsland red gum which is a significant feature of my view.</p> <p>I also enjoy the constant presence of a variety of wildlife including the endangered JAMBA migratory bird the Latham's Snipe for which the paddock is important habitat.</p> <p>My amenity including my views will be compromised to an unknown extent and I require the applicant to demonstrate how much of my panoramic view I will retain before approving the subdivision.</p> <p>The VCAT panel visited my property in 2014 and made an assessment using 4.5 metre poles which did give me an indication of the amount of view I would lose. The impact was assessed as severe. Since that assessment the subdivision has been redesigned which has significantly changed the lots immediately to the north of my home.</p> <p>Therefore before any approval is given council must require at least a similar assessment.</p>
7	<p>I object to lots 16 - 35 of the proposal.</p> <ul style="list-style-type: none"> My understanding is that the land was zoned for residential purposes in 1992 when there was no or very little consideration given for the effect that the development would have in regards to the native flora and the abundant animal life in the wetlands. With changes in the climate untouched areas of native bush are becoming less and less and I feel that these 20 lots 	

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	<p>are too close to the wetlands and will have a significant impact on the area. The potential addition of more dogs, cats, cars, children etc in this area will increase the noise levels and security of the wildlife that the wetlands are said to protect. This eco system is a huge reason why we moved to an already established house in this area and if lost or disturbed will damage the wetlands forever.</p> <ul style="list-style-type: none"> An alternative for lots 16-33 would be to turn them so that they become wider but not as deep. At least in this manner it will not decrease the number of lots as dramatically as if they were removed altogether. Lot 34 & 35 should be removed altogether. They are certainly in the zone of being too close to the wetlands. The continuation of the retarding basins across that area would surely be more beneficial to the wellbeing of the wetlands and their flora and fauna. <p>I object to the inclusion of the elevation drawings on pages 71-76 of the proposal as they are.</p> <ul style="list-style-type: none"> The drawings as shown on pages 71 - 76 for the purpose of illustrating projected height levels, in particular the drawing on page 74 of lot 35 and the effect for 54 Fullarton Drive is incorrect as explained by Michael Sadler and Kate Young at the meeting in Paynesville on 7th October, 2022 and therefore misleading. I own 54 Fullarton Drive and to allow someone to believe they can build to that height, which we would object to under the terms of the proposed section 173, would lead to possible future legal proceedings which would be both expensive and time consuming for both the purchasers and us. <p>I object to not being offered a 10m setback between 54 Fullarton Drive and lot 35.</p> <ul style="list-style-type: none"> The proposed driveway I understand is to be 8m. I accept that the driveway access for lot 34 will be our buffer to lot 35 but request that the distance between the 2 properties still be 10m as afforded to lots 36-57. We spend a large majority of our summer time on our deck and our lounge and main bedroom are also located facing this driveway. These main living zones are 8m from our rear fence. A further 2m will afford us a greater chance of privacy in this area. <p>It was also agreed at the meeting on 7th October, 2022 with Michael Sadler, Kate Young and Martin from East Gippsland Shire Town Planning office that they would include a requirement that no lots once sold will be subdivided further. I would like to see this included in writing within the application for the permit.</p> <p>Mark and I would also like to thank Crowther and Sadler Pty Ltd, Kate and Michael, for the opportunities we have had to be involved in the making of this application. A number of concerns have been addressed and an amicable solution found.</p>	
8	<p>The proposed Multi-lot Subdivision for address 10 Fullarton Drive, Paynesville [lot C PS 311448] in its entirety</p> <p>Due to the landscape biodiversity and environmental vulnerability of the Internationally significant Ramsar wetland ecosystem with natural floodplain. It will be visually obtrusive (Clause 56.03-5) with regard to 'DDO-14' - as not a site responsive design for a rural village. Extra, large houses do not integrate with the wetland and lakeside environment, nor with the adjoining residential properties, as they will unreasonably deprive us of our wonderful amenity of a panoramic viewshed of wetland, lake and mountains.</p> <p>lot 51 and row of lots adjoining northern properties of Fullarton Drive</p> <p>The high, wide building envelope (16 AHD, or 4.5m) with full width orientation and only 10m rear setback (same as previous VCAT plan) severely impacts, infringes and obliterates the amenity of panoramic views which will be completely</p>	<p>Complete loss of amenity of magnificent constantly changing panoramic view (horizontal, vertical and oblique), encompassing vulnerable Ramsar wetlands, with a central focus on Fullarton Point (which is directly in line with our property), Lake King, Mitchell River silt jetties (longest in world), with landscape and mountain ranges beyond (refer to photo and building envelope for Lot 51, which show horizontal view of only sky).</p> <p>Loss of fully open rural aspect with habitat of native flora and fauna (kangaroos, echidnas,</p>

Objector	Grounds of Objection	How Objector will be impacted
	<p>obstructed by construction of a building at Lot 51 and other houses along the northern corridor. This will result in complete loss of amenity of magnificent north facing panoramic wetland, lake, silt jetties and mountain views including the central focal viewpoint of Fullarton Point in the mid-lake-edge of the Ramsar wetland. This plan has positioned Lot 51 directly behind 14 Fullarton Drive with its side boundaries extending east and west outside our side fenceline by more than the 3m side setback, so no vertical views will be possible after construction of a building on that block; no provision of staggered boundaries to allow for any vertical view. From our verandah and lounge, we will even be deprived of standing (1.5m) horizontal or oblique views, which we currently greatly value and enjoy from a sitting position (refer to photo and building envelope of Lot 51, which show only sky to be seen horizontally).</p> <p>VCAT Administrative Division Report P2565/2013: (81) "No. 14 Fullarton Drive will maintain only sky views". [At horizontal level-Report from VCAT on previous subdivision plans; which equally applies to these latest plans, and are more obstructive, without side setbacks.] (83) "We have given more weight to the horizontal view proposed to be maintained in light of the current panoramic views available to each Fullarton Drive house. The current view is what we would describe as a whole view in which the interface of the land and water is visible and appreciated a wide often panoramic viewshed. " (87) "Given this proposal is a large subdivision with limited constraints, particularly on the southern part of the site other than for topography, we are not persuaded the extent of impact on view sharing achieves a reasonable outcome." This proposed subdivision does not achieve a reasonable outcome of view sharing for Fullarton Drive residents. Site or view lines from each residence on the abutting lots have not been used to determine the height of future residences to guarantee a reasonable view for the existing residents.</p> <p>VCAT Further Submission on Behalf of the Responsible Authority P2565/2013: (18) "Council's submission is a more reasonable 'benchmark' view line of 1.2m [seated] should be adopted for the following reasons: 18.1 - the view shed is an important aspect of view sharing both horizontally and vertically. In conjunction with the view shed is the understanding of what is important to the viewer's experience. It was made clear on the final hearing day by the existing residents at Fullarton Drive that they consider views of the walking path, wetland, lakes system and hills to all be important and enrich their experience.</p>	<p>Latham Snipes and other migratory shorebirds, native waterfowl, reptiles and amphibians behind our property by being hemmed in at the back by a row of houses which will completely block us off from any horizontal or vertical views, except only the sky above. Loss of property value. Since my retirement and during COVID lockdowns, this wonderful view and watching the native wildlife, especially kangaroos with joeys was therapeutic and calming.</p> <p>My wife and I purchased 14 Fullarton Drive, Paynesville, in 2007 for our peaceful retirement because of the amenity of a magnificently panoramic view, especially the central focal viewpoint of Fullarton Point with the wonderful Ramsar wetlands spreading out on both sides and to the front, with Lake King, silt jetties, landscape and mountains beyond, within a fully open rural aspect of a paddock. We greatly value and have enjoyed this serene panoramic view for many years, which has improved our psychological well-being.</p> <p>At the "Information Meeting" held on the 7th October I asked the surveyor draft person to confirm it was feasible that the buyer of block 51 could in fact build from the most northerly third of the 51 block up to 10 meters setback from our boundary fence. This was verified by the drafts person but they continued to state that this would be very unlikely as the potential buyer would not be "cashed up" enough to build such a large house. Several people heard this comment and were shocked. Surely it cannot and should not be assumed that the new buyer will not have the funds to actually build such a large house? Based on the current plan it would be</p>

Objector	Grounds of Objection	How Objector will be impacted
	<p>It is submitted that the provision in some cases of a horizontal view provision allowing views of the lakes and distant hills provides unfair view sharing. It is Council's view that view sharing must consider the view experience in totality. Indeed for a number of properties there is effectively an obliteration of the view amenity. "</p> <p>A non-expiry Covenant of 4.5m height restriction is imposed on our property title for 14 Fullarton Drive, which allows for view-sharing with the properties on the southern side of Fullarton Drive; thus we are restricted by this Covenant from gaining any views over future buildings.</p> <p>Non-expiry Covenants should be imposed by developer upon Lot Titles to prevent future individual Lot subdivisions and for longer rear setbacks of at least 18m, as per previous developer plan) and reduced reasonable building height restrictions which guarantee reasonably wide realistic view-sharing from a seated position (as many residents are of retirement age), for existing residents in Fullarton Drive. Section 173 is not appropriate, as it seems a weaker imposition which could be easily overturned in future appeals.</p> <p>Concern for future individual subdivision of each of these new adjoining lots (as many are large), for impact of further amenity view on Fullarton Drive residents.</p> <p>The proposed artificial ponds (to filter the extra storm water drainage from the new subdivision) will pose a dangerous risk of mosquito-borne viruses for the neighbourhood residents.</p> <p>Loss of habitat, food supply and disturbance of native flora and fauna by subdivision and construction within the paddock adjoining the lacustrine Ramsar wetland which the local neighbourhood highly value (kangaroos, echidna, waterfowl, migratory shorebirds [Latham Snipes from Japan, which use the stormwater drain within the paddock], reptiles, amphibians) are added tourist attractions to be seen in their natural habitat for this area and enhance the Paynesville/Eagle Point walking track, as an amenity to aid the local community and ecotourism, especially for international visitors. This would complement the 'Koalas of Raymond Island' with the 'Kangaroos and swans of Paynesville' as a natural conservation destination.</p> <p>The extra houses and disturbance of phosphorus soils during the subdivision, with addition of artificial ponds on a natural floodplain, impose hazardous risks of environmental degradation and lack of enough buffer zone for</p>	<p>apparent that we (at 14 Fullarton Drive) would be one of the people most effected (if not the worst effected) as the 51 block behind is virtually in line and wider than our block therefore any construction would result in our rear outlook being reduced to a new house and sky.</p> <p>We would be devastated to lose it.</p>

Objector	Grounds of Objection	How Objector will be impacted
	<p>protection and sustainable conservation of the significantly vulnerable and precious Ramsar wetlands (which were greatly reduced by dumped earth from the excavation of the canals - aerial views show a straight line along the eastern edge) and habitat of native nesting waterfowl and migratory shorebirds (Latham Snipes).</p> <p>Lack of safety for pedestrians with increased traffic, as Burden Place does not have any footpaths and the grass are uneven. The Road Survey shown by the surveyors was conducted during winter, therefore does not bear the true volume of traffic during peak holiday and summer seasons.</p> <p>Dangerous intersection at Paynesville Rd/Burden Place due to Service Station on corner, especially with increased traffic with boats or caravans during holidays and Summer. Entry/exit traffic at Service Station obstruct the view for turning traffic from Burden Place.</p> <p>Paynesville/Eagle Point walking track car park to not be bitumen or concrete, but kept unpaved, in a gravel state, as a rural amenity.</p> <p>For safe egress during emergency, only one exit onto Paynesville Road is from Burden Place.</p>	



Objector	Grounds of Objection	How Objector will be impacted
9	Refer to objection content of Objector 8	<p>Complete loss of amenity of magnificent constantly changing panoramic view (horizontal, vertical and oblique), encompassing vulnerable Ramsar wetlands, with a central focus on Fullarton Point (which is directly in line with our property), Lake King, Mitchell River silt jetties (longest in world), with landscape and mountain ranges beyond (refer to photo and building envelope for Lot 51, which show horizontal view of only sky) .</p> <p>Loss of fully open rural aspect with habitat of native flora and fauna (kangaroos, echidnas, Latham Snipes and other migratory shorebirds, native waterfowl, reptiles and amphibians behind our property by being hemmed in at the back by a row of houses which will completely block us off from any horizontal or vertical views, except only the sky above. Loss of property value.</p> <p>Since my retirement and during COVID lockdowns, this wonderful view and watching the native wildlife, especially kangaroos with joeys was a saviour of my mental health (stress, anxiety and clinical depression) from PTSD experienced at work.</p> <p>My husband and I purchased 14 Fullarton Drive, Paynesville, in 2007 for our peaceful retirement because of the amenity of a magnificently panoramic view, especially the central focal viewpoint of Fullarton Point with the wonderful Ramsar wetlands spreading out on both sides and to the front, with Lake King, silt jetties, landscape and mountains beyond, within a fully open rural aspect of a paddock. We greatly value and have enjoyed this serene panoramic view for many years, which has improved our psychological well-being. We would be devastated to lose it and I fear of relapsing.</p>

Objector	Grounds of Objection	How Objector will be impacted
10	<p>This application has not satisfactorily addressed reasonable view sharing with adjoining properties to the south.</p> <p>The redesign of lots at the eastern end of the subdivision as strongly suggested by VCAT 2014 has improved the density issues but has caused a severe reasonable view sharing issue for numbers 12 and 14 Fullarton Drive.</p> <p>Although lot 51 is directly in front of 14 Fullarton Drive, it would severely affect my panoramic view at number 12 as the viewing line to the wetland is oriented over lot 51. This lot has an AHD of 16 metres which means I do not have an oblique viewing line towards the wetland and lake.</p> <p>This issue could be easily alleviated by following VCAT's subsequent suggestion of locating lot number 51's building envelope further downslope whilst maintaining proposed height restrictions. (paragraph 89 VCAT report 2014) or by lowering the designated AHD height to keep it more in line with the eastern lots.</p> <p>Inaccurate information in the application and inaccurate assumptions.</p> <p>Search of covenants - statement (application P23) "Properties on the higher (south western) side of Fullarton Drive have no limitations with no covenants imposed"</p> <p>This assumption was made after searching one title on the high side of Fullarton Drive.</p> <p>Houses on the high side in section LP142745 as shown on the plan on application page 25, all have the same restrictive covenant as the houses on the northern side of Fullarton Drive.</p> <p>The MODAN cross sectional drawings for numbers 12 and 28 Fullarton Drive have incorrect heights labelled and show that an 11 metre house could be constructed to the north of number 12 Fullarton drive. (Application Page 75/76)</p> <p>The worst case scenario, a house up to 11 metres as detailed on page 31 of the application is only possible due to the incorrect ffl height of number 12 Fullarton Drive.</p> <p>These cross section drawings apart from being inaccurate do not demonstrate how views will continue to be shared and enjoyed by adjacent properties and the proposed allotments as stated on application Page 31. There is no outcome to the horizontal viewing line shown.</p> <p>The incorrect assumption that a horizontal viewing line gives properties a view sharing opportunity.</p>	<p>My amenity of a glorious panoramic view of the RAMSAR wetland, lake and hills beyond as well as the native vegetation and including an uninterrupted view of the superb Gippsland red gum will be obliterated, especially by height of the AHD placed on Lot 51 (16 AHD) which is one whole metre higher than the Lot 52 (15 AHD) directly in front of me.</p> <p>Unfortunately our viewing line towards the RAMSAR wetland and lake is angled towards the west and a roofline to 16 AHD would completely remove any view of the wetland and lake to the west of the tip of Point Fullarton.</p> <p>VCAT outlined the important aspects of the view giving weight to the panoramic view (or horizontal view) Paragraph 83 2014 decision. "The current view is what we would describe as a whole view in which the interface between land and water is visible and appreciated in a wide often panoramic viewshed"</p> <p>This panorama of very high quality needs to be considered in terms of what views will be lost and what views would be retained.</p> <p>In addition my enjoyment of observing the variety of wildlife in the adjoining paddock, including mobs of kangaroos, endangered JAMBA migratory bird the Latham's snipe which forages in the wet grasses and shelters in the low bushes, echidnas and bluetongue lizards will only in future be a memory. As a long time resident I care deeply about this special environment and request that council consider carefully the environmental values of the whole area.</p>

Objector	Grounds of Objection	How Objector will be impacted
	<p>Statement(page 31 application) The maximum height will not exceed the standing eye level of the immediately adjacent building.</p> <p>A horizontal viewing line from a standing eye level of 1.5 metres above floor level gives at best a view of part of the hills beyond the lake and the sky. It does not include the lake or any wetland view. The importance of the viewing line angle is vital. To obtain a view, the viewing line must be angled towards the view required. (see included photos)</p> <p>The photos included were taken by Bruce Bowden of Austec Surveying in Bairnsdale and were used at VCAT 2014 to illustrate the problem of a horizontal viewing line. The theodolite he used had a built in camera. The horizontal view in both photos demonstrate that the views obtained do not include the lake or Ramsar wetland.</p> <p>An oblique viewing line suitable to each individual house is required and the appropriate AHD designated.</p> <p>There is nothing in the plan to prevent further subdivision of blocks into battle axe style blocks which would increase density to an unacceptable level as well as threaten any view sharing opportunities.</p> <p>Battle axe blocks do not fit with the neighbourhood character of this area as described in the application page 39 - The neighbourhood character of northern Paynesville district area is categorised in general by single lots with detached dwellings. A restriction on the title is required to ensure that further subdivision is not possible.</p> <p>All restrictions must be required to be registered on the titles of the new lots.</p>	<p>If this application is approved the reserve and wetland area will become the exclusive and unencumbered view and amenity of the dwellings to our north.</p> <p>The applicant should be made to prove to adjacent owners just how much view we will retain in the view sharing situation that the application proposes. The VCAT panel visited my property in 2014 and made an assessment using 4.5 metre poles which did give me an indication of the amount of view I would lose. Since that assessment the subdivision has been redesigned which has significantly changed the lots immediately to the north of my home. Therefore before any approval is given council must require at least a similar assessment.</p> <p>The block next door to me on the eastern side was designated to be the road into the subdivision in the previous design. It is now to be a regular house block (Lot 59) and will be offered for sale after approval of this subdivision. It is interesting to note that the designated AHD for the lot 53 to the north of this block allows for an oblique view towards the lake from a balcony or veranda of a similar height to my veranda. If this block can be afforded with a viewing line that will give a reasonable view share so can all houses on Fullarton Drive.</p>

	<p>12 FULLARTON DRIVE LOOKING ACROSS LOTS 11 AND 29</p> <p>HORIZONTAL LINE 0°00' VERT. AT RL 15.96 AHD</p> <p>VIEW LINE MINUS 1°45' VERT.</p>	
	<p>14 FULLARTON DRIVE LOOKING ACROSS LOTS 12 AND 30</p> <p>HORIZONTAL LINE 0°00' VERT. A AT RL 16.16 AHD</p> <p>VIEW LINE MINUS 1°23' VERT. A</p>	

Objector	Grounds of Objection	How Objector will be impacted
11	<p>1. Building envelopes - rear set back provisions The rear setback is proposed to be 10 metres, not 18 metres as applied to our adjoining northern property and some others in the previous permit application.</p> <p>2. Further Subdivision -Section 173 No provision for a Section 173 agreement condition to prevent further subdivision of individual lots.</p> <p>3. 1.5 metre horizontal sight lines - Amenity The cross section drawings do not give an accurate preview of the views that may be achieved for the benefit of existing northern side residents. A 1.5m sight line set at floor level does not give a fair view sharing across the wetland, lake and distance hills and mountains.</p>	<p>1. It is our understanding that revised building envelopes, with both 10m and 18m rear setbacks on the lots adjoining the northern residences, were part of the consideration of the members at the VCAT hearing of July/August 2014. The 10m set back was revised to move the built forms on new lots down the hill.</p> <p>The 10m setback on the new lots abutting our residence will result in the significant reduction of a reasonable view. We strongly urge council to endorse the inclusion of the 18m setback as proposed at VCAT.</p> <p>3d building envelope designs should also be included on a Section 173 agreement.</p> <p>2. Section 173 - Conditions: Due to the length of some of the larger new lots in the proposal there is some possibility that the new landholder may subdivide them.</p> <p>This will mean that there will be an increase in the built form bulk and prevent reasonable view sharing from my residence.</p> <p>For this reason, the EGSC should consider adding 'no further lot subdivision' within a Section 173 agreement or on title as a restrictive covenant.</p> <p>3. 1.5 metre horizontal site lines - Amenity Do we really have to be standing to see the limited view? Applying 1.5m on all lots is contrary to the VCAT reasons about view sharing.</p> <p>1.5m horizontal sight lines from the floor level of adjoining residences does not guarantee a fair or reasonable view for everyone. View</p>

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		<p>sharing in my case is too limited and unreasonable.</p> <p>Reducing the sight line height to 1.2m at an oblique angle which will include lake views as well as the background hills is more appropriate.</p> <p>Each of the adjoining residences should be surveyed and sight lines adjusted to ensure reasonable view sharing of the amenity for each residence.</p> <p>Council should reject this application and seek to receive an amended planning permit application which reflect these provisions.</p>
12	<p>1. Building envelopes - rear set back provisions The rear setback is proposed to be 10 metres, not 18 metres as applied to our adjoining northern property and some others in the previous permit application.</p> <p>2. Further Subdivision -Section 173 No provision for a Section 173 agreement condition to prevent further subdivision of individual lots.</p> <p>3. 1.5 metre horizontal sight lines - Amenity The cross section drawings do not give an accurate preview of the views that may be achieved for the benefit of existing northern side residents. A 1.5m sight line set at floor level does not give a fair view sharing across the wetland, lake and distance hills and mountains.</p>	<p>1. It is our understanding that revised building envelopes, with both 10m and 18m rear setbacks on the lots adjoining the northern residences, were part of the consideration of the members at the VCAT hearing of July/August 2014. The 10m set back was revised to move the built forms on new lots down the hill.</p> <p>The 10m setback on the new lots abutting our residence will result in the significant reduction of a reasonable view. We strongly urge council to endorse the inclusion of the 18m setback as proposed at VCAT.</p> <p>3d building envelope designs should also be included on a Section 173 agreement.</p> <p>2. Section 173 - Conditions: Due to the length of some of the larger new lots in the proposal there is some possibility that the new landholder may subdivide them.</p>

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13	<p>As a resident of Fullarton Drive, I have received correspondence and a notice of planning permit application for subdivision of 10 Fullarton Drive Paynesville. I have reviewed the application proposal and attachments and make the following objections to the granting of a permit.</p> <p>Objection:</p> <p>1. Building Envelopes</p> <p>a. Setbacks</p>	<p>I urge Council:</p> <p>a. to conclude that amendments to the plan to satisfy the points made here in relation to building envelopes, Section 173 and further subdivision should be applied.</p>

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	<p>Absence of 18 metre setback on the lots abutting northern boundary residences 18-42 is inconsistent with the VCAT decision.</p> <p>b. Horizontal Sight Lines - Appropriateness 1.5 metre horizontal sight lines on all lots are inconsistent with the VCAT decision</p> <p>c. Inaccurate sight/view line drawings - MODAN - Proposed site/view lines</p> <p>2. Potential for new landowners to further subdivide individual lots</p> <p>3. Environmental degradation - Ramsar Wetland &: Lakes</p> <p>Impact:</p> <p>1. Building Envelopes a. 10m setback on lots 50-39 does not concur with the VCAT decision based on a revised plan [Appendix 1] submitted by One Plan for the Applicant Lake Park Holdings at the VCAT hearing of 14 August 2014 and endorsed by EGSC planning officer [NAME REDACTED] as the new plan of subdivision building envelope design.</p> <p>The VCAT order clearly accepted these setbacks in its decision, and I refer you to the Order dated 21 November 2014.</p> <p>Extract: Pg.23 Para, 77 - Additional materials provided during hearing</p> <p><i>The hearing did not finish within the allocated four days.... We provided the applicant with a further opportunity to address us on the issue of view sharing, including the preparation of further material to support its submission and Mr Glossop's evidence that the sharing of view is achieved by the proposed lot boundaries and building envelopes²⁰. This material was circulated prior to the resumption of the hearing and the other parties were given the opportunity to respond to this material. This meant at the resumption of the hearing and during our subsequent inspection we had the benefit of:-</i></p> <ul style="list-style-type: none"> <i>Revised building envelope plans from the applicant that increased the rear setback of the building envelopes on proposed lots 14-24 from 10 to 18 metres to position the future building lower down the land slope.</i> <i>A view line section of each Fullarton Drive property from the applicant based on a survey of floor level at the centre of the north façade of each Fullarton Drive house; and</i> <i>Served view lines of seven Fullarton drive houses from the residents.</i> 	<p>b. To consider whether or not this plan meets the VCAT decisions of Orders 4 August 2011 and 21 November 2014; and</p> <p>c. other planning requirements for GRZ1 and other statutory requirements within the planning scheme framework.</p>

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	<p><i>Footnote 20: This was discussed orally in the hearing on 18 July 2014. Our order dated 23 July 2014 gave leave to the applicant to provide any further materials (such as illustrations, facts relied upon and methodology of preparation) that it wishes to rely upon in regard to the issue of view sharing.</i></p> <p>This plan was supported by Section site line drawings showing the 18 metre setback for northern resident lots 18-42. [Appendix 2] For this purpose, I provide drawings for 28 Fullarton Drive.</p> <p>This evidence supports the amendment to the newly proposed building envelopes from 10m to 18m rear setback for the lots 50-39.</p> <p>1. Building envelopes In its finding in VCAT Order dated 4 August 2011, after considering the first application for a planning permit by Lake Park Holdings, the members found in favour of the residents' submission that views of Lake King form part of the resident's amenity</p> <p>This outcome was influenced by the 'in perpetuity covenant of a building height of 4.5m at highest part of the land' on titles for houses on the southern side of the new subdivision. The covenant still limits any improvement in our ability to address the view amenity in a different way.</p> <p>Extract: Page 17 Para 56 <i>The Council explained DDO14 contains no reference to the sharing of views but submitted that this could be achieved through the incorporation of appropriate building envelopes in the subdivision. The Council did acknowledge that the lack of any reference to the sharing of view in the planning scheme limits the amount of weight that can be given to this issue in considering the planning merits of this proposal. Nevertheless, we appreciate the Lake King views from part of the amenity of the residents' properties.</i></p> <p>b. View [sight] lines In response to the revised building envelope plan, approved at the VCAT hearing of 14 August 2014, the residents engaged Austec Surveying, Bruce Bowden, and submitted his methodology report and a copy of the plan of the subdivision showing the surveyed direction across the lots from the residents' homes, to demonstrate a view line into the centre of the wetland. [Appendix 3]</p>	

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	<p>The residents 18submitted to VCAT drawings indicating both horizontal set at 1.2m and oblique view lines which clearly showed the difference a 20 angle makes to view sharing. [Appendix 4] for this purpose I provide drawings for 28 Fullarton Drive.</p> <p>I refer you to the VCAT Order dated 21 November 2014. Pg.23 Para, 78 – Sitting or Standing Views. Pg.24 Para 79/81 – Overall Views Pg 24 Para 82/83 – Vertical View Corridors or Horizontal Views</p> <p>Extract: Pg 25 Para 83 <i>What this means is that we have given more weight to the horizontal view proposed to be maintained in light of the current panoramic views available to each Fullarton Drive house. The current view is what we would describe as a whole view in which the interface between land and water is visible and appreciated in a wide, often panoramic viewshed. The current view is commonly available from rear decks and principal living areas in both sitting and standing views.</i></p> <p>Extract: Pg 27 Para 87 <i>Almost half of the houses.... Given this proposal is a large subdivision with limited constraints, particularly on the southern part of the site other than for topography we are not persuaded the extent of impact on view sharing achieves a reasonable outcome. Whilst it may not be reasonable to expect that the impact on each house is entirely equal, we are of the opinion a review of the detail of the subdivision layout should be able to achieve a more acceptable extent of impact across each property than that contained in this proposal.</i></p> <p>Because the residents on the southern side of Fullarton Drive are beneficiaries to the restrictions constraining residents on the north side, we will be sandwiched with the new subdivision with extremely limited view sharing opportunity.</p> <p>This evidence supports the amendment to oblique sight/view lines on all abutting lots to all northern houses on Fullarton Drive.</p> <p>1. Building envelopes c. View [sight] lines drawings submitted within this permit application Ref: date 6/8/2022 Version 3 – 28-30 Fullarton Drive [Appendix 5] Clearly the data shown on the view line section drawings for houses 12 and 28 are incorrect.</p>	

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	<p>These drawings may not be excused as [refer to note on drawing]</p> <ul style="list-style-type: none"> · Plans are indicative only · Finished surface levels are subject to engineering design · Survey produced by Crowther and Sadler <p>That this practice may be the 'norm' under planning permit application processes, it does not provide an accurate representation to affected residents nor the EGSC.</p> <p>It is not acceptable that inaccurate information or resources affecting the permit decision process are submitted to EG Shire Council</p> <p>2. Potential for new landowners to further subdivide individual lots Although this new subdivision plan is conceived and designed by the Planners and Developer to meet planning scheme policy and guidelines, I submit that the planned subdivision does not meet all the criteria. The future subdivision by new lot owners on the larger m² lots [or any other] should be avoided due to the potential of increased built form bulk, landscaping intrusion and impact on the Ramsar Wetland and adjacent Crown lands.</p> <p>The DDO14 clearly provides guidelines for design objectives and Councils decision Schedule 14 to the Design and Development Overlay – DDO14 Residential Development in Coastal Settlements: Paynesville</p> <p>Significant Landscape Overlay The Paynesville Growth Area Structure Plan was adopted by EGSC on 2 August 2016. On Page 28, under sub heading Statutory Implementation, details of the process for implementation are stated including: <i>3.2 Amend the Municipal Strategic Statements – amongst others</i></p> <p><i>3.2.3 Removal of the Significant Landscape Overlay Remove the SLO affection land within the Structure Plan areas.</i></p> <p><i>3.2.4 Apply a DPO and Schedule for Residential areas</i> <i>a. Apply Development Plan Overlay [DPO] to land affected by the Paynesville Growth Area Structure Plan.</i> <i>b. Unless otherwise directed by the responsible authority the Development Plan must contain all necessary details to demonstrate conformity with the Paynesville Growth Area Structure Plan.</i></p>	

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	<p>3.2.6 Apply a DDO and Schedule</p> <p>a. Apply Design and Development Overlay [DDO] to land affected in the Paynesville Growth Area Structure Plan as 'Residential'. The DDO Schedule should be consistent with DD011, currently applying to Residential land in Paynesville, with specific requirements to implement the objectives of the Structure Plan in relation to lot layout and the development of housing forms that meet the objectives and requirements of the Structure Plan.</p> <p>It seems a bit contrived that the SLO is to be removed without foreknowledge of what it will be replaced!</p> <p>I submit that this land is subject to the conditions and expectations of the EG Shire Planning policy for subdivision design and development purposes and State Planning Policy SLO 42.03 and General Provisions 65 decision guidelines.</p> <p>To comply with these overlays and schedules, and to alleviate the impact of future subdivision of these lots, a condition for no further subdivision of these subdivision lots should be included on a Section 173 on all lots, or a restrictive covenant on each lot title.</p> <p>It is worth noting the references made in the VCAT Order of 4 August 2011 to the first Application by Lake Park Holdings.</p> <p>Extract: Pg 17 Para. 58 – Views of the site <i>The Council also described the site as visually prominent from a number of locations including the Gippsland Lakes, the foreshore reserve, Burden Place, Eagle Bay Terrace, and Fullarton Drive. Mr Torrington tabled photographs of the site taken from a boat in Lake King to show the current onshore residential development conditions. These images demonstrated to us that, irrespective of height controls that may be applied over this subdivision, impacts from residential development are, and will continue to be, evident from the lake because of the extent of existing development that has and is continuing to occur. There is still to be further development of vacant lots along Eagle Bay Terrace, and we consider they will be dominant. Mr Torrington described this situation as one in which 'the horse has bolted'. We are not persuaded by this. We accept this is currently the situation, however, we consider there is some merit in more carefully reviewing the lot layout of the subdivision in any new future subdivision.</i></p> <p>Extract: Pg18 Para 59 - Any future application <i>We are of the view that layout of the subdivision should consider lot orientation and size coupled with three dimensional building envelopes. This may provide scope to avoid new buildings dominating the view from the Lake, while</i></p>	

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	<p><i>concurrently providing some opportunities for reasonable view sharing for the existing development behind the south, specifically in Fullarton Drive and Eagle Bay Terrace.</i></p> <p>3. Environmental degradation - Ramsar Wetland and Lake King The Paynesville community quite rightly has concerns about the sustainable 'wellbeing' of the Ramsar Convention protected, Lake King and Lake Wellington, and more broadly the Gippsland Lakes system.</p> <p>Residents of Fullarton Drive, Burden Place and the Inlet are fortunate to reside in the close proximity of the lakes and Point Fullarton Wetland and consider the development by subdivision for housing or other purposes as a threat to local waterways and features.</p> <p>As a resident in the close proximity of Point Fullarton Wetlands and Crown lands, I am concerned that the natural habitat will be diminished by the proposed new subdivision and the future development of parcels of land on the Lake King foreshore up to the Paynesville Road.</p> <p>On the EGSC website states: 'Water Sensitive Urban Design [WSUD] provides a range of benefits such as a clean environment, lush vegetation, improved amenity for recreation and health habitat for native birds and wildlife. WSUD are stormwater strategies to reduce hydrology impacts by slowing, capturing, treating, and using rainwater.'</p> <p>The development of the Urban Waterway Guidelines is a step towards the prevention of the degradation of East Gippsland significant waterways.</p> <p>The Point Fullarton Wetlands have an 'Environmental Significant Overlay' implying that it should be managed and maintained to enhance its natural attributes. As a layperson I am concerned that the proposed new plan of subdivision does not meet best practice standards for waterway design and ultimate protections. Erosion is also a significant factor during any future works adjacent to the wetland and Lake King.</p> <p>The handing over of the proposed reserve to the EGSC as an asset raises issues about habitat management and water quality monitoring for instance. The Applicant states that this plan meets and in some instances exceed best practice, but this remains to be seen, is disconcerting to myself, and other residents.</p>	

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	Therefore, I submit that in its consideration of the proposed reserve features and management that the EGSC can fulfil its responsibility to meet best practice standards.	
14	Refer to Grounds in the submission of Objector 10	<p>Currently I enjoy the wonderful amenity of a magnificent panoramic vista of the RAMSAR wetland, lake and hills beyond as well as the native vegetation and including an uninterrupted view of the superb Gippsland red gum which will be obliterated, especially by height of the AHD placed on Lot 51 (16 AHD) which is one whole metre higher than the Lot 52 (15 AHD) directly in front of me. Unfortunately my viewing line towards the RAMSAR wetland and lake is angled towards the west and a roofline to 16 AHD would completely remove any view of the wetland and lake to the west of the tip of Point Fullarton.</p> <p>VCAT outlined the important aspects of the view giving weight to the panoramic view (horizontal view) Paragraph 83, 2014 decision. "The current view is what we would describe as a whole view in which the interface between land and water is visible and appreciated in a wide often panoramic viewshed"</p> <p>I also enjoy the constant presence of a variety of wildlife including the endangered JAMBA migratory bird the Latham's Snipe for which the paddock is important habitat.</p> <p>The applicant should be made to demonstrate to adjacent owners just how much view we will retain in the view sharing situation that the application proposes. The VCAT panel visited my property in 2014 and made an assessment using 4.5 metre poles which did give me an indication of the amount of view I would lose. Since that assessment</p>

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		the subdivision has been redesigned which has significantly changed the lots immediately to the north of my home. Therefore before any approval is given council must require at least a similar assessment.
15	<p>My objection relates to the following negative impacts to the current precinct</p> <p>A. Traffic Management provisions for the precinct and the new Multi - Lot Subdivision</p> <p>B. Restricted access for disabled people</p> <p>C. On flow of traffic dangers Burden Place and Paynesville Rd.</p> <p>A Traffic Management provisions for the precinct and the new Multi - Lot Subdivision</p> <p>Currently in this precinct there is only <u>One way In - One way out.</u></p> <ul style="list-style-type: none"> The Planning Department should be acutely aware of the dangers and liabilities of impacts for not enabling alternatives. There are many case histories of where have caused significant impacts to the detriments of their communities ego Mallacoota, Bemm River, Banksia Peninsula, Wattle Point Burden Place is the only access point for vehicles for current subdivisions only access A new subdivision will place a greater strain on Burden Place No alternative means of access for responding emergency appliances No alternative means of escape from emergencies <ul style="list-style-type: none"> Fires - internal and external Emergencies in and abutting Burden Place - fallen powerlines , structure fire hazardous materials incident - Service station has inherent dangers - above ground diesel storage, above ground LPG storage - creation of traffic hazards particularly in summer time At least 10 people who reside currently are emergency service workers and require constant egress Impact of construction vehicles using local street network- direct effect on eastern land parcels. <p>Recommendation:- That the Council does not allow this subdivision to proceed until alternative means of access and egress has been provided.</p> <p>B. Restricted access to people with disabilities</p>	<p>. Being a retired local senior officer of an emergency organization one of our key requirements for risk management recommendations was that residents and the public have the right to safely egress an area in case of emergencies. This has been a long held principle.</p> <p>The Building Code requires that people are entitled to make safe egress from buildings.</p> <p>Emergency services should alternative means of access and egress to all areas that is their responsibility.</p> <p>Fire Access Roads are constructed to provide to comply these principles</p> <p>Therefore it should be reasonable to expect subdivisions to comply.</p> <p>. As an emergency service provider (volunteer) for 3 different organizations it is my belief that I should entitled to able to egress my home and residential area to provide this essential community based service.</p> <p>There are at least 10 volunteer emergency service providers currently live in this precinct who should afforded the same rights</p> <p>. Because of no provision of a hard standing footpath in Burden Place, I have felt threatened when assisting a non-ambulant</p>

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	<ul style="list-style-type: none"> Burden Place is only entry (on road Only) for people with disabilities No hard standing pathways provided on Burden Place. Enhanced danger to persons using Burden Place with mobility aides - wheelchairs, mobility scooters, wheeled walkers, walking sticks and crutches <p>Recommendation:- That the Council does not allow this subdivision to proceed until a properly constructed hard standing footpath has initially been constructed for Burden Place. Alternative access points should be provided with equivalent facilities</p> <p>C. Dangers of Paynesville Rd. / Burden Place intersection</p> <ul style="list-style-type: none"> Limited Visibility in both direction for departing vehicles Enhanced danger and restricted vision with current permissible parking ie outside service station and both sides of Paynesville Rd. <p>Recommendation :- That the Council does not allow this subdivision to proceed until successful safety issues have been achieved in cooperation with VicRoads and other statutory Authorities</p>	<p>person (wheelchair) in Burden Place. No one in that position, either alone or accompanied should feel vulnerable when traversing this area.</p> <p>CONCLUSION I have attempted to take a more broadened overview of the impact of this subdivision on this community. It is my beliefs that, until the global issues I have outlined have been resolved it would be inappropriate and dangerous to proceed.</p>
16	<p>1. The current permit application does not fulfil some recommended conditions previously identified as important through the VCAT process, in particular that there is at least an 18 metre rear set back from the property boundary at the rear of 26 Fullarton Drive and neighboring lots (18-42 Fullarton Drive). This is important to explicitly embed in the planning permit to ensure any future construction does not unduly impact on the values of the existing properties. 2. The proposal for 1.5 metre horizontal sight lines from the floor level height of existing building at 26 Fullarton Drive does not retain a fair share of the view from our family property. The 1.5 metres should be significantly lower. 3. The proposal does not explicitly exclude future subdivision of the new lots. This should be included as a condition of the permit and recorded on title for the proposed new lots. 4. The removal of native vegetation and subsequent impact on local environmental values including resident flora and fauna populations is proposed to occur directly adjacent to an internationally-recognised and protected Ramsar wetland site. This would result in incremental degradation of the local site and of the overall values of the Ramsar site. It would be a lost opportunity to retain and protect locally-important environmental values for the benefit of the Ramsar wetland and for the local community.</p>	<p>I have a family and financial interest in a residential property at 26 Fullarton Drive. It is owned and resided in by my family (parents). The permit will have numerous impacts on the local values and services currently in place (view, traffic, environment, etc.) and will affect the financial value of the property.</p>
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18	Traffic in Fullarton Drive and Burden St likely to double resulting in high increase traffic noise and increase difficulty entering and leaving Burden St at its junction with Paynesville Rd which is further confused by traffic from the west indicating a left-hand turn – it is not clear if they are turning right into Burden or passing Burden and turning into the service station. Also pedestrian traffic in Burden (walking on the road – no footpaths) at increased danger.	Double vehicle traffic would lead to double noise, double pollution
19	<ol style="list-style-type: none"> 1. Traffic increase in Fullarton Drive <ol style="list-style-type: none"> a. Narrow Street b. Footpath on only one side c. Traffic noise d. Increased danger for residents entering and exiting driveways e. Holiday time and children on bikes f. Traffic fumes 2. Traffic increase in Burden Place <ol style="list-style-type: none"> a. Access from Fullarton Drive into Burden Place lessened b. Access from Burden Place into Paynesville Road lessened c. Vehicle from Bairnsdale direction have left-hand indicators which could mean either left into Burden Place or left into Service Station (ie, possible collision or holdup) 3. Vegetation Loss <ol style="list-style-type: none"> a. Mandy birds and animals in danger of habitat loss b. Bees, water birds, bats, insects, many Native birds c. Hopefully sea level rise is on the agenda! 4. Concerns for friends and neighbours who overlook the area and obviously purchased their property for the lovely view, nature and peace <p>With all the developments proposed and in progress (or completed) for the whole area of Paynesville and any space left what about the main road to Bairnsdale?</p>	

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20 (Gippsland Environment al Group)	<p>The proposed multi-lot subdivision abuts the Point Fullarton wetlands, which are generally brackish in character but sometimes freshwater and sometimes hyper saline, and are populated with a diverse range of vascular and non-vascular plants, and rare and threatened wildlife. Point Fullarton forms part of the internationally significant Gippsland Lakes RAMSAR site. The Gippsland Lakes Ramsar site is one of 64 wetland areas in Australia that is listed as a Wetland of International Importance under the Convention on Wetlands of International Importance especially as Waterfowl Habitat or, as it is more commonly referred to, the Ramsar Convention (the Convention). Gippsland Lakes was listed as a Ramsar site under the Convention in 1982 in recognition of its outstanding coastal wetland values and features. The site is now seen as meeting six out of the nine Nomination Criteria recognising its representative wetland habitats at a bio regional level, vulnerable wetland species, support for key ecological life-cycle functions such as waterbird breeding, its importance for supporting waterbird abundance and diversity and its fish nursery and spawning habitats.</p> <p>¹ https://www.dcceew.gov.au/sites/default/files/env/resources/OcO 185c8-8eOb-4194-a6ca-d0f795bef41 O/files/21-ecd-prelims.pdf</p> <p>Key threats to Point Fullarton's wetlands include; altered water regimes, salinity, pollution, pest plants and animals, natural resource utilisation, dredging, activation of acid sulfate soils, recreation and tourism usage, fire and erosion. Contemporary threats include the prevalence and severity of recent algal blooms and the implications of climate change - particularly sea level rise - on the Gippsland Lakes.</p> <p>The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) prohibits actions that are likely to have a significant impact on the ecological character of a Ramsar wetland unless the Commonwealth Environment Minister has approved the taking of the action, or some other provision in the EPBC Act allows the action to be taken.</p> <p>The proposed multi-lot subdivision poses several potential threats to the adjoining Ramsar wetlands, namely;</p> <ul style="list-style-type: none"> a) water and light pollution, b) heightened recreation and tourism pressures c) pest plants and animals, d) activation of acid sulfate soils during construction, <p>The above threatening process inform our objections to the proposed subdivision.</p>	<p>Gippsland environment group have been lobbying to improve the health of the Gippsland Lakes for decades. We are concerned about the RAMSAR wetlands at Fullerton point. We are concerned about Gippsland Water's ability to manage further sewerage load given the recent multiple local releases into multiple waterways. GEG are also concerned about water run-off loss for the wetlands and run-off contamination. Latham snipe are counted there every year by birdlife Australia. It is one of their snipe count sites. Latham's Snipe is a migratory shorebird listed under the EPBC act. Further encroachment by development will have poor outcome for these migratory birds. A major threat to Latham Snipe is habitat loss caused by wetland drainage, modification, and clearing for agriculture and development. GEG are concerned that this development does not fit with councils 10 year plan to protect the environment. The council has state seven goals in the first being conservation of the natural environment and biodiversity. This development will be in direct conflict with that goal. The development is not a sustainable management of natural resources in that the RAMSAR wetlands will be impacted. Whilst wetlands are important for tourism, biodiversity and climate change mitigation they are not necessarily conducive to building homes next to them. In no way does this development assist community in participating in climate change response. Developing around wetlands shows no respect for traditional custodians of the land.</p>

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	<p>1. WATER POLLUTION</p> <p>The proposal to treat storm water runoff from internal and external catchments via wetland, bio- retention, sediment basins and swales in accordance with water sensitive urban design principles is to be commended. However, as noted by the Water Quality Treatment Performance Table (Site Drainage Plan, p.103) the % reduction in Total Nitrogen and Total Suspended Solids projected by CROSSCO barely meets best practice. Given the internationally significant RAMSAR values at stake, we implore council and the developer to exceed the best practice minimums.</p> <p>Significantly, the proposed road reserve does not appear to incorporate any water sensitive urban design features; such as porous paving, vegetated bio-retention swales, roadside rain gardens and filter strips etc. Given the highly sensitive location of the proposed development abutting an internationally significant wetland and previous VCAT decisions recognising this, we would expect nothing less than best practice in water-sensitive urban road design. The current road reserve plans do not minimise water pollution, and fail to align with water sensitive road design principles. We are concerned that the proposed road design may have a significant impact on the ecological character of the Ramsar wetland, and thereby potentially be in breach of the EPBC Act. We encourage council and local residents to participate in our baseline and periodic water quality monitoring program, to give relevant authorities access to important water quality data.</p> <p>It's important to note that the subdivision plans appear to offer some water treatment scenarios that do not incorporate water conservation measures for all future houses on the proposed lots. In accordance with water-sensitive urban design principles, the proposed development ought to reduce the demand for potable water by using alternative sources of water such as rainwater, storm water and treated wastewater and encouraging water efficient appliances, and low water use gardens and landscaping. The subdivision should incorporate plumbed 2000L water tanks as per the CROSSCO report for all allotments, and this should be secured in a Section 173 Agreement.</p> <p>Finally, we hold grave concerns that East Gippsland Water cannot cope with additional sewerage inflows, given they are already pumping partly treated sewerage into the Mississippi Creek just below North Arm at the moment. Similarly, the water authority released partly treated sewerage into a chain of ponds at Forge Creek, which is a unique ecosystem currently receiving millions in funding towards its restoration. Until sewerage treatment capacity is increased</p>	

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	<p>considerably, we feel that further development will only increase the pollution pressures which the Great Lakes are facing.</p> <p>2. LIGHT POLLUTION Scientists, Government departments, along with the Australian Institute of Landscape Architects among others, have all recognised how light pollution negatively affects humans and the natural environment.² Scientific evidence suggests that artificial light at night has negative and deadly effects on many creatures including amphibians, birds, mammals, insects and plants.³ Glare from artificial lights can also impact wetland habitats that are home to amphibians such as frogs and toads, whose nighttime croaking is part of the breeding cycle. Artificial lights disrupt this nocturnal activity, interfering with reproduction and reducing populations. Unfortunately, no consideration appears to have been given in the proposed development for minimising light pollution, particularly to the adjoining Ramsar-listed, internationally significant wetlands. The U.N. Convention on the Conservation of Migratory Species of Wild Animals of which Australia is a signatory, highlights how migratory birds are at particular risk of light pollution-related disturbances to breeding and migratory cycles.⁴ ² https://www.dcceew.gov.au/Jenvironment/biodiversity/conservation/light-pollution; https://www.foreground.com.au/Jagriculture-environment/the-perils-of-light-pollution/! ³ https://www.nature.com/articles/d41586-018-00665-7 ⁴ https://www.cms.int/en</p> <p>The subdivision's proposed street lighting plan should incorporate the Australian Government's recently released National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds.⁵ How will light spill from street lighting be controlled to a) preserve neighbourhood amenity and character; and b) protect wildlife and other environmental values? We'd like to see best practice street lighting, incorporating the latest, environmentally-friendly LED technology and state-of-the-art directional light spill control to minimise impacts on visual amenity and wildlife; whilst still meeting statutory public safety standards. ⁵ https://www.dcceew.gov.au/Jenvironment/biodiversity/publications/national-light-pollution-guidelines-wildlife</p> <p>3. HEIGHTENED RECREATION & TOURISM PRESSURES The proposal does not appear to explain what role the proposed new reserve will play from an environmental or community point of view. The landscape design proposal for the reserve has been omitted from subdivision plans, prohibiting any meaningful public scrutiny and feedback. The community would benefit from a</p>	

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	<p>low-key, natural play space/seating area for families and a level, hard surface, attractive path (not concrete or gravel). Again, this should be secured in a Section 173 Agreement to avoid the permit obfuscating. by amending permit conditions containing negotiated requirements.</p> <p>Attention also needs to be given to discourage activities that generate excessive noise and disturbance to nearby wildlife (like sporting fields). More educative signage and informative displays similar to those at the Burden Drv parking area would be helpful, especially at raising awareness of the various breeding seasons. Education is a powerful tool that can be employed to reduce human recreational impacts on the wetlands.</p> <p>4. PEST PLANTS & ANIMALS Given the close proximity of the proposed allotments to the Ramsar wetlands, some attention needs to be given by planners on mitigating risks of predatory animals and invasive plants. Responsible pet ownership should be enforced by council, particularly for domestic cats and dogs that pose a direct threat to neighbouring wildlife, such as frogs, birds and smaller mammals. Consideration needs to be given for effective cat curfews at night and early mornings, when wildlife is most vulnerable to predation. Educating future residents of the dangers posed by domestic pets and noxious plants to the Ramsar wetlands would be helpful in reducing these risks to the wetlands. Ways of enforcing responsible pet and plant ownership need to be genuinely explored and actioned upon. Cats roaming freely at night or gardens full of highly invasive noxious weeds for instance; would constitute a clear threat to the wetlands and potentially be subject to an EPBC control order.</p> <p>5. ACTIVATION COASTAL ACID SULFATE SOILS (CASS) GEG is concerned by the potential disturbance of CASS during the construction phase. We will pay close attention to the geo-technical Investigation of the site and recommendations for management if found, noting that CASS mapping confirms its likely presence.⁶ Given the history of poor management of CASS by the applicant for the permit in a previous adjoining development (the Canals), we are most concerned by the permit applicant's involvement in this environmentally sensitive project.</p> <p>CONCLUSION Due to the 5 key threats elucidated above, the Gippsland Environment Group believes this is an inappropriate development for Point Fullarton. The General Residential Zoning is an historical misstep, reflecting the lack of concern and/or appreciation for the fragility of internationally important inland waterway habitats to</p>	

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	<p>residential development. Our first preference is to see the land compulsorily acquired by the state or federal government and protected from future development. Ideally the entire site can be rehabilitated as an open area for all to enjoy, and also act as a long term buffer to the increasing challenges of climate change induced disturbance. We fear that once residents realise that the proximity to wetlands can bring swarms of mosquitoes and unpleasant odours, pressure may well build to have the wetlands treated with toxic insecticides that can harm food webs and unbalance the entire local ecosystem that ultimately place the areas Ramsar values at risk.</p> <p>Accepting that rezoning the land in question is outside the current remit of council, we strongly feel that if the subdivision was to go ahead, then it ought to align with the principles of water sensitive urban design, and that applicant be made to exceed best practice minimums by much more than current plans envisage. Anything less than this could jeopardise the long-term viability of the Ramsar wetlands and potentially be in breach of the EPBC Act.</p> <p>⁶ VRO Coastal Acid Sulfate Soils Distribution - Map 5 for the Gippsland Lakes of Victoria</p> <p>NOTE – a further submission from GEG was received 5 May 2023, attached.</p>	
21	<p>The Modan drawings for the Fullarton Drive residences, 12 & 28 (there maybe others as well) are incorrect and therefor do not give an accurate impression of the sight line and horizontal view for view sharing opportunity. The 1.5 metre horizontal sight lines from our floor level height does not provide a reasonable view share situation and in some cases, none. An oblique sight line would provide a better view. Further subdivision of any new lot has not been a part of the consideration for inclusion on a Section 173 or covenants on new lot titles. The 18 metre rear set back proposed for some adjoining properties has been omitted. These were numbers 18-42 Fullarton Drive. Concerns for the negative impact on existing and potential wild life in the area particularly kangaroos and local bird life. Increase in local traffic on roads that are often under repair indicating inability to cope with existing traffic conditions let alone an increase. Concerns over negative impact on environment including land, air and unique East Gippsland water ways. Climate change and global warming potential for water level rises and increase risk of further environmental crisis'. Including potential increase risk of flooding.</p>	<p>Reduced quality of life, impact on mental health, considerable financial hardship resulting in possible moving away from the area.</p>
22	<p>1 The size of the allotments from lot 16 to 33 are too small. High density developments so close to a recognised wetlands which provides a breeding ground for many native birds and animals could be inappropriate. The wetlands are also the home and hunting grounds for several pairs of Sea Eagles a protected native bird. 2 The walking track is a much valued feature of the Paynesville Eagle</p>	<p>The size of the proposed allotments will make huge difference to the unique environment that attracted us to Eagle Point Village. It is a quiet traffic free place to live. 32 small allotments at such close proximity will take</p>

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	<p>Point community. It 's abundance of bird life and vegetation provides a unique environment for not only local residents but also the many holiday makers who frequent this area to enjoy. This quiet and peaceful environment will be spoiled by the proximity of high density housing. 18 households so close to this valued walkway will contribute both visual and noise pollution. 3 Climate change can no longer be denied. Recent rain events have created extremely waterlogged soil throughout the Eagle Bay Village with a great deal of seepage running from almost all the blocks . The sewerage inspection pits on several blocks have been completely submerged and houses on Sunset Boulevard have made flood calls over the past 18 months. Our own block has had water seeping through it now for 3 months. 4 Climate change is happening faster than was predicted thirty years ago and the current flood markers in the land affected by this planning permit will no longer be accurate, The blocks 16 to 33 could ,in the near future be much closer to a revised flood level. 5 The rapid increase in new housing subdivisions is not being met by the current infrastructure it the Paynesville Eagle Point area. Roads already badly damaged by the recent rain events cannot keep up with the current population, let alone the influx of tourists especially at peak seasons. We have limited medical staff at the local doctors surgery. High density developments are putting a strain on the already stretched infrastructure in this area.</p>	<p>away the very thing we came to live here for. If the land has to be developed surely a more sensitive approach such as fewer but larger allotments would create less disturbance to the environment, the vegetation and the unique native wildlife we currently enjoy. I left Melbourne 49 years ago to come and live in a beautiful quiet and safe place to live. We are not a suburb of Melbourne where land is scarce and high density housing is common place. Reasonable sized allotments create less strain on our environment and leave enough room for both people and the animals to enjoy this wonderful place we live in.</p>
23	<p>-The drawings are incorrect particularly residences 12,28 and do not give an accurate sight line & horizontal view - Potential subdivision of new lots. No guarantee from council that this cant happen. Possibility of government / council changes, that impact "view sharing" arrangement's that are in fact a possibility- - Increased traffic. We have a corner block on Fullarton & the so called Molly . We have a west facing garage that is access into our house which currently has no traffic. With a traffic flow increased from zero to anything puts our egress and ingress at increased risk. - In your recent presentation there was comment made around improving the storm water run off and the improvement that this sub-division will make. Swans nest in that area and it is my concern that the addition of the division will actually adversely affect the lake system not improve it. - View sharing. Current North side Fullarton resident's share the view with the Kangaroos. Future builds don't have to share any of their views as they are deemed frontage. Would request a review of the terminology "view sharing" - Existing walk from Fullarton to Eagle Point. Placing a road way in-between the current walking track has the potential to impact the current tree line that exists. That tree line that is planned to be maintained exists on the current land fall. Changing that landfall will adversely affect that frontage – I cannot find a power infrastructure feasibility study performed on, not only this sub-division, but all the other sub-divisions in this region. AusNet do not have a current Network Support Agreement in place. This area installed an SVC in 1999 and 2 gas fired units in 2000 / 2001 to provide network stability. The area has and</p>	<p>Negative impact on the following Environmental impact on EG water ways Area adversity And all of the above</p> <p>Loss of continuous power supply</p>


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	is growing significantly with power demands increasing. Adding additional load to the area will result in network instability We have quite a few elderly homes in this region that rely on continuous supply of power	
24	Rear setback provisions to proposed building envelope of the 10 metre setback. Clause 89 states that any future subdivision layout should lessen the impact on the properties deemed to have "Moderate to Severe " impacts. As the impact on 24 Fullerton Drive was deemed by VCAT to be Severe, this indicates that for in building in the future development the setback of 18 metre, mentioned in Clause 77 would need to be further down the slope and /or the highest part of the house would need to be less than 4.5 metre high through excavation. The inference from this VCAT decision for 24 Fullerton Drive is that any future development would have to protect the view amenity from the top third of the wetland outwards to the existing lake and mountain vista . Clause 67 identifies that the amenity impact from properties on the north side of Fullerton Drive would be potential loss of views of Lake King and the wetland area. Clause 83 shows that VCAT gave weight to maintaining a reasonable share of the horizontal (panoramic) view enjoyed from the living and deck areas of the houses on the north side of Fullerton Drive.	If the permit is granted in the proposed state it would have a severe impact of our view amenity of the wetlands and part of Lake King and the loss of our bird life watching. The peace of serenity of our area will be understandable lost during any construction, especially to all the wildlife down on the wetlands. Will be more residents and traffic noise. Also with out major alterations to Exit Burden Place onto Paynesville Rd will render it vitally impossible to Exit. It's already hard with the Service station there with people pulling in and out of it and cars ,trucks and boats parking on Paynesville Rd .
25	<p>While this application for development has been tweaked around the edges since the previous applications in 2010 and 2014, it remains an essentially inappropriate outer-Melbourne urban style development which has been detrimental to Paynesville's character and image. The double row of lots above Fullarton Point are crammed into the available space, being only 600-700 sq m in size and are strongly reminiscent of the Coast development, which does nothing to improve the image of Paynesville as a coastal town.</p> <p>The Council and VCAT criticisms of the previous applications are largely still applicable today, particularly with respect to the recognition that the existing open farmland is linked visually to the foreshore reserve and Point Fullarton. The proposed housing development literally crowds the walking track and Fullarton Point and would irrevocably degrade the sense of space which gives the Foreshore reserve and walking/cycling track its special character.</p> <p>While this development application is not substantially different from that of 2014, in the last 8 years the world has changed in ways that make this development totally unacceptable.</p> <ul style="list-style-type: none"> The World Economic Forum's <i>Global risks report</i> identifies critical global risks, of which 4 of the top 5 risks are related to the environment: extreme weather, climate action failure, human environmental damage, and biodiversity loss and ecosystem collapse. (World Economic Forum 2021). 	As a resident of Paynesville, I would experience the further destruction of what was once a healthy, unspoiled ecosystem. As an impacted landowner, I would experience a significant loss of enjoyment of my property, as well as a depreciation in value.



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	<ul style="list-style-type: none"> The Australia State of Environment Report 2021 (SoE Report 2021) states that , habitat loss and degradation remain the main threats to land-based species in Australia, impacting nearly 70% of threatened species. Ecosystems and species seldom respond to pressures in isolation, and the most abrupt changes in ecological systems frequently arise from interactions among multiple pressures rather than changes to a single pressure... Extreme events can also provide a tipping point that overwhelms systems under multiple pressures. (SoE Report 2021) This development application largely ignores the fact that it is in close proximity to Point Fullarton, a significant Ramsar-designated wetlands area. “The act of designating a wetland as a Ramsar site carries with it certain obligations, including managing the site to maintain its ‘ecological character’ and to have procedures in place to detect if any threatening processes are likely to, or have altered the ‘ecological character’”. (Gippsland Lakes Ramsar Site Management Plan, East Gippsland Catchment Management Authority, Bairnsdale. 2015) The location is an environmentally sensitive area which is threatened due to rising sea levels, shoreline retreat and increased frequency and severity of flood events. The compounding pressures caused by building 59 houses on the fringe of the threatened wetlands will place a number of additional stresses on the sensitive area. Past development has resulted in fragmentation of the wetland areas in the Lakes, and the adverse effects on a small remnant wetlands such as Fullarton Point is magnified. The proposed development would cause “hemming in” or “coastal squeeze” where the ecosystem is eroded by rising sea levels but is unable to migrate inland because of the built environment. Pressures on Australian biodiversity have not improved since the 2016 state of the environment report, and outcomes for species and ecosystems are generally poor. Our inability to adequately manage pressures will continue to result in species extinctions and deteriorating ecosystem conditions unless current management approaches and investments are substantially improved. Australia State of Environment Report 2021 (SoE Report 2021) <p>Impacts on human health and wellbeing</p> <p>The links between biodiversity and human health and wellbeing are becoming increasingly obvious. For example, contact with nature is associated with positive</p>	

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	<p>mental health benefits, and can promote physical activity and contribute to overall wellbeing. A major challenge today and into the future is to maintain or enhance beneficial contributions of nature to quality of life and wellbeing for all people. The ecosystem services framework, which recognises the social, ecological and economic benefits that people derive from nature, has become a cornerstone of conservation</p> <p>Environmental decline and destruction is harming our well-being (SoE Report 2021)</p> <p>Comments on aspects of proposal:</p> <ul style="list-style-type: none"> • There has been insufficient community consultation for a development that is of major importance for all our local areas, in particular Paynesville, Eagle Point and Raymond Island. • The importance of wetlands is increasingly recognised in the community, both in the protection of existing wetlands "Environment concerns over wetland." (Bairnsdale Advertiser Oct 5, 2022) and in efforts to create new wetlands "Wetlands project a winner for the environment." (Bairnsdale Advertiser Oct 12, 2022.) • The proposed residential development will alter the ability of the soil to absorb water. At present, rainwater soaks into the soil. If the area is developed, it will consist of hectares of hard non-porous surfaces – roadways, footpaths, gutters, driveways, roofs, decking, paved and pebbled gardens – which cannot absorb water. This will result in a significant increase in contaminated stormwater and run-off. In a storm event, the pollutants and biological contaminants will end up in the wetlands and the lake, promoting further deterioration and algal blooms. The proposed stormwater disposal basins will be inadequate to deal with the kinds of torrential downpours and flood events that are happening with increasing frequency with climate change. • During construction, the ground will become compacted and rainstorm events will carry large sediment loads and pollutants down the slopes to the wetlands below. • The likely presence of Coastal Acid Sulfate soils is a potential hazard. "Soil containing metal sulfides is usually not a concern when it remains undisturbed or covered by water, but if it is exposed to air it can pose a risk to water quality." (https://www.waterquality.gov.au/issues/acid-sulfate-soils) Acid sulfate soil can lead to reduced pH, decreased oxygen concentration in water and the release of heavy metals such as cadmium and lead, and metalloids such as arsenic. Acid and other contaminants can enter waterways and wetlands when soils are rewetted. Decline in water and soil quality poses a risk to aquatic ecosystems, human health, infrastructure, primary industries, and social amenity of waterways. 	

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	<p>https://www.waterquality.gov.au/issues/acid-sulfate-soils)</p> <p>Best practice in 2010 was to avoid disturbance of the soil. In 2022, in an environmentally sensitive area it should be a required response.</p> <ul style="list-style-type: none"> • The proposed recreation area is unlikely to be used as such (like the one at Coast). Flood-prone, mosquito-ridden, presence of snakes – not safe or attractive as a playground or community meeting area • The emphasis on retaining one significant Gippsland Red Gum ignores the fact that the area is an ecosystem, and each apparently minor feature plays a part in the whole. All the trees, all the vegetation, the soil, the water, the wildlife, all play a part to protect the whole. Trees do not thrive when they are solitary. • The open farming land is part of the ecosystem – it provides a hunting ground for raptors and grazing for kangaroos. A token narrow strip of land will not provide the scale needed for an ecosystem to thrive. • There is a crisis of available housing in East Gippsland, however this development is not the appropriate response. Firstly, the land that was sold to these developers comprised 320 allotments, therefore there are 261 allotments available in less sensitive sites from this developer alone, along the main Paynesville Rd, for instance. Secondly, the housing shortage is primarily in areas of social housing, affordable housing and rentals, none of which would be served by this particular subdivision. • The proposed proximity of a residential development to the ecosystem below increases multiple risks - disturbing wildlife habitat, introducing invasive species from garden escapes, and predation of domestic animals, particularly cats. Not everyone keeps their animals confined as they should. Pet waste, grass clippings and fertilizers are brought closer to the wetlands, causing eutrophication or algal blooms when they are swept downhill in a rainstorm. • Ecosystems and species seldom respond to pressures in isolation, and the most abrupt changes in ecological systems frequently arise from interactions among multiple pressures rather than changes to a single pressure. Compounding effects erode ecosystem resilience, leaving a system more susceptible to future change. The cumulative effect of multiple pressures over many decades across whole regions and landscapes and seascapes, especially within and around intensive land-use and marine-use zones, exacerbates fragmentation and further degrades the quality of remnant native habitats, which support many threatened plants and animals. Extreme events can also provide a tipping point that overwhelms systems under multiple pressures. (SoE Report 2021) <p><i>It is all our children and grandchildren who will suffer or thrive as a result of the decisions we make now about our precious marine and coastal environments. We need to work together to change and adapt to the current environmental, social</i></p>	

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	<p>and political climate. (https://www.marineandcoasts.vic.gov.au/coastal-management/marine-and-coastal-strategy)</p> <p><i>I propose that a better use of the land in question would be to establish an extensive open green recreation space with plantings of native flora, playground and barbeque area on the hillside, well above the wetlands, with walkways connecting the walking/cycling track below with the established communities above.</i></p>	
26	<p>1. Increased traffic along Fullarton Drive with negative impacts on neighbourhood safety, amenity and quiet enjoyment of what is currently a no through road. The traffic management plan should consider the impacts of the fully completed development, including planned future developments westward to Bay Road Eagle Point. The number of likely vehicle movements and the potential for Fullarton Drive to be used as an alternative through-route from Eagle Bay to Paynesville should be addressed now, at this stage in the development. Traffic "taming" measures such as chicanes, lowering the speed limit to 40 kmh and other measures to slow or deter through traffic should be set out, to reassure current residents that their rights to road safety and quiet enjoyment of the neighbourhood will not be sacrificed or over-ridden in the planning process. 2. Density of development. The large lot sizes identified in the proposal could potentially see future proposals to further subdivide these lots. Expectations for further subdivision should be prevented as part of the planning determination. The arguments for not allowing closer settlement in this zone, being adjacent to the Ramsar wetland and within an existing neighbourhood settlement pattern, are already well-established. 3. Sight lines to the north over Fullarton Point Wetlands for existing residences should be maintained through establishing meaningful and effective sight lines that minimise the impacts of new structures and garden plantings and allow existing residences to maintain their current views. The sloping nature of the land lends itself to terracing to allow this to happen. Oblique, rather than horizontal sight lines should be established to allow the continuation of this important amenity. 4. The impacts of stormwater runoff and closer settlement on Point Fullarton Wetlands. Being listed under the Ramsar Treaty these wetlands have international significance and deserve the highest standards of protection and enhancement as part of our national obligations under the Treaty. The proposed development should be consistent with the approved plan for management for Ramsar listing of this wetland. The artificial wetland created for stormwater retention and treatment should be designed and operated so that it works to maintain and enhance the biodiversity values of this important locality. As well as managing stormwater nutrient pollution, the plan for this wetland should address aquatic habitat establishment to enhance the function of the adjacent</p>	<p>As it currently stands, I fear that the multi-lot development would lead to greatly increased traffic movement along our peaceful street, with the potential for increased vehicle speeds as future developments to the west cumulatively add to the traffic load and would inevitably lead to its use as a through road. I greatly enjoy the special values of the Point Fullarton Wetland and fear that insensitive design or operation of a stormwater detention basin from this development could unintentionally harm those values, perhaps permanently. I highly value local neighbourhood cooperation and the sense of this being a strong, connected community, with considerable social capital. If existing sight-lines are lost, then this will signal lack of respect for existing residents and their own values; which would likely breed resentment and foster division and antagonism between residents. This would indeed be a significant and unnecessary loss of the most important community amenity.</p>

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	<p>Ramsar wetland; plus establishment of fringing native bushland to extend and enhance the existing strip of foreshore vegetation and provide connectivity. Management of aquatic weeds, pest animal species and garden-escape weeds from house lots should also be addressed. Given the serious nature of our international obligations and the need for performance-reporting on our Ramsar wetlands, these matters should be addressed up-front in the development proposal and not left as an incidental afterthought for the developer after development approval. The Ramsar wetland has already been significantly affected in the past with its area reduced from land-filling from previous development; and the highest exemplary standards should now apply to prevent further impacts on the values that are supposed to be protected under the Treaty. 5. There is an opportunity for this proposed development to work as an example of how community amenity, road safety and environmental amenity can actually be enhanced. Why not?? - If not here now, then where and when could such outcomes be achieved?</p>	
27	<p>I was part of the Friends of Fullarton objector group to the two previous applications and subsequent VCAT hearings. I am now a resident of Violet Town Victoria but have an ongoing interest in the current application.</p> <p>1. The proposed development does not rectify the inadequate view-sharing deemed by VCAT as unacceptable in the 2014 proposal. This was one of the three reasons VCAT upheld the Council's decision to refuse the application.</p> <p>2. The 2022 application will still result in 'severe' or 'moderate' impacts on the existing residential visual amenity of many of the houses on the north side of Fullarton Drive burdened by the restrictive covenant of 4.5m maximum height. There will be an unacceptable interruption to the panoramic view of the mountains, Lake King and the northern section of the wetland as detailed by VCAT in the 2014 decision (Clause 67).</p> <p>3. The proposal does not achieve a 'reasonable' sharing of the view and fails to adequately assess the negative impact of the proposed building envelopes for each individual lot in Fullarton Drive that is constrained in perpetuity by the 4.5m building height covenant.</p> <p>Part A of my submission focuses on the points 1 and 2, and Part B on point 3.</p> <p>A. The main issue is one of discrimination The boxed information below summarises information from the 2014 VCAT Order that relates to view-sharing. In my opinion there are several basic shortcomings with the 2014 VCAT decision relevant to this:</p> <p>4. At the site meeting, the VCAT members took photos from standing and sitting positions. They explain in Clause 84 why they chose the 1.5m standing position as their basis of assessment while acknowledging in the next Clause 85 that this</p>	<p>I have examined the current application in the light of the 2014 VCAT decision VCAT REFERENCE NO. P2565/2013, PERMIT APPLICATION NO. 1/2012/P. I want to ensure that the principles around view-sharing are implemented by any future development. The attached document provides full details of my objection, which I have supported by references to the 2014 VCAT Order as well as several relevant VCAT cases.</p> 

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	<p>finding would have a severe impact upon the views of many properties from a 1.2m sitting position. Although VCAT provides four reasons for choosing the 1.5 height, Clause 85 confirms to me that the 1.5m view height is discriminatory and favours the developer over the request of the residents to have a reasonable part of their residential amenity preserved from a sitting position.</p> <p>5. Yes, the entire Fullarton subdivision was rezoned residential in the early 1980s and there was no covenant imposed on the whole site to maintain the views of the properties burdened by the 4.5m height covenant. This was a developer decision so that double-storey houses could be built on the southern side of Fullarton Drive and maximise the price of blocks that would benefit from protected panoramic views. In 2022, there is now the opportunity to ensure that past decisions can be rectified so that there is no discrimination to residents relative to developer interests.</p> <p>6. From the site visit data, VCAT assessed that the impact on 9 of the 19 houses would be either 'severe' or 'moderate' (Clause 86), which they deemed was unacceptable and would need addressing in any future application. But this was based on the 1.5m viewing height. If the usual everyday sitting height had been applied, most of the 19 houses would have fallen into one of these two categories. This would also apply to houses in Fullarton burdened by the 4.5m restrictive covenant that were not visited by VCAT.</p> <p>7. I have attached one of the photos taken by VCAT on 5 September 2014 from a standing position in the lounge room of No 26 Fullarton Drive. This illustrates VCAT's technique of using the surveyor's 4.5m pole to extrapolate the horizontal viewline across the panoramic view. It is clear that the top of the pole 'touches' the bottom of the hills on the northern shore of Lake King. A new house at this height would block all of the view of Lake King and the entire wetlands. This also illustrates that for a resident sitting on the lounge in their everyday viewing position the view towards the sky would be blocked even further upwards.</p> <p>8. The 1.5m viewing height parameter that the 2014 decision has imposed is a form of discrimination on the existing residents whose house height is constrained by the 4.5m covenant. It fails the test of 'reasonableness' to their current panoramic east-west view. It discriminates against residents who do not reach a standing eye-level of 1.5m and are at least 1.62m tall. The average height of Australian females is around 1.62m. Approximately 50% of females alone are not this tall and would have their view blocked. It also discriminates against older people who get shorter as part of the ageing process.</p> <p>9. It is not 'reasonable' to use 1.5m as the measure for view-sharing because it denies the everyday fact that households spend far more time eating at tables,</p>	 

Objector	Grounds of Objection	How Objector will be impacted
	<p>sitting on outdoor furniture, and sitting inside and looking out compared to standing and looking at a view. This is not just true of Fullarton Drive residents, but of the population in general. It is unfair to expect that an existing residential amenity should be enjoyed from the standing position only. Given the demographic composition of Paynesville, many residents are in their older years and spend a lot of time at home. They do not want to and/or are unable to stand for long periods. The requirement of standing to achieve view-sharing adds a layer of discrimination for residents of all ages. Not to mention residents who are currently confined to wheelchairs or may be so in the future. Their existing view sharing amenity will be obliterated if the 1.5m height is adopted over the 1.2m sitting height.</p> <p>10. Ergonomic studies in the UK for seating in theatres use an average eye-level of 44 inches above floor level, which equates to just over 1.1 metres viewing height. This is even less than the 1.2m level that was proposed by the Fullarton Drive residents in 2014 as acceptable for their everyday amenity.</p> <p>11. VCAT acknowledged in Clauses 79, 80 and 82 that the current view amenity is panoramic. However, the horizontal or 180-degree east-west viewline of each property visited was not fully assessed. The VCAT members mostly focused on a view with the pole at the highest point of the block directly in front of an existing house. There was not a full assessment of view impairment of the entire panorama that would result from new houses to the right and left of the one containing the pole.</p> <p>12. The current application does not address this either. In fact, it does not mention 'panoramic' or 'horizontal' views at all. The analysis of view-sharing completely avoids this terminology and form of assessment, despite the VCAT Order clearly describing what constitutes the panoramic view in Clause 80.</p> <p>VCAT REFERENCE NO. P2565/2013 PERMIT APPLICATION NO. 1/2012/P made on 24/11/2014</p> <ul style="list-style-type: none"> • The permit for a multi-lot subdivision was not granted. • Clause 3 states one of the three the aspects of the proposal that were not acceptable to VCAT as: the amenity impact of view sharing. • Clause 5 is about the issue of view sharing. VCAT did a detailed analysis from the inspection of individual houses and found that a reasonable sharing of views had not been achieved by the revised plans presented on the final day of the hearing. • Clause 60 states that any future 2-storey homes should address the potential amenity impact of view-sharing on existing residences. 	

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	<ul style="list-style-type: none"> • Clause 67 identifies that the amenity impact from the properties on the north side of Fullarton Drive would be 'the potential loss of views of Lake King and the wetland areas'. (In other words, the amenity included views of the lake and part of the wetland, not just the mountains and the horizon.) • Clause 79 states that VCAT considered the overall viewshed or panorama. • Clause 80 describes the overall view as 'the vegetation along the foreshore walking track, the wetlands, the lake, the mountains in the distance and the sky above'. (In other words, these are the elements that make up the panoramic view.) • Clause 82 relates to the applicant's proposed building envelopes which they claimed provided adequate view corridors. However, VCAT were 'not persuaded that the vertical view corridors achieve a reasonable sharing of views... given the existing panoramic views currently enjoyed. • Clause 83 shows that VCAT gave weight to maintaining a reasonable share of the horizontal (panoramic) view enjoyed from the living and deck areas of the houses on the north side of Fullarton Drive. • Clause 84 states the reasons the VCAT members deemed the sitting position to be an unreasonable height for assessment of view-sharing. • Clause 85 acknowledges that using the 1.5m viewing height will affect the amenity of many of the properties, and that 'the impact upon their sitting positions will be severe'. • Clause 86 provides the guidelines for assessment the level of impact of the proposed building envelopes. Where the view of the wetland and lake were mostly or totally lost, the assessment was deemed 'severe' (Nos 8, 26, 28, and 42). Where the view of part of the lake is maintained, the assessment was 'moderate' (Nos 12, 18, 22, 24, and 34). • Clause 87 states that 'the subdivision layout should be able to achieve a more acceptable extent of impact across each property than that contained in this proposal.' The VCAT members were not 'persuaded the extent of the impact on view-sharing achieves a reasonable outcome.' • Clause 89 states that any future subdivision layout should lessen the impact on the properties deemed to have 'moderate to severe' impacts at a 1.5m standing view height. <p>B. Simplistic presentation of view-sharing in the application</p> <p>13. The application presents on pages 71-76 section plans for 6 proposed new houses juxtaposed with an existing neighbour in Fullarton Drive or Eagle Bay Terrace. Only 3 of these are on the northern side of Fullarton Drive burdened by</p>	

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	<p>the 4.5m covenant - Nos 12, 28 and 54. These were also 3 of the 19 houses visited by VCAT in 2014.</p> <p>14. The sectional diagrams are difficult to interpret and contain inaccuracies. Measurements have only been provided for 2 out of the 6 new houses and the data for Nos 12 and 28 Fullarton have been transposed and do not correlate with the map data on page 70. The application should be refused just on this point alone. It contains inaccuracies and should be corrected.</p> <p>15. There are also no similar diagrams for at least the other 16 houses that VCAT visited in 2014. To be fair to all affected properties burdened by the 4.5m covenant - not just the 16 who joined the VCAT action - the same analysis should be made.</p> <p>16. The 6 sectional diagrams are simplistic - they show a viewline extending in a straight-line into infinity. They do not indicate what proportion of the panoramic view of the mountains, Lake King and the wetlands is achieved (or is blocked). They are not an appropriate tool for assessing the full impact on existing views. They are also a completely different technique to the accepted technique that VCAT used.</p> <p>17. It is also disturbing to see that the first and second points of the NOTES section say that the diagrams are 'indicative only' and 'finished surface levels are subject to engineering design'. How trustworthy can they then be, especially where the view just skims the roofs of most of the proposed new houses?</p> <p>18. Sectional diagrams do not take the standing/sitting perspective used by VCAT. Photos using a surveying measurement pole provide a more acceptable way to judge the impact. If a horizontal line is drawn across the 180-degree perspective taken by VCAT in 2014, this gives a clearer and more easily interpreted assessment tool.</p> <p>19. The application does not adequately address the issue of reasonable view-sharing. The 2014 VCAT Order says that 'severe' or 'moderate' impacts are not acceptable. The application does not mention these terms at all. The sectional diagrams do not prove that just because a straight line can be drawn skimming the top of the roof of a new house that views will be acceptable on the VCAT scale.</p> <p>20. The categories 'minor', 'moderate' and 'severe' are subjective. Clause 86 of the VCAT Order provides the clues to how VCAT arrived at these, but these</p>	

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	<p>categories are not used by the applicant. It is obvious that this type of assessment cannot be made from the sections presented.</p> <p>21. The Council should refuse to consider the application further based on the inadequacies of sectional diagrams and the fact that this is a different assessment technique from that used by VCAT. It is not acceptable that VCAT's technique has not been matched.</p> <p>22. The proposed roofing design in the applicant's building envelopes will also impair views. Hip roofs are better for view sharing, giving more space either side of the triangular shape compared to a flat or skillion aligned parallel to the horizon. (See photos.)</p> <p>23. The application does not use any 3D simulation for each house that is restricted by the 4.5m covenant. In fact, for a development of this size and expense, a more sophisticated 3D model providing greater accuracy should be requested.</p> <p>24. 'View sharing has become a significant environmental impact issue for urban development assessment and requires special knowledge of 3D simulation of effects on views and the preparation and use of photomontages as a tool for analysing view loss.' (From the website of Richard Lamb & Associates, providers of expert testimony on the impact of development proposals on view loss and view sharing. Richardlamb.com.au).</p> <p>25. On the final day of the 2014 hearing the applicant provided 18m and 10m setbacks, yet the VCAT site visit proved that there were still 'moderate' and 'severe' impacts on at least 9 houses. The current application has reduced these setbacks to 10m and 5m so the likelihood of this number increasing is strong. The application fails the 'reasonableness' test because the section diagrams are not able to test point (d) in the Victorian benchmark case (in paragraph 27 below) often used in cases where view-sharing is at issue.</p> <p>26. The applicant makes the following statement on page 21 about lessons learnt from the two previous VCAT hearings: 'The proposed subdivision design was considered by VCAT not to achieve appropriate view sharing. VCAT observed that two storey form is acceptable provided reasonable view sharing is incorporated.' However, the simplistic and minimalistic approach taken to assess this is evidence to me that the applicant has not learnt the full lesson about view-sharing, especially as the viewline on the sectionals is not angled to an end point in the landscape instead of leading in a straight line to infinity.</p>	

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	<p>c. Relevant VCAT cases</p> <p>27. The fact that views form an integral part of residential amenity and therefore a relevant consideration in planning assessments was derived from Tashounidis V Flinders SC (1987). The principles are:</p> <ul style="list-style-type: none"> a. There is no legal right to a view. b. Views form part of the existing amenity of a property and their loss is a relevant question to take into account. c. The availability of views must be considered in the light of what constitutes a reasonable sharing of these views. <p>In addressing the concept of 'reasonableness' it is relevant to consider:</p> <ul style="list-style-type: none"> d. the importance of the view to be lost within the overall panorama available e. whether those objecting haven taken all appropriate steps to optimize development of their own properties. f. Added emphasis will be placed on principles (b) and (c) above if the issue of views is specifically addressed in the planning scheme. <p>28. In Healy and Others V Surf Coast (2005), VCAT determined that the portion of the panoramic view to be lost contained a significant natural feature, and that the loss of view was unreasonable even though the planning scheme allowed a double-storey extension to be erected. VCAT found that the extension must be designed to have less impact on neighbouring views than what was proposed. From the site visit in September 2014, VCAT deemed that the views of the mountains, Lake King and part of the wetlands were significant features whose loss if 'severe' or 'moderate' was unacceptable.</p> <p>29. In Centrum Architects Pty Ltd V Surf Coast SC, Morling and Others an application for review was lodged against the Council decision to refuse a planning permit on the grounds that it would result in an unreasonable impact on the amenity of adjoining dwellings by way of interruption to the ocean and coastal views, so did not achieve a reasonable sharing of the view. VCAT found that the neighbouring properties' views would be substantially affected by the proposal. It also found that many of the objectors' houses were only single storey and had not been developed to their full potential as is required in (e) above. Therefore VCAT overturned the Council decision.</p> <p>This is not the situation for the houses along Fullarton Drive that are burdened by the 4.5m restrictive height covenant and are unable to be built up to rectify any impact of new houses on view-sharing.</p>	


Objector	Grounds of Objection	How Objector will be impacted
	<p>Conclusion</p> <p>30. EGSC should refuse to grant a permit for Application 344/2022/P at 10 Fullarton Drive Paynesville based on the lack of evidence that the proposed development will provide a reasonable sharing of the existing panoramic view amenity of residents.</p> <p>31. In refusing the application the Council has the opportunity of creating a precedent by requiring that any modification to the plans should be based on the less discriminatory 1.2m sitting level viewline.</p> <p>32. In refusing the application the Council should require that any revised application must use at least the same technique as VCAT for assessing the impacts on views, if not a more sophisticated 3D modelling technique.</p>	
28	<p>I object to this application (344/2022/P 10 Fullarton Drive, Paynesville) as it does not provide reasonable view sharing to all adjoining residents as determined by VCAT in their decision in the previous development proposal for this land (VCAT Reference P2565/20132 Planning Application 1/2012/P). The new application states..."To review the appropriateness of the proposed maximum heights, a series of sectional drawings have been prepared by Modan which demonstrate how views will continue to be shared and enjoyed by adjacent properties and the proposed allotments". The sectional drawings demonstrate nothing of the sort. Rather than demonstrating how views will continue to be shared and enjoyed, they show in some cases how the view will be blocked. Unfortunately the Modan drawings use a horizontal line from the viewer's eye line over the new house and off into some unclear ending point. Mathematically the ending point of the horizontal line has to be the AHD (Australian Height Datum) of the viewers eye line. Where does the horizontal line end? On some land over the other side of the lake. Clause 86 of the last VCAT decision considered a view line that angled down from the viewer (not straight ahead) to a point on the wetland that was deemed as reasonable view-sharing. The decision categorised the impact of the previous proposal on each of the objector's reasonable view-sharing as either severe, moderate or minor. If views did not contain a good panorama of Lake King and part of the wetland they were deemed severe or moderate. VCAT decided that severe or moderate impacts were unacceptable. In this proposal following the process used by VCAT in the last decision (or even the developer's own application on page 70 of 112), lots 48,47,46,45,43,42,41 and 40 will all have severe impacts on view sharing by their southern neighbours. (That is is not to say there may also be others that will cause severe or moderate impact which should be determined by a more thorough analysis. But these ones are blatantly obvious.) The reasons for this are quite simple. The AHD limits for each of these blocks has been calculated by adding 1.5 metres from the floor level of one of the</p>	<p>I am a previous resident of Fullarton Drive who fought fiercely and successfully against the previous inappropriate development of this land over many years. I continue to care for its appropriate development and I want to ensure a good (or even better, a great) outcome for this land for the environment, ex-neighbours, friends and new residents. I would be shattered if the application in its current form went ahead after all my hard work in the past. The development application has many excellent features but still needs some serious fine-tuning to be satisfactory. I need to be able to bring my great grand-children down to Paynesville and to be able to say that I was among those who ensured a great development outcome was achieved.</p>


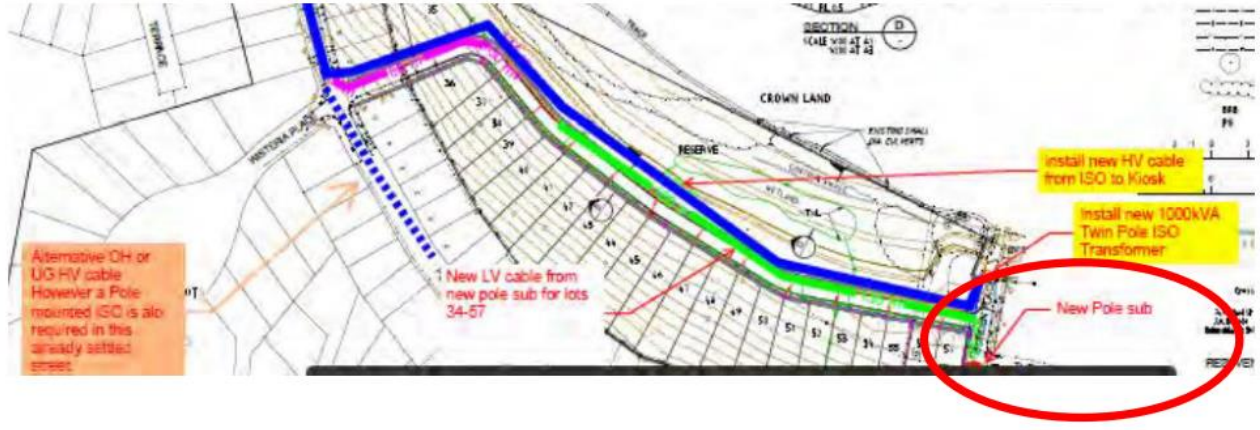
Objector	Grounds of Objection	How Objector will be impacted
	<p>adjoining blocks to the south. Or to quote the application “ the maximum height will not exceed the standing eye level of the immediately adjacent dwelling”. This means that a person standing in a current house with the new house built to its maximum possible height will only be able to see surrounding scenery over the roof line higher than the designated AHD of the new house. In other words, the land over the other side of the lake that is above the viewer's AHD. No shoreline over the other side of the lake, no lake, no wetland. Just some land and the sky. That is nowhere near the reasonable view sharing that the last VCAT decision was proposing. VCAT considered a view that contained part of the wetland and a substantial part of Lake King as reasonable view-sharing. So, the view line must be angled downwards. To adhere to the lessons of the VCAT decision that is the approach that must be taken. This proposal is a much better proposal than the last one and the developer has learnt many things from the previous VCAT decisions. But on this crucial point of not providing reasonable view-sharing to all current residents it is a big fail. Council must reject this application.</p>	
29	<p>1. Rear setback provisions to proposed building envelope. There is an omission of an 18 metre setback on some lots on the proposed plan. VCAT recommended an 18 metre setback for 18-42 Fullarton dve, for good reason. But now it is proposed 10 metres. 2. Section 173. Provision of a condition to prevent further subdivision of individual lots.if this condition is not in place, there is a high risk of further subdivision of the large lots by the new owners. 3. Horizontal sight lines-amenity. The 1.5 metre sight line set at floor level of each northern Fullarton dve residence adjoining the subdivision is inappropriate and doesn't provide a fair view sharing across the wetland, lake and hills. Our viewing of the listed views are, for us,in the seated position. Whether it be in the sunroom, from the dining room table, or on the outdoor furniture on our decking. The average eye level for us in these areas is 1.1 metres. So the proposed 1.5 metre sight line would,for us, be devastating. 4. Potential risk to Point Fullarton wetland. My concern is that there is a potential for the spoiling of the natural features and habitat of the many species of birds and wildlife on the wetland and the shores of Lake King and waters if the best standards of practice are not being met. 5. Exiting Burden place onto Paynesville road. To turn right into Paynesville road now from Burden place can be extremely difficult and dangerous at times. In holiday periods, it is virtually impossible, and to compound the problem, if a car or truck is parked on the road in front of the service station, we cannot see any coming traffic from our left. Very dangerous. With the extra number of vehicles from the proposed estate, a roundabout would have to be installed to allow safe passage onto Paynesville road.</p>	<p>If the permit is granted in the proposed state, we would lose our view of the wetland and part of Lake King and the loss of our birdlife watching. The peace of serenity of our area will be understandably lost during any construction, but may be altered afterwards with more residents and more traffic noise. Also, without major alterations to exist Burden place onto Paynesville road will render it virtually impossible to exit.</p>
30	<p>As a result of the narrowness of the subject land between existing Fullarton Rd premises and the protected Point Fullarton Wetlands, Lots 34 and 35 in the proposed subdivision have been designed to be squeezed in, and because of their subsequent shape the setback has been reduced to 5m. The parcels of land</p>	<p>1. Detrimentially effect our view, comfort and enjoyment due to the reduced setback and low gradient of fall of proposed Lots 34 and 35 2. Detrimentially effect enjoyment of the</p>

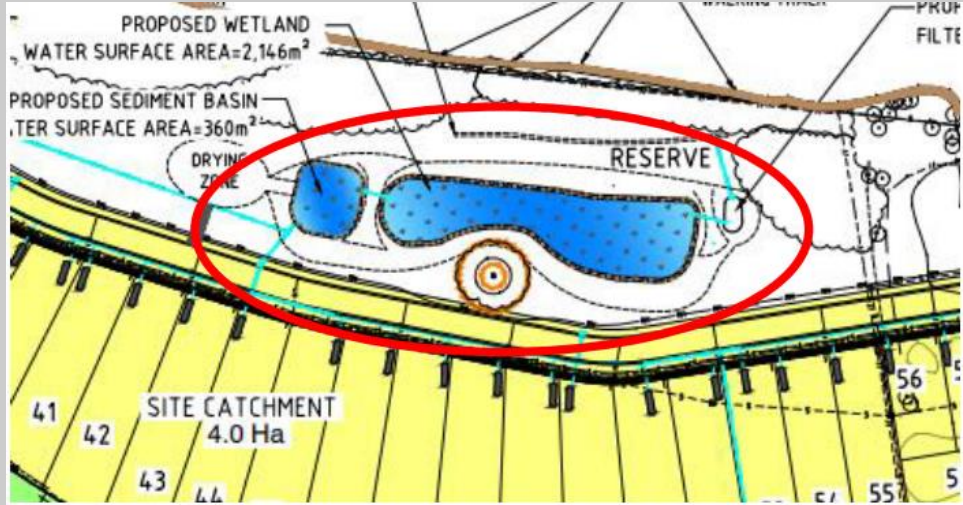
Objector	Grounds of Objection	How Objector will be impacted
	are also close to previous Flood water levels - photos taken a day or so after the June 2007 flood peak show the waters nearing proposed Lots 34 and 35. The area of land proposed to be occupied by Lots 34 and 35 does not appear to be suitable and these two lots should be removed from the proposal.	Point Fullarton Wetlands due to the proposed proximity of Lots 34 and 35
30 (first submission)	Lack of clear certainty in the way the limitation of building heights is defined - the use of AHD seems to be an unnecessary complication. The use of 4.5m above a defined point on each lot's building envelope is more easily established and understood and consistent with existing adjacent properties covenants.	Potential loss of view lines - not just directly in front of existing properties but forward to the left and right. Don't want to be relegated to the equivalent of sitting in the backseat rather than being in a front seat!
31	I object to the construction on three grounds: Firstly I believe they have not taken into consideration the current fencing arrangements of Eagle Bay Terrace neighbours. We currently have a 2 metre open mesh fence. Should development occur this will be damaged requiring a replacement fence at our cost. The proposal has three titles adjoining my property and I will be financially and cosmetically disadvantaged. The current traffic along Paynesville Road with construction and residents has resulted in constant damage to the roads surface causing numerous traffic delays and risk of serious injury. Whilst I appreciate the road condition is the responsibility of Vic Roads surely the safety of residents should be a priority for council. In the event of bushfire this may have dire consequences. Lastly no provision has been made for safety of residents as a result of the development with regard to the existing kangaroo population. The development will force far more of them towards the road, surely some plan should be made towards their relocation for their safety and ours.	I believe I would be impacted financially and I also feel my safety will be compromised.
32	<p>We OBJECT to several of the proposed plans for the subdivision and development on several grounds.</p> <p>1. We Object to Burden place being the only access road to this development, one road in and one road out. This will create a living nightmare for all residents of Burden Place, Fullerton Dr, Windermere Tr & The Inlet.</p> <p>The amount of traffic from the onset with various sizes of construction vehicles to get this project off the ground will be an enormous strain for householders in the area.</p> <p>Burden Place Road surface has already been impacted by the recent development to The Inlet and to Windermere</p> <p>2.We OBJECT VERY STRONGLY that another source of access to such a large project has not considered.</p> <p>We object to the findings of the recent traffic assessment and its relativity to time and date of report.</p> <p>EVERY 2nd house has at least 2 cars, a boat or caravan and we all are at risk at the intersection of Burden Place and the Main Road.</p> <p>VERY brave driver who does not look left and right then right again only to have view blocked by a vehicle pulling in to the poorly situated SERVICE Station on the corner. This also is an issue when an oncoming vehicle indicates he / she is turning Left into Burden Pl, so OK to go NO!! they are turning into SERVICE station and your car boat/ trailer or caravan is stuck midway.</p>	

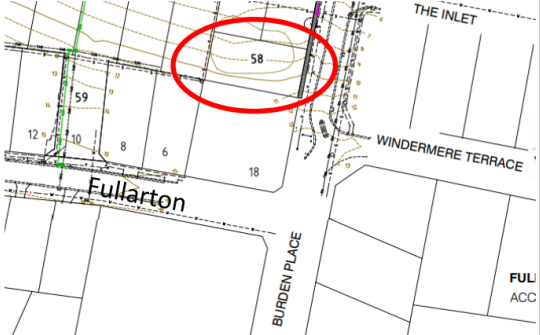

Objector	Grounds of Objection	How Objector will be impacted
	<p data-bbox="499 256 797 280">An ACCIDENT will happen!</p>  <p data-bbox="499 603 1211 683">Road surface in Burden Place since recent new housing projects in The Inlet & Windermere Dr. caused by extremely heavy cartage trucks in the last 3 years</p>  <p data-bbox="499 1286 1883 1337">3.We OBJECT to the Alternative" as shown on the "mark up" to install a pole mounted ISO in the proximity of 51 Fullerton Dr and in direct line of sight to our property 14-16 Burden Place.</p>	

Objector	Grounds of Objection	How Objector will be impacted
	<p>Another object for concrete trucks, steel bearing lorries, road making equipment to negotiate</p> <p>4. We OBJECT to the suggestion of a permanent/semi-permanent wetland area as discussed at our meeting because IT WILL increase mosquito propagation and the increased chance of disease to the immediate population. We have experience with this while living in Qld.</p>	
33	<p>1. The current permit application does not fulfil some recommended conditions previously identified as important through the VCAT process, in particular that there is at least an 18 metre rear set back from the property boundary at the rear of 26 Fullarton Drive and neighboring lots (18-42 Fullarton Drive). This is important to explicitly embed in the planning permit to ensure any future construction does not unduly impact on the values of the existing properties. 2. The proposal for 1.5 metre horizontal sight lines from the floor level height of existing building at 26 Fullarton Drive does not retain a fair share of the view from our family property. The 1.5 metres should be significantly lower. 3. The proposal does not explicitly exclude future subdivision of the new lots. This should be included as a condition of the permit and recorded on title for the proposed new lots. 4. The removal of native vegetation and subsequent impact on local environmental values including resident flora and fauna populations is proposed to occur directly adjacent to an internationally-recognised and protected Ramsar wetland site. This would result in incremental degradation of the local site and of the overall values of the Ramsar site. It would be a lost opportunity to retain and protect locally-important environmental values for the benefit of the Ramsar wetland and for the local community.</p>	<p>I have a family and financial interest in a residential property at 26 Fullarton Drive. It is owned and resided in by my family (parents). The permit will have numerous impacts on the local values and services currently in place (view, traffic, environment, etc.) and will affect the financial value of the property.</p>
34	<p>Blocks 56, 57, 58</p> <p>We object to the placement of lot 58 on several grounds.</p> <p>1. We object to the proposed orientation for lot 58 on the grounds that lot 58 is not in keeping with the block orientation of the proposed development, nor is it in keeping with orientation with houses in The Inlet and Windermere Terrace.</p> <p>2. We object to the orientation of lot 58 (see Diagram below) on the grounds of pedestrian and traffic safety. The drive way to this proposed property will be on Burden Place, (the only property in the proposal to do so). The frontage of lot 58 is very close to the road junction of Burden Place and Windermere Terrace. This junction consists of a sharp bend entering Windermere terrace and a steep drop off in the continuation of Burden Place. The ingress & egress of any drive way position to this lot is significantly visually impaired, increasing the danger to pedestrian, bike riders and vehicle traffic.</p>	



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	 <p>We suggest that the proposal for lot 58 is eliminated and that instead lots 56 & 57 are extended in length in a similar way to lot 55.</p> <p>3. We object to the Burden Place/Windermere Terrace intersection junction (see below diagram) entrance to this development site being used for construction traffic at any time and at any stage of the construction of the site infrastructure and proceeding house/property builds. This junction has been designed for traffic calming and safety, the passageways are narrow and are not meant for heavy construction traffic.</p> <p>We will be directly affected if construction traffic is allowed to access the site using this access route, in the form of possible damage to the nature strip and road way, noise, dirt and air pollution.</p> <p>We suggest that the developer and the council propose a plan to ensure that this road junction is not used by heavy vehicles or equipment for the duration of the site development and that plan should include the provision of warning signage at the mentioned junction and a process of compliance monitoring.</p>	

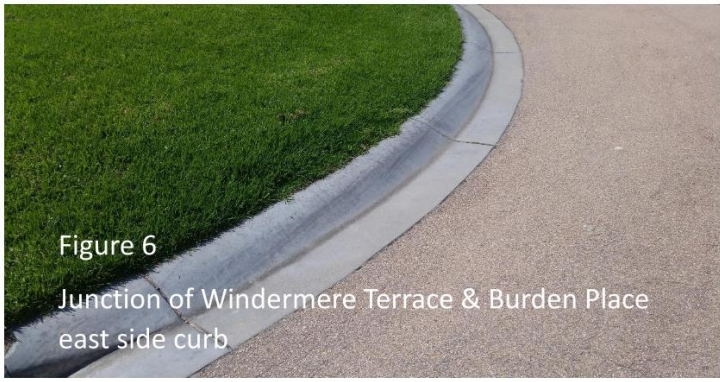
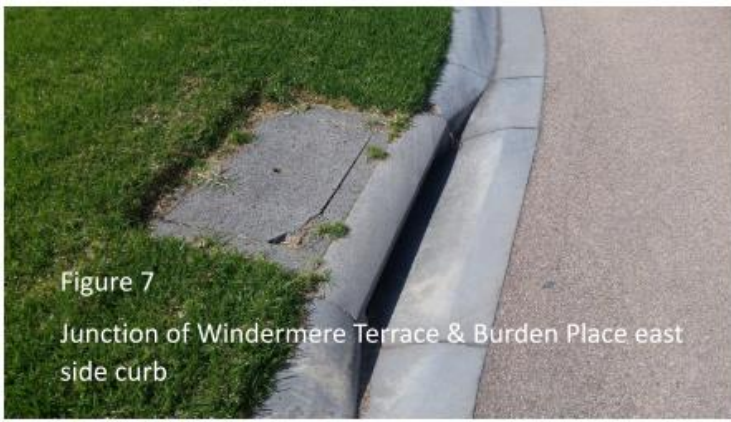
Objector	Grounds of Objection	How Objector will be impacted
	 <p data-bbox="499 762 1888 869">4. We object to the "Alternative" shown on the "mark up" to install a pole mounted ISO in proximity to 51 Fullarton Drive, as the required pole mounted infrastructure would be visually obtrusive to the properties in direct line to this new pole. We note that this is not the preferred method of supplying electric power to the development, but we would like it firm written in the approval that this will not happen.</p> 	

Objector	Grounds of Objection	How Objector will be impacted
	<p>5. We object to the creation of a permanent/semi-permanent wetland area as shown in the diagram below on the grounds of increased mosquito propagation and the subsequent increased chances of incidents of disease transmission to the immediate population of illnesses such as Ross River Fever. This could directly affect ourselves. We suggest that the council/developer includes a study and mitigation plan for council/public consideration.</p>  <p>6. We object to the full validity of the Traffic Impact Assessment report of 10 Fullarton Drive on the grounds of the following:</p> <p>a) The access to lot 58 has been incorrectly assessed. In the report G31597R-01B on page 19 it states "It is noted that one (i) property, Lot 58, will also directly access the existing section of Fullarton Drive". As it can be seen in the diagram below Lot 58 does not have any access directly to Fullarton Drive. This affects us directly as the road access has been incorrectly reviewed and we can not comment on the correct findings of the report.</p> <p>We suggest that the author of the plan re-assesses this detail in their report and the report is re-issued for public scrutiny.</p>	

Objector	Grounds of Objection	How Objector will be impacted
	 <p>b) We object to the assessment made to the North End of Burden Place (the section to the north side of Windermere Terrace), on the grounds that the report does not show or highlight the specific details of the intersection between Windermere Terrace and Burden Place on the north corner. In the report G31597R-01B on page 13 the picture figures 12 & 13 show north & south facing views and omits the view or review of the intersection at Windermere Terrace.</p> <p>Please see our included pictures below.</p> <p>This affects us directly as the road access has been incorrectly reviewed and we cannot comment on the correct findings of the report.</p> <p>We suggest that the author of the plan re-assesses this detail in their report and the report is re-issued for public scrutiny.</p> <p>Figure 1 shows the approach to Burden Place at the corner of Windermere Drive, note the traffic control features at this junction of signage & island structure.</p>  <p>Figure 1 Junction of Windermere Terrace & Burden Place North eastly facing</p>	

Objector	Grounds of Objection	How Objector will be impacted
	<p data-bbox="499 233 1720 256">Figure 2 the view travelling west on Windermere Terrace, highlighting the road fall off and impeded traffic visibility.</p>  <p data-bbox="521 475 1093 595">Figure 2 Junction of Windermere Terrace & Burden Place North westerly Facing</p> <p data-bbox="499 647 1787 671">Figure 3 the view travelling south on Burden place towards the Windermere junction, note the narrowing lane conditions.</p>  <p data-bbox="521 874 1104 994">Figure 3 Junction of Windermere Terrace & Burden Place South Facing</p> <p data-bbox="499 1054 1738 1078">Figure 4 the view travelling north into Burden place off the Windermere junction, note the narrowing lane conditions.</p>	

Objector	Grounds of Objection	How Objector will be impacted
	 <p>Figure 4 Junction of Windermere Terrace & Burden Place North Facing</p> <p>Figure 5 the view of the proposed lot 58, the report makes no mention of this access point to Burden Place and the impacts of traffic and safety.</p>  <p>Figure 5 Junction of Windermere Terrace & Burden Place proposed Lot 58 area</p> <p>Figure 6 Junction of Windermere Terrace & Burden Place east side curb, please note the tyre marks on the curb caused by traffic such as the Waste collection vehicles and similar size vehicles that find the junction tight on width. This damage can extend to the nature strip, which does have the ability to mend itself over time when the traffic frequency is low.</p>	

Objector	Grounds of Objection	How Objector will be impacted
	 <p>Figure 6 Junction of Windermere Terrace & Burden Place east side curb</p>  <p>Figure 7 Junction of Windermere Terrace & Burden Place east side curb</p> <p>Figure 7 showing damage to existing water drain assets, caused by gradual erosion when vehicles fail to negotiate the junction correctly running over the asset. The erosion shows that this can occur frequently enough now to create damage, increased traffic at this junction can only increase the speed of this asset damage.</p> <p>All the above points are overlooked in the report, including the bike and pedestrian traffic accessing the nature trail via this junction.</p> <p>C) We object to the validity of the traffic assessment on the grounds of the period that the measured data was taken. The calendar period used does not represent the peak traffic period, during the summer months December through to February the occupancy of properties and traffic volumes significantly increase. The typical types of vehicles changes, with more vehicles towing boats and trailers. The petrol station at the junction of Paynesville Road and Burden place sees a significant increase in activity. We could be affected significantly at the peak seasonal traffic increase times, by significant increased queuing times at the Burden Place/Paynesville Road junction and increased times for emergency vehicle response.</p>	

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	We suggest that the Traffic Impact Assessment study should be re-opened and the points above assessed by experts and the Traffic Assessment Report should be re-issued for public scrutiny.	
35	<p>1/ Building Envelope:</p> <p>(a) 1.5 Metre Sight Line</p> <p>I firmly object to the 1.5 metre horizontal sight line from my floor level height proposed by the developer as this does not provide me with a viewed shared situation at all. At present, I see the Wetlands, lake King and Metung in the distance including Raymond Island. The developer should consider an oblique sight line option as this would be a much better proposal to myself and other concerned residents. I feel the developers have completely ignored any suggestion of the 1.2 metre submitted to VCAT.</p> <p>(b) Section 173</p> <p>I believe a section 173 should be applied as a covenant on all lot titles and no further individual lot subdivision be allowed. If council agrees for this subdivision to be approved without amendment, it will completely ignore my concerns and greatly disadvantage myself being a resident and rate payer in East Gippsland for the past 30 years. We are on a covenant for height restrictions. I feel we should be given the same consideration. One size does not fit all.</p> <p>(c) 10 metre building envelope rear setback</p> <p>The 10 metre set back proposed by the developer completely ignores the 18 metre rear set back that was recommended by VCAT in the previous submission. Due to the proposed block sizes the 10 metres could easily be extended to allow for less overcrowding. My main bedroom and living room looks out onto the proposed subdivision. I will have no privacy and will have no viewed share amenities. I also believe a section 173 be included. There should also be no allowance for the proposed blocks to be subdivided. What assurance do I have that this won't happen?</p> <p>2/ Water Storage Pond:</p> <p>I am concerned about the management and the location of the proposed water storage ponds. The extra volume the stormwater will produce from this development in close proximity to the Internationally important Ramsar Wetlands site at Point Fullarton is extremely concerning to me. Council have an obligation to make sure this sensitive area is kept free from disturbances. The number of migrating bird species that rest and breed around this area for example: The endangered Latham's Snipe that can be found in the Wetlands and foraging for food in the paddocks at the rear of my residential property need to be protected at all costs. Why aren't there signs explaining the importance of the Ramsar Wetlands? With the construction, street lighting and traffic, this development will cause major disruption to this highly sensitive area. I believe this whole paddocked area adjoining the Point Fullarton Wetlands shouldn't be disturbed and construction should only take place from the western end of the Wetlands onwards.</p> <p>3/ Traffic Concerns/Safety:</p> <p>I am concerned that there is only one entry and exit point to this proposed subdivision from Burden Place/Paynesville Road. In the event of an emergency occurring, myself and other residents would be in a situation where we wouldn't be able to leave our homes. I believe Council have a duty of care for the safety of residents. This infrastructure needs to be a priority and should be finalised before this development begins.</p>	
36	As detailed below I am objecting to this planning application on several grounds. These objections are underpinned by the view that this application, despite the rhetoric, does not adhere to the two decisions previously made by the Victorian Civil and Administrative Tribunal (the Tribunal) concerning this very special piece of land either in spirit or in law.	<p>Conclusion.</p> <p>I strongly object to this proposal for all the reasons set out above. It fails the test of sensitive view sharing as demanded by the Tribunal in two decisions. It sets out to maximise the amenity and I would say value</p>

Objector	Grounds of Objection	How Objector will be impacted
	<p>The developer maintains it has carefully considered the decisions of the tribunal and yet it has not adhered to them in its proposal. The effect on current property owners in my street, Fullarton Drive, has not been sensitively treated. The proposal seeks to create far more amenity in the new blocks of land it is proposing to market at the expense of our already acknowledged amenity and panoramic views as recognised by the Tribunal in its decisions. Both Tribunal decisions criticised the failure to achieve appropriate view sharing in the two previous applications to develop this land and this new proposal also fails that test.</p> <p>Apart from the issue of view sharing, the proposal fails to protect the new development from more intensive future development by creating very large blocks with unreasonably large building envelopes that will undoubtedly lead to applications to further sub-divide the land and create a more intensive development. This is exactly what the two decisions at the Tribunal decided against as being inappropriate for this piece of land which borders a RAMSAR protected wetland of great significance to the State of Victoria and Australia and internationally. (See attached footnote) Achieving the same result through an alternate process would clearly not be in line with the decisions of the Tribunal.</p> <p>The proposal also fails to adequately provide enforceable height restrictions given the particular circumstances of the restrictions that already apply to properties that border the proposed development site. There is virtually no landscaping control on the blocks.</p> <p>Furthermore, the drawings provided are inaccurate and misleading regarding sight lines and imagined dwellings.</p> <p><u>Context in which this decision is being made.</u> It is my understanding that existing properties in Fullarton Drive were built from the early 1980's onwards. I am, I believe, only the second owner of my home. The street is an extremely attractive one and well loved by its residents many of whom have lived in the street for decades. In order to properly protect view sharing the street was set out with a wide road between the two rows of homes, a footpath, and deep setbacks on both sides.</p> <p>This has resulted in considerable distance between properties on the two sides of the street allowing a feeling of openness and space. In order to ensure the properties on the high side of Fullarton Drive had good views of the lake the properties on the lower side, those that directly abut the proposed development, were subject to a Covenant to restrict their dwellings, including my own, to single storey with set height limits. This has resulted in, in so far as is possible, the ability of our neighbours on the higher side of the street to see over the top of our single</p>	<p>of the new blocks at the expense of those of us who have happily resided in Fullarton Drive for years and even decades. It does so in the face of two Tribunal decisions that have already refused planning applications for just these reasons.</p> <p>I would remind Council that it took both these cases to the Tribunal to protect this sensitive piece of land from inappropriate over ambitions and insensitive development. It did so with the full support of and considerable assistance from the Friends of Fullarton group that was set up to help protect this land. Many residents devoted considerable time, effort and expense to oppose the earlier applications. The Council and the Friends of Fullarton were successful both times and for very good reasons. It is now up to Council to ensure that it too fulfils its obligations as decided by the Tribunal and ensures that those hard fought battles are not wasted or ignored and that the findings of the Tribunal in favour of the residents and the Council are fully upheld in its current decision making process.</p> <p>It has in my view both a moral and legal obligation and duty to do so.</p> <p>FOOTNOTE: The international Ramsar Convention on Wetlands was ratified in 1971 and came into force in 1975. Australia was one of the first countries to become a contracting party and is subject to agreed obligations as a result. Australia designated the first Wetland of international Significance in 1974. The Gippsland Lakes were listed as a protected wetland in 1982. It is the largest estuarine lagoon system in Australia.</p>

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	<p>storey houses to the wetlands and the lake. My neighbour across the road has very good views over the top of our house. This was good planning at work.</p> <p>Of course it may be that some residents on the lower side of Fullarton Drive would wish to be able to build larger two storey homes on their blocks but there was a compromise to be made to ensure what the Tribunal described as sensitive and appropriate view sharing. My property is subject to a Covenant. This has major implications for my property, as well as others, in terms of impact of the proposed new development and my ability, as the situation currently stands, to respond if Council allows inappropriate development of the blocks below my home. It also has impacts on the value of my property if I cannot respond.</p> <p>GROUND OF OBJECTION</p> <p><u>Failure to appropriately address view sharing as required by the Tribunal.</u></p> <p>The impact of this proposal on my amenity and those of my neighbours in Fullarton Drive is going to be far greater than is necessary, reasonable or balanced and not in line with the two previous Tribunal decisions.</p> <p>This is in part because the proposal fails to include at least an 18 metre set back at the rear of my property and has reduced that setback to 10 metres. This will no doubt increase the building envelope for the new blocks but it will significantly impact our view. It is completely unnecessary because the proposed blocks will be very large and will have unimpeded views to their rear and thus building slightly further down the slope is more than feasible and reasonable. It is also not appropriate view sharing because it will take away far more of our view than is necessary. It does not present a balanced approach to view sharing in the same way as the two previous failed applications did not. Reducing the very large building envelope for the new blocks will have little impact on those blocks but failing to do so will have a major impact on my property and result the in loss of an important and recognised amenity and panoramic views and property value.</p> <p>The second decision of the Tribunal was based on a revised proposal whereby the developer amended their previously submitted proposal for a 10 metre setback to 18 metres. 10 metres was not felt to be sufficient to protect the amenity of the existing residents. My property was included in this revised setback requirement.</p> <p>The current developers have been made aware of this from the very beginning of the consultation period. Yet, they have chosen to ignore it and revert back to 10 metre setbacks which are manifestly unreasonable in light of the size of the blocks which are much bigger now than previously proposed. In other words they have</p>	<p>The protected wetlands are also subject to National and State Legislation and also specific Management Plans.</p> <p>For example see inter alia:</p> <p>Federally: Environment Protection and Biodiversity Conservation Act (1999)</p> <p>State: Environment Protection Act (1970) and SEPPs</p> <p>Fisheries Act (1995)</p> <p>Flora and Fauna Conservation Act (1988)</p> <p>National Parks Act (1975)</p> <p>Water Act (1985)</p> <p>Wildlife Act (1975)</p> <p>See also: Gippsland Lakes Ramsar Management Plan</p> <p>Victorian Waterways Management Strategy.</p>

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	<p>reduced the depth of the setbacks even though they intend to create much larger blocks. This is both illogical and poor planning. It displays a lack of sensitivity to homeowners in Fullarton Drive that is frankly without merit given the previous decisions of the Tribunal and early discussions with the developer.</p> <p>Council should not allow this proposal to go ahead unless this matter is appropriately addressed. Rear setbacks should be at the very minimum 18 metres in line with the findings of the Tribunal. With such large blocks the setbacks could easily be greater than that in relative terms to the original blocks proposed in earlier developments. This would continue the sense of space and openness that is currently the hallmark of our neighbourhood. With so much bigger blocks setbacks even greater than 18 metres would be perfectly reasonable.</p> <p><u>There is no protection afforded against more intensive development of these blocks of land resulting in potential overdevelopment of the site.</u></p> <p>This proposal not only provides insufficient rear setbacks to the properties in Fullarton Drive. It also proposes only a 4 metre setback at the front of the blocks which on blocks of 1600m2 metres is minimal at best. Especially given the houses will front a public reserve and are so close to important facilities like the cycling/walking track and the internationally significant and protected RAMSAR wetlands they will abut.</p> <p>It would seem the proposal is creating the very largest building envelope possible on these blocks. This is despite the fact that a single dwelling does not require it. This begs the question; are these proposed building envelopes being maximized to facilitate further subdivision once planning permission is granted? Whether or not this is the intention it will almost certainly be the effect of this proposal as it stands. The effect on current residents of this occurring would be devastating and it is certainly not in the spirit of previous Tribunal decisions and not within the boundaries of the decisions as they were handed down.</p> <p>The Tribunal made it clear it considered two rows of houses was inappropriate on this land and that the proposed number of dwellings (75) had to be reduced considerably. Sub-divided blocks could subvert that finding and the number of houses actually built could, in fact, be more not less than in previous proposals. This would effectively be in contradiction to the Tribunal ruling that good planning required fewer homes be built on this land not more.</p> <p>If Council is prepared to approve this proposal it should only do so by requiring a Covenant in the S173 Agreement that there will be no further subdivision of this</p>	

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	<p>land and that each block will sustain only a single dwelling. A developer who says they don't want further sub-division should have no difficulty agreeing to such a Covenant and the Council must act to protect against over-development by requiring it in line with the Tribunal's decisions.</p> <p><u>Incorrect and misleading information and illustrations regarding sight lines.</u> Further to this very important issue of setbacks and potentially later sub-division of these blocks, this proposal is anything but clear or in my view accurate in the illustrations it has put forward regarding the very few properties it has considered regarding sight lines. My property is not one of them.</p> <p>According to this proposal the setbacks at the rear that they are trying to foist on us are 10 metres. Yet the drawings on pages 71-76 have very considerable variations in the setbacks that are illustrated. For example the drawing for 28-30 Fullarton drive shows a building on the new block in front of them with a setback of approximately 50 metres. Yet, if a house was to be built on that block at the proposed 10 metre setback line it would only be able to be 3.2 metres high at that point, or it would rise significantly higher than the sight line. An occupant would have to stand on their roof to see the lake not at the sightline. So far as I can see, it requires a minimum setback of 18 metres on this plan to build at 4.5 metres and remain within the sight lines.</p> <p>If the developer is going to provide "drawings" they should be accurate and that certainly would not be hard to do. Likewise No 12 Fullarton where the so called illustration has a setback of approximately 32 metres not the proposed 10 metres.</p> <p>My own property has not been included in these "illustrations" despite the Tribunal visiting my site. What does seem completely clear from these imaginings is that building a house at the 10 metre setback line is either not feasible or would require the house to be considerably higher than the sight line. Thus effectively ignoring the Tribunal findings and obliterating the views of our existing homes. This does not even come close to view sharing as demanded by the Tribunal.</p> <p>Why this would be even considered necessary or acceptable on blocks that are so big goes back to the point I made earlier. This would serve the purpose of sub-division. It not only provides the biggest building envelope possible at mine and my neighbours expense but it also pushes the building envelope as high up the slope as possible. In my view it is difficult to explain this squeezing out of every inch of building envelope other than to facilitate the possibility of views for two rows of sub-divided homes on each block. In other words this proposal has the</p>	

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	<p>potential to take away my view to give it to intensively developed blocks below me.</p> <p>With such large blocks there is absolutely no need to have manifestly inadequate setbacks and over the top building envelopes if the intention is to build a single dwelling.</p> <p><u>There is no protection afforded against multistorey building.</u></p> <p>As discussed above, properties on the lower side of Fullarton Drive abutting this proposed development are subject to Covenants limiting buildings to single storey with set maximum heights in order to facilitate the views of those residents on the other side of the street. In such circumstances it would be manifestly unfair and unreasonable to allow multistorey development on the land below our homes. We would be doubly penalized by such a situation. We would be expected to live in single storey homes even if our views are severely impacted whilst those both above and below us would not be so restricted. This could not only seriously diminish our amenity but also the value of our properties. We were part of a compromise to ensure sensitive view sharing for both sides of Fullarton Drive. We should not now be left high and dry as those on the land below us are able to build multistorey homes that take out our views. This would be even more likely if the blocks are sub-divided. We could be faced with a double storey home 10 metres from our own whilst we are restricted to single storey. This is completely contrary to the decisions handed down by the Tribunal regarding sensitive and appropriate view sharing.</p> <p>There needs to be a Covenant in the S173 Agreement in the same terms as applies to our properties on the lower side of Fullarton Drive. This is to ensure only one single storey house with set height limits are built on these blocks and that they are within acceptable and reasonable sight lines. This will also protect the views of the homeowners on the higher side of Fullarton Drive. This is sensitive appropriate view sharing for new residents and existing homeowners.</p> <p>It must be remembered, the blocks being proposed here are more than twice the size of current blocks, including my own which has a reasonable sized single storey dwelling on it.</p> <p>So there is more than ample room to build a large single storey home should that be desirable to whomever purchases the blocks. They can orientate them to maximize their view of the reserve and lake without obliterating our views in the process.</p>	

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	<p><u>Too little landscaping control.</u> As described above, the current homes on the two sides of Fullarton Drive have considerable distance between them provided by a road, footpath and deep setbacks. This dissipates the effects to a considerable degree of landscaping on each property. As the two rows of houses face each other they are almost all open at the front thus there are not large barriers of vegetation to block the shared views.</p> <p>This will not be the case if this proposed development goes ahead. All that will separate us from potential new neighbours is a fence and a manifestly inadequate setback. The proposal contains a few non-enforceable "guidelines" as to planting on the properties. It is thus perfectly feasible within these guidelines that a 5 metre or 16+ foot hedge could be planted on the other side of my back fence thus effectively growing a green barrier that obliterates my views. Indeed, as they are only guidelines it is perfectly feasible that a much higher barrier could be created.</p> <p>The Tribunal considered some of this in relation to the siting of the road for the proposed new development. It considered putting a road between the properties in the same way as Fullarton Drive was developed was good planning. Thus, mitigating many of the problems discussed above without taking away the ability for new home owners to enjoy views from the rear of their properties as is the modern norm. It would also result in a greater protection of Council infrastructure against future rises in water levels due to climate change which will no doubt affect the lower reaches of the land subject to the proposal.</p> <p>Enforceable controls should be included to ensure current residents of single storey dwellings do not have all their lake views taken away by inappropriate landscaping. If building cannot occur higher than the sight lines then neither should it be possible to block views using greenery instead.</p> <p>In so many ways this proposal fails to achieve good planning outcomes and protections for current residents of our street who, in my opinion, deserve much more consideration and sensitivity.</p>	
37	<p>A) Setbacks I object that 10 metres setbacks have been applied to all lots. During the last VCAT hearing setbacks of 18 metres were provided for the houses no 18 - 42. This includes our blocks no 28 and no 30. I submit that the new plans must include the 18 metres setback.</p> <p>B) View Sharing / Amenity</p>	

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	<p>The 1.5 metres horizontal sight line does not give us (no 28, no 30) any view. During the VCAT hearing the EGSC submitted that either 1.2 metres or 1.5 metres limits should be considered as one size does not fit all blocks. For blocks 28 and 30, as well as others, 1.2 metres must be applied. A horizontal sightline is unsatisfactory. Instead, an oblique sight-line should be adopted.</p> <p>C) Density To avoid increased density further sub-divisions must not be allowed to prevent over-use (density). A section 173 should be established on the titles of the new blocks. A too great a density was also queried by VCAT.</p> <p>All these points impact on our view-sharing considered an amenity by VCAT, the present plans do not give us, no 28 and 30, that amenity. It is important to raise the fact that all houses on the north side of Fullarton Drive have a height limit of 4.5 metres in perpetuity.</p>	
38	<p>1/ Building Envelope: (a) 10 metre building envelope rear setback The proposed 10 metre rear setback adjoining our property is going against the 18 metres considered by VCAT. We do not live in inner city Melbourne. The blocks to the rear of our property are large enough for the building envelope to be moved closer to the proposed street. If the 10 metres is approved there will be lack of privacy. This will also impact the value of our property. I believe a section 173 should be included. There should also be no allowance for the proposed blocks to be subdivided. Can we be assured this won't happen? Tree heights and sheds are also a concern as these will severely impact our view shared amenity.</p> <p>(b) 1.5 Metre Sight Line I strongly object to the 1.5 metre horizontal sight line for the following reasons: It does not provide me with a reasonable view shared situation at all. At present I see the Wetlands, Lake King and Metung in the distance including Raymond Island. If the 1.5 metre horizontal sight line proposed is approved, I will have no viewed share amenities whatsoever. I feel the developers have completely ignored any suggestion of the 1.2 metre submitted to VCAT.</p> <p>(c) Section 173 I believe a section 173 should be applied as a covenant on all lot titles and no further individual lot subdivision be allowed. If council agrees for this subdivision to be approved without amendment, it will completely ignore my concerns and greatly disadvantage myself being a resident and rate payer in East Gippsland for the past 30 years. We are on a covenant for height restrictions. I feel we should be given the same consideration. One size does not fit all.</p> <p>2/ Water Storage Pond: I have grave concerns with the volume of stormwater that will be produced from the new homes combined with current storm water from Fullarton Drive flowing into the proposed storage ponds, the implications this may have on the existing water table and the close proximity to the Ramsar Wetland. Who will be responsible for monitoring the discharge into the Ramsar Wetland? Will this information such as testing of the water clarity be transparent to local residents? Council is well aware we are having continuous algal blooms in our lakes system. This has impacted our tourism on many occasions. Paynesville is known for being the boating capital of Victoria. I hope our precious lakes system doesn't become the algal bloom capital of Victoria.</p> <p>3/ Traffic Concerns/Safety:</p>	

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	<p>I do not believe that the traffic report submitted by the traffic group assessing the number of vehicles over a one week period be an accurate summary of what really occurs on a day to day basis. With only one entry and exit point to this proposed subdivision from Burden Place/Paynesville Road, safety is already a concern amongst local residents.. We also need to take into consideration vehicles entering Paynesville Road from Vaughan and Cumming Streets. This intersection is already congested on a day to day basis not taking into account the long weekends and holiday period. I have witnessed on many occasions caravans and boats parked on the side of Paynesville Road and on Burden Place waiting to access the service station. Cars and trucks parked in front of the service station also create blind spots for residents wanting to access Paynesville Road. I have witnessed many accidents waiting to happen.</p> <p>Before the development is approved, I believe council have a duty of care to our residents in appointing Vic Roads to undertake a full assessment over a longer period. This will provide a more accurate summary of the traffic and safety concerns we have. I strongly recommend Council work with the developer to implement another exit/entry point to this development immediately in the case of an emergency. The infrastructure needs to be put in place now, not at a later date.</p>	
39	<ul style="list-style-type: none"> • Overdevelopment and increased density and bulk in an area of the Fullarton Point wetlands and RAMSAR Site which will have a significant impact on the ecological character of the wetland. • Increased traffic generation in Fullarton Drive with only one exit point onto Burden Place and Paynesville Road. <ul style="list-style-type: none"> • Likely the majority of the 59 proposed dwellings will have at least two cars adding considerable increase in daily traffic on Fullarton Drive and Burden Place. • All proposed dwellings to travel onto Burden Place to turn left or right onto Paynesville Road. For 59 extra households that will have a least two cars per household. • There are covenants on existing properties on the lower (north-eastern) side of Fullarton drive (between Burden Place and Molly Drive), and Eagle Bay Village, covenants should also apply to any proposed development in the north-eastern area of Fullarton Drive and north-eastern area of Eagle Bay. • Increased traffic generation in Fullarton Drive with only one exit point onto Burden Place and Paynesville Road 	<ul style="list-style-type: none"> • Loss and reduction of wildlife corridor for native animals and birds in an area that is listed REAMSAR site • Loss of amenity due to overdevelopment and increased density of area and reduction in open space. • Loss of amenity due to removal of native vegetation and no requirement to replace lost native vegetation. • Detrimental impact of increase traffic with only one exit point of the proposed additional 59 dwellings exiting from Burden Place onto Paynesville Road. • Traffic hazard on the corner of Burden Place and Paynesville Road (increased during summer and holiday periods with boats and caravans refueling at the only service station in Paynesville)
40	<ol style="list-style-type: none"> 1. Building envelopes - rear set back provisions There is an omission of an 18 metre rear setback on some lots on the proposed plan for some of the adjoining northern lots. The rear setback is proposed to be 10 metres. 2. Section 173 - provision of a condition to prevent further subdivision of individual lots. If this condition is not in place there is a high risk that the individual lots may be further subdivided by new owner due to the large m² lots. 3. 1.5 metre horizontal sight lines – Amenity The 1.5m sight line set at floor level in each northern Fullarton Drive residence adjoining the subdivision is inappropriate and does not provide a fair view sharing across the wetland, lake and distance hills and mountains. 	<ol style="list-style-type: none"> 1. At the final VCAT hearing a revised subdivision plan was accepted by the EGSC as part of the hearing procedures. This plan showed building envelopes with both 10m and 18m rear setbacks on the lots adjoining the northern residences. The 10m set back was revised in consideration of the size of the new lot and the potential to block view sharing on a number of abutting northern Fullarton Drive residences. The 10m setback on the new lots abutting my residence will

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	<p>4. Potential risk to Ramsay wetland My concerns, in layperson terms, are that there is potential for the spoiling of the natural features and habitat of the wetland and Lake King shores and waters due to best practice standard not being observed, managed, and monitored.</p>	<p>result in the significant reduction of a reasonable view. I strongly urge council to endorse the inclusion of the 18m setback as proposed at VCAT. 3d building envelope designs should also be included on a Section 173 agreement.</p> <p>2. Section 173 - provision of a condition to prevent further subdivision of individual lots. Due to the length of some of the larger new lots in the proposal there is some potential for them to be subdivided by the new landholder, this will increase the built form bulk and prevent reasonable view sharing. For this reason, the EGSC should consider adding 'no further lot subdivision' within a Section 173 agreement or on title as a restrictive covenant.</p> <p>3. 1.5m horizontal sight lines from the floor level of adjoining residences does not guarantee a fair or reasonable view for everyone. View sharing in my case is too limited and unreasonable. Further consideration should be given to either reducing the sight line height to 1.2m or 1.5 applied at an oblique angle which will include lake views as well as the background hills is more appropriate. VCAT intended that sight lines were surveyed for each of the residences and adjusted to ensure reasonable view sharing of the amenity for each residence.</p> <p>4. Potential risk to Ramsay wetland / Fullarton Point We are fortunate to live in the vicinity of this spectacular Ramsar wetland and large lake district. This proposed subdivision has the potential to reduce the quality of local habitat and environs. It is important that all measures are taken to ensure this through best practice design and development of all stormwater and run off treatment. Careful monitoring of</p>

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		contamination is vital to the continued health of the proposed reserve and adjoining crown lands. As a major tourist attraction for water activities etc. it is important to ensure our waterways, Ramsar wetlands and lake environs are protected.
41 (for Birdlife East Gippsland)	<p>The proposed development site is a recognised feeding and roosting area of the migratory Latham's snipe (<i>Gallinago hardwickii</i>), the only migratory snipe species in Victoria. This species breeds in northern Japan and adjacent areas and migrates to S.E. Australia for the northern winter, arriving in Aug/Sept and departing Feb/March. Australia has federal obligations under both the Bonn Convention on the Conservation of Migratory Species of Wild Birds and particularly the Japan- Australia Agreement on Migratory Birds (1981) (JAMBA), under which planning decisions should 'promote the survival and/or enhance the conservation status of each species to which the declaration relates'. Latham's snipe is listed under the Environmental Protection and Biodiversity and Conservation Act 1999-Matters of National Scientific Significance-Migratory Species, which gives effect to these international agreements (amongst others). Proposals for changes to sites holding more than 18 individuals of species on this list, trigger a requirement for 'referral and assessment' under the EPBC Act. The proposed development site has regularly held numbers of Latham's snipe exceeding the trigger number, as recorded for this site (amongst others in the wider East Gippsland area) in the three formal surveys per year carried out by the national Latham's Snipe Project Group and recorded on the database Birddata, from which records are absorbed into the Victorian Biodiversity Atlas used in environmental planning processes. The most recent exceedance of this trigger number was in Jan 2022. The proposed development would reduce the area of this significant site by approximately 50%. The proposal for the management of drainage and runoff from the site (including the amendments proposed by Neil M Cragie Pty Ltd and agreed by the developer) has the capacity to significantly degrade the remaining area of the site down to the footpath and Ramsar boundary. Latham's snipe require damp, rough grassy ground to roost in by day and for some foraging, while providing access to crepuscular and night feeding on the adjacent Ramsar site marshes. It is important that the development of the proposed 'reserve' pond and associated development does not have the effect of drying out and sanitizing the area with manicured grass and concrete pathways as has occurred on the adjacent canal development open land. Birdlife East Gippsland therefore requests that, as required under the EPBC Act, the proposed development be referred for assessment by the Australian Government Department of Climate Change, Energy, the Environment and Water, and the result considered, before any planning approval be given. <i>(A supporting letter from</i></p>	<p>Birdlife East Gippsland (covering the shires of Wellington and East Gippsland) is a branch of Birdlife Australia, which is in turn part of Birdlife International. We have a responsibility to ensure that matters of environmental significance affecting all birdlife is properly considered by planning processes in the region. Inappropriate development has the potential to adversely impact on the non-breeding habitat of this listed migratory species and beneficiary of the adjacent Ramsar site.</p>

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	<i>the leader of the National Latham's Snipe Project Group, Dr Birgita Hansen is attached.)</i>	
42	<p>1. VISUAL AMENITY & VIEW SHARING</p> <p>The proposed multi-lot subdivision will negatively impact on our views overlooking the wetlands and Lake King. Our property currently has limited views across the lake, with limited vertical corridor views of the wetlands <i>only</i> occurring between 46 and 48 Fullarton Drive. We fear our vertical corridor views of the wetlands will be completely obliterated if this development goes ahead. The views of the wetlands, lake and mountains that we currently enjoy from our front porch, main bedroom and lounge are a very significant reason for us choosing to live here. We paid a premium for our home over others in Paynesville because of these precious wetland, lake and mountain views.</p> <p>We are greatly concerned that Lot 37's proposed building envelope's height controls and setbacks won't prevent our vertical corridor views of the wetlands from being completely obliterated. It's important to note that residents on the northern side of Fullarton Drive face a catastrophic impact on their unlimited panoramic views compared to residents to their south. However, the limited views of on the southern side of Fullarton Drive only adds to the visual amenity value for these residents. Greater consideration needs to be given to retaining and preserving the existing views of residents on the southern side of Fullarton Drive as they are at greater risk of having their limited views either completely obliterated or significantly reduced even further.</p> <p>The draft Design Guidelines for proposed lots, currently offer relatively weak protection of views, often using nebulous terms like "should", "are encouraged" and "preferred" rather than "required" or "must" and "will" and so forth. The Landscape Guidelines for lots in particular, appear to offer little protection or consideration to view sharing for properties with already limited vistas on the southern side of Fullarton Drive. For instance, The 5m height control on tree and shrub vegetation, can still result in the complete obliteration of wetland and lake views for homes with limited vertical corridor views on the southern side of Fullarton Drive. In sum, the proposed building envelopes and design guidelines are not equally sympathetic to existing development. In fact, the proposed development appears grossly detrimental to vertical corridor view sharing for properties on the southern side of Fullarton Drive.</p> <p>Another consideration is the loss of the 18m rear setback proposed for adjoining properties (nos. 18-42) to a rear setback of just 10m on the current proposed plans. Any reduction in setback distances is a retrograde step that is highly likely to lead to a greater loss of visual amenity for all residents. Though properties abutting the new lots will no doubt be most severely affected by the reduction in rear setbacks, properties on the southern side of Fullarton Drive will also suffer an additional loss of vertical corridor views, and potentially further degradation of views across the lake.</p> <p>Finally, future subdivisions of the proposed lots could also impact negatively on view sharing and neighbourhood character. Consideration should be given to no further subdivision of individual lots and this should be included in the Section 173 or as a restrictive covenant on all lot titles.</p> <p>2. LIGHT POLLUTION</p> <p>Scientists, Government departments, along with the Australian Institute of Landscape Architects among others, have all</p>	

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	<p>recognised how <u>light pollution</u> negatively affects humans and the natural environment. ¹ Scientific evidence suggests that artificial light at night has negative and deadly effects on many creatures including amphibians, birds, mammals, insects and plants.² Glare from artificial lights can also impact wetland habitats that are home to amphibians such as frogs and toads, whose nighttime croaking is part of the breeding ritual. Artificial lights disrupt this nocturnal activity, interfering with reproduction and reducing populations. Unfortunately, no consideration appears to have been given in the proposed development for minimising light pollution, particularly in the adjoining Ramsar-listed, internationally significant wetlands. The U.N. Convention on the Conservation of Migratory Species of Wild Animals of which Australia is a signatory, highlights how migratory birds are at particular risk of light pollution-related disturbances to breeding and migratory cycles.³</p> <p>The subdivision's proposed street lighting plan should incorporate the Australian Government's recently released National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds.⁴ How will light spill from street lighting be controlled to a) preserve neighbourhood amenity and character; and b) protect wildlife and other environmental values? We'd like to see best practice street lighting, incorporating the latest, environmentally-friendly LED technology and state-of-the-art directional light spill control to minimise impacts on visual amenity and wildlife; whilst still meeting statutory public safety standards.</p> <p>3. NEW ROAD DESIGN</p> <p>The road construction design does not appear to incorporate any water sensitive urban design features; such as porous paving, vegetated bio-retention swales and roadside rain gardens and filter strips etc. Given the highly sensitive location of the proposed development abutting an internationally significant wetland and previous VCAT decisions recognising this, we would expect nothing less than best practice in water-sensitive urban road design. The current road reserve plans are clearly substandard, and fail to align with best practice water sensitive road design principles.</p> <p>4. WATER CONSERVATION</p> <p>The proposal to treat storm water runoff from internal and external catchments via wetland, bio-retention, sediment basins and swales in accordance with water sensitive urban design principles is to be commended. However, as noted by the Water Quality Treatment Performance Table (Site Drainage Plan, p.103) the % reduction in Total Nitrogen and Total Suspended Solids projected by CROSSCO barely meets best practice. Given the internationally significant RAMSAR values at stake, the developer can and must do better to exceed the best practice minimums.</p> <p>The application offers some water treatment scenarios that do not incorporate water conservation measures for <i>all</i> future houses on the proposed lots. In accordance with water-sensitive urban design principles, the proposed development ought to reduce the demand for potable (fit for drinking) water by using alternative sources of water such as rainwater, storm water and treated wastewater and encouraging water efficient appliances, and low water use gardens and landscaping. The subdivision should incorporate plumbed 2000lt water tanks as per the CROSSCO report for <i>all</i> allotments, and this should be secured in a Section</p>	

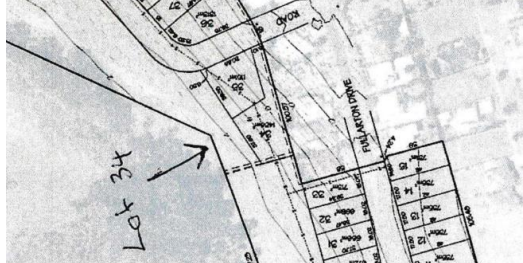
1 <https://www.dcceew.gov.au/environment/biodiversity/conservation/light-pollution>; <https://www.foreground.com.au/agriculture-environment/the-perils-of-light-pollution/>

2 <https://www.nature.com/articles/d41586-018-00665-7>

3 <https://www.cms.int/en>

4 <https://www.dcceew.gov.au/environment/biodiversity/publications/national-light-pollution-guidelines-wildlife>

Objector	Grounds of Objection	How Objector will be impacted
	<p>173 Agreement to avoid the permit obfuscating by amending permit conditions containing negotiated requirements.</p> <p>5. PROPOSED RESERVE The proposal does not appear to explain what role the proposed reserve will play from an environmental or community aspect. The landscape design proposal for the reserve has been omitted from subdivision plans, prohibiting any meaningful public scrutiny and feedback. The community would benefit from a low-key, natural play space/seating area for families and a level, hard surface, attractive path (not concrete or gravel). Again, this should be secured in a Section 173 Agreement to avoid the permit obfuscating by amending permit conditions containing negotiated requirements.</p> <p>6. ELECTRICITY INFRASTRUCTURE The proposed electrical plans don't acknowledge the existing Ausnet network is already congested and unable to handle solar exports from residential roof top solar systems. As things stand, any new properties will not be able to export excess solar power to the grid, discouraging solar uptake in the community. Without an upgrade of the existing Ausnet sub-station, future lot owners will be in a <u>solar export dead-zone</u>, and face far higher pay-back times on their roof top solar investments. We implore Council and the developer to champion this issue with Ausnet; so that future Paynesville residents can participate more fully in the switch to clean renewable energy. It is clearly in-congruent to build and promote a development encompassing best practice environmental urban design, yet attempt to sell lots in a solar export dead-zone.</p>	
42 – How impacted	Loss of visual amenity and view sharing across the wetlands, lakes and mountains, Light pollution harming existing views of the night sky and vistas across the lake, Loss of enjoyment of nature walks to Point Fullarton, I strongly feel any environmental harm to our beloved wetlands and wildlife as a violent act requiring strong legal action	
43	Refer to reasons outlined in Objector 42 submission above.	<p>1. Loss of visual amenity and view sharing across Point Fullarton wetlands, Lake King and distant mountains. 2. Extra noise and traffic 3. Anxiety from light and noise pollution 4. Stress if environmental best practice principles are not followed</p>
44	They have proposed developing of Lot 34 which is in front of 60 Fullarton Drive, Paynesville. There is a huge storm water drain running through this property and I have witnessed a 2 meter wall of water at the boundary near the wetlands. How could anyone buy this block of land and put a house on it or shed. I believe they should adjust there proposal and remove Lot 34 from their plan. This lot 34 is useless to everyone and should be scrapped as you cannot build on it.	If the council wants access to this drain, they wont be able to if it is built on. And why is their only one road back to Paynesville Road, with all the additional houses, how can you rely on Burden Place to cope with this traffic problem. This plan needs another access to Paynesville Road from the Eagle Point location.

Objector	Grounds of Objection	How Objector will be impacted
		
45	<p>1. AMENITY - HORIZONTAL VIEW LINES 1.5m horizontal view lines at a standing height from inside our home applied to the residences on the north side of Fullarton Drive.</p> <p>2. BUILDING ENVELOPES - REAR SETBACK The setback of 10m on the northern boundary of adjoining properties on the proposed subdivision.</p> <p>3. FURTHER SUBDIVISION Absence of provision for no further subdivision of individual lots by new landowners.</p>	<p>1. AMENITY - HORIZONTAL VIEW LINES My husband and I would be disadvantaged by the proposed plans 1.5m site line from a standing position in our home. My husband is disabled and is mostly seated in our living area during daylight hours and the outlook is comforting to him and his sense of wellbeing.</p> <p>I understand the subject land is zoned residential and can be built on, but with the covenants on our property we are not able to remedy this situation by adding height to our home. The 'shared view' of the amenity is significantly reduced and this is unreasonable and is unacceptable.</p> <p>Properties on the 'south' side of Fullarton Drive retain their unrestricted view of the amenity, and prospective owners of the new lots will eventually enjoy uninterrupted views.</p> <p>This approach to all homes on the south of the subdivision is, in my view, discriminatory and does not provide suitable views to most elderly residents and anyone under 5ft tall, including children.</p> <p>Council should consider seeking amendments to this plan for lower site lines set on an oblique angle that affords us a reasonable view sharing position.</p>

Objector	Grounds of Objection	How Objector will be impacted
		<p>2. BUILDING ENVELOPES - REAR SETBACKS My understanding is that on the last Armstrong application, an 18 m setback was planned for some lots adjoining the new subdivision. Our property is one of these and we are disadvantaged by a reduction to 10m. 18m will provide some relief from the reduction of our present view. I also have concerns about privacy [from both new residence upwards and ours downwards] as my main living and dining rooms have full height and width glass windows overlooking the proposed subdivision.</p> <p>The 18m rear setback should be reinstated on this proposed subdivision.</p> <p>3. FURTHER SUBDIVISION Further subdivision of the new lots will have an impact on Paynesville future infrastructure and potential risk to the wetlands and habitat. Increased housing density on this site does not meet planning scheme provision for this area and should be avoided.</p> <p>We ask Council to ensure that this subdivisions' building envelope designs are amended to comply with the VCAT orders and that 'no further subdivision of any lot' is included on a Section 173 agreement registered on each new lot or as a restrictive covenant of all lot titles.</p>
46	1. Lots 1 to 33 are not in keeping with the block sizes as per the Paynesville Growth Area Plan Understanding that the development in question was not actually part of the PGA it is my opinion that the block sizes should at least be adopted thus going somewhat towards maintaining the special character of Paynesville	<p>The direct effects to us are through the loss of our view to the East due to housing and the reduction of the wild life transition.</p> <p>Through the construction phase we anticipate that there would be considerable disruption to our peace and tranquility should the</p>

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	<p>2. The boundaries of Lots 1 to 33 should be aligned to the existing blocks in Eagle Bay Terrace. By doing this it would erase the need for some residences to have multiple rear fence neighbours. The current plan has up to 3 in one instance.</p> <p>3. Some blocks are shown to have only an 18 meter frontage. Given the fact that there is a proposed set back on one side and a standard 1 metre setback on the other side this significantly reduces the building envelope especially on the long blocks 36 to 55.</p> <p>4. Section 173 not documented. At the recent meeting in Paynesville there was a considerable amount of statements made in relation to what would "potentially" be contained in the section 173 documents in relation to set backs from the rear boundary. There is no evidence of this in any documentation.</p> <p>5. There is no provision for public useable space. The reserve/wetlands are simply not suitable for children to play in especially considering the statement made at the meeting that the area would be left to regenerate. In keeping with the Paynesville Development Plan there is call for public useable space to be within 400 meters of each home.</p> <p>6. Access Road for construction. At the information meeting we were advised that the access for construction would be through the property to the west running along under properties 52 to 34 on Eagle Bay Terrace. This is not acceptable. Having heavy trucks running along an unmade road creating considerable noise and raising dust for the duration of the construction places considerable burden on the residences.</p> <p>7. View retention for existing residences Consideration has been given to the shared views of the existing residence stating that the new building height of 4.5 meters and a set back of 5 meters for blocks 1 to 33. This is only a verbal statement making reference to the section 173. Taking a level from standing height at floor level will not accommodate a view of the water over the roof height of the new builds. The set back from the back boundary needs of be greater than 5 meters. The datum should be taken from floor level of existing building. Increasing the setback would address this issue.</p> <p>8. Understanding that growth and development is healthy for the township and in some ways inevitable it is vitally important that we do not lose the character that has made this town what it is. Therefore it is important that new subdivisions of this magnitude do consider wild life corridors and retain significant areas for both</p>	<p>proposed access through the paddocks be adopted.</p> <p>Tip trucks and cement trucks are not quiet pieces of equipment</p> <p>There is also potential for significant dust storms generated while the heavy equipment is traversing through the paddocks.</p>


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	<p>wildlife habitat and recreation. I don't believe this is the case as the subdivision move further west.</p> <p>9. Storm water management strategy. Although not directly part of the proposal I note that there are proposed blocks running to the south of the continuation of Fullarton and north of Eaglebay Terrace blocks 32 to 52 into what is currently Rural Zoned land. To address the shortage of useable park land and play grounds I suggest consideration be given to allocating this space to such activities</p>																	
47	<p>1) We consider the development as proposed will materially affect the RAMSAR Lakes & fringing wetlands.</p> <p>2) The development as proposed will significantly impact the amenity we enjoy.</p> <p>The proposed development has the potential to significantly impact the ecological character of a RAMSAR wetland. While this development is outside the boundaries of the declared Gippsland Lakes RAMSAR area, such actions are still regulated by the Environment Protection and Biodiversity Conservation Act (EPBC Act).</p> <p>There is no evidence that this development have been assessed by the proposer under the EPBC Act Administrative Guidelines.</p> <p>Parks Victoria has a well documented Management Plan which includes Risk Assessments for the deep lakes mega-habitat which includes Lake King and the variably saline fringing wetlands both of which are in the proximity of the proposed development. Threats identified by Parks include:</p> <table><tr><th>Threat</th><th>Likelihood</th><th>Consequence</th><th>Risk</th></tr><tr><td>Residential Development impacting visual amenity from Lake King.</td><td>Almost certain</td><td>Moderate</td><td>High</td></tr><tr><td>Invasive species (foxes and cats) attacking nesting, feeding and roosting waterbirds.</td><td>Almost certain</td><td>Moderate</td><td>High</td></tr><tr><td>Exposure of Acidic Sulphate Soils (ASS Toxicants)</td><td>Likely</td><td>Major</td><td>Extreme</td></tr></table>	Threat	Likelihood	Consequence	Risk	Residential Development impacting visual amenity from Lake King.	Almost certain	Moderate	High	Invasive species (foxes and cats) attacking nesting, feeding and roosting waterbirds.	Almost certain	Moderate	High	Exposure of Acidic Sulphate Soils (ASS Toxicants)	Likely	Major	Extreme	<p>The RAMSAR sites Lakes and Wetlands provides well documented benefits to people as a whole and to us that live in close proximity. Any actions that endangers the wetlands ecological character will significantly affect our amenity.</p> <p>We enjoy expansive views of the wetlands and lakes. This amenity will be significantly compromised if the development proceeds in its current form.</p>
Threat	Likelihood	Consequence	Risk															
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	<p>Since the earlier VCAT submissions in 2010 and 2013 greater community awareness exists for the protection of the natural environment and these elements may not have been adequately considered.</p> <p>While some states, notably OLD and WA have very prescriptive guidelines to determine the size of buffer or protection zones for RAMSAR wetlands, Victoria does not. There are several areas where this proposed development appears to be deficient.</p> <p>We object to the visual bulk of the proposal as seen from Lake King and recommend a reduction in the number of Lots and/or a limitation of the building heights as seen from the Lake and/or an increase in side setback of each dwelling. Many regions of Australia and Victoria have single story, roof and wall colour limitations and achieve much improved outcomes.</p> <p>We object to the proposed subdivisions in close proximity to Crown land and recommend a larger buffer zone between the development and the potential extent of the future wetlands. This will also provide a migratory route for terrestrial flora and fauna. The lakes wetlands are known habitats of several endangered species of birds and frogs and should be adequately protected. Furthermore we enjoy the amenity of regular visits from non threatened fauna including Raptors which feed from the current paddocks. A larger buffer zone would ensure the biodiversity of this wetland is protected.</p> <p>A larger reserve to the North would also provide the potential to relocate the existing Eagle Point walking track - something that will be highly desirable as lake levels increase in the future.</p> <p>We object to the proposed development in close primitive to the wetlands as the intensified use will have a negative impact through increased noise, light, siltation, nutrient runoff and weed invasion. A larger reserve is again recommended.</p> <p>We object to the potential exposure of ASS as this is an EXTREME risk. Adequate surveys should be conducted and the treatment ponds should preferably be located outside of the future floodplain in areas free of ASS.</p> <p>We object to the "sharing" of views as proposed in the development. Many properties in Fullarton Drive and Eagle Bay Terrace enjoy expansive views of Lake King and the wetlands. Typically this encompasses a horizontal scope of 120 degrees or more and a vertical scope extending from the mountains on the horizon to the lake and fringing wetlands. The previous VCAT submissions</p>	

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	<p>introduced the concept of view sharing but this does not appear to have occurred in an equitable manner. We consider the views to be major amenity to the area and the one of the prime reasons we live here. Specifically; We object to the adoption of a 1.5m view line. This height is above the standing eye height of many females and is well above the eye height of a disabled person in a wheel chair. It also fails to recognise that Paynesville has an average of 63 years and many residents enjoy a view when seated.</p> <p>We object to the adoption of a horizontal view line. Most of the view we consider important encompasses the lake and wetlands. A view line declining by 3 to 5 degrees would not materially impact the permitted building heights and would significantly improve the outcome to many residents.</p> <p>We object to the adoption of view sharing where any height limitation imposed by the view line is restricted to only the Lot directly below each property, as this could result in the existing 120 degree views being reduced to a narrow slot. This does not seem to be equitable sharing. Rather we recommend the height limitation be applied to a number of Lots below each existing property, or to achieve a minimum view of say 45 degrees over the proposed lots.</p> <p>We object to a garage setback of 5m. Many large utility vehicles exceed this. 6.5m would be preferred.</p> <p>We object the location of the side setbacks being at the purchasers choice on Lots 15 and 33. Lot 15 is adjoining our property and if built to the boundary would result in significant overlooking of our balcony and living room, overshadowing and loss of amenity. A set back on the South of Lot 33 would retain some views.</p>	
48	<p>View sharing: Elevation We are the owners of 42 Fullarton Drive, Paynesville VIC 3880 Our lot is severely affected by the proposed maximum building heights as it was built at a lower elevation to the houses on either side. As set out in the Building Envelope Plan on Page 70. Our floor height is 16.46m AHD while 44 Fullarton Drive with a floor height of 16.62m AHD and 40 Fullarton Drive with a floor height of 17.31m AHD. View sharing to the East, Lot 40 obstructs the view severely as it is set at the maximum height for the building envelope, at 1.5m (standing height) above our floor level, this will give us a sliver of lake view, while standing. The Lot to the west has a height restriction of 1mt above our floor level. This will allow for a full view of the lake and view of the Point Fullarton wetlands. We would like to propose that the building envelope maximum building heights be changed for Lot 40 from 17.96m AHD to 17.5m AHD This will give a uniform 1m height above floor level and a level view across our rear boundary. Side setback</p>	<p>Side setback In the previous submission to VCAT, it was discussed that having offset allotments would allow for a viewing corridor. The Planning Report, Multi-Lot Subdivision and Removal of Native Vegetation 10 Fullarton Drive, Paynesville Our Reference – 19972 9 August 2022,Page 31 states, A 3m side setback on one side is proposed for each allotment. This will maintain corridors of views between dwellings, whilst also retaining the efficiencies that can be achieved in construction when an element such as a garage wall is constructed on the side</p>

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	In the previous submission to VCAT, it was discussed that having offset allotments would allow for a viewing corridor. The Planning Report, Multi-Lot Subdivision and Removal of Native Vegetation 10 Fullarton Drive, Paynesville Our Reference – 19972 9 August 2022, Page 31 states, A 3m side setback on one side is proposed for each allotment. This will maintain corridors of views between dwellings, whilst also retaining the efficiencies that can be achieved in construction when an element such as a garage wall is constructed on the side boundary, as is typical for many contemporary homes. P31 We have two allotments off set on our read boundary at approximately the halfway mark. The new proposal states that owners can decided to have a 3-meter side setback on one side of and lot and none on the other. If the buildings are placed side by side, we will have no view corridor. We propose that the side setback is set on the plan, so that in the least we will have a 3m view corridor. If this is achievable, we would like it to be the Eastern side, Lot 40 as this has the highest building envelope height and this lot will severely obstruct our view.	boundary, as is typical for many contemporary homes. P31 We have two allotments off set on our read boundary at approximately the halfway mark. The new proposal states that owners can decided to have a 3-meter side setback on one side of and lot and none on the other. If the buildings are placed side by side, we will have no view corridor. We propose that the side setback is set on the plan, so that in the least we will have a 3m view corridor. If this is achievable, we would like it to be the Eastern side, Lot 40 as this has the highest building envelope height and this lot will severely obstruct our view.
49	<p>1 The impact on the wetlands, ecosystem, and native wildlife living in and around the wetlands from noise and destruction from trucks, dust, building, etc. that will continue for years.</p> <p>2 Displacement of large troop of kangaroos who will lose their home. Where do they go? They are supposed to be protected.</p> <p>3. The infrastructure that cannot support the increased population from several existing housing developments already in progress. We have 1 road in and out of Paynesville, 1 small IGA supermarket, 1 doctor and 1 dental surgery, insufficient parking in township especially during tourist seasons.</p> <p>4. 33 of the proposed 59 blocks are crammed in front of the existing eleven properties in Eagle Bay Terrace.</p>	I retired to Paynesville for a peaceful lifestyle. This will destroy my outlook onto the lake, wetlands and native wildlife. These blocks will take advantage of the northerly views over Lake King and distant mountains, existing residents, some who have lived here for many years, will lose their views. We will have no view from our gardens and only a glimpse of the lake from inside our homes, but only if we are <u>standing</u> up.
50	<p>Consideration; Lack of consideration of the people living in Fullarton Drive and Eagle bay Terrace the most of these people are in there senior years have lived there for twenty years or more and have enjoyed the piece and quiet the views and the abundance of wild life and is all about to be taken away with this development. This a very poor out come for elderly rate payers and the wildlife.</p> <p>Wildlife: No consideration ,there can just move on? Most likely on to the roads and then to heaven.</p> <p>Typical Development ,no care for the wildlife. Also that should be noted the recent bushfires killed hundreds and million of animals.</p> <p>Kangaroo Attacks; With this development you are putting people and their animals in very close proximity of wild resident kangaroos ???</p> <p>Sewage; The sewage systems threw out East Gippsland with all these new developments are not coping. No more Development should be approved till they are up graded to cope with the larger population.</p>	

Objector	Grounds of Objection	How Objector will be impacted
	<p>Water; Permanent Water restrictions in place.? Where is the water coming from. How is this going to impact us with all these new developments.</p> <p>Power; Almost every day on the news we are told there is a power short fall. How is this going to impact us with all these new developments.</p> <p>Gas; Almost everyday on the news we are told there is a gas short fall. How is this going to impact us with all these new developments.</p> <p>Pollution. More people more pollution, the lakes had BLUE GREEN TOXIC ALGAE for the better half of this year. How is this going to impact us with all these new developments.</p> <p>Roads; The Bairnsdale Paynesville RD , has been a DANGEROUS MESS FOR YEARS. How is this going to cope with all these new developments. Trucks and more Trucks and cars.</p> <p>Fire: one road in one road out.?</p> <p>Hospitals: Are total over loaded, and a mess.</p> <p>Doctors; If you can get one. Three to four week wait.</p> <p>Schools; In Eagle point and Paynesville are overfull.</p> <p>Burden Place; More cars, Exit into Paynesville road can be quite and more dangerous at times ,there are power poles on your left and right blocking your view of traffic ,And when there trucks, cars, cars and caravans, cars and boats parked in front of the service station the visibility of cars coming from Main St roundabout can be total blocked out. Should possible have lights installed.</p> <p>Fullarton Drive; The elderly residents Could be save the pain of the ongoing building of houses for years if Fullarton drive was blocked of at Number 65 and would only let walking traffic through ,and the new road continues past lots 35 and 34 and re-joins Fullarton drive about lot 32 (refer attached plan). I feel this would be a very favourable outcome for the concerned elderly residents of Fullarton dv for the years to come. And with no loss of any blocks Wisteria Place road entry could replace lot 32 block.</p> <p>Infrastructure; Lack of infrastructure in Paynesville and East Gippsland. It is irresponsible to keep building subdivisions without proper infrastructure.</p>	

Objector	Grounds of Objection	How Objector will be impacted
		
51	<p>1. The severe impact of proposed subdivision and building envelopes on our existing panoramic view scape and particularly the loss of the foreground view over the Point Fullarton Ramsar Wetland.</p> <p>2. The proposed subdivision and building envelopes would result in a very significant loss of enjoyment and amenity we currently enjoy at our dwelling at 20 Fullarton Drive. Particularly in terms of views and wildlife appreciation of kangaroos at close quarters and birds including Latham's Snipe for which the proposed subdivision is their habitat. The main reason for buying the existing property at 20 Fullarton Drive was the magnificent views to the north over the proposed subdivision property. Our property was marketed on this basis and these values would be significantly impacted by the proposed subdivision and building envelopes.</p> <p>3. The severe impacts of the proposed subdivision and building envelopes on the wildlife that currently inhabits the property including large mobs of Eastern Grey</p>	<p>1. My wife and I would be greatly affected by the loss of amenity, serenity and enjoyment of our property particularly from the very significant loss of our magnificent views over the proposed subdivision property to the Ramsar wetlands looking north. This particularly affects us given that the main reason for purchasing and retiring to 20 Fullarton Drive was for the magnificent views afforded.</p> <p>2. If the proposed rear setback to the building envelope remains at 10 metres it would certainly affect our immediate amenity, serenity and view scape. If the permit is</p>

Objector	Grounds of Objection	How Objector will be impacted
	kangaroos and birdlife, particularly Latham's Snipe. These wildlife populations would be completely displaced by the subdivision and building envelopes. 4. I object to the proposed minimum rear setback of 10 metres for proposed allotments in the Eastern section of the subdivision (Lots 36 - 58). The minimum rear setback for these allotments should be reinstated to 18 metres as previously recommended by VCAT, particularly given that the proposed allotments are 70-80 metres in depth. Hence, there would be plenty of building envelope available to build on with an 18 metre rear setback.	granted it should only be with the rear setback reinstated to 18 metres for lots 36 - 58, as previously recommended by VCAT. 3. We would be greatly affected by the loss of enjoyment in being able to observe abundant wildlife at close quarters, particularly the large mobs of Eastern Grey Kangaroos and birds such as Latham's Snipe who inhabit the property proposed for subdivision.
52	See attachment	As a local East Gippsland resident and Gippsland Environment Group member, I am concerned about the impact of the development on biodiversity, See attached.

The Privacy Act requires identifiable information contained within objections to be redacted where the information is to be published online. As such the names, addresses and communication details of the objectors has been redacted/presented in a separate table document. Unredacted objections are viewable at Council's Customer Service Offices by request.

DRAFT OBJECTION TO 10 FULLARTON DRV – MULTI LOT SUBDIVISION (REF# 344/2022/P

The proposed multi-lot subdivision abuts the Point Fullarton wetlands, which are generally brackish in character but sometimes freshwater and sometimes hyper saline, and are populated with a diverse range of vascular and non-vascular plants, and rare and threatened wildlife. Point Fullarton forms part of the internationally significant Gippsland Lakes RAMSAR site. The Gippsland Lakes Ramsar site is one of 64 wetland areas in Australia that is listed as a Wetland of International Importance under the Convention on Wetlands of International Importance especially as Waterfowl Habitat or, as it is more commonly referred to, the Ramsar Convention (the Convention). Gippsland Lakes was listed as a Ramsar site under the Convention in 1982 in recognition of its outstanding coastal wetland values and features. The site is now seen as meeting six out of the nine Nomination Criteria recognising its representative wetland habitats at a bio regional level, vulnerable wetland species, support for key ecological life-cycle functions such as waterbird breeding, its importance for supporting waterbird abundance and diversity and its fish nursery and spawning habitats.¹

Key threats to Point Fullarton's wetlands include; altered water regimes, salinity, pollution, pest plants and animals, natural resource utilisation, dredging, activation of acid sulfate soils, recreation and tourism usage, fire and erosion. Contemporary threats include the prevalence and severity of recent algal blooms and the implications of climate change – particularly sea level rise – on the Gippsland Lakes.

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) prohibits actions that are likely to have a significant impact on the ecological character of a Ramsar wetland unless the Commonwealth Environment Minister has approved the taking of the action, or some other provision in the EPBC Act allows the action to be taken.

The proposed multi-lot subdivision poses several potential threats to the adjoining Ramsar wetlands, namely;

- a) water and light pollution,
- b) heightened recreation and tourism pressures
- c) pest plants and animals,
- d) activation of acid sulfate soils during construction,

The above threatening process inform our objections to the proposed subdivision.

1. WATER POLLUTION

The proposal to treat storm water runoff from internal and external catchments via wetland, bio-retention, sediment basins and swales in accordance with water sensitive urban design principles is to be commended. However, as noted by the Water Quality Treatment Performance Table (Site Drainage Plan, p.103) the % reduction in Total Nitrogen and Total Suspended Solids projected by CROSSCO barely meets best practice. Given the internationally significant RAMSAR values at stake, we implore council and the developer to exceed the best practice minimums.

Significantly, the proposed road reserve does not appear to incorporate any water sensitive urban design features; such as porous paving, vegetated bio-retention swales, roadside rain gardens and

¹ <https://www.dcceew.gov.au/sites/default/files/env/resources/0c0185c8-8e0b-4194-a6ca-d0f795bef410/files/21-ecd-prelims.pdf>

filter strips etc. Given the highly sensitive location of the proposed development abutting an internationally significant wetland and previous VCAT decisions recognising this, we would expect nothing less than best practice in water-sensitive urban road design. The current road reserve plans do not minimise water pollution, and fail to align with water sensitive road design principles. We are concerned that the proposed road design may have a significant impact on the ecological character of the Ramsar wetland, and thereby potentially be in breach of the EPBC Act. We encourage council and local residents to participate in our baseline and periodic water quality monitoring program, to give relevant authorities access to important water quality data.

It's important to note that the subdivision plans appear to offer some water treatment scenarios that do not incorporate water conservation measures for *all* future houses on the proposed lots. In accordance with water-sensitive urban design principles, the proposed development ought to reduce the demand for potable water by using alternative sources of water such as rainwater, storm water and treated wastewater and encouraging water efficient appliances, and low water use gardens and landscaping. The subdivision should incorporate plumbed 2000lt water tanks as per the CROSSCO report for *all* allotments, and this should be secured in a Section 173 Agreement.

Finally, we hold grave concerns that East Gippsland Water cannot cope with additional sewerage inflows, given they are already pumping partly treated sewerage into the Mississippi Creek just below North Arm at the moment. Similarly, the water authority released partly treated sewerage into a chain of ponds at Forge Creek, which is a unique ecosystem currently receiving millions in funding towards its restoration. Until sewerage treatment capacity is increased considerably, we feel that further development will only increase the pollution pressures which the Great Lakes are facing.

2. LIGHT POLLUTION

Scientists, Government departments, along with the Australian Institute of Landscape Architects among others, have all recognised how light pollution negatively affects humans and the natural environment.² Scientific evidence suggests that artificial light at night has negative and deadly effects on many creatures including amphibians, birds, mammals, insects and plants.³ Glare from artificial lights can also impact wetland habitats that are home to amphibians such as frogs and toads, whose nighttime croaking is part of the breeding cycle. Artificial lights disrupt this nocturnal activity, interfering with reproduction and reducing populations. Unfortunately, no consideration appears to have been given in the proposed development for minimising light pollution, particularly to the adjoining Ramsar-listed, internationally significant wetlands. The U.N. Convention on the Conservation of Migratory Species of Wild Animals of which Australia is a signatory, highlights how migratory birds are at particular risk of light pollution-related disturbances to breeding and migratory cycles.⁴

The subdivision's proposed street lighting plan should incorporate the Australian Government's recently released National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds.⁵ How will light spill from street lighting be controlled to a) preserve neighbourhood amenity and character; and b) protect wildlife and other environmental values? We'd like to see best practice street lighting, incorporating the latest, environmentally-friendly LED technology and state-of-the-art directional light spill control to minimise impacts on visual amenity and wildlife; whilst still meeting statutory public safety standards.

² <https://www.dceew.gov.au/environment/biodiversity/conservation/light-pollution>;
<https://www.foreground.com.au/agriculture-environment/the-perils-of-light-pollution/>

³ <https://www.nature.com/articles/d41586-018-00665-7>

⁴ <https://www.cms.int/en>

⁵ <https://www.dceew.gov.au/environment/biodiversity/publications/national-light-pollution-guidelines-wildlife>

3. HEIGHTENED RECREATION & TOURISM PRESSURES

The proposal does not appear to explain what role the proposed new reserve will play from an environmental or community point of view. The landscape design proposal for the reserve has been omitted from subdivision plans, prohibiting any meaningful public scrutiny and feedback. The community would benefit from a *low-key, natural* play space/seating area for families and a level, hard surface, attractive path (not concrete or gravel). Again, this should be secured in a Section 173 Agreement to avoid the permit obfuscating. by amending permit conditions containing negotiated requirements.

Attention also needs to be given to discourage activities that generate excessive noise and disturbance to nearby wildlife (like sporting fields). More educative signage and informative displays similar to those at the Burden Drv parking area would be helpful, especially at raising awareness of the various breeding seasons. Education is a powerful tool that can be employed to reduce human recreational impacts on the wetlands.

4. PEST PLANTS & ANIMALS

Given the close proximity of the proposed allotments to the Ramsar wetlands, some attention needs to be given by planners on mitigating risks of predatory animals and invasive plants. Responsible pet ownership should be enforced by council, particularly for domestic cats and dogs that pose a direct threat to neighbouring wildlife, such as frogs, birds and smaller mammals. Consideration needs to be given for effective cat curfews at night and early mornings, when wildlife is most vulnerable to predation. Educating future residents of the dangers posed by domestic pets and noxious plants to the Ramsar wetlands would be helpful in reducing these risks to the wetlands. Ways of enforcing responsible pet and plant ownership need to be genuinely explored and actioned upon. Cats roaming freely at night or gardens full of highly invasive noxious weeds for instance; would constitute a clear threat to the wetlands and potentially be subject to an EPBC control order.

5. ACTIVATION COASTAL ACID SULFATE SOILS (CASS)

GEG is concerned by the potential disturbance of CASS during the construction phase. We will pay close attention to the geo-technical Investigation of the site and recommendations for management if found, noting that CASS mapping confirms its likely presence.⁶ Given the history of poor management of CASS by the applicant for the permit in a previous adjoining development (the Canals), we are most concerned by the permit applicant's involvement in this environmentally sensitive project.

CONCLUSION

Due to the 5 key threats elucidated above, the Gippsland Environment Group believes this is an inappropriate development for Point Fullarton. The General Residential Zoning is an historical misstep, reflecting the lack of concern and/or appreciation for the fragility of internationally important inland waterway habitats to residential development. Our first preference is to see the land compulsorily acquired by the state or federal government and protected from future development. Ideally the entire site can be rehabilitated as an open area for all to enjoy, and also act as a long term buffer to the increasing challenges of climate change induced disturbance. We fear

⁶ VRO Coastal Acid Sulfate Soils Distribution – Map 5 for the Gippsland Lakes of Victoria

that once residents realise that the proximity to wetlands can bring swarms of mosquitoes and unpleasant odours, pressure may well build to have the wetlands treated with toxic insecticides that can harm food webs and unbalance the entire local ecosystem that ultimately place the areas Ramsar values at risk.

Accepting that rezoning the land in question is outside the current remit of council, we strongly feel that if the subdivision was to go ahead, then it ought to align with the principles of water sensitive urban design, and that applicant be made to exceed best practice minimums by much more than current plans envisage. Anything less than this could jeopardise the long-term viability of the Ramsar wetlands and potentially be in breach of the EPBC Act.

Objection details:

Address: 10 Fullarton Drive PAYNESVILLE Lot C PS 311448

The application is for a permit to: Multi-lot Subdivision and Native Vegetation Removal

The applicant for the permit is: Crowther & Sadler Pty Ltd

The application reference number is: 344/2022/P



Point Fullarton subdivision - Supplementary submission to Council

Gippsland Environment Group, May 5, 2023

The shire states that “individuals, businesses and government must work together to meet the challenges of climate change. The best place to start is in your own street, in your own community.”¹

Gippsland Environment Group seeks to work collaboratively and in good faith with local residents, land owners and managers, and the shire; to meet the challenges of climate change and biodiversity loss associated with the proposed Fullarton subdivision. We applaud the council's policy (in accordance with the purposes of the planning scheme)² to support responses to climate change:

“The Council Plan recognises that East Gippsland Shire is vulnerable to coastal hazards, inundation, fire and extreme natural events and climate change has potential to increase our vulnerability. Council is committed to assisting communities to adapt to future conditions in a planned way. [Council] have undertaken Victorian Adaptation and Sustainability Partnership projects by partnering with the state government to increase resilience and reduce risk from climate change.”³

The Gippsland Environment Group presents this supplementary submission to council as an acknowledgement that the highly contentious 10 Fullarton Drive Paynesville (3442022P) subdivision proposal doesn't meet the criteria of the East Gippsland Planning Scheme on certain points.⁴

¹ <https://www.eastgippsland.vic.gov.au/environment-and-waste/climate-change>

² *East Gippsland Planning Scheme*, S01 10/06/2022 Purposes of this planning scheme; p.3

³ <https://www.eastgippsland.vic.gov.au/environment-and-waste/climate-change>

⁴ *East Gippsland Planning Scheme*, S71.02-3 03/02/2022 VC199 Integrated decision making; p.1076

Zoning History

In 1982 (the year the land of the proposed development was zoned General Residential) climate science was still in its infancy and climate change had barely entered into public discourse. The Shire could not have anticipated its significance at the time and it's highly unlikely it was considered in planning decisions. The planning framework, including new and revised legislation, VCAT rulings, planning scheme updates and scientific knowledge has advanced considerably since the early eighties. Today the planning scheme and relevant policy and legislative documents instruct planners to plan for sustainable coastal development, respond to climate change and protect significant landscapes and environmental values. Most recently, the Marine & Coastal Act, Policy and Strategies, directs planners to take a long-term view in assessing development proposals in coastal settlements and sensitive environmental landscapes, such as Point Fullarton. This applies equally to the low-lying farming zoned foreshore land located within the Eagle Point Settlement Boundary, which is likely to be lost to sea level rise by 2100, making the farmland inside the Paynesville Settlement Boundary the new foreshore area.⁵

We discuss three important factors that affect the development that are new:

1. The Latham's Snipe
2. Buffer size
3. Marine & Coastal (MAC) Act, Policy and Strategy

1. The Latham's Snipe

In 1982, it was not known that Latham's Snipe, a migratory bird flying between Australia and Japan, had made the development area their home.

Latham's Snipe is listed as ***Vulnerable in Victoria and Near-Threatened Nationally***, and ***afforded legal protection under the EPBC Act in Australia***.

We will present evidence that shows there is a significant number of these birds living and roosting in the proposed development area, and thus the development would remove the majority of the area they now occupy.

For all these reasons, the proposed subdivision plan cannot purport to guarantee beyond

⁵ East Gippsland Planning Scheme, *Paynesville Framework Plan*, p.29

reasonable doubt that it will prevent irreversible or severe harm to the site's biodiversity, the Latham's Snipe, the neighbouring Ramsar wetlands due to coastal squeeze from climate change, and therefore, in turn the local community itself.

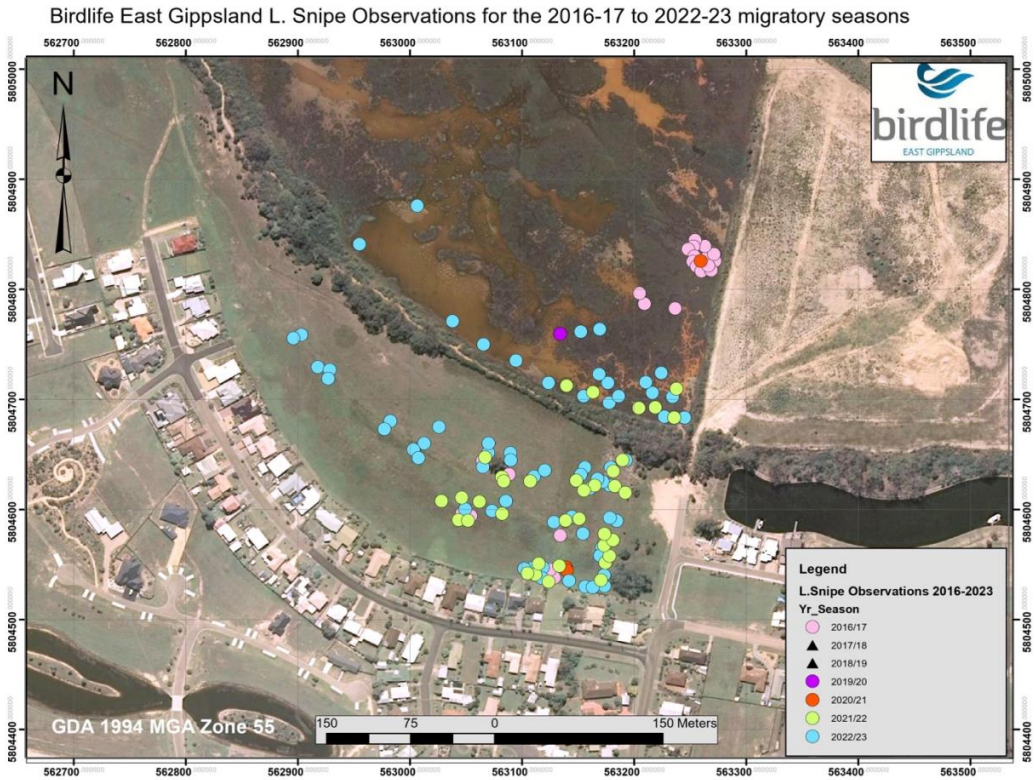
We believe three areas require action before any development could proceed: The Latham's Snipe, adequate buffers and compliance with the new Marine & Coastal Act's policies and strategies in relation to climate change adaptation.

East Gippsland Planning Scheme - Relevant clauses	
12.01-1S 14/07/2022 VC213	<ul style="list-style-type: none">fails to identify and protect an important area of biodiversity, including key habitat for the vulnerable Latham's Snipe

Figure 1 below shows the surveys of Latham's Snipe populations from 2016 to the current day. As stated above, the existence and monitoring of Latham's Snipe was not taken into account in 1982 when the land was first zoned residential.

Note the seasons with no Snipe were drought years.

Figure 1: Birdlife East Gippsland Snipe Observations 2016-17 to 2022-23 seasons.



As shown in the BirdLife East Gippsland Snipe Survey map above, much of the eastern part of the proposed subdivision site has supported a nationally important population of Latham's Snipe for a number of years, and a considerable portion of this will be modified or lost to new development infrastructure. Anthropogenic disturbance (light, noise and physical encroachment) will likely further degrade any remaining snipe habitat.

We endorse the expert opinions of Dr Birgita Hansen (Leader of the National Latham's Snipe Project Group) attached to the Birdlife East Gippsland submission to Council; who has publicly stated that the proposed Fullarton development is likely to impact on the snipe population through loss of suitable habitat, compromising the site's suitability for Latham's Snipe and other shorebirds, and advised both council and the proponent that **an EPBC assessment is warranted.**

Dr Hansen in her supporting letter to council (p.85), noted:

- a) Latham's Snipe use the Point Fullarton wetlands and adjacent fields throughout their nonbreeding season in Australia (mid-spring to early autumn)
- b) Point Fullarton wetlands and adjacent fields is one of only eight snipe sites in the region to support nationally significant numbers of Latham's Snipe (i.e., more than 18 birds)
- c) Development of residential housing on and adjacent to this area is likely to impact on the snipe population through loss of suitable wetland habitat for daytime roosting birds, and disturbance to roosting and feeding birds from human activities

According to the ***EPBC Act Policy Statement 3.21—Industry guidelines for avoiding, assessing and mitigating impacts on EPBC Act listed migratory shorebird species***, **residential development can be a significant threat to migratory shorebirds, primarily from the loss and degradation of foraging and roosting habitat, and through interference during important lifecycle stages of migratory birds.** Because migratory shorebirds mostly feed on intertidal mudflats, they require safe roosting areas to rest during high tide periods or when weather conditions prohibit occupancy of more commonly used habitats.

The high energy demands on migratory shorebirds resulting from their migratory lifecycle means that resting is critical when not breeding. Generally, migratory shorebirds prefer roosting areas in open habitat on slightly elevated ground so they can

watch for potential predators. The proposed development site's sloping grasslands provide ideal roosting areas for Latham's Snipe during the day, prior to foraging in the adjacent Ramsar wetlands at night. In addition to the loss of snipe habitat, the lower portions of the housing estate, particularly the design and location of the housing lots, the proposed new road from Burden Place and sediment basin will effectively inhibit the migration of the Ramsar wetlands to higher ground as sea levels rise, resulting in loss of both migratory bird roosting habitat and foraging Ramsar wetlands.

The Latham's Snipe is an incredibly shy and wary bird, that according to experts, is highly susceptible to disturbance.

Disturbance is greatest where increasing human population and development pressure may have an impact on important habitat. Migratory shorebirds are most susceptible to disturbance during daytime roosting and foraging periods.

Not protecting and conserving an environmentally sensitive area is damaging particularly for species such as Latham's Snipe; changing the ecological character of a shorebird area can lead to deterioration of the quantity and quality of food and other resources available to support migratory shorebirds (Sutherland et al. 2012 and references therein).

Research suggests that disturbance has a high energetic cost to shorebirds and may compromise their capacity to build sufficient energy reserves to undertake migration (GossCustard et al. 2006; Weston et al. 2012).

The notion that migratory shorebirds can continue indefinitely to move to other habitats as their normal feeding, staging or roosting areas become unusable is erroneous. As areas become unsuitable to support migratory shorebirds, remaining habitat will attract more birds, in turn creating overcrowding, competition for food and depletion of food resources, and increased risk of disease transmission.

The Department of Climate Change, Energy the Environment and Water state on their website provide a Species Profile for Latham's Snipe and state that:

“The current major threat to Latham's Snipe outside of Australia appears to be the modification and loss of habitat. This has been caused by the drainage, clearance and modification of wetlands for residential, agricultural and industrial development (Frith et al. 1977; Naarding 1981, 1983, 1985; Weston 1998). The species is also potentially threatened by predators such as foxes and mink (Naarding 1985; Weston 1998), and is said to be sensitive to disturbance caused by humans and grazing cattle

(Naarding 1983).

Latham's Snipe is listed as:

Near Threatened - Global Status: IUCN Red list of Threatened Species 2022.

The IUCN Red List of Threatened Species™ is *the world's most comprehensive information source on the global extinction risk status of animal, fungus and plant species.*

Vulnerable in Victoria (The Action Plan for Australian Birds 2020).

The Latham's Snipe is listed as Vulnerable in Victoria and Near-Threatened Nationally, and afforded legal protection under the EPBC Act. We also note how habitat destruction and disturbance from coastal development and infrastructure is the most significant threat currently affecting protected migratory shorebirds of the area, like Latham's Snipe, Common Greenshank, and the Grey Plover. According to the plan's risk prioritisation matrix, *coastal development poses a very high risk to migratory shorebirds, and immediate mitigation action is required.*

In addition, we note the developer's proposal (page 39) states that:

"The proposed design response involves a multi-lot subdivision that creates **a new road to front the proposed reserve** and extends an existing road to create a bank of residential lots to the west that front the reserve. The development of a road that fronts the reserve will provide for security and casual surveillance of the reserve and **allows for public participation of the reserve.** (Italics & bold added)

To have both a road cutting across the Latham's Snipe habitat with road noise and moving objects and a proposed reserve that allows for **public participation** definitely constitutes major disturbance to this species, as well as of course, major building works that could last years.

2. Buffers

When considering appropriate **buffer widths** for the Latham's Snipe habitat and wetlands we refer to a Biosis report of 1993 cited in the (VCAT Decision 2170 - White Ash v Frankston City Council 2004) on the role of buffers in the south-east wetlands considered the nature of wetland buffers, using a criterion relying on distance from the edge of the wetland to human or disturbing activities. The report contains these

implications for buffer design:

- Buffer widths less than 60 meters in areas subject to disturbance will reduce the effective available area of wetland habitat for most species.
- Buffer widths less than 90-100 metres in areas subject to disturbance will reduce the effective available wetland habitat for ducks.
- ***Buffer widths up to 150 meters may be required to buffer against more extreme disturbances or as buffers for more sensitive species not observed by their study.***
- An effective buffer also acts as a wildlife corridor through the area. It provides habitat for breeding and shelter. It facilitates the movement of fauna as well as reducing disturbance to wildlife on and near the wetland.

In further support to the buffer widths above is in the comprehensive report, 'The Coast Is Unclear' by Chris Smyth for the Victorian National Parks Association 2014 in which was called for:

"100 metre buffersapplied to private land to provide greater protection for coastal and hinterland ecological vegetation classes and their restoration along waterways, surrounding estuaries and abutting coastal crown land or the high-water mark."

Latham's Snipe Buffer

The identification of the endangered and sensitive species Latham's Snipe triggers the Biosis recommendation of a buffer from their location of up to **150 metres**. According to the 1993 Biosis report, we believe this should therefore trigger the requirement of up to 150 metres buffer from the Latham Snipe's habitat location.

Referring again to Figure 1, we note that many of the snipe are in the wetlands and also on the upper grassed area. To understand this spread we note from the State-wide

Integrated Flora and Fauna Teams (SWIFFT), a network for knowledge, sharing and information exchange that supports conservation and management of threatened species, biodiversity and the natural environment across Victoria that:

"... during the day snipe prefer to roost in grass and weeds in close proximity to water and at night they disperse to feed in nearby wet paddocks, ditches and other open flooded areas. The distance they move nightly to feed is unknown; however, shorebirds

tend to roost in close proximity to their feeding habitats in order to reduce the amount of energy used in nightly transit. The distance between snipe roosting and optimal feeding habitats is likely to be minimal in order to reduce flight times and so, conserve energy.” Latham's Snipe (swift.net.au)

Thus, on the map in Figure 1, birds would roost in the grass and weeds close to the water, then move to higher land above at night and for their nightly feed. Thus, the numbers on the dry land would be increased significantly at night.

We therefore suggest the proponent make an EPBC referral to ensure absolute safety and best practise is followed for the Latham's Snipe.

3. Marine & Coastal (MAC) Act, Policy and Strategy - Tackling Climate-change and Coastal Squeeze on Wetlands

The most relevant objectives for the MAC Act in relation to planning and management of the marine and coastal environment at Point Fullarton are⁶;

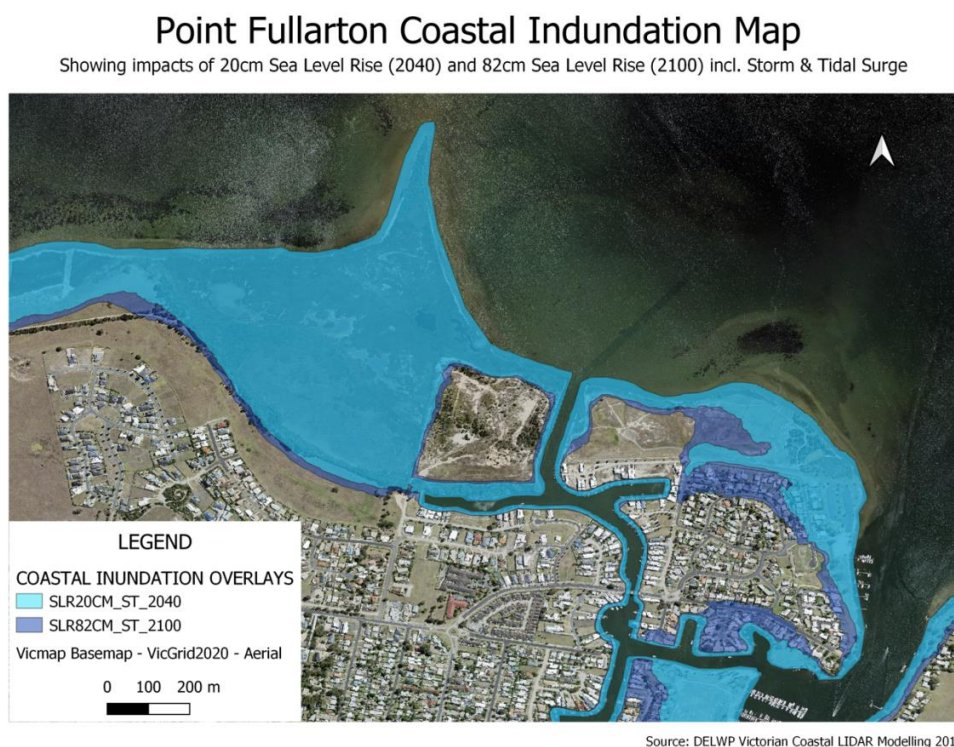
1. to protect and enhance the marine and coastal environment, especially Ramsar-listed wetlands.
2. to promote the resilience of marine and coastal ecosystems, communities and assets to climate change
3. to respect natural processes in planning for and managing current and future risks to people and assets from coastal hazards and climate change
4. to acknowledge traditional owner groups' knowledge, rights and aspirations for land and sea country.

A strong case can be made the current Fullarton subdivision proposal doesn't adequately achieve the first three objectives of the MAC Act (Sec. 7) listed above. We explain this further below:

⁶ <https://www.marineandcoastalcouncil.vic.gov.au/current-projects/marine-and-coast-policy-and-strategy/objectives-of-the-marine-and-coastal-act-section-7>

3.1 Inadequate protection of the Fullarton coastal environment, particularly its Ramsar wetlands and Migratory Bird Habitat.

According to a Gippsland Coastal Board study, Point Fullarton's geology is comprised of low-lying, highly erodible coastal dune sediments that are particularly vulnerable to sea level rise, coastal inundation and erosion.⁷ Almost the entire extent of Point Fullarton's highly erodible mud flats will be inundated by the 20cm sea level rise projected by 2040, as evidenced in the map below.



This relatively modest sea level rise, will amplify the threat of coastal inundation and erosion of the foreshore environment. The combination the wetland's highly erodible soils with more frequent and intense extreme weather events, is likely to result in the rapid erosion or *foreshore recession* of the existing coastal and foreshore environment. By 2040, the future foreshore area will have crossed the Eagle Point - Paynesville walking track, replacing the Fullarton peninsula with a new concave bay shoreline.

⁷ Gippsland Coastal Board (2008) *Climate Change, Sea Level Rise and Coastal Subsidence along the Gippsland Coast: Final Report, Phase 2 of the Gippsland Climate Change Study*

As sea level rise accelerates the loss of public foreshore areas, tidal wetlands like Fullarton's will become increasingly threatened by coastal squeeze. Barriers such as swales and retention dams that reduce tidal flows, and impermeable surfaces such as roads and housing, prevent wetland migration to adjacent uplands. As vegetation succumbs to submergence by rising sea levels on the seaward edge of a wetland, those wetlands prevented from inland migration will decrease in area, if not disappear completely. Coastal areas are unstable landforms, meaning, for example, the position of a wetland may change dramatically due to vegetation loss in a storm or drought or a rise in sea level. Coastal squeeze is often due to direct loss through the building of hard built structures that effectively 'fix' the coastline. Such structures may be unintentionally 'fixing' the shoreline, like coastal roads and housing developments, others are built to protect land and/or infrastructure from erosion and/or flooding.

The Ramsar wetlands will be squeezed in between rising sea levels and the lower parts of the housing estate, reducing the extent of wetlands to a fraction of their existing area. To enable coastal wetlands to survive these changes the coastline needs to be able to 'move' so species and habitats can also move inland during severe erosion events.⁸ Maintaining wetland networks and corridors will help wetland-dependent plants and animals to adapt by moving to new areas in response to changing climatic conditions, and avoid being impacted by coastal squeeze. In line with the M&C Act, policy and strategies, it is imperative that planners protect and enhance the overall extent and condition of wetland habitats and species diversity distributions across public and private land in the marine and coastal environment as part of their strategic response to climate change and coastal squeeze.

Similarly, one of the guiding principles of the M&C Act is *Integrated Coastal Zone Management* (Sec. 8).⁹ Planning and management for the marine and coastal environment should be co-ordinated and integrated, across the marine and coastal environment and associated catchments. This principle seeks the integration of the water cycle (including as it relates to estuaries, coastal waters, and waterways), with industry sectors and users of the marine and coastal environment, across all land tenures where this affects the marine and coastal environment. The current storm water

⁸ Draft East Gippsland Regional Catchment Strategy 2021-2027, Climate Change; p.93

⁹ <https://www.marineandcoastalcouncil.vic.gov.au/current-projects/marine-and-coast-policy-and-strategy/guiding-principles-of-the-marine-and-coastal-act>

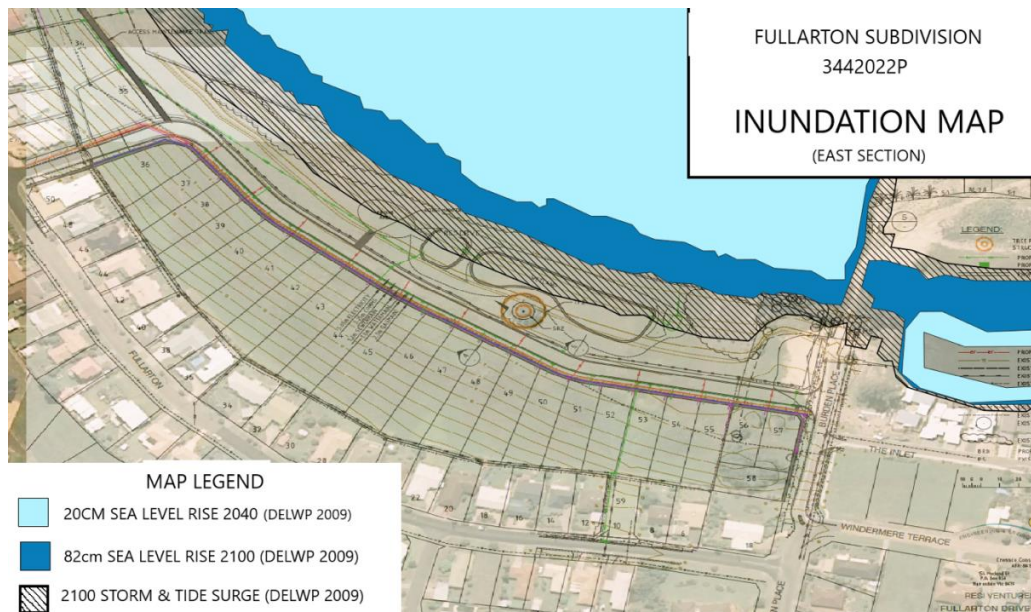
treatment proposal fails to adequately integrate planning and management of Fullarton's wetlands and vulnerable migratory species like Latham's Snipe across land tenures. The proposed subdivision's stormwater infrastructure for instance, will be partially submerged by projected sea level rise and storm surges by 2100, greatly impacting its capacity to treat runoff. Moreover, attempting to treat untreated runoff by building a constructed wetland and associated infrastructure in low lying areas that are a) vital to wetland migration and b) compromises nationally significant Latham Snipe habitat, is clearly NOT an example of Integrated Coastal Zone Planning and Management.

Another significant guiding principle of the M&C Act is adopting "*Ecosystem-based Management* (Sec. 9). The maintenance and, where appropriate, restoration of marine and coastal ecosystem structure and function is fundamental to the current and future use and enjoyment of Fullarton's coastal environment, its resources, and the ecosystem services provided. An ecosystem-based approach should underpin Victoria's marine and coastal planning and management system, incorporating a) avoiding detrimental cumulative or incremental ecosystem impacts and b) working with natural processes to build ecosystem resilience to climate change impacts. As it stands, the current subdivision proposal will create detrimental cumulative ecosystem impacts and does not support natural processes that build ecosystem resilience to climate change impacts.

3.2 Failure to promote the resilience of marine and coastal ecosystems, communities and assets to climate change

Regrettably, in this instance, the location of the proposed subdivision stormwater infrastructure will act as a physical barrier to the retreat or migration of the wetlands to higher ground, effectively squeezing the Ramsar wetlands into an ever-narrower strip of low-lying land, prone to erosion and regular and more intense flooding.

Figure 2: DELWP predicted sea level rise impacts on Fullarton sub-division



Moreover, the proposed constructed “wetlands” serve to treat stormwater that is not saline or brackish, thereby will by necessity, utilise freshwater-dependent wetland species to effectively treat the polluted stormwater runoff. Freshwater wetland plants are highly sensitive to saline and brackish water spray and flooding. As shown by the DELWP climate change mapping above, the constructed treatment ponds are likely to be subject to coastal inundation of saline to brackish waters during extreme weather and tidal events. Intermittent saline inundation is highly likely to kill freshwater adapted wetland species, rendering the stormwater infrastructure ineffective at treating runoff. Without a viable wetland ecosystem, the bio remediation of polluted runoff will fail, resulting in elevated levels of polluted stormwater entering the Ramsar wetlands over time.

If planners were to apply the *precautionary principle*, as has been applied in numerous VCAT cases and is a guiding principle of the Marine & Coastal Act 2018, they may consider that increases in the severity and frequency of storm events coupled with rising sea levels and tidal extremes, create a reasonably foreseeable risk of inundation of the proposed stormwater infrastructure which is unacceptable. Though the second VCAT review recognised the appropriateness of similar stormwater management and drainage designs, the tribunal did not fully consider the impact of saline ingress on the constructed wetland habitat, only the “impacts from the scouring of water and

sediment” on the Ramsar wetlands themselves.¹⁰ It is therefore likely that the initial water quality improvements associated with the proposed storm water treatment infrastructure will not be sustainable in response to climate-change.

The coastal squeeze of the wetlands will also squeeze the public foreshore into an increasingly narrow strip of unflooded land, that by 2100, will reach within meters of the proposed road and housing lots themselves. This will lead to the effective loss and privatisation of the much-loved public foreshore area, and place future residents at the mercy of ever greater natural hazard risks.

3.3 Failure to respect natural processes in planning for and managing current and future risks to people and assets from coastal hazards and climate change

In accordance with Victorian Marine and Coastal Act (2018), the Marine & Coastal Policy (2020) sets out best practice guidelines for managing coastal hazard risk and tackling coastal squeeze, known as the Adaptation Pathway Approach. It primarily stipulates non-intervention and avoiding development within or in close proximity to coastal habitats, followed by nature-based methods of interventions that aim to create or restore coastal habitats.

Nature-based methods, also referred to as ‘nature-based coastal defence’ or a ‘living shoreline’, is the creation or restoration of coastal habitats for hazard risk reduction. This includes the rehabilitation of existing degraded habitats, restoration of those historically present, or the creation of new habitats in ecologically suitable areas.

The creation of new wetlands at Point Fullarton will be critical, as its’ coastal wetland habitat of highly erodible mud flats will be lost as sea levels rise, and the foreshore recedes inland. Much of the proposed development site would be ideally suited for ensuring the Ramsar wetlands have a chance to adapt to climate change and continue to provide valuable habitats for hazard risk reduction and enhancing biodiversity values well into the next century.

Coastal wetlands like Point Fullarton reserve and low-lying parts of the proposed development site are particularly at risk from climate change and coastal squeeze.

Coastal wetlands, such as mangroves, saltmarshes, and seagrass beds act like shock

¹⁰ Lake Park Holdings Pty Ltd v East Gippsland SC [2014] VCAT 1449 (21 November 2014); p.31

absorbers. They reduce the intensity of waves and storm surges, shielding the coastline from flooding, property damage and loss of life. Waves and storm surges lose energy as they enter these areas, resulting in reduced damage to coastal settlements. The roots of wetland plants also stabilise shorelines and reduce erosion. Losing these natural defences to coastal inundation and sea level rises can be risky and costly, especially for future generations.

The lower portions of the housing estate, particularly the design and location of the roading and stormwater management infrastructure will inhibit the effective migration of the Ramsar wetlands to higher ground as sea levels rise, resulting in coastal squeeze and the permanent loss of protective wetland habitat. Without an unimpaired wetland migration pathway, Fullarton's wetlands will be lost to sea level rise, erosion and inundation, resulting in the loss of these natural defences, at great environmental cost to the ecological character of the Ramsar wetlands site and heighten the cost and risks to coastal settlements from ongoing climate change events. Existing DELWP data shows the proposed subdivision will be at risk of losing most if not all of the protective wetlands by 2100, making the proposed settlement highly vulnerable to climate change impacts by the end of the current century and well into the next.

Given the Marine & Coastal Act 2018, the East Gippsland planning scheme and related policy documents instruct planners to plan for sustainable coastal development, taking such a long-term view is necessary if we expect coastal settlements to continue to exist beyond 2100. Importantly, the M&C Act directs planners to make '*evidence-based decisions*'; whereby marine and coastal planning and management decisions are based on best available and relevant environmental, social and economic understanding, recognising that information will often be limited.

BirdLife East Gippsland's survey data represents the best available evidence on the vulnerable Latham's Snipe. Though now out-dated (and they actually under-estimate climate-change impacts), the DWELP sea level rise, storm/ tidal, and coastal erosion hazard mapping clearly outlines the significant risks involved and need for a proportionate and risk-based planning response. Until the Shire has developed a detailed regional **Coastal Hazard Adaptation and Resilience Plan (CHARP)** in accordance with the M&C Act, Policies and Strategies, it's imperative the council reject the current subdivision proposal, or at the very least, request significant modifications to the submitted plans.

Proposal

We now provide a proposal for the development along this area using data from the Birdlife Latham's Snipe survey data, suggestions for buffer widths from a report by Biosis and using data from the Marine & Coastal (MAC) Act, Policy and Strategy.

Alternatively, using the Birdlife Lathan Snipe survey data, and the topographic contour lines as our guide for wetland migration pathways, we have proposed a new area for the development site providing a wider reserve along the length of the Ramsar site; removal of all the house lots where the snipe roost (plus a buffer), and relocation of the constructed wetlands to higher ground as a minimum.

Proposal

1. The proponent makes an EPBC referral to ensure absolute safety and best practise is followed for the Latham's Snipe.
2. We use the Biosis report (1993) mentioned above as the standard which stated:

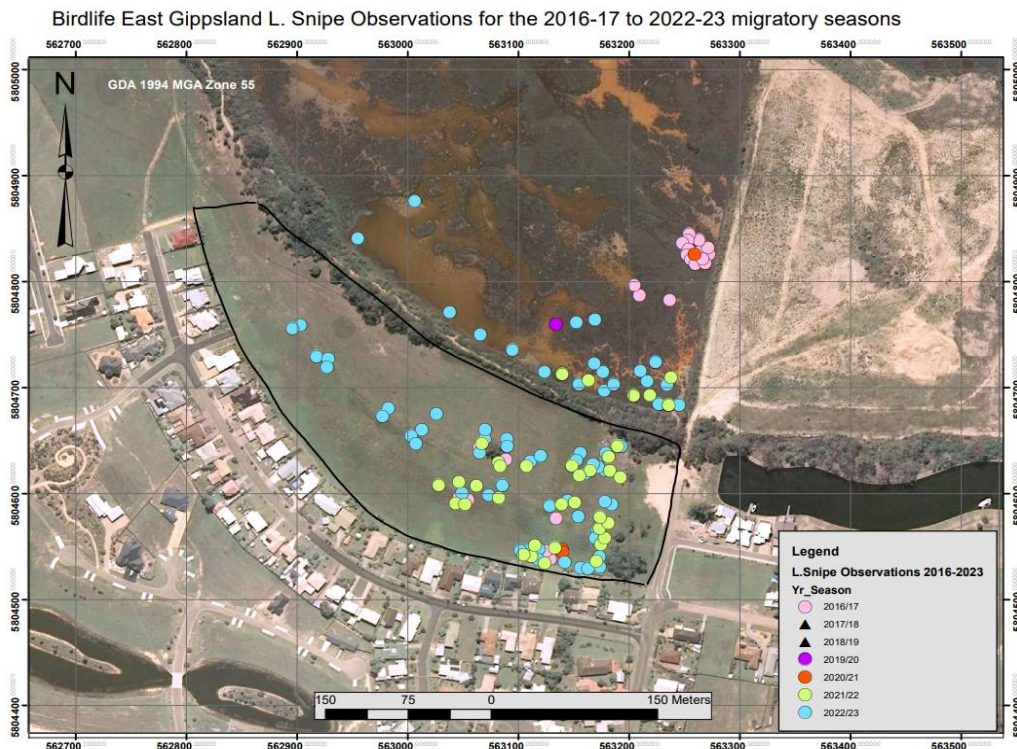
"Buffer widths up to 150 metres may be required to buffer against more extreme disturbances or as buffers for more sensitive species not observed by their study."

Clearly the Latham's Snipe is a sensitive species as already described and thus requires the **150-metre buffer**.

Using the **Marine & Coastal (MAC) Act, Policy and Strategy** DELWP climate change mapping shows by 2100 the area will be significantly changed, the coast will need to move up the slope. (Figure 2).

Referring to Figure 3 below, the area within the black line, would be unsuitable for development as it is required to protect their habitat and protect the wetland. This includes the standard of the 150 metres buffer from housing development and the predicted level of 2100 storm and tide surge from the DELWP climate change mapping data.

Figure 3. Protection of the Latham's Snipe Habitat with 150 metre Buffer



3. The proposed new road from Burden Place would clearly be inappropriate as it would proceed straight through the Latham's Snipe current habitat, and also cuts right through the area where they move between the water to roost and the land where they feed at night. It is also inappropriate in terms of coastal squeeze and the climate change data presented.
4. The proposed sediment basin or constructed wetland would need to be relocated as this is also in the immediate area of the Latham's Snipe habitat and again prevents wetland migration as sea levels rise.
5. Molly Rd development would not be required as the buffer between the wetlands and the houses there is currently in some places as small as 15 metres. As suggested at least 90 to 100 metres is best practice according to the Biosis report.
6. With regards to the wetland buffer the Biosis report states:

"Buffer widths less than 60 metres in areas subject to disturbance will reduce the effective available area of wetland habitat for most species."

Buffer widths less than 90-100 metres in areas subject to disturbance will reduce the effective available wetland habitat for ducks.”

Therefore, we suggest a minimum of 90 - 100 metres from the wetland.

7. The proposed new development would proceed by extending Fullarton Rd, and be built starting behind the houses on Eagle Bay Terrace. The houses would again not be built lower than 90-100 metres from the existing wetland.

Conclusion

Council can play a vital role in determining the survival of the Latham's Snipe; and climate change effects on the wetlands and future residents through forward looking, climate change adaption strategies that ensure the wetlands have room to migrate to higher ground as sea levels rise.

The M&C Act's principle of '*adaptive management*' (Sec. 14) encourages decision-makers to learn from the outcomes of operational programs and, in light of that, change policies and practices.

The incredibly outdated Paynesville Structure Plan needs to reflect climate science and biodiversity survey results.

A pro-active response to protect Fullarton's highly vulnerable and valuable coastal and foreshore environment would be to provide setback distances (or buffer zones) further away from the land subject to coastal inundation, which is currently encumbered by roading and stormwater infrastructure.

We encourage shire planners to apply the precautionary principle, given that sea level rise and more extreme weather conditions resulting from climate change, along with the highly erodible geology of the site, present reasonably foreseeable risk of inundation the foreshore wetlands and modifications to the development plans are required.

APPENDIX A:

Relevant clauses of the East Gippsland Planning Scheme

<i>East Gippsland Planning Scheme - Relevant clauses</i>	
12.05-1L 25/11/2022 C162egip	<ul style="list-style-type: none"> fails to adequately protect and enhance sites of significance (Gippsland Lakes Ramsar site) for their ecological, biophysical, geomorphological values
12.05-2S 31/07/2018 VC148	<ul style="list-style-type: none"> fails to ensure significant landscape areas such as the bays and coastlines are protected
12.05-2S 31/07/2018 VC148	<ul style="list-style-type: none"> inadequately recognises the natural landscape for its aesthetic value and as a fully functioning system
12.05-2S 31/07/2018 VC148	<ul style="list-style-type: none"> fails to improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas
12.05-2S 31/07/2018 VC148	<ul style="list-style-type: none"> inadequately recognises the natural landscape for its aesthetic value and as a fully functioning system
15.01-5S 09/10/2020 VC169	<ul style="list-style-type: none"> the proposed development does not respond to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the underlying natural landscape character and significant vegetation.
12.02-1S 06/09/2021 VC171).	<ul style="list-style-type: none"> does not maintain the natural drainage patterns, water quality and biodiversity in and adjacent to coastal estuaries, wetlands and waterways.
12.02-1S 06/09/2021 VC171	<ul style="list-style-type: none"> does not avoid disturbance of coastal acid sulfate soils
12.03-1R 31/07/2018 VC148	<ul style="list-style-type: none"> does not minimise the impact of urban growth on high value water body assets such as the Gippsland Lakes
12.01-1S 14/07/2022 VC213	<ul style="list-style-type: none"> fails to identify and protect an important area of biodiversity, including key habitat for the endangered

	Latham's Snipe
12.02-15 06/09/2021 VC171	<ul style="list-style-type: none"> • fails to protect coastal and foreshore environments • According to a Gippsland Coastal Board study, Point Fullarton's geology is comprised of low-lying, highly erodible coastal dune sediments that are particularly vulnerable to sea level rise, coastal inundation and erosion.¹¹ Almost the entire extent of Point Fullarton's foreshore wetlands will be inundated by the 20cm sea level rise projected by 2040.
(13 01/07/2021 VC20	<ul style="list-style-type: none"> • increases our vulnerability to the effects of climate-change The proposed development increases vulnerability of future generations to climate change impacts, most notably; coastal hazards, inundation and erosion, extreme natural events, and sea level rise, by providing an inadequate adaptation buffer zone for the Ramsar wetlands. The Ramsar buffer zone is necessary for the coastal wetlands to adapt to future conditions in a planned way. Without room to move upland away from rising sea levels, coastal habitats will be eventually lost to climate change, greatly impacting biodiversity and their hazard risk reduction values for generations to come.
13 01/07/2021 VC20	<ul style="list-style-type: none"> • lack of effective controls to prevent or mitigate significant climate change and biodiversity impacts
12.03-15 16/12/2022 VC201	<ul style="list-style-type: none"> • does not adequately address the impacts of use and development on drought and flooding events at a catchment and site scale to protect the health and natural function of waterway systems and their surrounding landscape and environment (Ramsar wetlands).

¹¹ Gippsland Coastal Board (2008) *Climate Change, Sea Level Rise and Coastal Subsidence along the Gippsland Coast*: Final Report, Phase 2 of the Gippsland Climate Change Study

12.03-1S 16/12/2022 VC201	<ul style="list-style-type: none"> • does not conserve waterway systems and the landscapes and environmental values surrounding them by protecting ecological values, indigenous vegetation, terrestrial and aquatic habitats and encouraging biodiversity
11.03-4S 06/09/2021 VC171	<ul style="list-style-type: none"> • does not adequately limit development in identified coastal hazard areas, shorelines of estuaries, wetlands and low-lying coastal areas, or where coastal processes may be detrimentally impacted
12.03-1S 16/12/2022 VC201	<ul style="list-style-type: none"> • fails to sensitively design and site development to maintain and enhance the waterway system and the surrounding landscape setting, environmental assets, and ecological and hydrological systems, particularly in response to climate change.
13 01/07/2021 VC20	<ul style="list-style-type: none"> • fails to protect geomorphology, bank stability and flood management capacity to strengthen the environmental value and health of waterway systems by: • fails to ensure development and risk mitigation does not detrimentally interfere with important natural processes) • inadequately protects and enhances coastal wetlands identified under the Ramsar Convention, particularly in response to climate change. (12.02-1L 25/11/2022 C162egip)
12.02-1S 06/09/2021 VC171	<ul style="list-style-type: none"> • diminishes the future ecological values of the ecosystems in the marine and coastal environment
12.05-1L 25/11/2022 C162egip	<ul style="list-style-type: none"> • fails to design development in significant landscape areas like the Gippsland Lakes, that is sympathetic to the character of the area and preserves its aesthetic values, especially in response to climate change
SCHEDULE 14 TO CLAUSE 43.02 DESIGN	<ul style="list-style-type: none"> • the proposed layout does not provide for the protection of wetland areas (. The lower portions of

AND DEVELOPMENT OVERLAY, DDO14)	the housing estate, particularly the design and location of the housing lots, roading and stormwater management infrastructure, will effectively inhibit the migration of the Ramsar wetlands to higher ground as sea levels rise, resulting in coastal squeeze and loss of wetland habitat.
13 01/07/2021 VC20	<ul style="list-style-type: none"> • Fails to adequately prepare for and respond to the impacts of climate change • The proposed subdivision's stormwater infrastructure for instance will be partially submerged by projected sea level rise and storm surges by 2100, greatly impacting its capacity to treat runoff.
12.05-1S 31/07/2018 VC148	<ul style="list-style-type: none"> • does not protect and conserve environmentally sensitive areas
12.02-1S 06/09/2021 VC171	<ul style="list-style-type: none"> • fails to protect and enhance the overall extent and condition of native habitats and species diversity distributions across public and private land in the marine and coastal environment
12.03-1L 25/11/2022 C162egip	<ul style="list-style-type: none"> • fails to direct development away from major wetlands
15.01-3S 10/06/2022 VC216)	<ul style="list-style-type: none"> • doesn't protect and enhance habitat for native flora and fauna
12.01-1S 14/07/2022 VC213	<ul style="list-style-type: none"> • does not strategically plan for the protection and conservation of an important area of Victoria's biodiversity
12.01-1S 14/07/2022 VC213	<ul style="list-style-type: none"> • does not take into account the impacts of land use and development on Victoria's biodiversity, including consideration of: cumulative impacts, fragmentation of habitat, the spread of pest plants, animals and pathogens into natural ecosystems
12.01-1S 14/07/2022 VC213	<ul style="list-style-type: none"> • does not support land use and development that contributes to protecting and enhancing habitat for

	indigenous plants and animals in urban areas
15.01-3S 10/06/2022 VC216	<ul style="list-style-type: none"> design fails to achieve the objective of being an attractive, safe, accessible, diverse and sustainable neighbourhood The proposed subdivision will not be a sustainable neighbourhood nor be safe from coastal hazards, inundation, erosion and sea level rises expected in the coming century. The anticipated loss of the protective wetlands due to coastal squeeze, will only serve to heighten the coastal hazard risks and costs to the neighbourhood.
(5.01-3S 10/06/2022 VC216	<ul style="list-style-type: none"> will create an urban structure that does not adequately respond to climate related hazards
13 01/07/2021 VC20	<ul style="list-style-type: none"> doesn't strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach fails to identify, prevent and minimise the risk of harm to the environment, human health, and amenity through land use and development incompatibility.
15.01-3S 10/06/2022 VC216	<ul style="list-style-type: none"> fails to protect and enhance habitat for native flora and fauna, and providing opportunities for people to experience nature in urban areas The proposed subdivision will endanger nationally important Latham's snipe habitat, and fails to protect wetland habitat from coastal squeeze and other deleterious effects of climate change.
11.03-4L-01 25/11/2022 C162egip	<ul style="list-style-type: none"> adversely affects landscape and environmental values and fails to incorporate sufficient measures to protect those values
12.05-1L 25/11/2022 C162egip	<ul style="list-style-type: none"> <i>does not protect and enhance landscapes, important vistas and visual and environmental qualities of coastal, lake foreshore and river-frontage areas, townships, recreation</i>

	<i>activity centres through responsive siting and design</i>
12.05-1L 25/11/2022 C162egip	<ul style="list-style-type: none"> • fails to design development in significant landscape areas like the Gippsland Lakes, that is sympathetic to the character of the area and preserves its aesthetic values, especially in response to climate change
12.05-2S 31/07/2018 VC148	<ul style="list-style-type: none"> • <i>doesn't ensure development does not detract from the natural qualities of significant landscape areas</i>

5/2/23, 8:08 PM

dwa670C.htm

From: David Brann
Sent: Wednesday, 14 September 2022 8:50:51 AM
To: Planning Unit Administration
Subject: RE: 344/2022/P - 10 Fullarton Drive PAYNESVILLE - Multi-lot Subdivision and Native Vegetation Removal

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5/2/23, 8:08 PM

dwa670C.htm

Hi Kerry,

AusNet standard permit conditions below:

The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the subdivision Act 1988.

The applicant must –

- Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot under 16Ha on the endorsed plan.
- Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
- Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.
- Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.
- Adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
- Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty Ltd for any electric substations or Isolating Transformers.
- Provide survey plans for any electric substations or Isolating Transformers required by AusNet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AusNet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

file:///C:/DAT To progress this project please request the developer complete an online new estate application & pay the fees.

5/2/23, 8:08 PM

dwa670C.htm

Energy Project Coordinator Complex
AusNet Leongatha
Ph
Email

Asset ID: 2600781430

David Brann
Energy Project Coordinator Complex
AusNet Leongatha

file:///C

5/2/23, 8:11 PM

dwaF3FA.htm

From: Subdivisions [Subdivisions@apa.com.au]

Sent: Thursday, 1 September 2022 4:02:44 PM

To: Planning Unit Administration

CC: Subdivisions

Subject: RE: 344/2022/P - 10 Fullarton Drive PAYNESVILLE - Multi-lot Subdivision and Native Vegetation Removal

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5/2/23, 8:11 PM

dwaF3FA.htm

APA GROUP

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

Our Reference: ps 01092022 -08

Enquires: Paula Soluncevski
Telephone 9463 8323

Dear Sir/Madam,

Re: **APPLICATION FOR PLANNING PERMIT**
10 Fullarton Drive PAYNESVILLE
Plan No. :

Reference is made to the above correspondence dated 31.08.2022 and accompanying plan.

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

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

Yours faithfully,

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



EAST GIPPSLAND
CATCHMENT
MANAGEMENT
AUTHORITY

OFFICIAL

574 Main Street
(PO Box 1012)
Bairnsdale Vic 3875
PHONE: (03) 5152 0600
FAX: (03) 5150 3555
ABN 72 411 984 201

EGCMA Ref: EGCMA-F-2022-00221
Document No: 1
Date: 26 September 2022

Robert Pringle
Statutory Planning Coordinator
East Gippsland Shire Council

Dear Robert,

Planning Permit Application No.: 334/2022/P

Property **Street:** 10 Fullarton Drive, Paynesville Vic 3880
Cadastral: Lot C PS311448, Parish of Bairnsdale

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

I refer to your correspondence received at the East Gippsland Catchment Management Authority ('the Authority') on 31 August 2022 in accordance with the provisions of Section 55 of the *Planning and Environment Act 1987*. The Authority notes that the application is for a multi lot subdivision with native vegetation removal.

Flood Risk

The 1% Annual Exceedance Probability (AEP³) flood level (commonly known as the 1 in 100 year flood) under current climatic conditions is 2.0 metres AHD⁴. Under future climatic conditions this level increases to 2.8 metres AHD. **The applicable 1% AEP flood level for this property is 2.0 metres AHD.**

The flood mapping available to the Authority shows that under current and future (year 2100) climatic conditions the proposed lots are unlikely to be subject to inundation during a 1% AEP flood event.

The Authority therefore requires no conditions regarding flood risk.

Stormwater Management

The Authority notes that the "10 Fullarton Drive, Paynesville Town Planning Report – Stormwater Management Strategy 5/08/2022" (SMP) states that the chosen stormwater treatment scenario ("*The proponent proposes to include 2,000 litre tanks at allotments 1-59 and treat stormwater from external catchments.*") meets best practice targets for stormwater treatment, however no MUSIC model schematic and treatment results have been provided to demonstrate this.

The Authority will require that the applicant updates its SMP to demonstrate that the proposed stormwater treatment meets best practice through the use of a MUSIC model.

Additionally, the Authority notes that the applicant intends to treat stormwater partly through the use of rainwater re-use tanks. The Authority will require that a Section 173 agreement is placed on Lots 1 to 59 (Lots stated in SMP) requiring any future dwelling to be connected to at least a 2000 litre rainwater tank.

ABN 88 062 514 481

Correspondence PO Box 1374, Traralgon VIC 3844

Telephone 1300 094 262 | Facsimile (03) 5175 7899 | Email westgippy@wgcm.vic.gov.au | Website www.wgcm.vic.gov.au

Traralgon Office 16 Hotham Street, Traralgon VIC 3844 | Leongatha Office Corner Young & Bair Streets, Leongatha VIC 3953

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The Authority is a recommending referral authority for this application. Pursuant to Section 56(1) of the *Planning and Environment Act 1987*, the Authority **does not object** to the issue of a Planning Permit, subject to the following conditions being included in the permit:

1. Prior to the consent to the issue of certification for the subdivision an updated Stormwater Management Plan (SMP) must be developed to the satisfaction of East Gippsland Catchment Management Authority. The Stormwater Management Plan must demonstrate through the use of a MUSIC model that all stormwater discharge from the subdivision will meet the *Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO, 1999)*.
2. Prior to the issue of a Statement of Compliance for the subdivision, the owner(s) shall enter into an Agreement with the responsible authority pursuant to Section 173 of the *Planning and Environment Act 1987* ('the Act') and make application to the Registrar of Titles to have the Agreement registered on the title to the land under Section 181 of the Act. The owner(s) must pay all reasonable costs of the preparation, execution and registration of the Agreement. The Agreement will stipulate that:
 - a. Any future dwelling on Lots 1 – 59 of Plan of Subdivision facilitated under Planning Permit 334/2022/P must be connected to a rainwater tank with a capacity of at least 2000 litres. The rainwater tank must be plumbed to all toilets and laundries in the dwelling/s. All stormwater treatment assets must be maintained in good working order.
3. Prior to the issue of a Statement of Compliance for Stage 1 of the subdivision, the water quality treatment works outlined in the Stormwater Management Plan must be undertaken to the satisfaction of East Gippsland Catchment Management Authority.

Pursuant to Sections 64 to 66 of the *Planning and Environment Act 1987*, please ensure that you provide the Authority a copy of your decision in a timely manner to allow for an application for review to VCAT if required.

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

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

Should you have any queries, please do not hesitate to contact Rhain Bateman on 1300 094 262 or email planning@wgcm.vic.gov.au. To assist the Authority in handling any enquiries please quote **EGCMA-F-2022-00221** in your correspondence with us.

Yours sincerely,



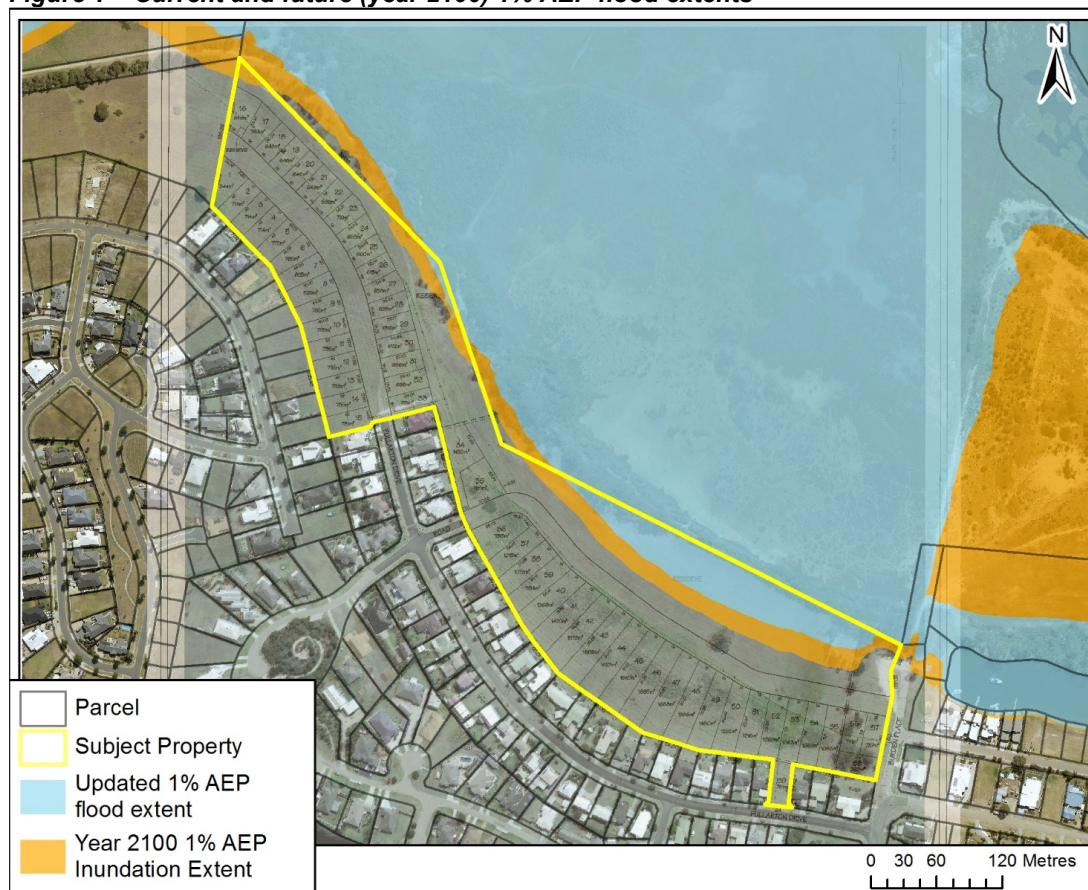
Adam Dunn
Gippsland Floodplain Officer

Cc: RESI Ventures C/- Crowther & Sadler Pty Ltd

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

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EXPLANATORY REPORT

Figure 1 – Current and future (year 2100) 1% AEP flood extents**Decision Guidelines**

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

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

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1% AEP³ Flood Level Determination

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

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

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

Current Victorian Government policy recommends that coastal communities should also be aware of and plan for mean sea level rise of not less than 0.8 metres by the year 2100. The 1% AEP flood level for Paynesville is likely to increase by 0.8 metres to 2.8 metres AHD by 2100.

The *Guidelines for Coastal Catchment Management Authorities: Assessing development in relation to sea level rise* (DSE, 2012) outlines the Victorian Government response to the likely impacts of possible sea level rise. The Guidelines include policy direction allowing agreement between Councils and Catchment Management Authorities on appropriate flood level for anticipated sea level rise.

In April 2017 the East Gippsland Shire Council adopted Version 4 of the *Coastal Inundation and Erosion Planning Policy*. The Policy adopts the existing 1% AEP flood level as the benchmark flood level to be used to assess infill development against.

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

The Authority holds no information in relation to the arrangement and capacity of stormwater drainage infrastructure in the area.

Stormwater Management

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

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

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

In regards to Water Sensitive Urban Design (WSUD) the following water quality objectives will need to be demonstrated to the satisfaction of the Authority:

- Integrate Water Sensitive Urban Design features to provide a high level of landscape amenity.

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

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Definitions and Disclaimers

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

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

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



EAST GIPPSLAND
CATCHMENT
MANAGEMENT
AUTHORITY

OFFICIAL

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

EGCMA Ref: EGCMA-F-2022-00221
Document No: 2
Date: 30 September 2022

OFFICIAL

Robert Pringle
Statutory Planning Coordinator
East Gippsland Shire Council

Dear Robert,

Planning Permit Application No.: 334/2022/P

Property Street: 10 Fullarton Drive Paynesville Vic 3880
Cadastral: Lot C PS311448, Parish of Bairnsdale

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

I refer to your correspondence received at the East Gippsland Catchment Management Authority ('the Authority') on 28 September 2022 in accordance with the provisions of Section 55 of the *Planning and Environment Act 1987*. The Authority wishes to provide an amended response to the proposed subdivision removing condition 1 provided which requested an updated Stormwater Management Plan to provide MUSIC modelling.

The Authority had missed that the MUSIC modelling demonstrating that stormwater treatment for the subdivision meets best practice was included in the drainage plan in the appendix of the report. As such, the Authority is satisfied with the Stormwater Management Plan.

The Authority requests that its **previous supplied conditions** are replaced with the ones below.

The Authority is a recommending referral authority for this application. Pursuant to Section 56(1) of the *Planning and Environment Act 1987*, the Authority **does not object** to the issue of a Planning Permit, subject to the following conditions being included in the permit:

1. Prior to the issue of a Statement of Compliance for the subdivision, the owner(s) shall enter into an Agreement with the responsible authority pursuant to Section 173 of the Planning and Environment Act 1987 ('the Act') and make application to the Registrar of Titles to have the Agreement registered on the title to the land under Section 181 of the Act. The owner(s) must pay all reasonable costs of the preparation, execution and registration of the Agreement. The Agreement will stipulate that:
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2. Prior to the issue of a Statement of Compliance for Stage 1 of the subdivision, the water quality treatment works outlined in the Stormwater Management Plan must be undertaken to the satisfaction of East Gippsland Catchment Management Authority.

ABN 88 062 514 481

Correspondence PO Box 1374, Traralgon VIC 3844

Telephone 1300 094 262 | Facsimile (03) 5175 7899 | Email westgippy@wgcm.vic.gov.au | Website www.wgcm.vic.gov.au

Traralgon Office 16 Hotham Street, Traralgon VIC 3844 | Leongatha Office Corner Young & Bair Streets, Leongatha VIC 3953

Pursuant to Sections 64 to 66 of the *Planning and Environment Act 1987*, please ensure that you provide the Authority a copy of your decision in a timely manner to allow for an application for review to VCAT if required.

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

Should you have any queries, please do not hesitate to contact Rhain Bateman on 1300 094 262 or email planning@wgcma.vic.gov.au. To assist the Authority in handling any enquiries please quote **EGCMA-F-2022-00221** in your correspondence with us.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Adam Dunn', enclosed within a thin yellow rectangular border.

Adam Dunn
Gippsland Floodplain Officer

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

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

Definitions and Disclaimers

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, most closely represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or the local government authority.

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

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5. **ARI** as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100 year ARI flood will occur on average once every 100 years.

6. Nominal Flood Protection Level – is the minimum height required to protect a building or its contents, which includes a freeboard above the 1% AEP flood level.

7. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.

8. This letter has been prepared for the sole use by the party to whom it is addressed and no responsibility is accepted by the Authority with regard to any third party use of the whole or of any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it would appear.

9. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.

10. Please note that land levels provided by the Authority are an estimate only and should not be relied on by the applicant. Prior to any detailed planning or building approvals, a licensed surveyor should be engaged to confirm the above levels.



Department of Environment, Land, Water & Planning

Your Ref: 344/2022/P
Our Ref: SP481663

71 Hotham Street
Traralgon Victoria 3844
Telephone: +61 3 5172 2111
www.delwp.vic.gov.au

4 October 2022

Robert Pringle
East Gippsland Shire Council
P O Box 1618
BAIRNSDALE VIC 3875
Email: feedback@egipps.vic.gov.au

Dear Robert

PROPOSAL: Multi lot subdivision and native vegetation removal
APPLICANT: Crowther & Sadler Pty Ltd on behalf of L, E, C& O Armstrong
ADDRESS: 10 Fullarton Drive, Paynesville
LEGAL DESCRIPTION: Lot C PS311448U

Thank you for your correspondence received 31 August 2022 pursuant to Section 52 of the *Planning and Environment Act 1987* (the Act).

The application is for a multi lot subdivision and native vegetation removal.

Under Delegation from the Secretary, the Department of Environment, Land, Water and Planning (DELWP) has considered the above application in accordance with Section 52 of the Act, with the specific referral trigger being Clause 42.02-2 of the East Gippsland Planning Scheme.

I wish to advise DELWP **does not object** to the granting of a planning permit subject to the following conditions:

- All works must not increase erosion, sediment, impacts to flora and fauna or the health and viability of the Point Fullarton GLR and the Lake King wetlands Ramsar site to the satisfaction of the Responsible Authority.

Note that any works for the ongoing operation and maintenance of drainage infrastructure within the Crown land will require the applicant to seek and obtain relevant approvals, including an occupation licence from Parks Victoria under the Crown Land (Reserves) Act.

The accompanying supporting information provides further detail regarding DELWP's assessment of this application and advice to inform the responsible authority's decision.

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

Privacy Statement

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



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

Yours sincerely



Jayne Cluning

Planning and Approvals Program Officer
Gippsland Region | Central East Hub



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Supporting Information:

General Comments

The subject site is immediately adjacent to Point Fullarton Gippsland Lakes Reserve, managed by Parks Victoria for conservation of natural ecosystems, conservation of aquatic and terrestrial flora and fauna and opportunities for recreation associated with the enjoyment of natural environments.

Point Fullarton GLR is part of the Gippsland Lakes Ramsar Site, designated to be of international importance. Drainage from the new development drains into the Point Fullarton GLR and the Lake King wetlands. There is potential for stormwater discharge to negatively impact on this highly sensitive environment and the broader system, including through erosion, sediment, impacts to flora and fauna or the health and viability of the Ramsar site.

No specific assessment has been made on what impacts this project will have on the environmental values of the reserve or broader Ramsar site. It is not clear how the proposal meets the strategies in Clause 12.01 Biodiversity and Clause 12.02 Marine and Coastal Environment specifically the strategy of: "Consider impacts of any change in land use or development that may affect the biodiversity value of national parks and conservation reserves or nationally and internationally significant sites; including wetlands and wetland wildlife habitat designated under the Convention on Wetlands of International Importance (the Ramsar Convention) and sites utilised by species listed under the Japan-Australia Migratory Birds Agreement (JAMBA), the China-Australia Migratory Birds Agreement (CAMBA), or the Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA)."

In addition, existing culverts are proposed to be used, some of which appear to be within, or discharge into, the Point Fullarton GLR. The application does not propose works outside the subject land, however the Stormwater Management Plan reports that in all cases the inlet and outlet of the culverts are overgrown, covered or buried. There is no evidence that the existing culverts will meet requirements. Any works for the ongoing operation and maintenance of drainage infrastructure within the Crown land will require the applicant to seek and obtain relevant approvals, including an occupation licence from Parks Victoria under the Crown Land (Reserves) Act.

Note that DELWP are exempt from fencing requirements so any fencing along a Crown land boundary will need to be undertaken and paid for by the developer or future landowner.



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

Our Ref: DOC/22/50532

29 September 2022

Reference Number(s): 344/2022/P
Referral Authority: East Gippsland Shire Council
For: 59 Lot Subdivision
Location: 10 Fullarton Drive Paynesville
Applicant: Crowther & Sadler Pty Ltd

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

Conditions:

1. Extend water supply infrastructure to the satisfaction of East Gippsland Water.
2. Extend sewerage infrastructure to the satisfaction of East Gippsland Water.
3. Relocate sewerage infrastructure where it significantly traverses proposed lots.
4. Submit design, construction, commissioning and as constructed documentation on all proposed infrastructure, or alterations to existing infrastructure, for written approval by East Gippsland Water.
5. Pay applicable development planning charges.
6. Existing water meter (No. R04010186), is to be disconnected and returned to East Gippsland Water.
7. Place easement(s) on the plan of subdivision over existing/proposed infrastructure, to the satisfaction of East Gippsland Water.
8. Should East Gippsland Water determine that a gravity sewerage system is not feasible, then a pressure sewer system may be approved. In this instance, pressure sewer pumps for relevant lots are to be purchased (prepaid) from East Gippsland Water before the relevant statement of compliance can be issued.
9. Enter into a Developer Works Agreement with East Gippsland Water Prior to the approval of any design plans by East Gippsland Water. This agreement will set out the basis upon which the water and sewerage works (as applicable), must be provided by the Developer, to serve the proposed Development.
10. 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 as agreed in the Developer Works Agreement. The type and extent of additional infrastructure will be subject to detailed engineering design, as approved by 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



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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) 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.
- (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 specific requirements for sewerage and/or water supply infrastructure relating to coastal inundation or flooding is to be funded by the applicant.

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

Yours faithfully,

A handwritten signature in black ink, appearing to read "Mathew Scott", is positioned above the printed name.

MATHEW SCOTT
ACTING EXECUTIVE MANAGER STRATEGY & ASSETS
East Gippsland Water

cc: Crowther & Sadler Pty Ltd



**EAST GIPPSLAND SHIRE COUNCIL
PLANNING CONSULTATION MEETING
344/2022/P – 10 Fullarton Drive, Paynesville**

Multi-lot subdivision and native vegetation removal

**Record of Meeting
(Minutes)**

MONDAY, 21 November 2022

**VIA MICROSOFT TEAMS AND IN-PERSON IN COUNCIL CHAMBERS,
273 MAIN STREET, BAIRNSDALE**

COMMENCING AT 6:00 P.M.

1. PROCEDURAL

1.1 APOLOGIES

Councillors: Cr. Kirsten Van Diggele, Cr. John White, Cr. Mendy Urie, Cr. Sonia Buckley, Cr. Trevor Stow

Objectors:

1.2 IN ATTENDANCE

Councillors: Cr. Mark Reeves (Mayor), Cr. Arthur Allen (Deputy Mayor), Cr. Tom Crook, Cr. Jane Greacen

Applicant: Kate Young (Crowther & Sadler, advocate for the applicant),

Objectors: 25 community members including those specifically mentioned as speakers in the notes below.

East Gippsland Shire Council Minutes Planning Consultation Meeting 344/2022/P – 21 November 2022

Officers: Stuart McConnell, General Manager Place & Community; Martin Richardson, Manager Planning; Robert Pringle, Statutory Planning Coordinator

1.3 DECLARATIONS OF CONFLICT OF INTERESTS

NIL

1.4 ACKNOWLEDGEMENT OF COUNTRY

2. REPORTS/PRESENTATIONS

2.1 PLANNERS REPORT

Robert Pringle, Statutory Planning Coordinator

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

Q: Cr Reeves:

Question relating to the design development overlay in the notes that I've read. I'm not sure if it's important. There's two DDOs referred to in parts of the report, 11 and 14.

A: Robert Pringle:

DDO14 applies to the land. The trigger in that design development overlay relates to height above natural ground level. A permit is required if buildings and works are proposed above 7.5 metres from natural ground level.

Q: Cr Greacen:

The VCAT had hearings from 2011 and 2014. Do they need to be taken into consideration by the developer by the proponent fully, and if so, do you believe they have been?

A: Robert Pringle:

I won't say whether they have been fully implemented, I think that's probably for our assessment down the track and in terms of the responsibility of an applicant in making an application when VCAT has made a specific determination. VCAT may provide for guidelines for how a future application could be made and they may include mandatory requirements as well, and I think in relation to the 2011 decision, there were some mandatory statements in that original determination that would have been followed up in the 2014 application. And I believe that the case with the 2014 ruling and advice for a future potential application is that there is more general guidelines to be considered. But not a lot of hard and fast, so I think Kate could probably better outline how her application responds to those considerations.

2.2 OBJECTOR PRESENTATIONS (summarised)

Rhonda Albrecht, speaking on behalf of several other objectors:

- representative and chair of Friends of Fullarton objectors throughout the prior applications, now represent multiple objectors
- land is within the incredibly significant and unique landscape of the Gippsland Lakes, adjacent to Lake King and Point Fullarton Wetland, which since 1982 were protected under the International Ramsar Convention.
- concerns and objections are raised by neighbourhood residents, environmental and wildlife groups.
- some references are made in this application that are open to conjecture/debate regarding the prior VCAT hearings or at the least not in the best interest of all parties.
- building envelope parameters, Section 173 on further subdivision, etc.

East Gippsland Shire Council Minutes Planning Consultation Meeting 344/2022/P – 21 November 2022

- VCAT outcome: views of Lake King form part of the residence amenity.
 - The outcome was influenced by the in perpetuity covenant of a building height of 4.5 metres at the highest point of the land on titles for the houses on the southern side of the north of the new subdivision. This covenant will also always limit our ability to address the view
 - With view lines are horizontal or vertical corridors. There was a significant amount of discussion at the last VCAT hearing about the nature of the view lines should take whether they be horizontal or vertical corridors.
 - Applicant had adopted 1.5 m view line, and residents submitted 1.2 (seated) oblique view is preferable.
 - Friends of Fullarton interprets VCAT decision in short, that a 1.2 metre (seated) oblique view be adopted, and as this was not the proposal, it ultimately failed.
 - Residents submitted their own survey evidence and requested a particular outcome. This specifically is a view line section drawing for each residence.
- This application is considered deficient in not providing these diagrams for each lot and having adopted a 1.5 metre horizontal assessment rather than a 1.2 metre oblique assessment. Failure to acknowledge physical ability of the neighbouring residents.
- Failure to adopt 18m recommended setback.
- Concerns about potential for future subdivision and request for Section 173 agreement to prevent further subdivision.
- Further suggestion for covenant for a single dwelling on each lot.
- Impact from residential development area and will continue to be evident from the lake because of the extent of existing development that has and is continuing to occur.
- Consider there is some merit in more carefully reviewing the lot layout of the subdivision in any new future subdivision on any future applications.
- Lot orientation and size coupled with three-dimensional building envelopes would avoid new buildings dominating the view from the lake.
- Site conditions remain unchanged and the principal observations of the VCAT Members should be observed.
- Increased traffic, environmental and habitat degradation is a concern.

Peter Sutton:

- Proposal is a threat to the Ramsar wetlands.
- Reference to EGCMA Ramsar management plan - assessment of 106 risk pathways and inputs
 - The threat of residential development impacting the visual amenity from Lake King was considered as almost certain with a moderate consequence, but a high risk.
 - Invasive species, cats and dogs attacking, nesting, feeding and roosting water birds was also identified as high risk.
 - Exposure of adverse acid sulfate soils was considered to be likely, but with a major consequence and posed an extreme risk.
- Council is to ensure that these threats are adequately managed to both minimize the likelihood of damage and also moderate the consequence.
- Significant controls should be instigated on the building form and prohibit building to the side boundaries to ensure the visual bulk of new homes is compatible with the coastal neighbourhood.
- Such controls on building bulk could also reduce the severity of the numerous objections relating to view sharing.
- The proposed development will result in domestic animals being in close proximity to the wetlands, creating the high risk identified.
- Creation of buffer zones may reduce the invasion of exotic plants, reduce and noise and light pollution to the detriment of fauna.
- Provide a corridor for wildlife movement and provide a transition between habitats, support the biotic diversity by providing a non wetland habitat for species such as roosting birds and frogs.

- Suitable buffer would require the re-orientation and reduction in the number of blocks numbered 16 to 33.
- The proposal all but ignores as acid sulfate soils simply stating there will be managed if and when found. This does not appear to address what has been identified as an extreme risk.
- Conduct a full geotechnical risk assessment and soil surveys and design the site to avoid construction impacts.
- I object to the proposed storm water treatment systems. The Western system does not meet best practice.
- The Eastern treatment zone will be subject to flooding as sea levels rise. It seems totally illogical that such an asset is located within a known floodplain.

Q: Cr Crook:

Peter, you mentioned that the wetland doesn't meet best practice. Would you like to just expand on that a little for me and outline how you believe it doesn't meet best practice?

A: Peter Sutton:

Yes, certainly. There are essentially 2 treatment systems, the eastern treatment plant, the one that is subject to flooding, does appear to have sufficient retention times and does meet the water guidelines for suspended solids, phosphate etcetera, however the Western treatment plant does not.

Gerry Ciavarella:

- Most of the neighbourhood would not agree with the traffic assessment that the intersection of Paynesville road and Burden Place will continue to operate well following full development of the subject site.
- Paynesville is a peak tourist town. This is not reflected in the traffic report. The extension to Fullerton will create a no through Rd of nearly one kilometre with only one single access point to Paynesville Rd.
- This creates unsafe conditions, particularly in the case of an emergency, such as a grass fire from adjoining the farmland to the West, which is a designated Bush Fire prone area.
- The study was conducted over 7 days from late April, which is not a busy time.
- The vehicle count did not factor in how many cars were towing a trailer, boat or caravan, which can associate the unsafe conditions that occur when vehicles are queuing to get into the petrol station.
- Residents are year round users. They know that the road is much busier during holiday periods, with cars, trailers, caravans, boats, often blocking the access.
- Section 3.1 of the Traffic report says that the Painesville structure plan indicates Fullarton Drive will be extended through the subject site to a new connector Rd that will ultimately provide an alternative connection to Painesville Rd. The key word here is ultimately, this means at some time in the future, not as part of the current application.
- This is a significant issue. It requires a more thorough investigation during a peak holiday period that also identifies and counts vehicle attachments.

Glen Luxford:

- Proposal is very poor outcome for elderly ratepayers and wildlife and the environment.
- Wetlands are among the most important life support system on the Earth.
- Concerns about discharge of contaminants and sediment to the wetlands.
- Not enough consideration of the impact to fauna.
- Insufficient Infrastructure, (social services, sewerage and water)
- Roads insufficient, specically, the Bairnsdale-Paynesville Rd and intersection with Burden Place (difficult to navigate, often impeded by other vehicles)
- Health care shortages
- Suggests a safer layout to alter alignment of road around the existing development.
- Concerns about increased population and more pollution.
- Broad catchment - discharging treated sewage into our wetlands, creeks, rivers that finally end up in Gippsland Lakes.

East Gippsland Shire Council Minutes Planning Consultation Meeting 344/2022/P – 21 November 2022

- Toxic green mess - this year has had a toxic green mess for the from the lakes all the way from Seaspray to Mallacoota for about six months or more, with signs saying toxic algae, the following seafoods should not be eaten. Mussels, prawns, crabs.
- E Gippsland is special. That's where tourists and families come to play. Fish, sail, surf swim, snow ski, see the wildlife, farm animals, go for walks along the beaches, hills, mountains. It's a beautiful special part of the world. E Gippsland should be a place to visit, not to be overdeveloped - people live in Paynesville because it's a quiet coastal village with a population of 3600, not a planned population of over 8000 people. People are leaving Mornington to live in here. Why? Because it's overpopulated - no more developments for East Gippsland until we sort out the mess.

Lynette Wilkinson:

- Speaking for self and the owners of #12 and #14 Fullerton Drive.
- Feels the application has not sufficiently responded to the prior VCAT determinations and expressed concerns with the current method of height limits, with potential significant impact to certain properties unless the methodology is revised.
- Concern with environmental threat to migratory birds, application requires referral under EPBC Act.
- Concern about further subdivision.

Mark and Jennifer Holter:

- Object to lots 16 to 35 proximity to wetlands, with potential impact to native fauna (animal control, noise pollution).
- Concern not enough public open space provided adjacent wetlands.
- Lot design will negatively impact on the views from the public realm, including the lake.
- Request a 10 metre set back between 54 Fullerton Drive and Lot 35 with the understanding that this would include the driveway to lot 34.

Cheryl:

- The issues around setbacks, sightlines, and view sharing have been inadequately addressed. "A horizontal viewing line would only give a view of the horizon."
- Rear set back of five metres would result in the brick wall of neighbouring house dominating the view.
- Allotments 1 to 33 not respectful of the lakeside character and destroys the environmental and landscape value of the area.
- The conditions or restrictions on the use and or development of the land should be specified in agreed to before any development is approved.
- Steep slopes are difficult to build on and would require significant amounts of bulk earthworks. This disturbance is an unacceptable risk to the adjoining wetlands.
- Ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity.
- The wetlands are under increasing stress from climate change.
- Concerns for site management, stormwater, overall development impacting on the wetlands.

Birgita Hanson & Derek Russell (Birdlife East Gippsland)

- Significance of the site to Latham snipe, which is the only migratory snipe species in Victoria. Species is under threat at both ends of its migratory pathway, and it's listed as near threatened under the IUCN Red List for Birds.
- The subject land is one of only 8 surveyed sites in East Gippsland that record nationally significant numbers of Latham Snipes, so meeting that EPBC criteria for national importance.
- Proposal will remove approximately 50% of the site.
- The two reserve ponds proposed with a total area of just over half an acre, will not supply replacement, roosting and feeding habitat for this species, which requires wet rank grassy margins to the main feeding area in the adjacent point Fullerton Ramsar marshes.
- Recommends referral of the project under EPBC Act

East Gippsland Shire Council Minutes Planning Consultation Meeting 344/2022/P – 21 November 2022

Sue Watson and David Morrison:

- The application does not realistically address what the 2014 VCAT order determined in relation to view sharing?
- Residents have the right to have their situation assessed independently rather than having a one-size-fits-all approach imposed on them.
- Create an angled line from each residence eye height down to their point.
- The angle required won't be the same for each existing property, but will be about 2 degrees below the horizontal.
- The applicant should correct new individual building envelopes required for Lots 36 to 58 and for any other what's we're view sharing is being denied.
- Much better protection would have been ensured if the view on height had been at the least discriminatory 1.2 meters.

Chris and Fleur Streets:

- Both previous applications to the tribunal were refused because of unreasonable impact on amenity in a form of existing views enjoyed by the residents of Fulton Drive.
- The prior applicant submitted to VCAT that 4 metre wide view corridors between each of the new houses, plus a 4.5 metre height limit on buildings, were sufficient to amount to reasonable view sharing. The tribunal rejected these claims and found they did not provide the outcome of reasonable view sharing for existing residents.
- The proposed blocks in this application are very much bigger and could facilitate larger setbacks to protect views.

David Nicastro:

- Property will be affected by loss of visual amenity, also a member of Gippsland Environmental Group.
- Latham snipe is slightly susceptible to anthropogenic disturbance – noise, light, and contamination, introduced species, etc. all detrimental.
- The development and residential housing on and adjacent to this area is likely to impact on the snipe population through loss of suitable wetland habitat .

Ross McGregor:

- Problem of one way in and one way out for emergency response.
- Burden Place is the only access point for the whole of the precinct at the present time, and is problematic, including at the intersection of Paynesville Road.
- Lack of footpath in Burden Place

Steve Hardy:

- View to the east not taken into account.
- No provision in the design of the subdivision for public usable space, playgrounds or parklands for children.
- Access of construction equipment impacting Eagle Bay Terrace.
- Retain the character of what makes Paynesville what it is

Gary Mackay:

- Concern for development putting additional pressure on the electricity network and resulting in issues with care when there is a power outage.

2.3 APPLICANT PRESENTATION

Kate Young – Crowther & Sadler (advocate for the Applicant)

Kate sought to provide clarification to questions and concerns raised by objectors, including a response to say that the proposal needs to respond to the environmental considerations relevant to the site, but also needs to provide a response to the demand for housing in suitably zoned land.

East Gippsland Shire Council Minutes Planning Consultation Meeting 344/2022/P – 21 November 2022

Suggests that the application has met the objectives of prior VCAT discussions.

Environment:

- Acknowledges significance of Point Fullarton Reserve.
- EPBC Act referral is not part of the Planning Permit process, and a flora and fauna study will be prepared.

Stormwater Management:

- Currently there is no treatment.
- The proposal will address both the existing and proposed development within the catchment. Best practice stormwater management will only require an increase of 20 square metres area to fully treat stormwater from the catchment.
- EGCMA has not objected to the proposal.

Building Envelopes:

- Proposal provides for vertical and horizontal sharing of views, via 3D building envelopes.
- Not 'one-size-fits-all'.
- Following the response from the 2013 VCAT determination, sitting eye level not reasonable.
- Invitation to objectors to meet directly.
- MODAN cross sections will be provided for each of the lots.

Covenant/Agreement/Restriction – outlined in the application documentation.

Further subdivision restrictions to be called for by Council.

Landscaping issues to be restricted, or not? Will respond to Council's determination.

Commits to shared use path, but mostly a passive recreation area.

Q: Cr Greacen:

To clarify, it was said Council planning department cannot refer the issue about the snipe to the Commonwealth for review under the EPBC Act. One of the objectors stated that council officers could be fined if they fail to do so. Can you clarify that, please?

A: Kate Young:

Council can have a bit of insurance, by placing a note on permit to inform of the need of referral, like when Council grants a planning permit for a dwelling, it comes with a note on permit to say don't forget you have to go and get a building permit.

A: Martin Richardson:

It's worth a look actually at the EPBC Act process. The EPBC Act process is a process of referral by a proponent. It is illegal under the EPBC Act for a person to take an action which is contrary to the Act. The Council is not proposing to take any action.

It's the proponent that is, so for any referral under the EPBC act, it is the legal obligation of a person or a company proposing to take an action to make that referral themselves. And there's a process laid out there for a self-assessment. The applicant or the proponent, having done that self-assessment may then refer it to the federal minister who has 20 days to decide whether or not it requires formal assessment.

There's no liability on behalf of these Council for not making referral, and in fact there is no process for a Council to make a referral under the Act.

Q: Cr Greacen:

Kate, please clarify what you meant when you were talking about adding an extra 20 something in order to comply 100% with requirements. Is it the same issue is one of the objectors stating that there's a potential to lose 50% of the breeding site for the Latham snipe.

A: Kate Young:

East Gippsland Shire Council Minutes Planning Consultation Meeting 344/2022/P – 21 November 2022

The requirement for best practice for total reduction of phosphorus requires a 20 square metre increase in the western wetland. I would expect that Council would perhaps impose a condition requiring stormwater management to best practice as a separate issue.

The question about the habitat for the snipe, that's something that we're going to learn about as part of the work being done by Biosis. And you could rest assured that if it's determined that then EPBC Act referral is required and the minister steps in and says, well, you can't do that well, my clients hands will be tied so I see there's no risk for council in in that process that that's certainly my client's intention to comply.

2.4 CLOSING COMMENTS

Robert Pringle advised that Council will take into consideration all of the content of the evening's proceedings and go back to the Applicant due to the questions raised in the meeting. A determination was advised not likely before March.

3. MEETING CLOSE

The meeting closed at 8:12 PM

Our ref: 19972

29 March 2023

Statutory Planning Coordinator
 East Gippsland Shire Council
 Via email: Planning@egipps.vic.gov.au

Attention: Mr. Robert Pringle

Dear Robert,

Re: Planning Application 344/2022/P
Mutli-lot subdivision and Native Vegetation Removal
10 Fullarton Drive, Paynesville

I refer to correspondence dated 3 November 2022 from Martin Richardson, Manager Planning, requesting a native vegetation management plan in response to community concerns to native mammals that either occupy or move through the subject land.

In response to Council's request please find enclosed a copy of the Mammal Management Plan prepared by *Biosis*. We trust the plan satisfies Council's request.

I also advise a functional layout for stormwater management and drainage has been progressed by *Crossco Consulting* at the request of our client. The more detailed drainage assessment has identified some necessary changes to the proposed drainage infrastructure for both the eastern and western drainage system. The changes to the drainage layout also included the amendments recommended by *Neil M Craigie Pty Ltd*. The following plans and documents are provided for Council to review:

- Site Drainage Plan Set (Crossco Consulting, Dwg No. 2635 Rev B)
- Review by *Neil M Craigie Pty Ltd* (21 February 2023)
- Revised Water Treatment Calculations (Email; Crossco Consulting 20/02/2023)

As always, please do not hesitate to contact our office should we be able to assist further.

Regards,


 RICHARD HOXLEY
 Principal Planner



FS 520900





10 Fullarton Drive Paynesville

Mammal Management Plan

Prepared for Resi Ventures Pty Ltd

24 March 2023



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Document information

Report to:	Resi Ventures Pty Ltd
Prepared by:	Joshua Orchard and Jonathan Botha
Biosis project no.:	38936
File name	38936.10.Fullarton.Drive.Paynesville.MMP.FIN01.20230324

Document control

Version	Internal reviewer	Date issued
Draft	JAB & CE	14/03/2023
Final	JAB & CE	24/03/2023

Acknowledgements

Biosis acknowledges the contribution of the following people and organisations in undertaking this study:

- Resi Ventures Pty Ltd: Sarah Davis, Ingrid Davoli
- Crowther and Sadler: Kate Young

Biosis staff involved in this project were:

- Joshua Orchard (reporting)
- Clare Emery (project management and quality assurance)
- Dr Jonathan Botha (reporting and quality assurance)

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Mammal Management Plan

This Mammal Management Plan (MMP) has been prepared on behalf of Resi Ventures Pty Ltd by Biosis Pty Ltd. It provides details of the planned management of Eastern Grey Kangaroos *Macropus giganteus* at 10 Fullarton Drive, Paynesville.

Site Details	
Site name	10 Fullarton Drive Subdivision
Site address	10 Fullarton Drive, Paynesville
Local government area	Shire of East Gippsland

Planning permit applicant	
Company name	
Contact name	
Contact number	
Email	

Ecologist	
Company name	Biosis Pty Ltd
Contact name	Jonathan Botha
Contact number	0427 458 051
Email	jbotha@biosis.com.au
Ecologists involved in preparing the MMP	Jonathan Botha, Joshua Orchard

Site induction	
Does the site induction for construction workers cover this KMP, and what to do if they find evidence of kangaroos in the construction area?	Yes / No
Approved by	
Date	
Name of Council officer	



Contents

Mammal Management Plan	ii
1. Introduction	5
2. Kangaroo management rational	6
3. Site description	7
3.1. Location of the study area	7
3.2. Landscape features	7
3.3. Vegetation cover	7
3.4. Parks, reserves and recreation areas	8
3.5. Estimated EGK home range in the local area	8
3.6. Major hazards	8
4. Survey methodology and results	9
4.1. Site inspection - FFA	9
5. Plan goals	10
6. Staged development plan	11
6.1. Action required	11
6.2. Timeframe	11
6.3. Responsibility	11
7. Assessment of management options	12
7.1. Construction exclusion fencing	12
7.2. Removing attractants	13
7.3. In situ management of EGK	13
7.4. Culling and fertility control	13
7.5. Summary of management options	13
8. Management actions	15
9. Monitoring and contingency plan	18
9.1. Staged development monitoring	18
10. Reporting	19
10.1. Staged development reporting	19



References 20

APPENDICES 21

Appendix A. If you see a kangaroo in the construction area..... 22

Appendix B. Study area photos 23

Tables

Table 1 Assessment of kangaroo management options 14

Table 2 Initial management actions..... 15

Table 3 Responsive management actions 17

Photos

Photo 1 Typical vegetation cover within the study site 23

Photo 2 An EGK observed during the FFA within study area 23



1. Introduction

Biosis was engaged by Resi Ventures Pty Ltd (Resi Ventures) to prepare a Mammal Management Plan (MMP), upon the request of East Gippsland Shire Council (Council) and in response to concerns over Eastern Grey Kangaroo *Macropus giganteus* (EGK) that were raised during consultation for the development of 10 Fullarton Drive, Paynesville (permit application 344/2022/P) (study area).

Resi Ventures plans to develop the study area as a residential subdivision, containing 59 residential lots and a substantial waterfront reserve. The intended reserve section of the site interfaces with the Point Fullarton Gippsland Lakes Reserve and the Gippsland Lakes Ramsar Site along the north-eastern boundary.

Biosis has recently conducted a Flora and Fauna Assessment (FFA) of the site (Biosis, 2023). During the on-site assessment, a mob of approximately 12 EGK were observed resting and feeding across the study area on two consecutive days and were also observed moving between the study area and the adjacent Point Fullarton Gippsland Lakes Reserve. Large numbers of EGK were also observed across the Point Fullarton Gippsland Lakes Reserve. It is therefore clear that the site is used by EGK and on the request of Council, a MMP should be prepared.

If poorly managed, development in and around the habitat of kangaroos can landlock them or force them to leave their home range, which can endanger the safety and welfare of people and of kangaroos, and harm the environment. This MMP has been prepared to minimise risk to people, kangaroos and the environment that may result from development on the home range of kangaroos. It is a long-term, adaptable plan to minimise risks over the life of development at the study area.

2. Kangaroo management rational

A MMP is important in considering and managing potential issues relating to human safety, animal welfare and environmental protection. The Department of Environment Land Water and Planning (DELWP (now DEECA)) developed guidelines for the management of EGK within the Melbourne Strategic Assessment Area in 2015 in order to address the consequences of increasing urbanisation on Kangaroo habitat loss. Although the study area is located outside of the MSA, the principles of this methodology are relevant and have been adopted in the following plan.

As kangaroos move through the local area, there is potential for the animals to become landlocked between roads and surrounding residential and commercial developments. For the study area these include the:

- Established residential developments to the south and west of the study area
- Point Fullarton Gippsland Lakes Reserve north of the study area
- Paynesville Road south of the study area

With increasing activity and development within the local area, there is the potential for the movement of kangaroos to be influenced, which can result in an increased risk of stress for the animals, increased human-animal interactions, and an increase in the risk of collisions with vehicles.

This MMP sets out management actions to reduce the risk of kangaroos becoming land-locked, stressed or injured by:

- Staging future development to passively disperse EGKs from the study area and away from busy roads.
- Installing appropriate fencing to exclude EGKs from construction zones and roads.
- Removing or restricting access to attractants such as food, water and shelter resources.

This MMP also includes management actions that take human safety into consideration. Management measures outlined will reduce risk to humans by:

- Using exclusion fencing to maintain a barrier between humans and EGKs during future development.
- Installing appropriate warning and information signage around study area.

3. Site description

3.1. Location of the study area

The study area is located in the coastal town of Paynesville within the Shire of East Gippsland, approximately 10 kilometres south-east of Bairnsdale and adjacent to the Gippsland Lakes. The study area encompasses 10.7 hectares of private land and is zoned as General Residential Zone – Schedule 1 (GRZ1). Part of the site is covered by a Land Subject to Inundation Overlay (LSIO). The land is intended for development as a residential subdivision, the proposed subdivision contains 59 residential lots and a substantial waterfront reserve.

3.2. Landscape features

The study area and surrounding landscape consists of modified Gippsland Plain bioregion vegetation, exotic grassy slope vegetation, and is surrounded by the Gippsland Lakes (Lake King and Lake Victoria). The Gippsland Lakes are a Ramsar site, and Point Fullarton Gippsland Lakes Reserve which is adjacent and to the north of the study area is part of the Ramsar site. Existing residential development surrounds the majority of the south-east border of the study area. Scattered trees, shrubs, and patches of Plains Grassy Woodland Ecological Vegetation Class (EVC) 55 along the eastern extent of the study area, and Estuarine Scrub EVC 953 along the northern boundary of the study area provide shelter for kangaroos. Water bodies in the local area, include dams and wetlands, these water bodies are likely to be utilised by local kangaroo populations over the summer when they are unable to sustain themselves on the water from the vegetation they consume. Adjacent undeveloped land to the west and reserves to the north are important for dispersal of kangaroos into the surrounding landscape.

3.3. Vegetation cover

The study area contains predominantly introduced vegetation as majority of the site has been previously disturbed (Photo 1, Appendix B). The study area is dominated by exotic perennial grass species (Kikuyu *Cenchrus clandestinus*, Couch *Cynodon dactylon*, Paspalum *Paspalum dilatatum*, Rat-tail Grass *Sporobolus africanus*, African Love-grass *Eragrostis curvula*, Cocksfoot *Dactylis glomerata*). Other scattered exotic species such as Blackberry *Rubus anglocandicans* and African Box-thorn *Lycium ferocissimum* are present throughout most of the study area. Native scattered trees and shrubs are present in the northern and eastern boundaries of the study area and include Black Wattle *Acacia mearnsii*, Common Boobialla *Myoporum insulare*, Seaberry Saltbush *Rhagodia candolleana*, Gippsland Red Gum *Eucalyptus tereticornis*, Swamp Paperbark *Melaleuca ericifolia*. The native and exotic species can provide shelter for resting kangaroos. Native graminoid species such as Spear Grasses *Austrostipa* spp., Common Wheatgrass *Anthosachne scabra*, Common Bog-sedge *Schoenus apogon* and Rushes *Juncus* spp. would provide vegetation that kangaroos would likely feed on. Despite being largely exotic, the vegetation mix provides suitable grazing habitat for the kangaroo population observed. The surrounding undeveloped landscape to the west would likely be of similar vegetation composition.



3.4. Parks, reserves and recreation areas

The majority of the surrounding landscape is comprised of existing residential developments and privately owned farmland.

The closest parks, reserves and conservation areas to the study area include:

- Point Fullarton Gippsland Lakes Reserve - adjacent and to the north of the study area
- AJ Freeman Reserve – approximately 1 kilometre south of the study area
- Eagle Point Gippsland Lakes Reserve – approximately 3 kilometres west of the study area
- Macleod Morass Wildlife Reserve – approximately 5 kilometres west of the study area

3.5. Estimated EGK home range in the local area

Twelve EGKs were observed grazing and resting within the study area and immediately adjacent properties and reserves. Twenty EGK were observed in Point Fullarton Gippsland Lakes Reserve adjacent to the study area at the time of initial site inspection. Observation indicates that many of the EGK's using the study area may move north to disperse. Records of EGK from online biodiversity databases indicate that the species is widespread in grassland habitat throughout the local area.

Observations of EGK movements suggest that the current home range of the majority of the EGKs observed is likely to be limited due to main roads, adjacent residential areas, and large water bodies in the local area. Access to water is abundant in the local area to the west of the study site, with dams and wetlands providing frequent water points year-round. Shade and shelter is available in the north and east of the study area as there is grassy woodland and estuarine shrub habitat in the local area. The local area north and west of the study area remain largely unobstructed apart from a fence along the northern and western boundaries which may present a barrier to young EGK.

3.6. Major hazards

The major hazards and obstacles to dispersal for EGKs in the local area include roads, fencing and the surrounding residential developments. Paynesville Road runs south of the study area toward the Princes Highway. Heavy and light vehicles use Paynesville Road frequently. A kangaroo attempting to cross the road is at risk of being struck by a vehicle. The residential developments south and east of the study area also present a barrier to EGK's dispersing from the site into the local area

4. Survey methodology and results

4.1. Site inspection - FFA

An initial inspection of the study area was undertaken by a qualified zoologist (Jonathan Botha) on 2-3 February 2023, during the on-site component of the FFA, to assess the ecological values as they relate to the potential presence of an EGK population. The inspection within the study area was carried out on foot and focused on identifying the presence of shelter habitat, food and water resources, hazards and any kangaroos or evidence of their presence (tracks, fur, faecal matter, bones and carcasses). A general inspection of publicly accessible surrounding land within one kilometre of the study area was also undertaken with the use of a vehicle to further assess the presence of kangaroos in the local area and possible dispersal routes available to the species.

A total of 12 EGKs were observed during the initial site inspection (Photo 2, Appendix B), resting and foraging within the study area. The EGKs were observed to be in good health, and the mob contained a range of large adult males, adult females and joeys.



5. Plan goals

The goals of this MMP are to minimise risks to animal welfare, public safety and the environment through a staged development plan and other initial and responsive management actions.

This MMP is based on a consideration of the lifetime, and end-point, of the development. This MMP acknowledges that kangaroo management should be responsive to the changing needs and behaviours of the kangaroo population.

6. Staged development plan

Staging of the development is the first consideration to manage any EGKs that may occur within the study area. Given the surrounding landscape, there is an opportunity to stage the future construction of the development to ensure EGKs are kept out of the study area during construction and are passively moved into nearby suitable and available habitat. Staging of the development is required to ensure EGKs remain safely separated from construction zones and the risk of EGK being hit by vehicles or land-locking is minimised.

A suitable staging plan will be developed following approval of this MMP and prior to construction commencing within the study area.

6.1. Action required

Staging of the development is required to ensure:

- EGKs remain safely separated from construction zones.
- The risk of EGKs becoming land-locked is minimised.

The presence of suitable contiguous grassland habitat allows for passive removal and relocation of the EGKs within the study area through gradual deployment of temporary fencing and development from the easternmost extent of the study area to the west. Dispersal barriers (i.e. fencing along the northern and western boundaries) will be required to be removed to facilitate movement of the EGKs out of the study area.

A staging development plan for the study area will be developed in collaboration with Resi Ventures Pty Ltd. This plan will outline the sequence of development of the study area to passively remove kangaroos from the study area, into adjacent grassland. Without appropriate management, the construction staging process poses a risk of land-locking kangaroos during construction.

To prevent resident EGKs from becoming land-locked, the MMP staging will be implemented prior to the onset of construction from east to west. Temporary exclusion fencing will be installed around each MMP stage, with each staging proposed to be fenced off to kangaroos in line with the construction staging plan. This fencing should remain in place until the completion of each associated construction stage to ensure EGKs remain excluded from the construction sites and residential roads.

Once it is ensured that all EGKs have left the staging area, temporary exclusion fencing will be placed around each stage and along adjacent roads and residential properties during construction. EGKs must not be chased, herded or scared to encourage them out of the staging zones. Removal of food, water and shelter resources may encourage the EGKs to leave the study area and move into suitable grassland habitat to the west.

6.2. Timeframe

The staging plan will be finalised following approval of this KMP and prior to construction commencing on site.

6.3. Responsibility

The implementation of the final staging plan will be the responsibility of Resi Ventures Pty Ltd.

7. Assessment of management options

The following section includes an assessment of the use of management options (as outlined by DEECA Kangaroo Management Guidelines) to be considered in conjunction with the staged development plan to prevent kangaroos from utilising or moving through the study area. The options assessment is summarised in Table 1.

7.1. Construction exclusion fencing

In conjunction with staging of the development, exclusion fencing can be a temporary but important preventative action for the study area. Each stage of the development should be appropriately fenced to ensure EGKs cannot enter an area while it is under construction to prevent injury/death to kangaroos within construction zones and prevent injuries to construction personnel.

During installation, it must be ensured that no EGKs have entered the construction stage and that none remain once the fence is complete. The fence must be secured following installation to ensure EGKs cannot enter the study area. Fencing around the construction areas should be temporary to allow for them to be moved as the construction stages progress. All fencing should be monitored on a regular basis to check for damage or breaches to ensure repairs can be carried out in a timely manner. Signage can be attached to the exclusion fencing provided it does not impact on the integrity of the fence, and that it is fixed to the side where kangaroos are excluded to ensure it does not pose an entanglement risk.

Prior to construction works, it is recommended that kangaroo exclusion fencing be added to the eastern and southern boundaries of the study area, adjacent to Fullarton Drive in order to prohibit any EGKs exiting the study area onto the road and impacting with vehicles or entering construction and residential areas.

Each stage should be bounded by temporary kangaroo exclusion fencing to prevent hazards associated with EGKs from entering into the construction area. As construction of each stage is completed temporary fencing should be removed or relocated to the next stage construction area.

It would also be beneficial to remove any unnecessary internal fencing present within the study area to reduce the risk of EGK entanglement.

7.1.1. Kangaroo-proof fencing requirements

Exclusion fencing used must be appropriately designed with kangaroo-proof features to discourage EGKs from attempting to jump over, go under or push through the fence, to reduce the risk of injury. Specifications for suitable fencing for kangaroo management, as outlined in the 2015 DELWP Guide to preparing a kangaroo management plan for Melbourne's growth corridors, are as follows:

- Chain-link (cyclone) fencing or deer mesh (also known as 'K' Wire).
- No 'ring lock' style fencing due to entanglement hazard.
- High tensile, heavy galvanised wire.
- At least 1.9 metres high.
- No barbs.
- No loose or open wires.



- Completely free of holes/gaps within and under the fence to prevent attempted escape or injury.
- Gaps at the base can be prevented by a secured mesh apron, by embedding the fences, grading the fence line to eliminate dips, and using crushed rock or concrete footing underneath.

Additional fence design features that can increase the effectiveness of discouraging EGKs from attempting to jump the fence may include:

- Enhancing the visibility of the fencing by marking the top of the fence with coloured tape, piping or tags.
- Sloping fencing outwards (so that the top of the fencing is leaning towards the direction of approach) at a 45 degree angle.

7.2. Removing attractants

Removal of food, water and shelter resources can be an effective method of discouraging kangaroos from inhabiting an area.

In areas where vegetation removal is approved, mechanical removal of foraging habitat by slashing or topsoil scraping can be conducted up to three days before installation of exclusion fencing. The removal of vegetation should be undertaken in conjunction with the staging plan to ensure that areas aren't cleared and then allowed to regrow, as the new growth may attract kangaroos to the study area. The use of exclusion fencing must be used to prevent kangaroos accessing these areas.

Open water can be a significant resource for kangaroos when vegetation dries out. Removal of water resources by draining, filling or exclusion fencing can inhibit EGKs from inhabiting a site and encourage them to move to areas with available resources. Currently, there does not appear to be any permanent water resources within the study area. During construction, it is important to ensure that additional resources are not created that may attract kangaroos to the study area. In particular, any areas that retain water, such as depressions or drains, should be filled or temporary exclusion fencing installed around them to ensure kangaroos do not move into the study area during construction.

7.3. In situ management of EGK

The study area will be developed for residential housing, with an associated waterfront reserve, whilst some areas will be retained as green spaces, in-situ management of a sustainable EGK population has not been considered for this MMP as the population will not be confined to the development area.

7.4. Culling and fertility control

With responsive management plan in place, culling and fertility control are considered unsuitable and not recommended for this site. Grassland paddocks adjacent to the study area will continue to provide adequate refuge for the recorded number of EGKs in the local area.

7.5. Summary of management options

Table 1 includes a summary of each kangaroo management option as it applies to 10 Fullarton Drive, Paynesville

**Table 1 Assessment of kangaroo management options**

Management option	Fit-for-purpose?	Management actions required
Staging development	Yes	Staging plan to be finalised prior to development commencing. Development to be constructed in stages from east to west away from existing development to ensure kangaroos do not become landlocked.
Exclusion fencing	Yes	Temporary exclusion fencing to be installed for each stage of construction to prevent any EGKs from entering construction zones. Fencing to be installed along Fullarton Drive, developments at each stage, and residential areas.
Removing food and water resource	Yes	Removal of vegetation, trees, and water resources (dams and waterpoints such as troughs) is recommended where practical and necessary. Should it be observed that EGKs are not moving into adjacent land to the north or west, of the study area during staged development, the following actions may be taken: <ul style="list-style-type: none"> • Mechanically remove scattered trees box thorn that are approved for removal. Any trees to be retained should be temporarily fenced off. • Mechanically remove vegetation by slashing or topsoil removal (scraping) up to 3 days prior to installing exclusion fencing.
In-situ population management	No	No management action recommended.
Culling of EGKs	No	No management action recommended.
Fertility control	No	No management action recommended.



8. Management actions

Table 2 and Table 3 outline the initial and responsive management actions and responsibilities that form this KMP. The purpose of these tables is to document the management actions as they are completed and provide comments about the success of the plan and any follow-on actions that may be required.

Table 2 Initial management actions

Management action	Steps	Deadline	Performance indicator	Responsible person	Date completed	Did the action work?	Comments / follow-on action
Staging development	Development to be completed in stages to passively move kangaroos away from construction and potential hazards.	Pre-construction	No EGKs within construction sites.	Resi Ventures Pty Ltd Construction personnel			
Removing attractants (vegetation for feeding)	Mechanical removal of vegetation (slash or scrape). Removal of vegetation from vantage points which may attract kangaroos.	Prior to construction, and at least 3 days before installation of exclusion fencing.	No EGKs within construction area prior to installing temporary exclusion fencing.	Resi Ventures Pty Ltd Construction personnel			
Removing attractants (resting spots)	Mechanical removal of trees, shrubs, and any other bushes not being retained. Ensure any trees or vegetation to be retained that may attract kangaroos to	Pre-construction within each stage.	No EGKs within construction area prior to installing temporary exclusion fencing.	Resi Ventures Pty Ltd Construction personnel			



10 Fullarton Drive, Paynesville | Mammal Management Plan | 24 March 2023

Management action	Steps	Deadline	Performance indicator	Responsible person	Date completed	Did the action work?	Comments / follow-on action
	the study area is protected and isolated by erecting temporary fencing.						
Removing attractants (water)	Remove or fence water sources within the study area, if required. Ensure no water sources are generated during construction that may attract kangaroos to the study area.	Pre-construction within each stage.	No EGKs within construction area prior to installing temporary exclusion fencing.	Resi Ventures Pty Ltd Construction personnel			
Exclusion fencing	Install exclusion fencing around study area and along the eastern boundary adjacent to Fullarton Drive.	Prior to construction.	No EGKs within construction zones following installation of fencing. EGKs unable to move through or over fencing. No injuries to EGKs noted.	Resi Ventures Pty Ltd Construction personnel			
Monitoring of fencing	Daily checks of all exclusion fences to ensure no defects or breaches.	Daily during construction.	EGKs unable to move through or over fencing. No injuries to EGKs noted.	Resi Ventures Pty Ltd Construction personnel			



10 Fullarton Drive, Paynesville | Mammal Management Plan | 24 March 2023

Management action	Steps	Deadline	Performance indicator	Responsible person	Date completed	Did the action work?	Comments / follow-on action
Removal of dispersal barriers within landscape	Take down temporary fencing and farm fencing where possible to allow easier dispersal to grasslands outside of the study area.	Pre-construction.	No injuries to EGKs from fencing.	Resi Ventures Pty Ltd Construction personnel			

Table 3 Responsive management actions

Management action	Steps	Deadline	Performance indicator	Responsible person	Date completed	Did the action work?	Comments / follow-on action
Removal of dispersal barriers within landscape	Take down temporary fencing and farm fencing where possible to allow easier dispersal to grasslands outside of the study area.	Pre-construction.	No injuries to EGKs from fencing.	Resi Ventures Pty Ltd Construction personnel			

9. Monitoring and contingency plan

If a kangaroo is seen in a fenced construction site, or if an injured or dead kangaroo is seen in the study area or adjacent roads, construction and site personnel should follow the instructions outlined in Appendix A. The requirement for a contingency plan and appropriate management actions, including continued monitoring, will then be determined by the ecologist.

9.1. Staged development monitoring

A suitably qualified ecologist must conduct a formal site visit every six months during the entire duration of the development of the study area, and for six months after the works are completed. If kangaroos are still present within the study area, the ecologist should use the appropriate methods, and record:

- The number of EGK observed and their behaviour and distribution within the study area and adjacent properties.
- Any evidence that any kangaroos are injured or diseased.
- Whether the staged development is still avoiding land-locking kangaroos (and, if relevant, any change in the degree of landlocking since the last assessment).
- If the position of kangaroo-proof exclusion fencing needs to be adjusted or more added.
- Any other notable information.

The ecologist will report this information to Resi Ventures and council every six months. Council will then advise on how to proceed.



10. Reporting

10.1. Staged development reporting

On completion of each six-monthly survey conducted, a brief report will be completed by the engaged ecologist detailing the success or failure of any management methods. The report will be submitted to Resi Ventures and Council.

The report will include:

- The total number of kangaroos, their behaviour and use of the study area.
- If there is any sign of disease or injury.
- Whether the staged development is still avoiding land-locking.
- If the position of kangaroo-proof exclusion fencing needs to be adjusted or more added.
- Any other notable information.

The final report will be submitted six months after the completion of the works.



References

DELWP 2015. *Draft guide to preparing a kangaroo management plan for Melbourne's growth corridors*. Victorian Government Department of Environment, Land, Water and Planning, Melbourne.

Biosis 2023. 10 Fullarton Drive, Paynesville: Flora and Fauna Assessment. Report for Resi Ventures. Zacks, G., Botha, J., Chapman, J. Biosis Pty Ltd., Melbourne, Vic. Project no. 38536



APPENDICES



Appendix A. If you see a kangaroo in the construction area

If a kangaroo is observed within the construction site, all site or construction personnel must adhere to the following instructions:

- Report it immediately to the site manager. The site manager must address the situation as advised in the site induction and report the presence of the EGKs to Resi Ventures. An ecologist may need to reassess the Kangaroo Management Plan, consult with council, and increase monitoring.
- Let the kangaroo leave of its own accord.
- Do not herd the kangaroo: it is an offence under the Wildlife Act 1975. Herding can stress and confuse a kangaroo, and make it behave erratically. This can result in injury of kangaroos or people.
- Try to identify where the kangaroo entered the construction area. Temporarily widening the entry point might encourage the kangaroo to leave through it. If the kangaroo leaves, securely close off the entry point as soon as possible.
- Immediately remove any attractants (such as food, shade, water and habitat) in the construction area, as outlined in Section 7.2.
- All people must obey standard construction area speed limits.
- Translocation of kangaroos from the study area is not permitted.

If the kangaroo is injured, including kangaroos that are diseased or lame, entangled in a fence, attacked by a dog or have collided with a vehicle, Council must be notified as soon as possible. You can also contact one of these agencies for advice:

- Help for Wildlife (0417 380 687)
- Wildlife Victoria (1300 094 535)
- BADGAR emergency 24-hour wildlife rescue centre (1300 223 427).



Appendix B. Study area photos



Photo 1 Typical vegetation cover within the study site



Photo 2 An EGK observed during the FFA within study area



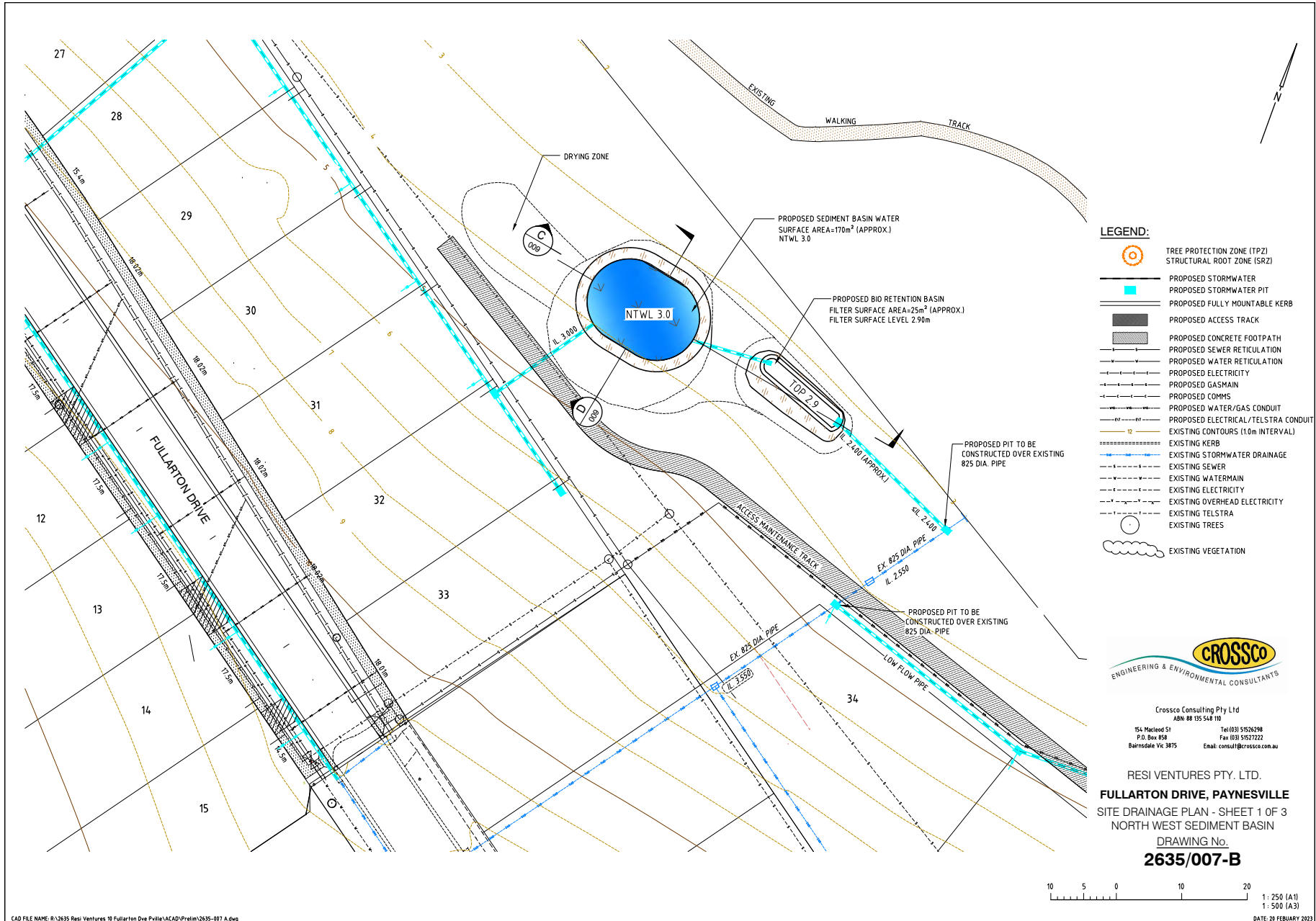
Contact

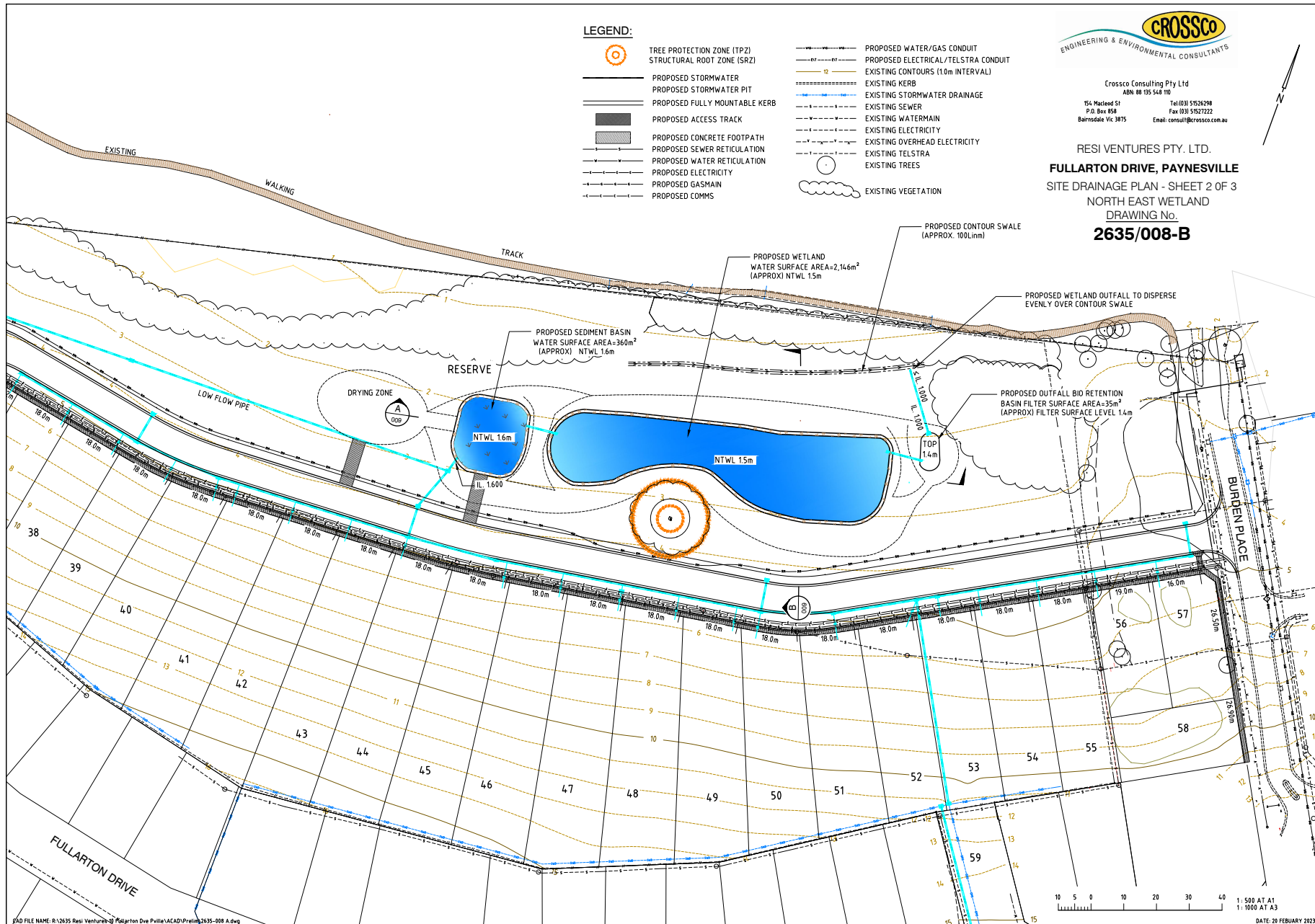
Dr Jonathan Botha

Senior Zoologist

jbotha@biosis.com.au

+61 427 458 051





RESI VENTURES PTY. LTD.
FULLARTON DRIVE, PAYNESVILLE
 SITE DRAINAGE PLAN - SHEET 3 OF 3
 TYPICAL SECTIONS
DRAWING No.
2635/009-B

305 of 555



Neil M Craigie Pty Ltd

ACN 074 582 282 ABN 29 074 582 282

Waterway Management Consultants

21 February 2023

Ms Sarah Davis
Resi Ventures P/L
(By Email)

Dear Sarah,

**RE: FULLARTON DRIVE, PAYNESVILLE
STORMWATER MANAGEMENT**

I refer to your request for me to review the stormwater management approach and modelling completed by Crossco for the subject property and provide advice on any modifications that could be made.

I previously advised on development of this land when it was known as Northviews Estate and owned by Lake View Holdings P/L. My statement of expert evidence to VCAT dated 16 June 2011 addressed all the key drainage and flooding issues facing residential development which was then proposed to extend much further downslope towards the Lake King shoreline (to about the 2 m AHD contour line).

I note that the current proposal by Resi Ventures significantly pulls back the development line to about the 4 m AHD contour line, reduces the number of lots from 82 to 59 and reduces developed land area from 8.5 ha to 7.0 ha now, cf. the 2011 proposal.

I acknowledge receipt of:

- Crossco Site drainage Plans including MUSIC results & Catchment Plan;
- MUSIC files and outputs including schematic.

I have reviewed all the information and made suggestions for some amendments and variations to the team at Crossco. These have been fully incorporated into the latest versions of the plans and modelling which are as referenced below:

- Crossco Drawing 2635-007-009 B Site drainage Plans (20 February 2023);
- MUSIC model: 2635 Fullarton Drive Phosphorus Check.sqz.

Director Neil McKinnon Craigie BE(Civil), MEngSci, MIEAust, CPEng (Ret)

*Email: nmccraigie@bigpond.com
40 Jamieson Court, Cape Schanck, Vic. 3939, Australia
Mobile: 0427 510 053*

Fullarton Drive, Paynesville, Stormwater Management

The suggested amendments to the main drainage assets and modelling have included:

Eastern Drainage System

- Addition of a separate sediment basin at the west end of the main wetland;
- Amalgamation of all tributary inflow pipes into this sediment basin;
- Addition of a bioretention basin for treatment of extended detention outflows from the wetland at its eastern end;
- Extended detention depths set to 0.35 m in the sediment basin and macrophyte zone and 0.2 m in the bioretention basin.

Western Drainage System

- Addition of a larger sediment basin at the inlet to the western bioretention basin;
- Reduction of the western bioretention basin filter surface area;
- Extended detention depth set to 0.35 m in the sediment basin and 0.2 m in the bioretention basin.

The layout of the eastern drainage assets now aligns along a downslope contour level of about 2.0 m AHD which is well above the expected impacts of sea level rise through the year 2100. Normal Water Level can be set at about 1.5 m AHD.

The eastern and western pipe drainage systems will intercept and treat all drainage from existing external developed land in the Fullarton Drive/The Crescent/Eagle Bay Terrace/Wisteria Place and Lara Close areas (15.6 ha in total). Under existing conditions all stormwater drainage from that external land goes direct into Lake King without treatment.

The modelling results confirm that:

- with the 2 KL raintanks included (hard plumbed to toilets) best practice water quality treatment standards will be exceeded for the whole catchment, including existing untreated residential area of 15.6 ha.
- without the tanks the treatment standards significantly exceed best practice for the Resi Ventures development catchment alone.
- Without the tanks for the total catchment the only shortfall is TN which at 43% is just short of 45% best practice.

There is no legal requirement for the Resi Ventures development to treat external developed catchment stormwater drainage at all, let alone to best practice standards.

The MUSIC modelling uniformly assumes that zero exfiltration will occur from any of the drainage assets. This properly reflects the important assumption that unless proved otherwise by geotechnical investigation and testing, it will be necessary to fully seal the

Fullarton Drive, Paynesville, Stormwater Management

basal areas and sides of all water containing structures to deal with potential dispersive or PASS soils.

There can be no doubt that significant water quality treatment benefits will flow to the Lake King environment with this development in place as proposed, regardless of whether or not the raintanks are included.

I therefore fully support the current application by Resi Ventures based on the latest plans and modelling by Crossco.

Please do not hesitate to contact me if there are any queries in regard to this advice.

Yours faithfully,

A handwritten signature in dark ink, reading "N Craigie". The signature is written in a cursive, flowing style.

Neil M Craigie

Neil M Craigie Pty Ltd

From: Anthony Desio ·
Sent: Monday, February 20, 2023 2:14 PM
To: Ingrid Davoli · ; Sarah Davis ·
Cc: Andrew Gibbons · Margaret Supplitt · ; Kate Young -
 Crowther & Sadler ·
Subject: RE: Fullerton- Advancing Design

Hi Ingrid,

There was a small deficit in phosphorus removal for lots 1-33.

The following amendments were made to meet best practice and site constraints:

- The Western Sediment basin was increased slightly to minimum water surface area of 172m².
- Details (Filter Depth and Submerged zone depths) of both bioretention basins have been adjusted.

Apologies the drawings have been updated slightly to accommodate this phosphorus deficit. Please use Revision B.

Results for the above amendments are shown below. Also attached is a screenshot of the previous results.

Updated Results (20/02/2023)

Lots 34-59 & External Catchment	
	% Reduction
Total Suspended Solids (kg/yr)	80.5
Total Phosphorus (kg/yr)	57.1
Total Nitrogen (kg/yr)	45.6

Lots 1-33	
	% Reduction
Total Suspended Solids (kg/yr)	88.1
Total Phosphorus (kg/yr)	45.4
Total Nitrogen (kg/yr)	50.0

Overall	
	% Reduction
Total Suspended Solids (kg/yr)	81.5
Total Phosphorus (kg/yr)	55.5
Total Nitrogen (kg/yr)	46.3

Previous Result (02/08/2022)

WATER QUALITY TREATMENT PERFORMANCE TABLE					
WETLAND, BIORETENTION & SWALE		Sources	Residual Load	% Reduction	% Best Practice
LOTS 34-59 & EXTERNAL CATCHMENT	Flow (ML/yr)	43	38.8	9.8	
	Total Suspended Solids (kg/yr)	6.99E+03	1.34E+03	80.8	≥80
	Total Phosphorus (kg/yr)	1.50E+01	6.41E+00	57.4	≥45
	Total Nitrogen (kg/yr)	112	60.9	45.5	≥45
	Gross Pollutants (kg/yr)	1.60E+03	4.25E+01	97.3	≥70
SEDIMENT BASIN & BIORETENTION		Sources	Residual Load	% Reduction	% Best Practice
LOTS 1-33	Flow (ML/yr)	8.47	6.73	20.5	
	Total Suspended Solids (kg/yr)	1.07E+03	1.34E+02	87.5	≥80
	Total Phosphorus (kg/yr)	2.28E+00	1.32E+00	41.9	≥45
	Total Nitrogen (kg/yr)	18.2	9.31	49	≥45
	Gross Pollutants (kg/yr)	3.00E+02	0.00E+00	100	≥70
OVERALL		Sources	Residual Load	% Reduction	% Best Practice
LOTS 1-59 & EXTERNAL CATCHMENT A & B	Flow (ML/yr)	51.5	45.5	11.6	
	Total Suspended Solids (kg/yr)	8.06E+03	1.48E+03	81.7	≥80
	Total Phosphorus (kg/yr)	1.73E+01	7.74E+00	55.3	≥45
	Total Nitrogen (kg/yr)	130	70.2	46	≥45
	Gross Pollutants (kg/yr)	1.90E+03	4.25E+01	97.8	≥70

MUSIC OUTPUT RESULTS

I will forward these updated drawings to Neil for review.

If you have any further queries, please feel free to contact me.

Kind Regards,

Anthony Desio
Design Engineer



Crossco Consulting Pty. Ltd.
154 Macleod Street
P.O. Box 858
Bairnsdale Vic 3875

From: Ingrid Davol

Sent: Monday, February 20, 2023 9:14 AM

To: Anthony Desio

; Sarah Davis <

>

Cc: Andrew Gibbons

Margaret Supplitt <

Kate Young -

Crowther & Sadler <

Subject: RE: Fullerton- Advancing Design

Hi Anthony,

Please advise whether the assets now meet Best Practice EMG for nutrient removal (by memory we were modifying design to meet a small deficit in phosphorus removal)

Ta

Kind regards,

Robert Pringle

From: Kate Young - Crowther & Sadler <kate.young@crowthersadler.com.au>
Sent: Tuesday, 4 July 2023 9:08 PM
To: Robert Pringle
Cc: Planning Unit Administration; Martin Richardson; Crowther & Sadler
Subject: 144/2022/P - 10 Fullarton Drive, Paynesville
Attachments: 19972 Cross-Section Diagrams V1.pdf; 19972 Cross-Section Key Sheet V1.pdf; 19972 Bld Envel V7.pdf

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

Good evening Robert,

**Re: Planning Application 344/2022/P
 Multi-lot Subdivision and Native Vegetation Removal
 10 Fullarton Drive, Paynesville**

I am pleased to confirm that on Monday 3 July 2023 our Client lodged a referral with the Commonwealth Government under the EPBC Act for the proposed development. The referral has been issued with Application Number 01908. Our Client remains committed to ensuring the development will not result in any adverse impacts for the Latham's Snipe, and look forward to working through this issue in the appropriate jurisdiction.

We trust this will provide Council with sufficient comfort to enable the Application to progress.

During this period of further investigation we taken on board concerns raised by Objectors and have undertaken a review of view sharing for adjoining properties based on an oblique view line of -2 degrees below the horizontal plane, taken from 1.5m above the floor level of the adjacent dwelling. This differs from the analysis which accompanied our Planning Application which considered only the horizontal view, of which many objectors were critical.

This was a beneficial exercise which demonstrated that whilst many of the proposed building envelopes would not intrude within the oblique view line, that there was a need to make some adjustments. The following documents are enclosed which illustrate the process undertaken:

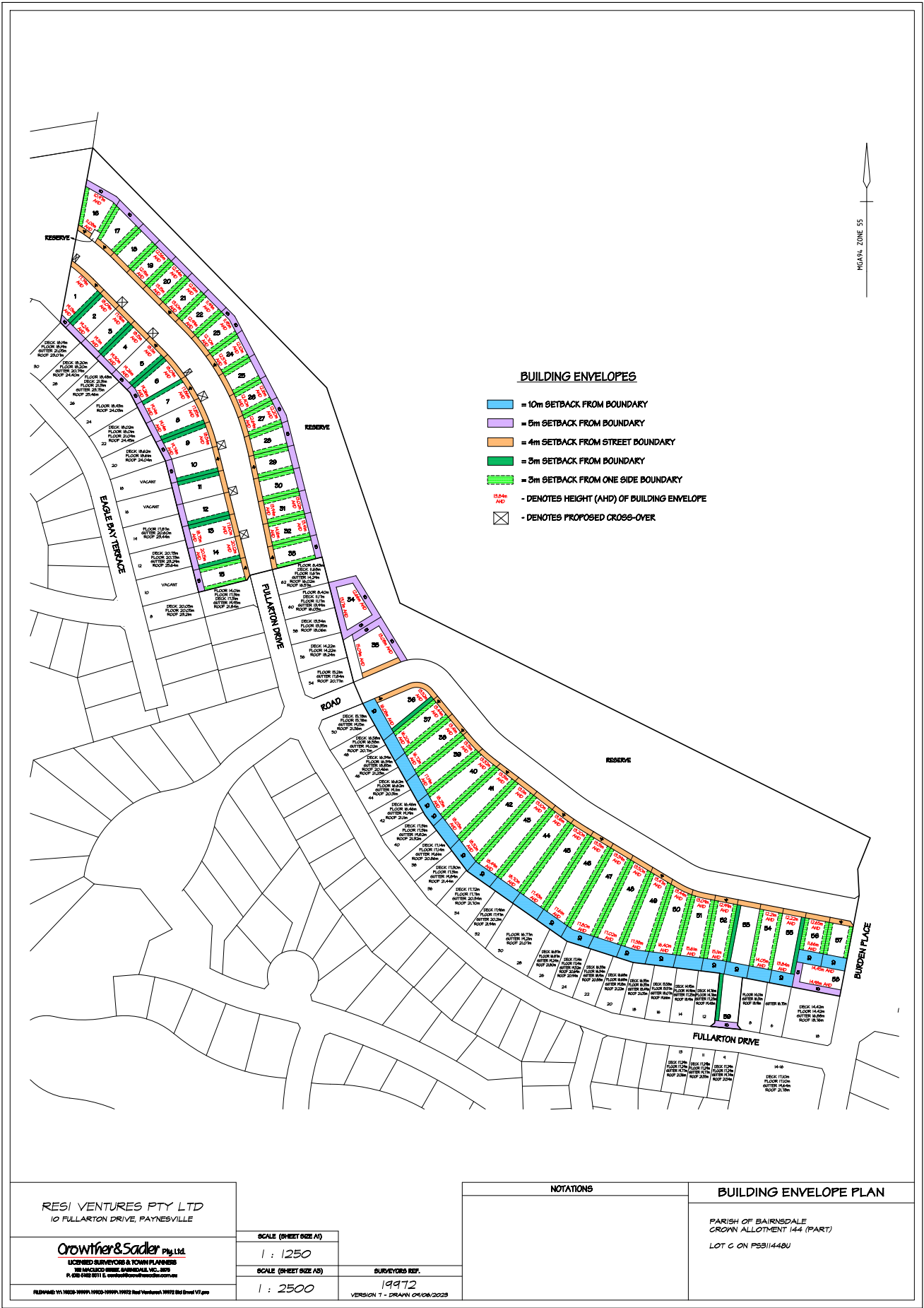
- Cross Section Diagrams – this shows the oblique view line of existing development in the context of the proposed building envelopes.
- Cross Section Key Sheet – this shows a planometric view of the proposed view lines, and should be referenced when reviewing the Cross Section Diagrams.
- Building Envelope Plan (Version 7) – this has been amended from that previously submitted to amend the maximum building heights, informed by the oblique view line analysis.

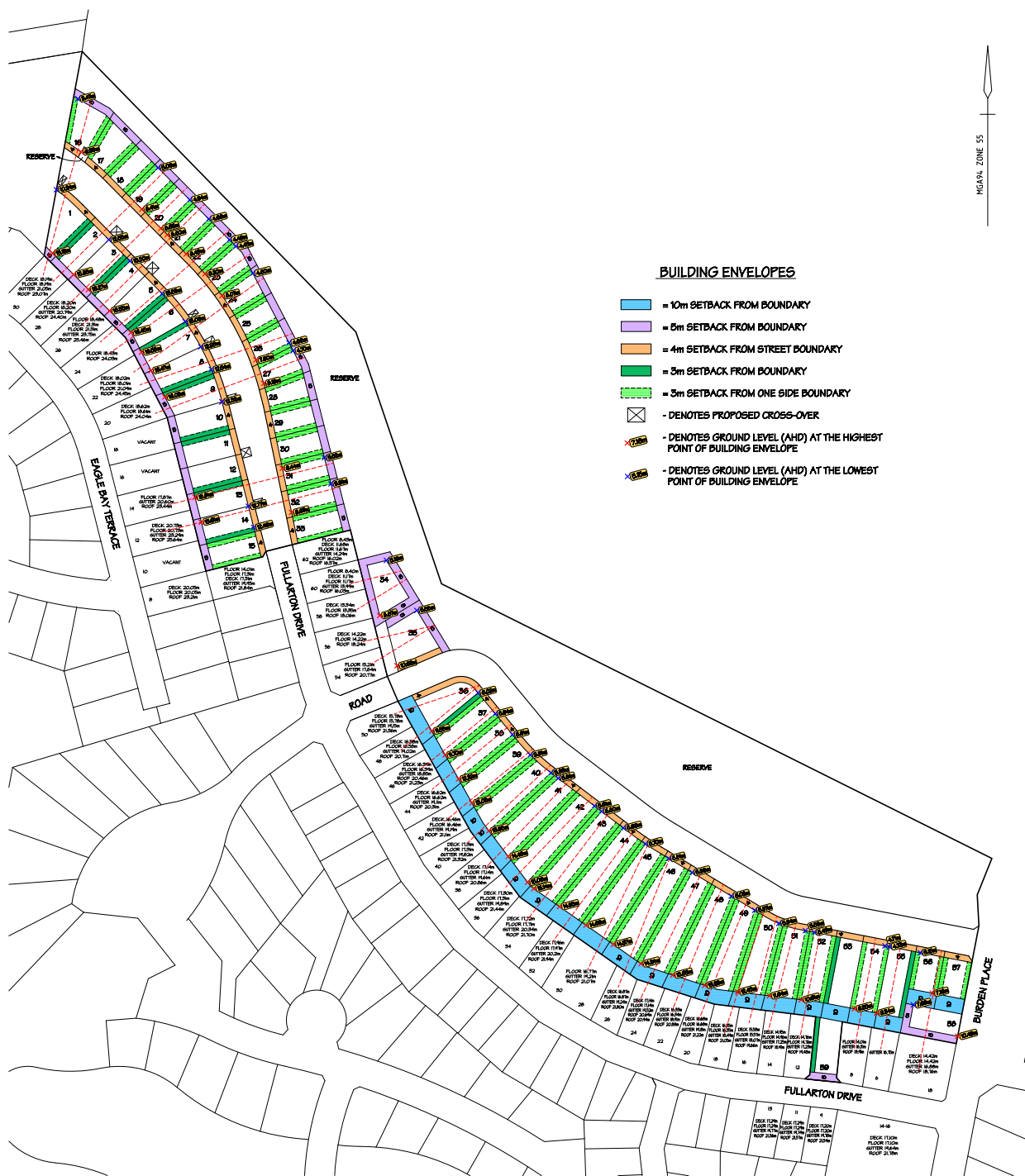
We believe these adjustments provide further demonstration that our proposal achieves a sound planning outcome that provides for the reasonable sharing of views.

We look forward to Council's determination of the Application as soon as possible, and would be pleased to assist should you require any further information.

Regards,

KATE YOUNG
Town Planner





RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

Crowther & Sadler Pty Ltd
LICENCED SURVEYORS & TOWN PLANNERS
100 HANCOCK STREET, SALEM VIC. 3083
P. 03-9382 1011 E. crows@crowthersadler.com.au

FILENAME: Y117030-1999A, 1992D-1999A, 1992D-1999A, 1992D-1999A, 1992D-1999A, 1992D-1999A, 1992D-1999A, 1992D-1999A, 1992D-1999A, 1992D-1999A

SCALE (SHEET SIZE A1)

1 : 1250

SCALE (SHEET SIZE A3)

1 : 2500

SURVEYORS REF.

19972

VERSION 1 - DRAFT 30/05/2023

NOTATIONS

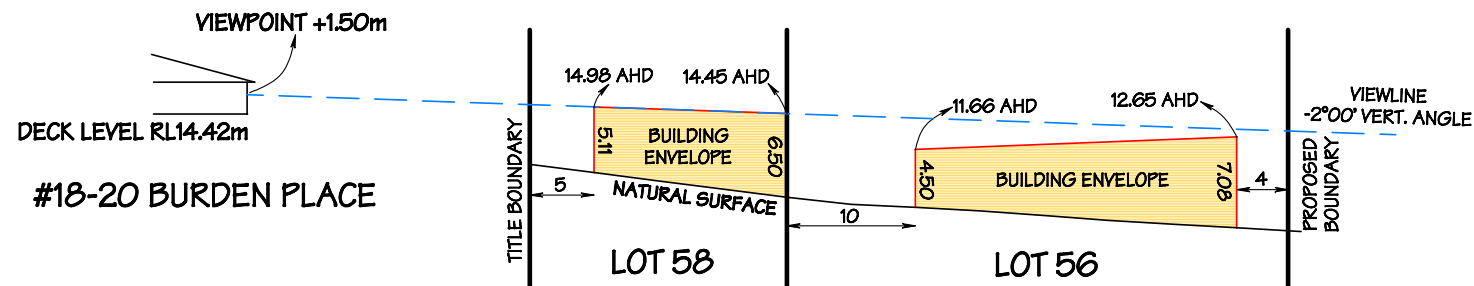
AREAS ARE APPROXIMATE ONLY
DIMENSIONS ARE SUBJECT TO SURVEY
CONTOUR INTERVAL - 0.5m

--- DENOTES LOCATION
OF CROSS-SECTION

CROSS-SECTION KEY SHEET

PARISH OF BAIRNSDALE
CROWN ALLOTMENT 144 (PART)
LOT C ON PS81144BU

CROSS-SECTION DIAGRAM #18-20 BURDEN PLACE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

Crowther & Sadler Pty. Ltd.

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

FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

1 : 500

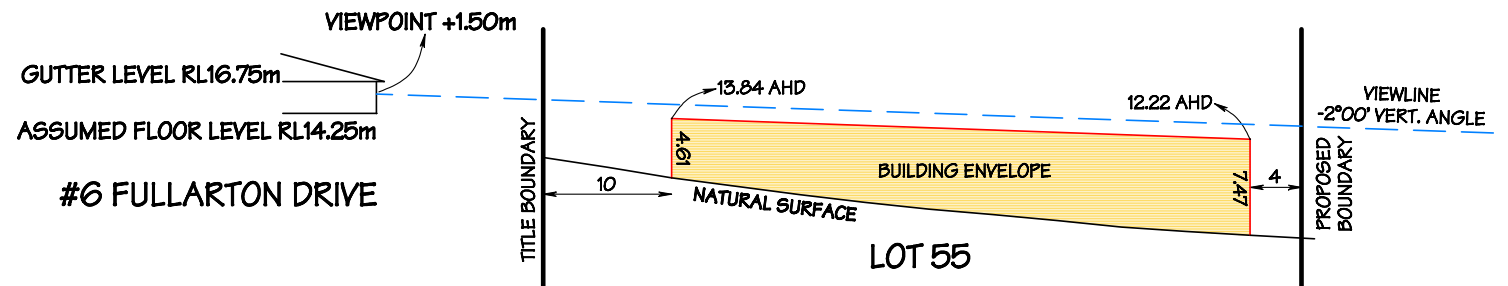
SURVEYORS REF.

19972

VERSION 1 - DRAWN 30/05/2023

RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #6 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

Crowther & Sadler Pty. Ltd.

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

FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

1 : 500

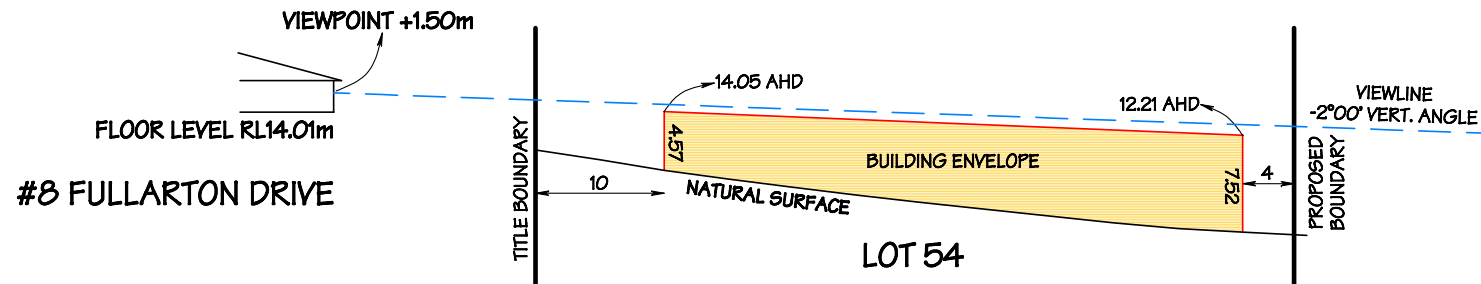
SURVEYORS REF.

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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #8 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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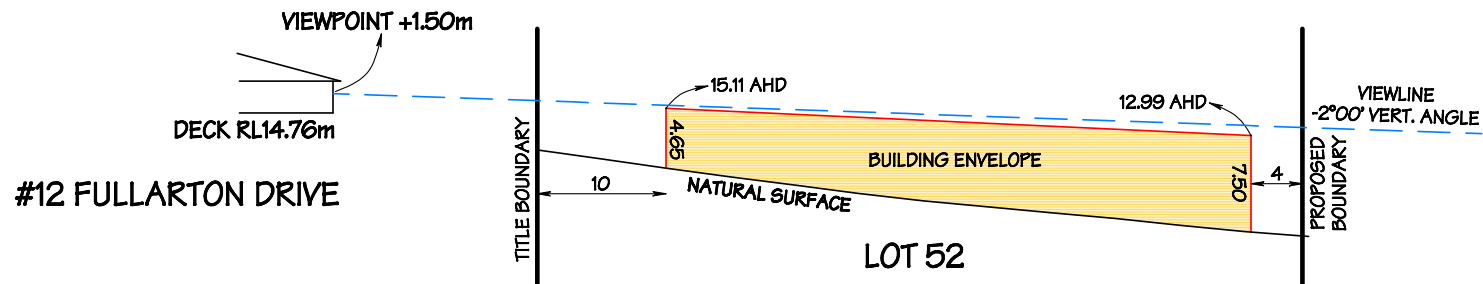
SURVEYORS REF.

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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #12 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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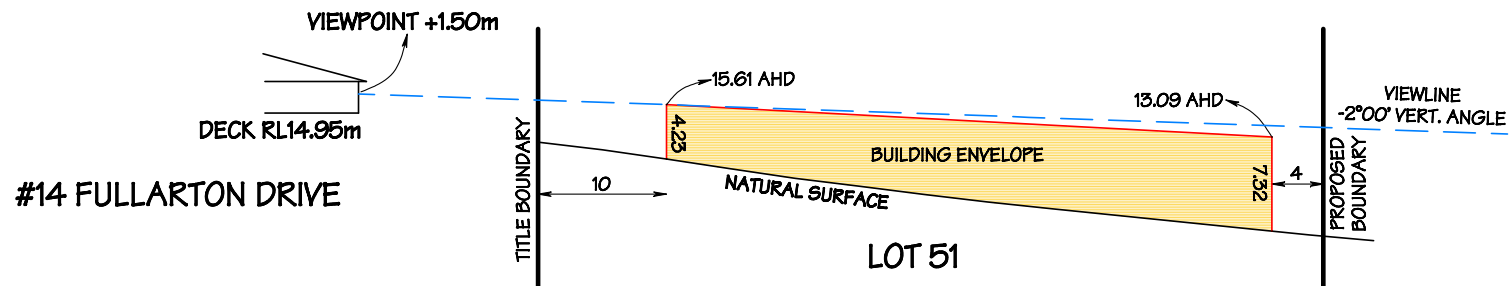
SURVEYORS REF.

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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #14 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

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FILENAME: 19972 Cross-Section Diagrams V1.pro

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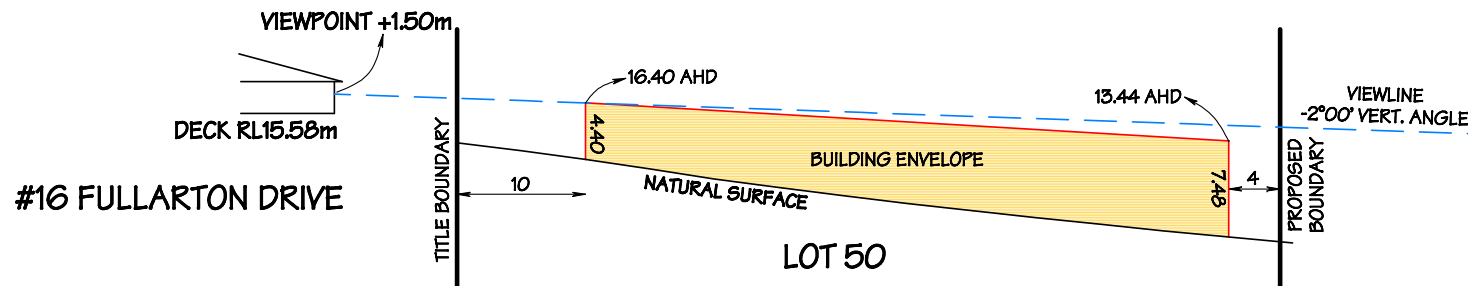
SURVEYORS REF.

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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #16 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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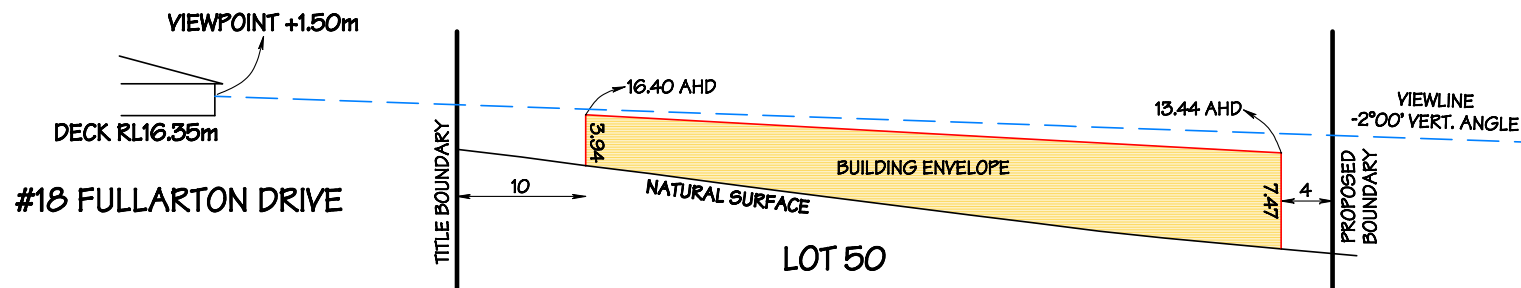
SURVEYORS REF.

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10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #18 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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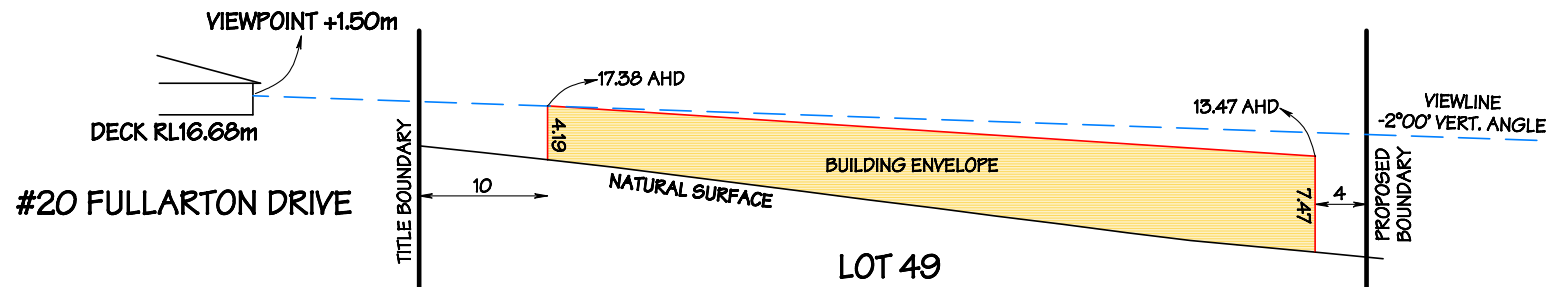
SURVEYORS REF.

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10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #20 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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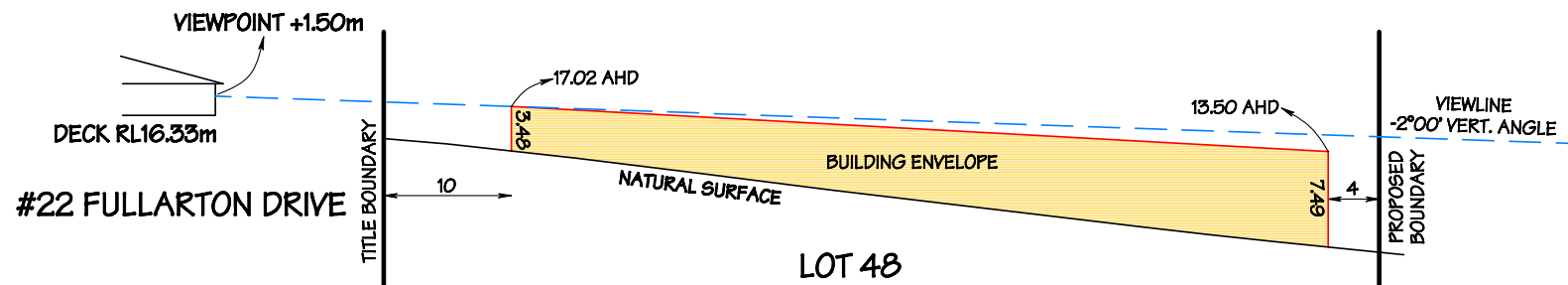
SURVEYORS REF.

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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #22 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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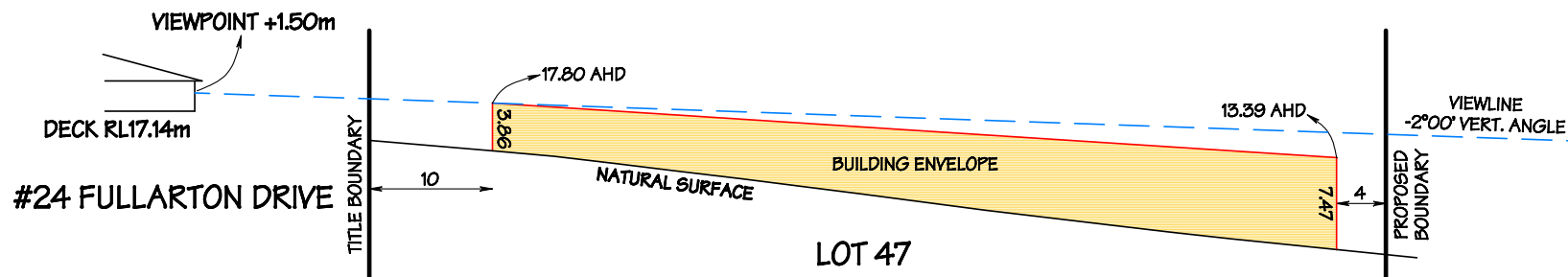
SURVEYORS REF.

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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #24 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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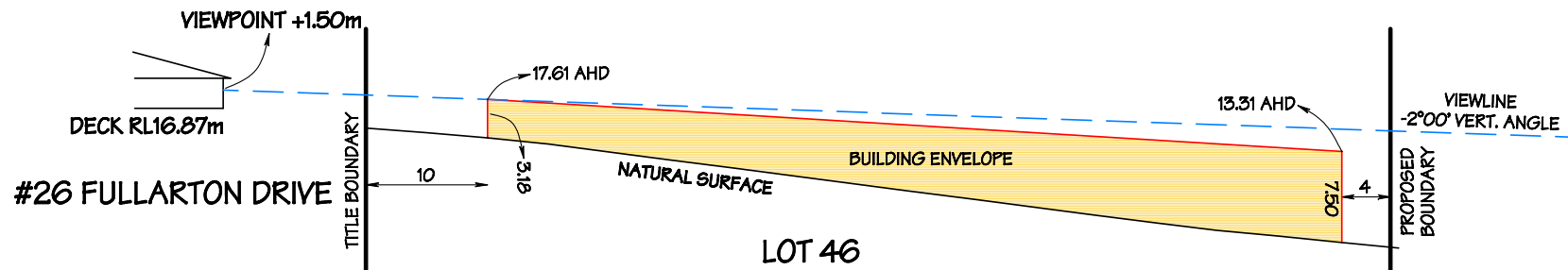
SURVEYORS REF.

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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #26 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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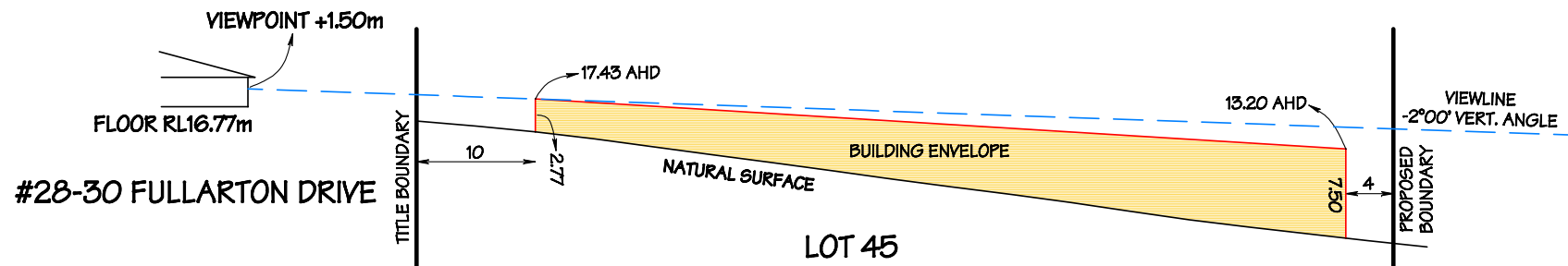
SURVEYORS REF.

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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #28-30 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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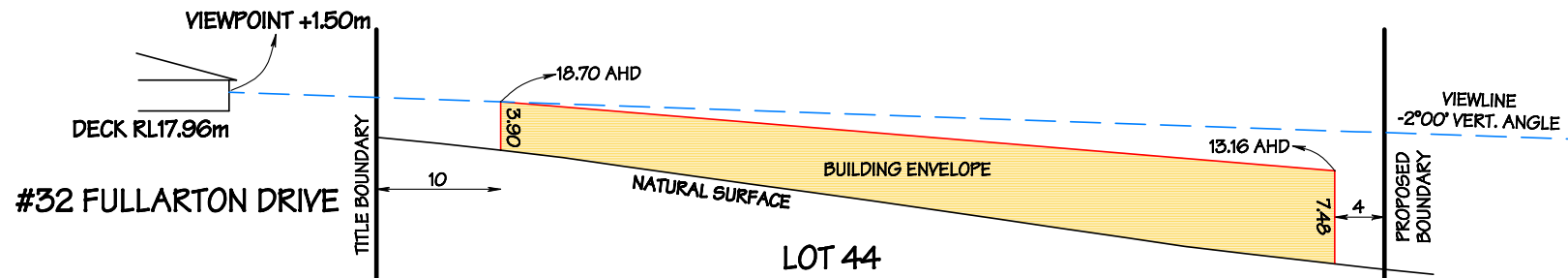
SURVEYORS REF.

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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #32 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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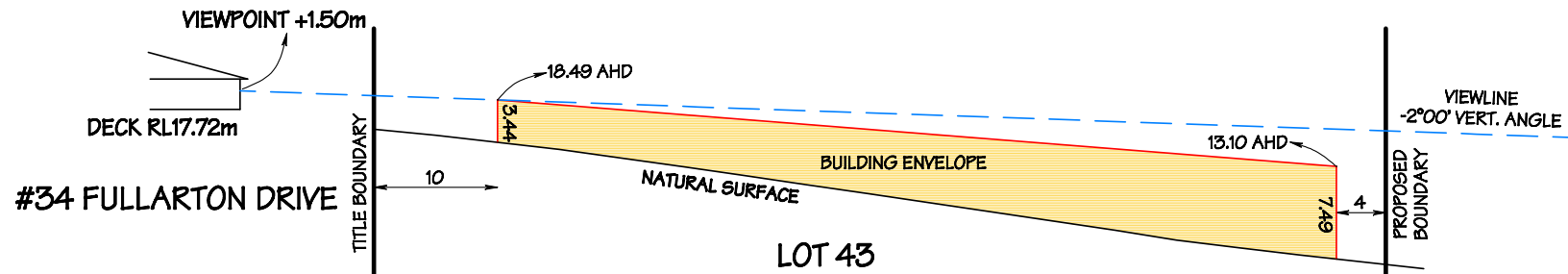
SURVEYORS REF.

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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #34 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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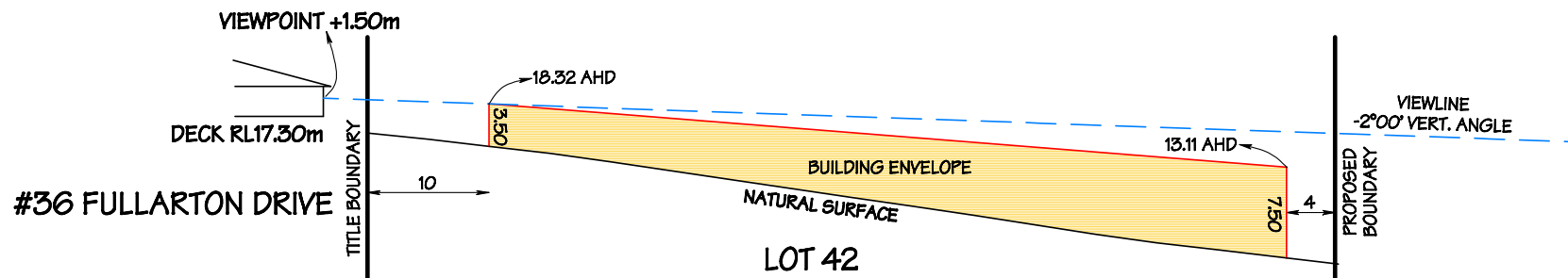
SURVEYORS REF.

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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #36 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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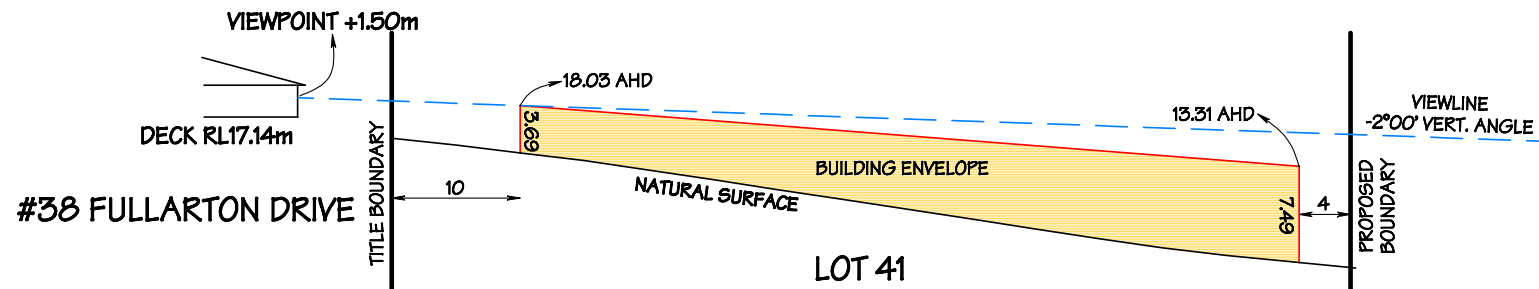
SURVEYORS REF.

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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #38 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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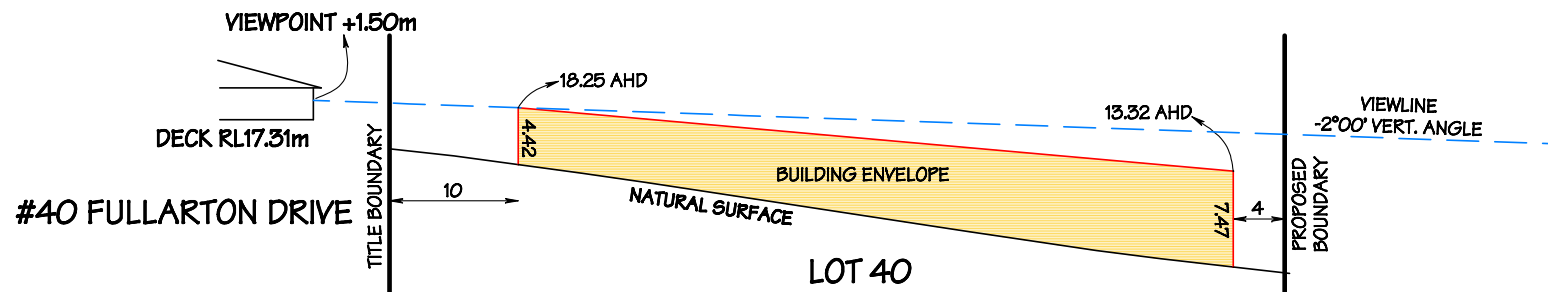
SURVEYORS REF.

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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #40 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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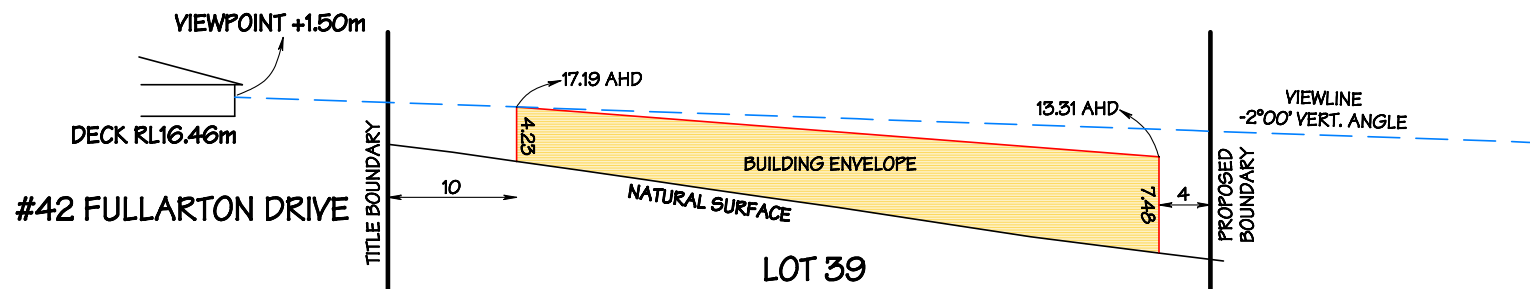
SURVEYORS REF.

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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #42 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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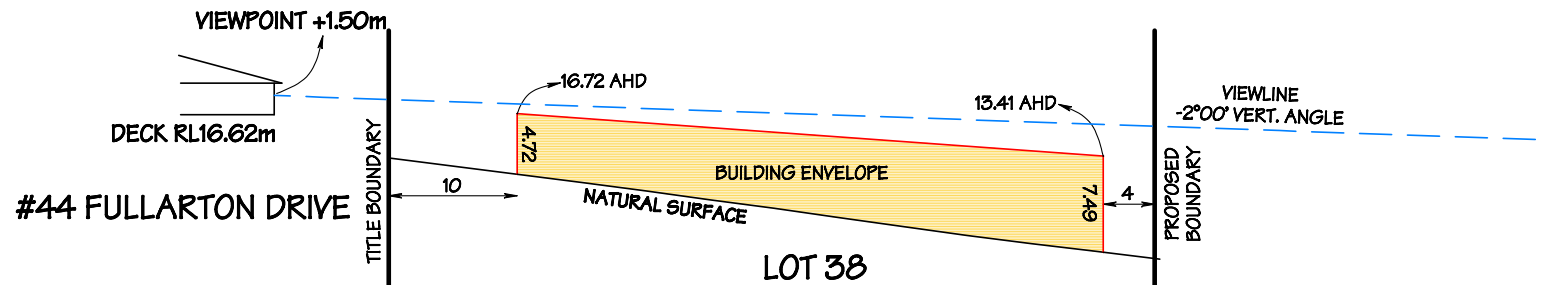
SURVEYORS REF.

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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #44 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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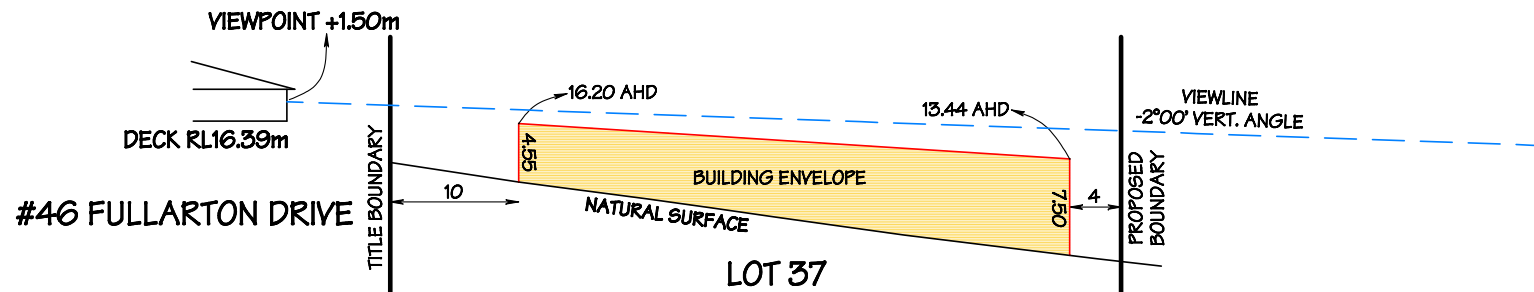
SURVEYORS REF.

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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #46 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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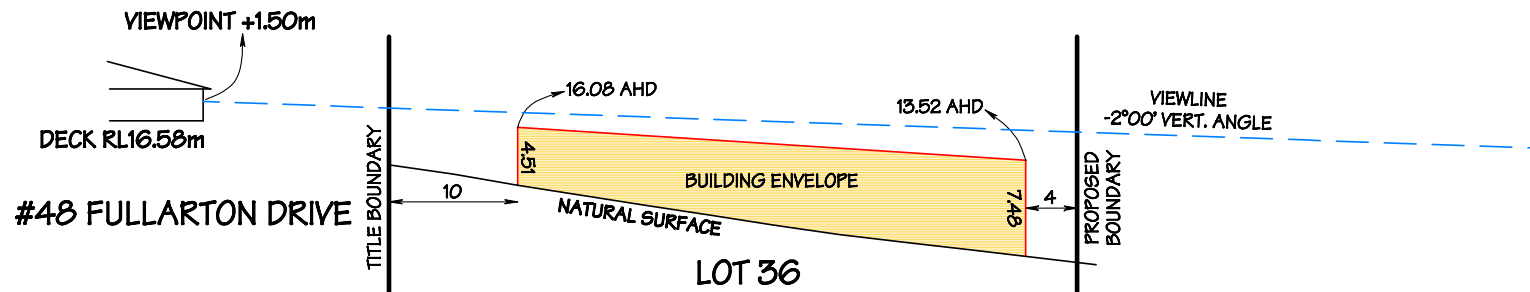
SURVEYORS REF.

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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #48 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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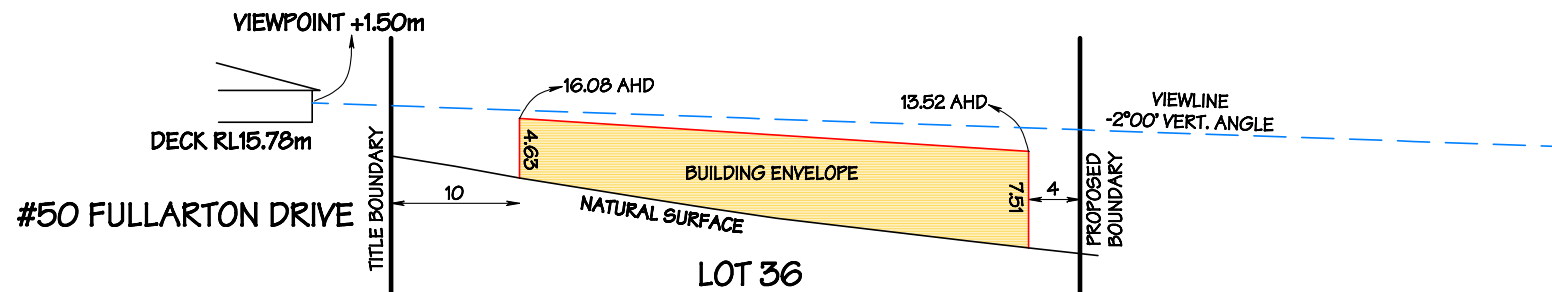
SURVEYORS REF.

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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #50 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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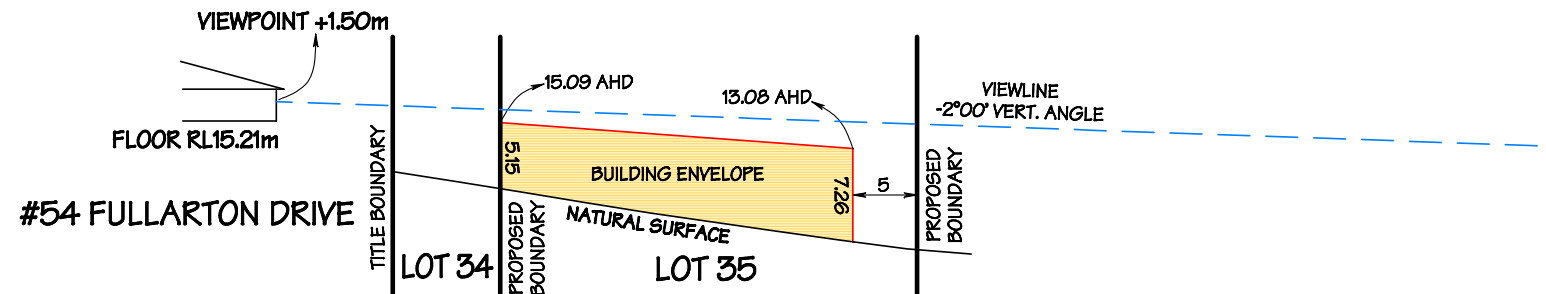
SURVEYORS REF.

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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #54 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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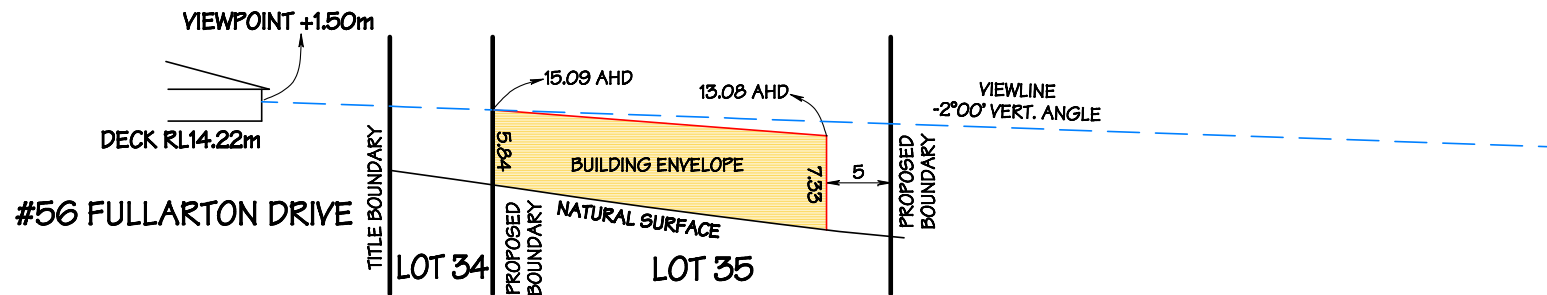
SURVEYORS REF.

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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #56 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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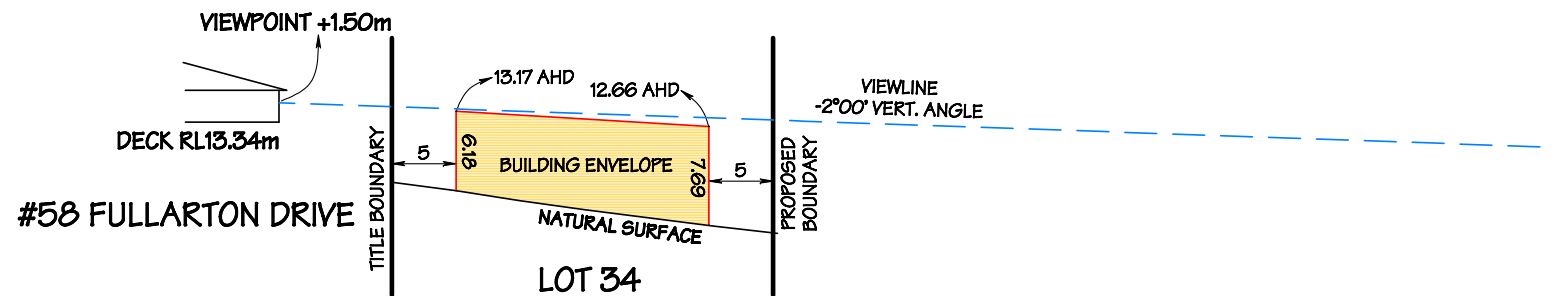
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10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #58 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
- 4.5m ABOVE THE HIGHEST POINT OF BUILDING ENVELOPE
- 7.5m ABOVE THE LOWEST POINT OF BUILDING ENVELOPE
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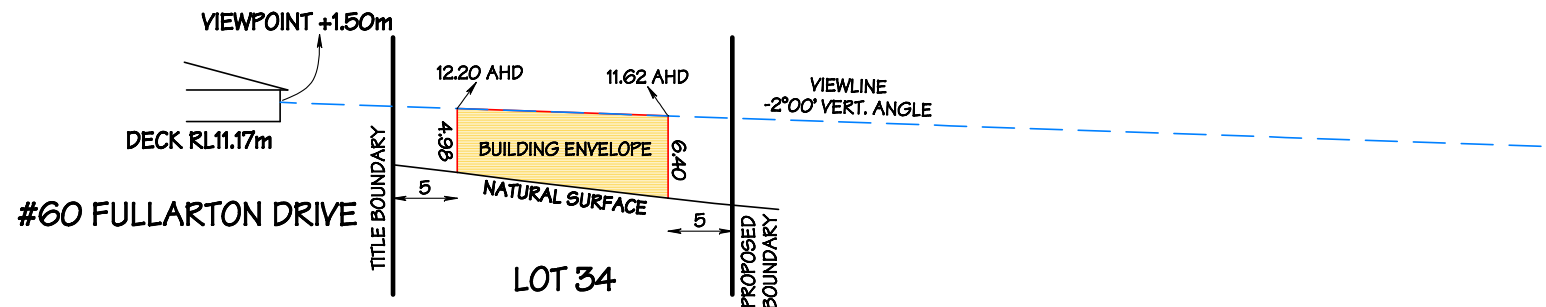
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10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #60 FULLARTON DRIVE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

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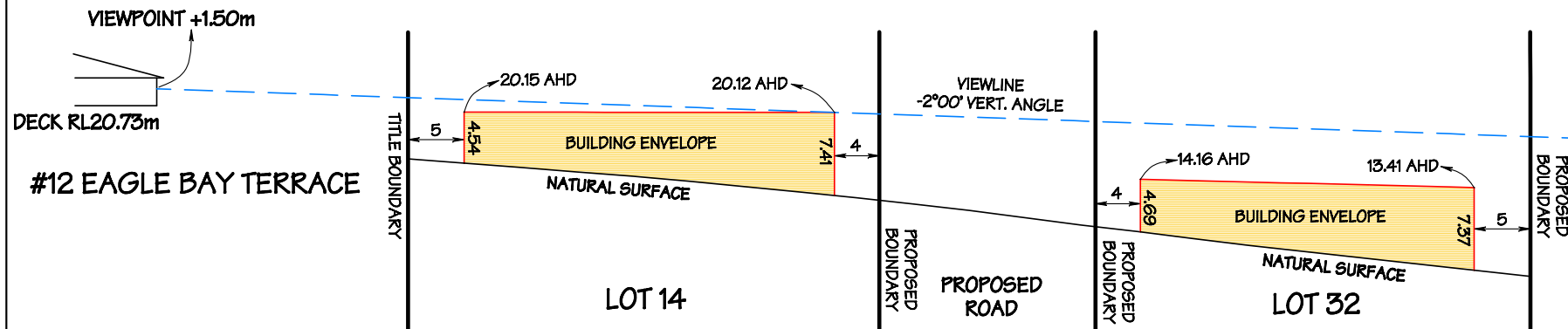
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10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #12 EAGLE BAY TERRACE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
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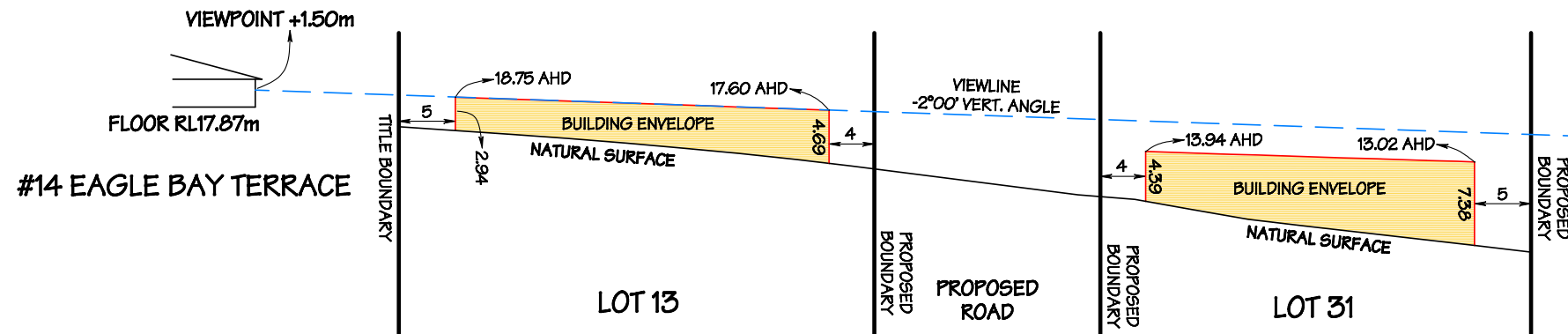
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10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #14 EAGLE BAY TERRACE



HEIGHTS SHOWN ARE TO A.H.D.
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BUILDING ENVELOPE HEIGHTS DERIVED FROM;
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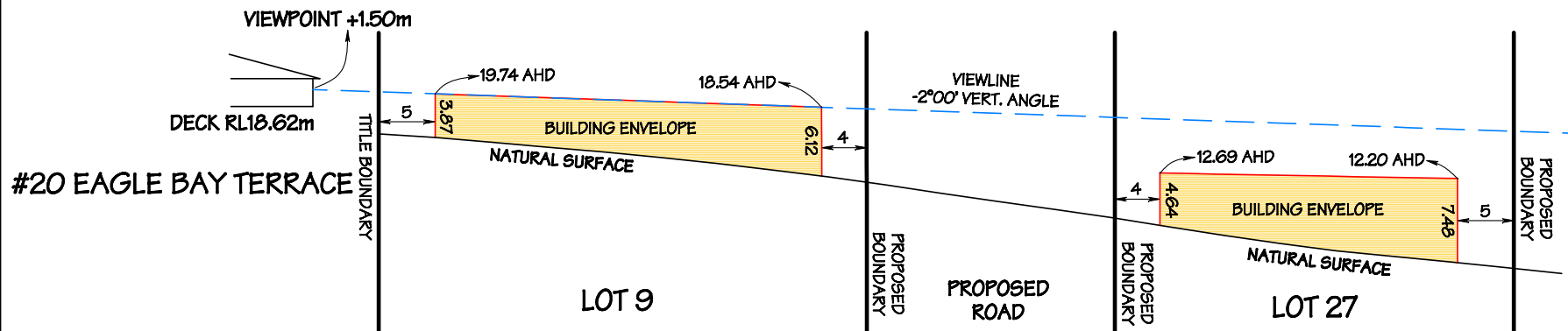
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10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #20 EAGLE BAY TERRACE



HEIGHTS SHOWN ARE TO A.H.D.
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BUILDING ENVELOPE HEIGHTS DERIVED FROM;
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SCALE (SHEET SIZE A4)

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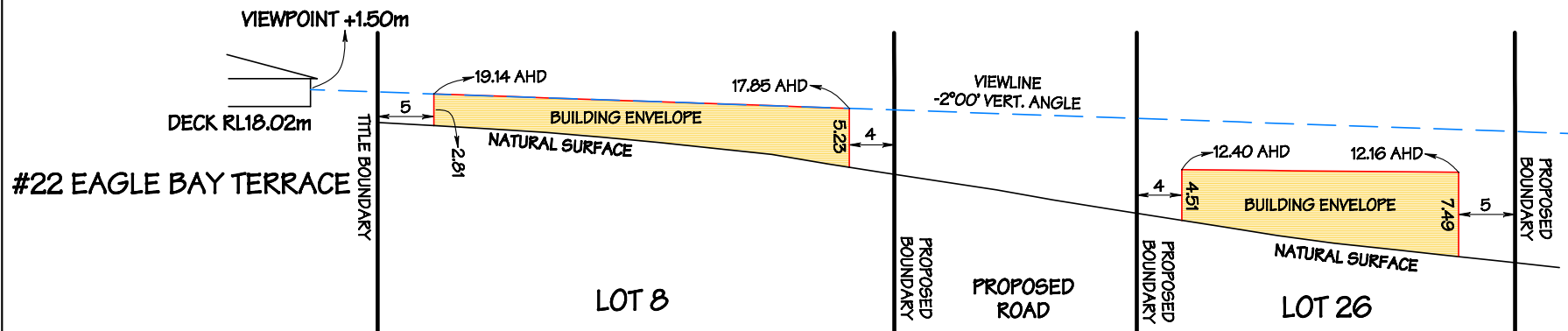
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10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #22 EAGLE BAY TERRACE

DIAGRAM 1 OF 2



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

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SCALE (SHEET SIZE A4)

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SURVEYORS REF.

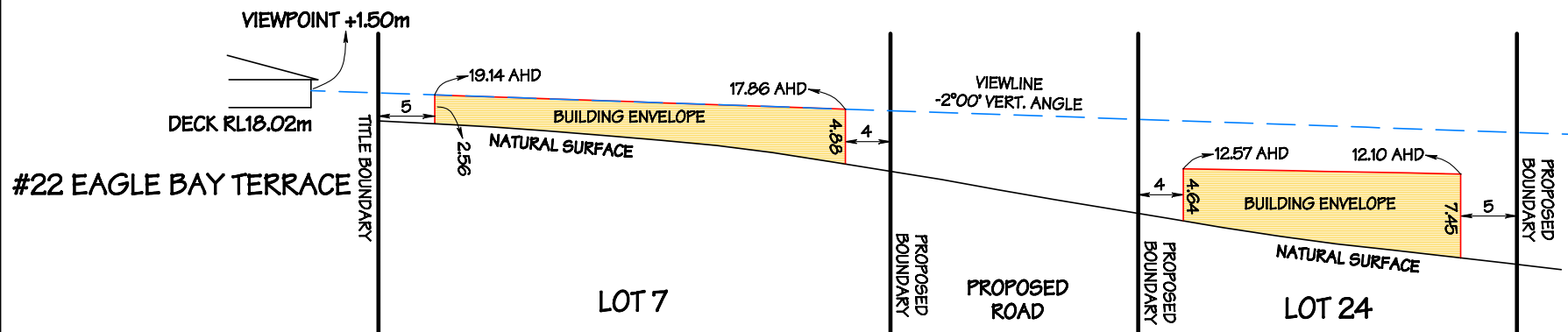
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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #22 EAGLE BAY TERRACE

DIAGRAM 2 OF 2



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
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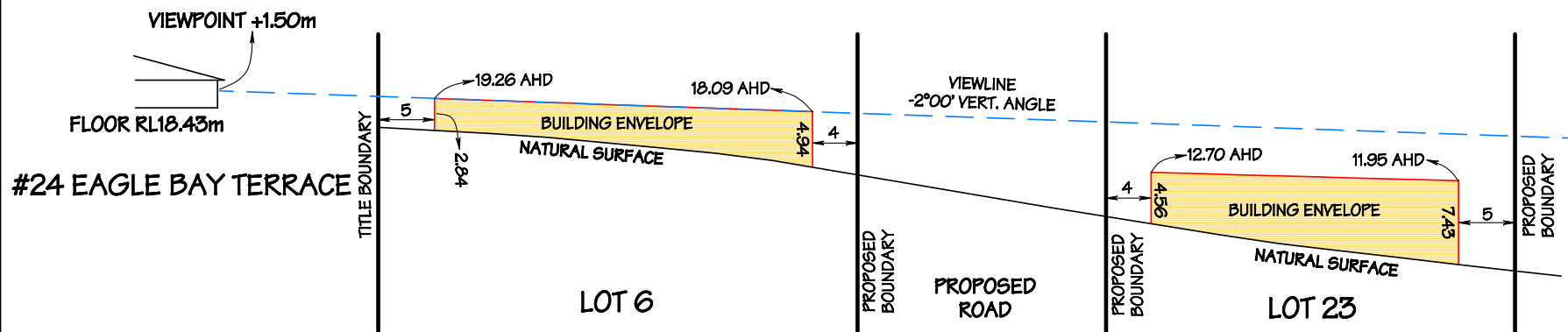
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10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #24 EAGLE BAY TERRACE

DIAGRAM 1 OF 2



HEIGHTS SHOWN ARE TO A.H.D.
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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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SURVEYORS REF.

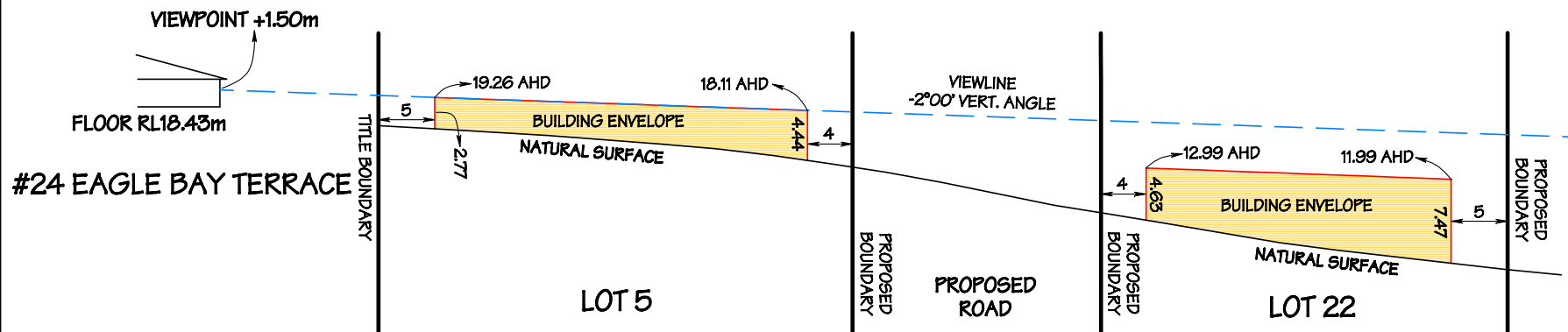
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10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #24 EAGLE BAY TERRACE

DIAGRAM 2 OF 2



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
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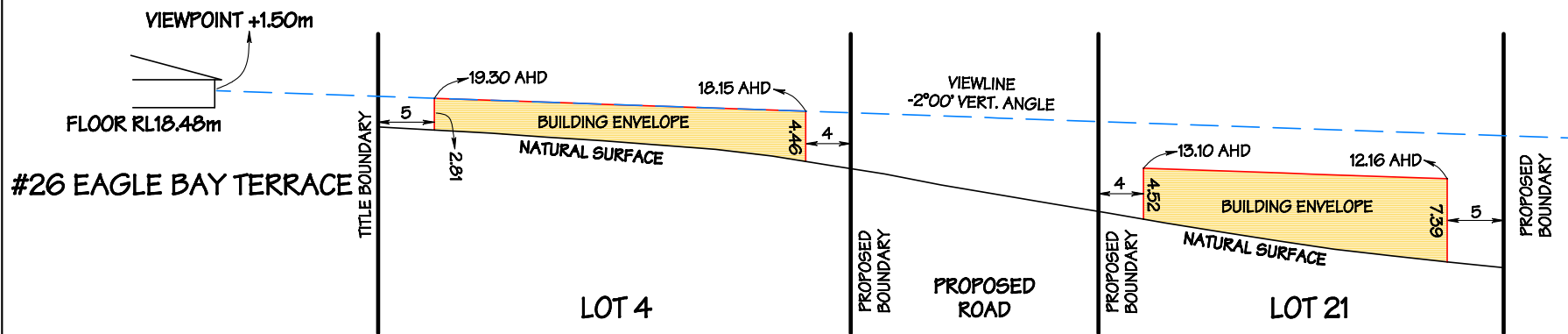
SURVEYORS REF.

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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #26 EAGLE BAY TERRACE



HEIGHTS SHOWN ARE TO A.H.D.
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BUILDING ENVELOPE HEIGHTS DERIVED FROM;
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SCALE (SHEET SIZE A4)

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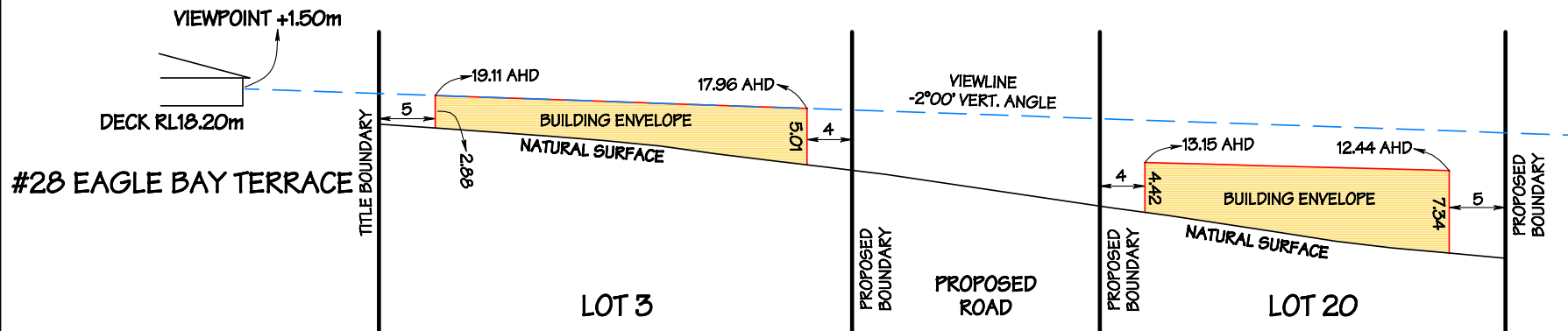
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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #28 EAGLE BAY TERRACE



HEIGHTS SHOWN ARE TO A.H.D.
SEE KEY SHEET FOR CROSS-SECTION LOCATIONS

BUILDING ENVELOPE HEIGHTS DERIVED FROM;
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SCALE (SHEET SIZE A4)

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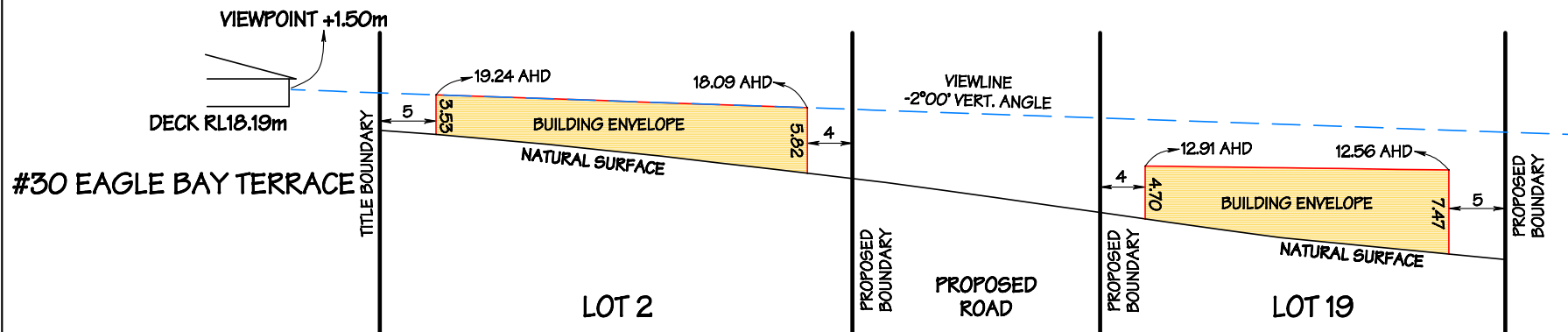
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10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #30 EAGLE BAY TERRACE

DIAGRAM 1 OF 2



HEIGHTS SHOWN ARE TO A.H.D.
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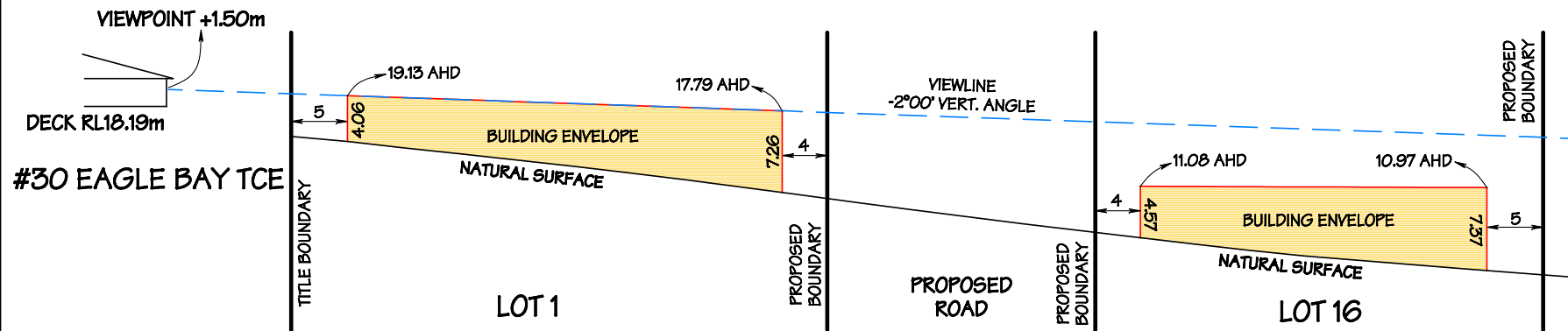
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CROSS-SECTION DIAGRAM #30 EAGLE BAY TERRACE

DIAGRAM 2 OF 2



HEIGHTS SHOWN ARE TO A.H.D.
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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

Relevant planning scheme considerations

Contents

The Planning Policy and Local Planning Policy Frameworks.....	1
Assessment of current Policy Framework.....	3
Paynesville Growth Area Structure Plan.....	4
Assessment – Relation to Paynesville Growth Area Structure Plan	6
Zone Controls	6
General Residential Zone 1 (GRZ1)	6
GRZ1 Assessment	7
Overlay Controls	7
Design and Development Overlay – Schedule 14 (DDO14).....	7
DDO14 Assessment	10
Land Subject to Inundation Overlay (LSIO)	11
LSIO Assessment:.....	12
Particular Provisions	12
53.01 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION.....	12
Public Open Space Contribution requirement.....	12
Clause 52.17 - Native Vegetation	13
Native Vegetation Assessment.....	13
Clause 56 – Residential Subdivision.....	14
Clause 56 Assessment Overview	54
General Decision Guidelines.....	54
Approval of an Application or Plan.....	54
Approval of an Application to Subdivide Land.....	54
General Decision Guidelines Assessment.....	55

The Planning Policy and Local Planning Policy Frameworks

The key objectives for consideration are summarised as follows:

Clause 11

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

Clause 12

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

Clause 12.01-1S

- To protect and enhance Victoria's biodiversity.

Clause 12.02-1S

- To protect and enhance the marine and coastal environment.

Clause 12.03-1S

- To protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.

Clause 12.05-1S

- To protect and conserve environmentally sensitive areas.

Clause 13

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

Clause 13.01-1S

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

Clause 13.03-1S

- To assist the protection of:

- o Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.
- o The natural flood carrying capacity of rivers, streams and floodways.
- o The flood storage function of floodplains and waterways.
- o Floodplain areas of environmental significance or of importance to river, wetland or coastal health.

Clause 15

- Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.
- Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.
- Planning should protect places and sites with significant heritage, architectural, aesthetic, natural, scientific and cultural value.
- Planning should incorporate measures to protect culturally significant heritage places in locations exposed to climate related hazards.
- Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.

Clause 16

- Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.
- Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.
- Planning for housing should include the provision of land for affordable housing.

Clause 16.01-1S

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

[Assessment of current Policy Framework](#)

The existing policy framework provides that the land is suitable for development. There are a range of considerations in state and local policy which support the proposal on existing zoned land with connectivity to services and integration within the established settlement area. These policy considerations are appropriately addressed by the application documentation, and permit conditions are imposed consistent with other multi-lot subdivision approvals.

Other relevant policy considerations include environmental and climate change considerations. Risks to property and safety associated with inundation and sea level rise are addressed by ensuring that housing development is located above the nominated flood levels, allowing for

predicted sea level rise, as advised by the floodplain manager, the East Gippsland Catchment Management Authority.

The proposed creation of a reserve between the housing development and existing Crown Land foreshore reserves assists in providing a buffer to protect development from the impacts of inundation and in providing drainage and sediment control to prevent adverse impacts on environmental values.

The potential for foreshore retreat and associated environmental and biodiversity impacts is accommodated in the most practical way by providing a large reserve to be transferred to public ownership. Without certainty as to those potential future impacts, this reserve provides the opportunity for future management and mitigation measures to be put in place as conditions change.

The protection of migratory bird habitat is subject to a referral under the Environment Protection (Biodiversity Conservation) Act 1999.

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

Key to the assessment is in relation to growth and housing. The land is recognised as serviced, infill, and will require minimal works to establish. Drainage will be the key aspect of the proposal to be mitigated through design to prevent further issues downstream.

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

Paynesville Growth Area Structure Plan

The Paynesville Growth Area Structure Plan (PGASP) has been adopted (2 August 2016) and is due to be integrated within the East Gippsland Planning Scheme, and will direct new local policy for settlement growth. It is noted that the PGASP does not cover the land subject to this application, but the design of the structure plan gives indication of connectivity at the western edge of this property (*Figure 1*).

Vision

The Paynesville Growth Area will provide an attractive, spacious and accessible residential environment for approximately 2,750 additional residents by 2055.

It will provide for a range of family types and lifestyles, with good access to employment, services and facilities, while maintaining the function of the Paynesville town centre and

maritime precinct as the preferred locations for retail and commercial services and maritime activities respectively.

Entry to Paynesville at the Grandview Road intersection will strongly reinforce a transition from rural and lake vistas and arrival in a spacious lakeside urban parkland environment.

A well-connected road network will allow for convenient and efficient traffic movement and distribution of traffic.

Residential neighbourhoods with dwellings and lots suitable for a range of lifestyles will be well connected to the existing township via existing roads and new extensions to Ashley Street and King Street; connections of Fullarton Drive and Bay Road with Paynesville Road and to the foreshore and cycling paths on Newlands Arm and Lake King.

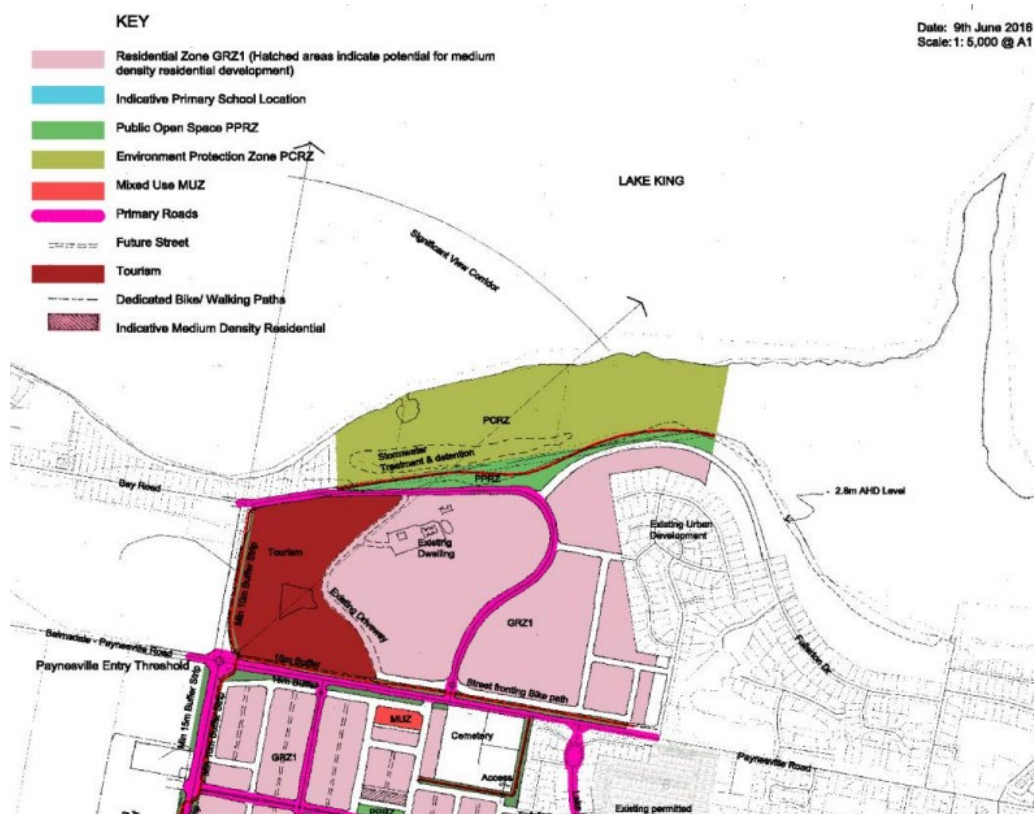


Figure 1 – Extract of Figure 2: Paynesville Growth Area – Preferred Urban Structure (PGASP August 2016)

Assessment – Relation to Paynesville Growth Area Structure Plan

As shown in Figure 1 and in the extract of the Vision above, Fullarton Drive is logically to be extended around the existing development of Eagle Bay Terrace. This proposal includes residential development on both sides of the Fullarton extension. The further extension anticipates single-sided development – responsive to the constraints of the existing parcel layout and topography.

The proposed connectivity does not make the Fullarton Drive > Burden Place > Paynesville Road particularly attractive as a route for the new development traffic, in fact it is more than likely to alleviate the present objector concerns, as the majority of these lots and even some of the existing dwellings on Fullarton Drive may elect to drive west rather than East to exit the estate, especially for Bairnsdale-bound trips.

The PGASP is not any further relevant to the current proposal.

Zone Controls

General Residential Zone 1 (GRZ1)

Permit requirement

Under this zone a permit is required to subdivide land.

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

Purpose

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

Maximum building height requirement for a dwelling or residential building

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

- exceeds the maximum building height specified in a schedule to this zone; or
- contains more than the maximum number of storeys specified in a schedule to this zone.

If no maximum building height or maximum number of storeys is specified in a schedule to this zone:

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

Decision Guidelines:

General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.

- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Subdivision

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

[GRZ1 Assessment](#)

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

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

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

[Overlay Controls](#)

[Design and Development Overlay – Schedule 14 \(DDO14\)](#)

Permit requirement

Under this Overlay a permit is required to subdivide land.

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

Purpose

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

Landscape Character and Objectives

Design objectives

The following design objectives apply to all areas shown on Map 1 forming part of this clause, including the character areas.

All areas

To protect and manage the township character of coastal settlements.

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

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

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

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

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

Town expansion (area 7)

To achieve a high quality residential subdivision.

To limit new development to a maximum height of 7.5 metres above natural ground level measured within the building footprint.

To encourage pitched roofs.

To retain established trees.

Decision Guidelines

All areas

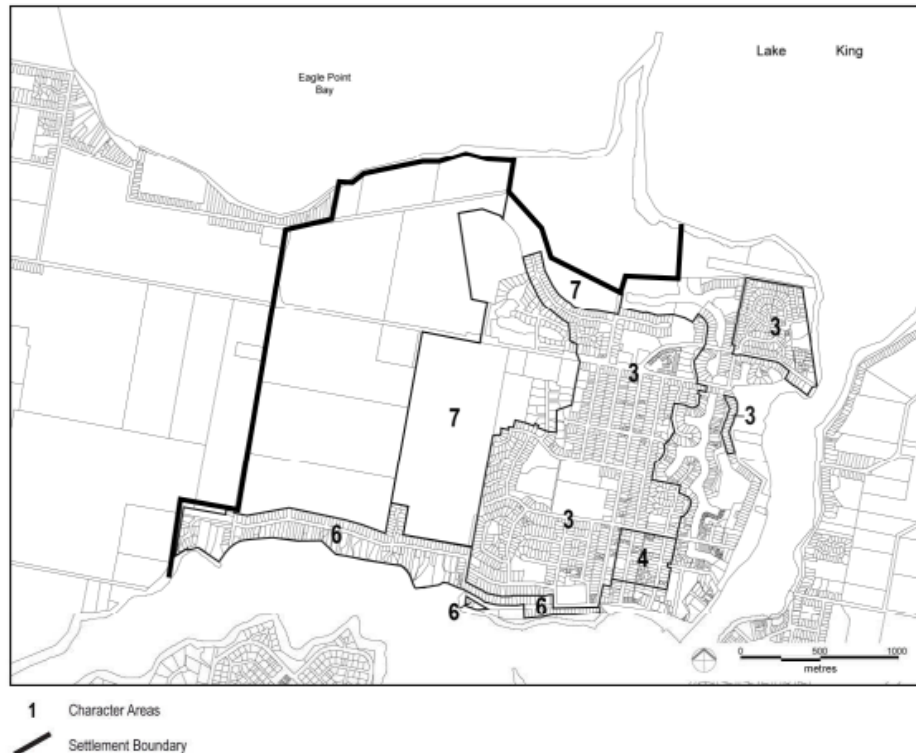
- The design objectives of this schedule.
- The vision statements, objectives and strategies at Clause 21.06-2, Strategies for Sub-regions, Towns and Localities (Lakes & Coastal).
- Any relevant siting and design guidelines prepared by the Victorian Coastal Council or the Gippsland Coastal Board.
- Any design guidelines established for the site through covenants, Section 173 Agreements or similar statutory mechanisms.
- The extent of any vegetation to be cleared and the impact of that clearance on the landscape setting of the locality.
- The need for and purpose of proposed vegetation removal.
- Whether the buildings and works are sited and designed to avoid impacts from retained vegetation.
- Whether the proposal is well integrated with the landscape through the planting of new and replacement indigenous or native trees and understorey.
- Whether the form, design and details of the building are compatible with the landscape setting, and the character of nearby or adjacent buildings.
- Whether the building materials and colours are low-reflective and reduce contrast with the landscape and distant visibility.
- The effect of the bulk, siting and design of any proposed building on the general appearance of the area, particularly when viewed from adjacent waterways, beaches, tourist routes or viewpoints.
- Whether the roof form of the building sits generally below the prevailing tree canopy.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms that follow the natural slope of the land and reduce the need for site excavation and filling.
- Whether, in locations adjacent to the coast or the coastal reserve, the building demonstrates a high standard of 'light weight' contemporary design (i.e. avoiding predominantly heavy masonry construction, utilising a mix of visually lighter building materials, and using elements such as timber decks and balconies etc.), and is well screened from the water and beach areas.
- The impact of any new development on adjoining public land.

In relation to a proposed subdivision:

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

Town expansion (area 7)

- Whether the proposed development assists in achieving a high quality residential subdivision.
- Whether any proposed buildings incorporate pitched roofs.
- Whether the proposal retains established trees.

Map 1 to Schedule 14: Paynesville Residential Character Areas

[DDO14 Assessment](#)

The relevant considerations under the DDO14 are in relation to the proposed subdivision. Future building heights are proposed to be restricted in a way that will prevent any applications under the DDO14 in its current format (noting, however, that a proposed review of the DDO control could alter permit triggers in the overlay area). It is noted that the DDO14 controls were established through the Coastal Settlement Urban Design Framework process, and that both documents were considered in the establishment of the PGSAP.

In relation to general considerations, the effect of the proposed vegetation removal is minimal in consideration of the benefit of planting and public amenity for the reserve. Protection of the limited vegetation would remove three potential building sites, and require vesting and or cumbersome conditions on development of a lower lot yield. The vegetation is not inconsequential, but has limited value. The offset and effective replacement by reserve planting will have a larger cumulative impact.

Building standards are proposed to be implemented through design guidelines proposed in the application. These guidelines reinforce the decision guidelines of the DDO.

The proposed subdivision alignment responds to the topography and sensitivity of the adjacent natural landscape and the existing subdivision pattern. This iteration makes great attempt to respond to the site constraints and matters of view sharing as previously debated in the Lake Park Holdings applications of 2010 and 2014. Some examples of this response include the single sided nature and depth of allotments between the existing Fullarton Drive lots and the proposed Molly Drive lots.

It is considered that the proposed subdivision alignment is consistent with the design objectives of the DDO14.

Land Subject to Inundation Overlay (LSIO)

Permit requirement

Under this Overlay a permit is required to subdivide land.

Purpose

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

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

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

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

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

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

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

44.04-8 Decision guidelines

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

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

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

LSIO Assessment:

The area affected by the overlay at present is to the north east of the site, within the area designated for drainage purposes. Mapping available indicates there is a likely increase in the affected area with current modelling, and the previous VCAT cases gave consideration to future climate scenarios, which forms the basis of the proposal. No residential development is proposed in areas of inundation. Road infrastructure similarly avoids the currently mapped areas.

The application was referred to East Gippsland Catchment Management Authority (EGCMA). The CMA provided consent, subject to conditions. These conditions have been assessed and are recommended for inclusion in a planning permit.

Under current mapping, no new development resulting from the subdivision will be within an area subject to inundation, so future dwelling development on the subdivided lots will not require additional inundation consideration. This is a key point of difference to recent Officer recommendations where land to be subdivided would in fact be subject to further assessment for future dwelling(s), and also to previous applications where more individual lots would have been impacted by either the LSIO or a revised LSIO with climate impact considered.

Particular Provisions

53.01 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.

Public Open Space Contribution requirement

A review of the plans shows that approximately 3.6 hectares of the site, or approximately 30% of the overall site, will be dedicated to reserve areas. An assessment of reasonable amount of public open space contribution is made, and no additional financial contribution is considered to be appropriate. Though the substantial reserve area will be dedicated to drainage, the function

will include passive recreation, as conditioned, such as shared use paths which will link towards Eagle Point.

Clause 52.17 - Native Vegetation

Purpose

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation

Permit requirement

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the schedule to Clause 52.16.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.

Decision guidelines

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

Offset requirements

If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset, in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and the timing to secure the offset.

Native Vegetation Assessment

Native vegetation proposed to be removed from the site falls includes patches of native vegetation. The position of the vegetation to be removed would result in 3-5 lots being removed from the plan. In consideration of the 'avoid' principle, to avoid the removal would result in less lot yield, and the applicant may seek to place this in a reserve to be managed by Council. The additional area is not desirable from a land management perspective.

Minimising the loss of vegetation is also considered, however any attempts to retain vegetation in the patches slated for removal would lead to their eventual decline and removal. Utilising an agreement to protect vegetation is cumbersome for the landowners and Council.

Considering 'offset', the application is supported by documentation which assesses the significance of the vegetation and the proposed conditions set out the necessary third-party offset required to be achieved.

That the one large tree on the property is to be retained and protected is significant. Permit conditions are also proposed, and reinforced in several parts, to protect this tree. This includes the requirement to consider construction methods to avoid the root protection areas, erecting fencing prior to construction activities commencing, and including key details of the tree in plans and specifications.

The proposed vegetation removal has been assessed and is considered appropriate in the context of the development and environmental values to be protected.

[Clause 56 – Residential Subdivision](#)

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

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
56.01 Site Context Description and Design Response 56.01-1 Site and Context Description	An application must be accompanied by a site and context description. This requirement must be provided unless the responsible authority is of the opinion that this requirement is not relevant.	<p>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.</p> <p>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</p>	<p>Earlier sections of [the consultant's] Report provide a detailed description of the subject land and surrounds, supported by an Existing Conditions Plan that forms part of this submission.</p> <p>The site sits within an existing residential precinct and has the ability to be connected to a full range of reticulated services.</p> <p>The site is located a short walk to Fullarton Reserve Walking Track and is within close proximity to community facilities, commercial services, educational facilities and active and passive recreation.</p>	<p>Complies</p> <p>The information provided in written, graphic, and plan form complies with the requirements for a site and context assessment.</p> <p>Careful assessment has been made regarding the existing built form on neighbouring property as a result of prior VCAT determinations.</p> <p>The proposed 59 lot subdivision does not require the most detailed level of assessment under this Clause. The officer notes this was not a deliberate attempt to reduce application requirements, but instead was a response to prior VCAT determinations which called for reduced number of lots.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>and path widths, materials and detailing and location and type of significant vegetation.</p> <p>For subdivision of 60 or more lots the plan, photographs or other techniques must accurately describe: location and distance from nearby public open space and recreational facilities, direction and distances to public transport routes, local shops and community facilities, directions and walking distances to public transport routes and stops, direction and walking distances to existing neighbourhood, major and principal activity centres and major employment area, existing transport routes, local street network – potential connection to adjacent subdivisions, traffic volumes and movements, paths – primary role neighbourhood or regional access, cultural significance, natural features, proximity of any fire threats and pattern of ownership of adjoining lots.</p>		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
56.01-2 Design Response	<p>The design response must explain how the proposed design:</p> <ul style="list-style-type: none"> Derives from and responds to the site and context description. Meets the objectives of Clause 56. Responds to any site and context features for the area identified in the local planning policy or Neighbourhood Character Overlay. Responds to any relevant objective, policy, strategy or plan set out for the area. 	<p>The plan and other techniques should show and explain:</p> <ul style="list-style-type: none"> Proposed uses of each part of the site. Natural features of the site and identify any features proposed to be altered. Proposed integrated water management system. Proposed staging of the subdivision. 	<p>Allotments have been designed to complement the surrounding pattern of subdivision, will incorporate building envelopes to ensure view sharing and appropriate future built form development. Access is provided via a new road that leads from Burden Place to Molly Drive, and the western extension of Fullarton Drive. An expansive public open space reserve adjoining the foreshore reserve is proposed for passive recreational enjoyment and landscape/ environmental amenity.</p>	<p>Complies</p> <p>The proposal is assessed as fully integrating within the existing pattern of development around Burden Place/Fullarton Drive. The constructed section of Molly Drive is indicative of desired development outcomes. Infill of the previous road connection to Fullarton Drive is logical given the presence nearby of Burden Place – two dwelling lots makes more sense from a development perspective and reduces traffic impact on Fullarton Drive/Burden Place intersection.</p> <p>The site contains a gentle slope up from the north side of the site, which is the edge of the Point Fullarton wetland reserve, forming part of the Ramsar listed Gippsland Lakes Reserve. Development is concentrated above the 2.5 m AHD contour, providing appropriate response to potential future climate scenarios and more regular inundation.</p> <p>The northern reserve will contain stormwater management systems to provide for both detention and treatment of stormwater</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
				generated from the subdivision and subsequent development of dwellings expected, plus service the existing unmanaged stormwater runoff from the existing development to the south.
Clause 56.02 Policy Implementation 56.02-1 Strategic implementation objective	To ensure that the layout and design of a subdivision is consistent with and implements any objective, policy, strategy or plan for the area set out in this scheme.	Subdivision should be consistent with and implements any: <ul style="list-style-type: none"> • Relevant growth area • Activity centre • Housing • Access and mobility • Community facilities • Open space and recreation • Landscape (including any native vegetation precinct plan) and urban design objective, policy, strategy or plan for the area set out in this scheme. 	Please refer to Section 7 of [the application material – attachment 2] for commentary on compliance with State and Local Policy, including the Paynesville Growth Area Structure Plan.	Complies The proposed subdivision is adjacent to, but not a part of the Paynesville Growth Area structure plan area. There are links to the structure plan, specifically the extension of Fullarton Drive, which are anticipated as a part of the expanded residential area. A more detailed response to the policy framework is outlined in the first section of this attachment.
56.03 Livable and sustainable communities 56.03-2 Activity Centre Objective	To provide for mixed-use activity centres, including neighbourhood activity centres, of appropriate area and location	Subdivision should be supported by activity centres that are: <ul style="list-style-type: none"> • Accessible by neighbourhood and regional walking and cycling networks • Served by public transport that is 		Deemed to comply The proposal is not an activity centre. Paynesville's preferred activity centre is the Esplanade precinct, and it would be inappropriate to provide such services in this location.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>connected to the regional public transport network.</p> <ul style="list-style-type: none"> • Located at public transport interchange points • Located on arterial roads or connector streets • Of appropriate size to accommodate a mix of uses that meet local community needs. • Orientated to support active street frontages, support street-based community interaction and pedestrian safety. 		
56.03-4 Built Environment	To create urban places with identity and character	<p>The built environment should:</p> <ul style="list-style-type: none"> • Implement any relevant urban design strategy, plan or policy for the area • Provide living and working environments that are functional, safe and attractive • Provide and integrated layout, built form and urban landscape • Contribute to a sense of place and cultural identity 	<p>The subdivision has been designed to facilitate future vehicle and pedestrian connectivity with the western adjoining property consistent with the PGASP.</p> <p>The proposed subdivision layout and incorporation of building envelopes integrates lots with the existing built form (housing) of the area.</p> <p>The provision of a large area of public open space will provide a community</p>	<p>Complies</p> <p>The proposal is designed to integrate with the existing subdivision/development and act as a transition between the development and natural environment. Large lots are proposed. Only one side of Molly Drive is to be developed. Along the Fullarton Drive extension, smaller lots are proposed with frontages to both sides of the road, but reserve areas continue to act as a buffer to the Gippsland Lakes Reserve.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
			asset for occupiers of the proposed subdivision and the wider precinct.	
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</p>	<p>The proposed allotments range from 600m² in area to 1,693m² in area, providing for diversity in size whilst being respectful of the existing allotment pattern and surrounding development.</p> <p>No average net residential density is specified for the subject land within the East Gippsland Planning Scheme.</p>	<p>Complies</p> <p>As previously stated, the proposal is linked to, but not affected by, the growth area structure plan. The proposal is generally consistent with the implied linkages.</p> <p>The proposed lot sizes represent diversity and provide for a range of potential dwelling densities.</p> <p>Transport services are limited in the region. Bus connections to Bairnsdale are not a part of the state managed transportation network, but there is a bus stop near the Burden Place/Paynesville Road intersection. This is external to either Council or the developer's control or realm of influence.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>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>		
56.04-2 Lot area and building envelopes	To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant	<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"> The objectives of the relevant standards are met; and 	<p>With each proposed allotment in excess of 500m² in area, there is no requirement to nominate Building Envelopes as part of the proposal.</p> <p>Having regard for previous VCAT decisions, it was considered imperative to provide building envelopes to ensure appropriate future built form outcomes are achieved and view sharing is provided for neighbouring properties.</p>	<p>Complies</p> <p>Building envelopes are proposed as a design response to previous permit applications and view sharing. All lots demonstrate appropriate building areas as specified, and most contain far more area than suggested.</p> <p>No variation is or will be required to any Clause 54 requirement.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	vegetation and site features.	<ul style="list-style-type: none"> The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act. <p>Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope:</p> <ul style="list-style-type: none"> The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement. 	Each of the proposed lots can easily accommodate a rectangle measuring 10m x 15m. The lot dimensions are appropriate to accommodate private open space, vehicle movements and infrastructure whilst maintaining good solar access.	

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>Lot dimensions and building envelopes should protect:</p> <ul style="list-style-type: none"> Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations. Existing or proposed easements on lots. Significant vegetation and site features. 		
56.04-3 Solar Orientation of lots	To provide good solar orientation of lots and 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"> The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south. Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street. 	The proposed layout and orientation provides appropriate solar exposure to each allotment. All proposed lots are generous in size ensuring strong solar access. having regard for future built form outcomes.	Complies

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
56.04-4 Street Orientation	To provide a lot layout that contributes to community social interaction, personal safety and property security	Subdivision should increase visibility and surveillance by: <ul style="list-style-type: none"> Ensuring lots fronting all roads and streets and avoid the side or rear of lots being orientated to connector streets and arterial roads. Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries. Providing roads and streets along public open space boundaries. 	All lots, with the exception of Lot 34, have the ability to front the new road, Burden Place or Fullarton Drive. The proposed new internal road will provide an active interface with the proposed public open space, and lots have been orientated to face the public open space and provide opportunities for casual surveillance.	Complies Molly Drive will predominantly be single sided, with connectivity to the public open space reserve to the north of the road. Lots along Fullarton Drive north/east side will have rear boundaries to the public open space. This does not comply with the standards, but meets the objective.
56.04-5 Common Area	To identify common areas and the purpose for which the area is commonly held. To ensure the provision of common area is appropriate and that necessary management arrangements are in place To maintain direct public access	To subdivide land that creates common land must be accompanied by a plan and report identifying: <ul style="list-style-type: none"> The common area to be owned by the body corporate, including any streets and open space. The reasons why the area should be commonly held. Lots participating in the body corporate. The proposed management arrangements including maintenance standards 	There are no areas of Common Property nominated.	Not applicable No common property is proposed

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	throughout the neighbourhood street network.	for streets and open spaces to be commonly held.		
56.05 Urban Landscape 56.05-1 Integrated Urban Landscape	<p>To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.</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</p>	<p>Landscape design should :</p> <ul style="list-style-type: none"> • Implement any relevant streetscape, landscape, urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme. • Create attractive landscapes that visually emphasise streets and public open spaces. • Respond to the site and context description for the site and surrounding area. • Maintain significant vegetation where possible within an urban context. • Take account of the physical features of the land including landform, soil and climate. • Protect and enhance any significant natural and cultural features. • Protect and link areas of significant local habitat where appropriate. 	<p>It is anticipated that a condition on permit will trigger requirement for a Landscape Plan to be endorsed which will include the nomination of street trees to achieve the expected streetscape presentation for each of the road types, in addition to enhancing landscaping along Burden Place and Molly Drive.</p> <p>A Reserve Landscape Plan will also be required, informed by detailed drainage design of the proposed basins. It is considered important that landscaping in the public open space reserve has incorporates vegetation of a lower height to respect views of the Lakes enjoyed by current and future landowners, but ensuring a softening of future built form when viewed from the Lake and adjacent Crown land.</p>	<p>Complies</p> <p>As indicated by the applicant, landscaping conditions are proposed for reserves and roadsides.</p> <p>A shared use path is a negotiated requirement, aligned to the north/east of the lots and alongside Molly Drive. This will be further extended to be an alternative to the existing walking track – providing.</p> <p>Landscaping that is appropriate for functional design of a detention/wetland system, streetscape, and reserve management will feature as permit conditions. The standards have been discussed with the permit applicant in setting the proposed conditions.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	<p>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"> • Support integrated water management systems with appropriate landscape design techniques for managing urban run-off including wetlands and other water sensitive urban design features in streets and public open space. • Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread into the surrounding environment. • Ensure landscaping supports surveillance and provides shade in streets, parks and public open space. • Develop appropriate landscapes for the intended use of public open space including areas for passive and active recreation, the exercising of pets, playgrounds and shaded areas. • Provide for walking and cycling networks that link with community facilities. 		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<ul style="list-style-type: none"> Provide appropriate pathways, signage, fencing, public lighting and street furniture. Create low maintenance, durable landscapes that are capable of a long life <p>The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.</p>		
56.05-2 Public Open Space Provision	<p>To provide a variety of open spaces with links to other open spaces and regional parks where possible.</p> <p>To ensure that public open space of appropriate quality and quantity is provided in convenient locations to meet the recreational and social needs of a community.</p>	<p>The provision of public open space should:</p> <ul style="list-style-type: none"> Implement any relevant open space plan, strategy or policy for the area set out in this scheme. Provide a network of well-distributed regional and local open space that includes: <ul style="list-style-type: none"> Regional public open space where appropriate, including along foreshores, streams and permanent water bodies. Regional parks of at least 3 hectares, combining passive and 	<p>The proposed large area of public open space will perform a passive recreation, environmental and drainage function, incorporating water sensitive urban design techniques and enhance the nature based character of the area.</p> <p>Each of the proposed lots is within 1 km of the proposed open space, consistent with the requirements of Standard C13.</p>	<p>Complies</p> <p>The Gippsland Lakes Reserve is immediately adjacent, and the additional area of public open space is directly connected. Future linkages are required to other public open space areas via new footpaths, projects for Council to consider and plan for in future capital works programs.</p> <p>There are existing vehicle connections to recreation reserves and other public open spaces (foreshore, walking tracks, playgrounds, etc) within the Paynesville and further to Bairnsdale.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	To support active and health communities.	<p>active use, within 2 kilometres of all dwellings.</p> <ul style="list-style-type: none"> • Large local parks of at least 1 hectare for active and passive use, within 500 metres safe walking distance from all dwellings • Small local parks within 150 metres to 300 metres safe walking distance of all dwellings, where appropriate. • Include land use for drainage control or stream and floodway purposes if generally available for recreational use. • Be integrated with urban water management systems including watercourses and water bodies. • Incorporate natural and cultural features where appropriate. • Encourage shared use of active open space. 		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<ul style="list-style-type: none"> • Adjoin schools and other community facilities where practical. • Meet the social, cultural recreational and sporting needs of the community including different age groups and abilities. • Be linked to existing or proposed future public open spaces where appropriate. • Include publicly owned plazas or parks in activity centres where appropriate. <p>Land provided for public open space should be:</p> <ul style="list-style-type: none"> • Of a quality, quantity and character that makes it fit for its potential functions. • Located so that every lot in the subdivision is within 500 metres walking distance of existing/proposed public open space. • Related to the street and lot layout in a manner that promotes personal safety and surveillance of users of the public open space from streets 		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>along public open space boundaries.</p> <ul style="list-style-type: none"> Of an area and dimensions to allow easy adaptation to different uses in response to changing community sport and recreational preferences. 		
<p>56.06 Access and Mobility Management</p> <p>56.06-2 Walking and cycling network</p>	<p>To contribute to community health and well being by encouraging walking and cycling as part of 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>	<p>The walking and cycling network should be designed to:</p> <ul style="list-style-type: none"> Implement any relevant regional and local walking and cycling strategy, plan or policy for the area. Link to any existing pedestrian and cycling networks. Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces. Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the 	<p>A footpath will be developed along the southern side of the new road that will link to Fullarton Drive via Molly Drive.</p> <p>New footpaths will be provided on each side of the Fullarton Drive extension. The width of each road is sufficient for the joint use of vehicles and cyclists.</p>	Complies

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>network of arterial roads, neighbourhood streets and regional public open spaces.</p> <ul style="list-style-type: none"> • Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling. • Ensure safe street and road crossings including the provision of traffic controls where required. • Provide an appropriate level of priority for pedestrians and cyclists. • Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night. • Be accessible to people with disabilities. 		
56.06-4 Neighbourhood Street Network	To provide for direct, safe and easy movement through and between neighbourhoods	<p>The neighbourhood street network must:</p> <ul style="list-style-type: none"> • Take account of the existing mobility network of arterial roads, neighbourhood streets, 	As advised by the Traffic Impact Assessment the proposed roads are of suitable widths to accommodate additional traffic volumes, with the	<p>Complies</p> <p>The proposed street network links to existing roads and is consistent with structure planning for the Paynesville Growth Area to the</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.	<p>cycle paths, footpaths and public transport routes.</p> <ul style="list-style-type: none"> • Provide clear physical distinctions between arterial roads and neighbourhood street types. • Comply with the Roads Corporation's arterial road access management policies. • Provide and appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport. • Provide safe and efficient access to activity centres for commercial and freight vehicles. • Provide safe and efficient access to all lots for service and emergency vehicles. • Provide safe movement for all vehicles. • Incorporate any necessary traffic control measures and traffic 	<p>surrounding road network able to readily accommodate any additional traffic. Proposed road designs were determined to be consistent with the 10M, the Planning Scheme and best practice.</p> <p>No modifications to the existing road network are considered necessary, and all lots can be easily accessed by service and emergency vehicles.</p>	West. No additional traffic interventions are required at this time.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>management infrastructure.</p> <p>The neighbourhood street network should be designed to:</p> <ul style="list-style-type: none"> • Implement any relevant strategy, plan or policy for the area. • Include arterial roads at intervals of approx 1.6km that have adequate reservation widths to accommodate long-term movement demand. • Include connector streets approx half way between arterial roads and provide adequate reservation widths to accommodate long term movement demand. • Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other vehicles. • Provide an appropriate level of local traffic dispersal. 		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<ul style="list-style-type: none"> • Indicate the appropriate street type. • Provide a speed environment that is appropriate to the street type. • Provide a street environment that appropriately manages movement demand (volume, type & mix of pedestrians, cyclists, public transport and other motor vehicles). • Encourage appropriate and safe pedestrian, cyclist and driver behaviour. • Provide safe sharing of access lanes and access places by pedestrians, cyclists and vehicles. • Minimise the provision of culs-de-sac. • Provide for service and emergency vehicles to safely turn at the end of a dead-end street. • Facilitate solar orientation of lots. • Facilitate the provision of the walking and cycling network, integrated water management 		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>systems, utilities and planting of trees.</p> <ul style="list-style-type: none"> • Contribute to the area's character and identity. • Take account of any identified significant features. 		
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"> • Be part of a comprehensive design of the road or street reservation. • Be continuous and connect. • Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots. • Accommodate projected user volumes and mix. • Meet the requirements of Table C1. • Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required 	<p>Footpaths have been logically located to provide appropriate pedestrian access. Pavement edge, kerb and channel are integrated to ensure safe travel for cyclists. Footpaths are of a sufficient width to accommodate wheelchairs, prams and other footpath bound vehicles.</p>	<p>Complies</p> <p>The proposal will be required to provide footpath and shared use path connections that will need future investment to link to Eagle Point and the Paynesville CBD area.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>drainage functions and are structurally sound.</p> <ul style="list-style-type: none"> • Provide appropriate signage. • Be constructed to allow access to lots without damage to the footpath or share path surfaces. • Be constructed with durable, non-skid surface. • Be of a quality and durability to ensure: <ul style="list-style-type: none"> • Safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles. • Discharge of urban run-off. • Preservation of all-weather access. • Maintenance of a reasonable, comfortable riding quality. • A minimum 20-year life span. • Be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the 		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		movement of people with disabilities.		
56.06-6 Public Transport Network Detail	<p>To provide for the safe, efficient operation of public transport and the comfort and convenience of public transport users.</p> <p>To provide public transport stops that are accessible to people with disabilities</p>	<p>Bus priority measures must be provided along arterial roads forming part of the existing or proposed regional public transport network system outside Metropolitan Melbourne to the requirements of the relevant roads authority.</p> <p>Road alignment and geometry along bus routes should provide for the efficient, unimpeded movement of buses and the safety and comfort of passengers.</p> <p>The design of public transport stops should not impede the movement of pedestrians.</p> <p>Bus and tram stops should have:</p> <ul style="list-style-type: none"> • Surveillance from streets and adjacent lots. • Safe street crossing conditions for pedestrians and cyclists. • Safe pedestrian crossings on arterial 	<p>Unfortunately, public transport within Paynesville is limited. The PGASP Traffic Assessment Report does not suggest any future bus routes north of Paynesville Road, suggesting that "the street forms as proposed will be adequate to accommodate alterations to accommodate bus stops as required" (p.46). As the land to the west of the subject land is further developed with an access onto Paynesville Road there may be the need to provide for bus stops further to the west, however at this time based on the strategic vision it is unlikely considered unlikely.</p>	<p>Deemed to comply</p> <p>As stated by the applicant, public transport is limited and connections are not proposed in the area north of Paynesville Road. Fullarton Drive is potentially a future route, and modification to the road would be required to facilitate provision of any bus stops.</p> <p>Council's focus should be on capital works to improve connectivity to the development to existing bus routes. It is not reasonable for such works to be tied to the proposal.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>roads and at schools including the provision of traffic controls as required by the roads authority.</p> <ul style="list-style-type: none"> • Continuous hard pavement from the footpath to the kerb. • Sufficient lighting and paved, sheltered waiting areas for forecast user volume at neighbourhood centres, schools and other locations with expected high patronage. • Appropriate signage. <p>Public transport stops and associated waiting areas should be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with physical disabilities.</p>		
56.06-7 Neighbourhood Street Network Detail	To design and construct street carriageways and verges so that the street geometry and	<p>The design of streets and roads should:</p> <ul style="list-style-type: none"> • Meet the requirements of Table C1. Where the widths of access lanes, access places, and access 	The proposed road network will be constructed to the specifications of Infrastructure Design Manual (refer to Access	<p>Complies</p> <p>The applicant will be required to construct the roads in accordance with the IDM standards applicable.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	traffic speeds provide an accessible and safe neighbourhood street system for all users.	<p>streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met.</p> <ul style="list-style-type: none"> • Provide street blocks that are generally between 120 metres and 240 metres in length and generally between 60 metres to 120 metres in width to facilitate pedestrian movement and control traffic speed. • Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, integrated water management, street tree planting, lighting and utility needs. • Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all users. • Provide a low-speed environment while allowing all road users to proceed without unreasonable inconvenience or delay. 	and Servicing Strategy Plans). We understand these specifications are prioritised over those contained within the Planning Scheme.	

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<ul style="list-style-type: none"> • Provide a safe environment for all street users applying speed control measures where appropriate. • Ensure intersection layouts clearly indicate the travel path and priority of movement for edestrians, cyclists and vehicles. • 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. • Ensure streets are of sufficient strength to: <ul style="list-style-type: none"> • Enable the carriage of vehicles. • Avoid damage by construction vehicles and equipment. • Ensure street pavements are of sufficient quality and durability for the: <ul style="list-style-type: none"> • Safe passage of pedestrians, cyclists and vehicles. 		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<ul style="list-style-type: none"> • Discharge of urban run-off. • Preservation of all-weather access and maintenance of a reasonable, comfortable riding quality. • Ensure carriageways of planned arterial roads are designed to the requirements of the relevant road authority. • Ensure carriageways of neighbourhood streets are designed for a minimum 20 year life span. • Provide pavement edges, kerbs, channel and crossover details designed to: <ul style="list-style-type: none"> • Perform the required integrated water management functions. • Delineate the edge of the carriageway for all street users. • Provide efficient and comfortable access to abutting lots at appropriate locations. • Contribute to streetscape design. 		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<ul style="list-style-type: none"> • Provide for the safe and efficient collection of waste and recycling materials from lots. • Be accessible to people with disabilities. • 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. • A street detail plan should be prepared that shows, as appropriate: <ul style="list-style-type: none"> • The street hierarchy and typical cross-sections for all street types. • Location of carriageway pavement, parking, bus stops, kerbs, crossovers, footpaths, • tactile surface indicators, cycle paths and speed 		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		control and traffic management devices. <ul style="list-style-type: none"> • Water sensitive urban design features. • Location and species of proposed street trees and other vegetation. • Location of existing vegetation to be retained and proposed treatment to ensure its health. • Any relevant details for the design and location of street furniture, lighting, seats, bus stops, telephone boxes and mailboxes. 		
56.06-8 Lot Access	To provide for safe vehicle access between roads and lots.	Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority. Vehicle access to lots of 300sqm or less in area and lots with a frontage of 7.5 metres or less should be	The proposed subdivision has been designed to ensure safe and convenient vehicle access and egress for all allotments. None of the proposed allotments will be provided access from an arterial road and each of the Lots are greater than 300m2 in area.	Complies Alignment of lots will suit right angle crossovers to the road.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>provided via rear or side access lanes, places or streets.</p> <p>The design and construction of a crossover should meet the requirements of the relevant road authority.</p> <p>Refer to tables of this clause – Table C1.</p>		
<p>56.07 Integrated Water Management</p> <p>56.07-1 Drinking Water Supply</p>	<p>To reduce the use of drinking water.</p> <p>To provide an adequate, cost effective supply of drinking water.</p>	<p>The supply of drinking water must be:</p> <ul style="list-style-type: none"> Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority. 	<p>Reticulated drinking water is available to the land. It is expected that a condition of permit will require the owner of the land to enter into an agreement with East Gippsland Water for the supply of reticulated water to each lot</p>	<p>Complies</p> <p>The application is supported by the water service authority.</p>
<p>Clause 56.07-2 Reused and Recycled Water</p>	<p>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p>	<p>Reused and recycled water supply systems must be:</p> <ul style="list-style-type: none"> Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, 	<p>East Gippsland Water, the relevant local authority does not have any requirements for the installation of reused and recycled water supply in this precinct at this time.</p>	<p>Not applicable</p> <p>A system is not available in the region.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>Environment Protection Authority and Department of Human Services</p> <ul style="list-style-type: none"> • Provided to the boundary of all lots in the subdivision where required by the relevant water authority. 	The use of rainwater tanks with a minimum retention & reuse of 2000 litres will allow for garden irrigation and use in sanitary facilities, reducing demand for reticulated water.	
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"> • Designed, constructed and managed in accordance with the requirements and to the satisfaction go the relevant water authority and the Environment Protection Authority. • Consistent with any relevant approved domestic waste water management plan. <p>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</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 connection of each lot to the reticulated sewer network.	<p>Complies</p> <p>Reticulated sewer will be required.</p>
56.07-4 Stormwater Management Objectives	To minimise damage to properties and inconvenience to	<p>The stormwater management system must be:</p> <ul style="list-style-type: none"> • Designed and managed in accordance with the requirements and to the 	The accompanying Site Drainage Plans demonstrates how the site can be drained to best practice requirements.	<p>Complies</p> <p>Further to the commentary provided, further information has been requested to demonstrate</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	<p>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 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</p>	<p>satisfaction of the relevant drainage authority.</p> <ul style="list-style-type: none"> Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed. Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999). Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. Designed to contribute to cooling, improving local habitat and providing 	<p>It is proposed to utilise rainwater tanks with a minimum retention & reuse of 2000 litres, overflow for tanks will be drained via pipes to sediment basins (where in times of peak flows stormwater overfill will be diverted to drying areas and allowed to evaporate), then transferred to the wetland and/or bio-retention basin for release into a contour swale.</p> <p>It is expected that a condition of permit will require the preparation of a Detailed Drainage Design to the satisfaction of Council.</p>	<p>compliance with the standard, particularly in relation to potential system design and management/maintenance thereof.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.	<p>attractive and enjoyable spaces.</p> <p>The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.</p> <p>For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:</p> <ul style="list-style-type: none"> Stormwater flows should be contained within the drainage system to the requirements of the relevant authority. Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall. <p>For storm events greater than 20% AEP and up to and including 1% AEP standard:</p> <ul style="list-style-type: none"> Provision must be made for the safe and effective passage of stormwater flows. 		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<ul style="list-style-type: none"> All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority. Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria (average depth in metres and average velocity in metres per second $<0.35\text{m}^2/\text{s}$). <p>The design of the local drainage network should:</p> <ul style="list-style-type: none"> Ensure stormwater is retarded to a standard required by the responsible drainage authority. Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system 		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>or legal point of discharge.</p> <ul style="list-style-type: none"> • Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner. • Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs. <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	To protect drainage infrastructure and receiving waters from	A subdivision application must describe how the site will be managed prior to and during the construction	The site will be managed to the satisfaction of the Responsible Authority. Site management techniques and	<p>Complies</p> <p>A construction management plan is required by condition.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
56.08-1 Site Management Objectives	<p>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>period and may set out requirements for managing:</p> <ul style="list-style-type: none"> • Erosion and sediment. • Dust • Run-off • Litter, concrete and other construction wastes. • Chemical contamination. • Vegetation and natural features planned for retention. <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	<p>information will be included within the project's Construction Management Plan, expected to be required as a Condition of Permit. It is expected that the Construction Management Plan must have regard for the amenity of existing neighbouring properties during construction activities.</p>	<p>Specifically, the condition suggests access arrangements which mitigate concerns from objectors regarding use of Burden Place/Fullarton Drive for construction traffic. The preference for access via Paynesville Road must consider a range of factors, including cultural heritage, native vegetation, and soil stability.</p> <p>Ultimately, construction vehicle access using the existing road network will be required. The CMP will set guidelines and measures to reduce impact to residents of Fullarton Drive and Burden Place during the construction of the subdivision. Conditions cannot be imposed in relation to future dwelling development which would not normally include construction management conditions where a permit is required.</p>
56.09 Utilities 56.09-1 Shared trenching	<p>To maximize the opportunities for shared trenching.</p> <p>To minimise constraints on landscaping</p>	<p>Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.</p>	<p>Shared trenching for reticulated services will be undertaken where possible in accordance with the standards of the relevant supply agency.</p>	<p>Complies</p> <p>As stated, a permit condition is imposed requiring shared trenching.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	within street reserves.		Shared trenching is a common construction method that also provides cost benefits to the developer. The need for shared trenching can be stipulated within permit conditions if necessary.	
56.09-2 Electricity, 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</p>	Electricity, telecommunications and gas are available within the precinct. Each of the proposed lots are able to be connected in accordance with the requirements of the respective service provider.	<p>Complies</p> <p>Conditions are imposed by the various service authorities.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>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>		
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"> • A maximum distance of 120 metres from the rear of the each lot. • No more than 200 metres apart. <p>Hydrants and fire plugs must be compatible with the relevant fire service equipment.</p> <p>Where the provision of fire hydrants and fire plugs does</p>	<p>Details as to the location of fire hydrants will be provided as part of detailed construction documentation in accordance with permit conditions.</p> <p>Hydrants will be located to ensure appropriate coverage to rear of future dwellings by being within 120 metres of rear boundaries.</p>	<p>Complies</p> <p>Conditions address this as reviewed by Country Fire Authority.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		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 will be provided in accordance with Council's standard, with detail regarding location and standard to be provided as part of detailed construction documentation.	<p>Complies</p> <p>Conditions of approval address the need for street lighting with LED technology, suitable for low cost maintenance for Council. Decorative lighting features are now discouraged in new estates.</p>

Clause 56 Assessment Overview

As indicated in the table above, the proposal has demonstrated a high degree of compliance with the objectives and standards of Clause 56 in relation to multi-lot subdivision.

As such, it is recommended that the application is approved.

General Decision Guidelines

Approval of an Application or Plan

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Approval of an Application to Subdivide Land

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.

- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewerage and no provision has been made for the land to be sewerage, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

[General Decision Guidelines Assessment](#)

Having considered the general decision guidelines, including Section 60 of the Act, the officer recommendation is that the proposal is supported, subject to the recommended amendments to allay concerns regarding biodiversity. The responses to other aspects of objection are considered within the body of the main report.

The proposal has demonstrated a high degree of compliance with policy, ordinance, and structure planning for the broader precinct. It is strongly recommended that a notice of decision to grant a planning permit be made.

5.2 Assets and Environment

5.2.1 Toonalook Waters Revegetation Project

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

Requests for vegetation management at the Toonalook Waters constructed wetland have been received dating back to late 2020.

The constructed wetland is directly adjacent to residential properties and is the only wetland in East Gippsland constructed immediately abutting residential properties. The wetland was marketed as a “lake” with artistic drawings of kayakers, and complete views over the wetland by the original land developers.

In recent years, there has been an increasing presence of *Typha*, also known as Cumbungi or Bulrush. While this plant assists with the nutrient stripping function of the wetland, the height of the plant impedes on the views from the adjacent properties and according to residents, impedes water flow creating areas of stagnant water.

Early documentation (circa 2002) indicates that there was an understanding that a maintenance plan was required, likely to maintain the aesthetics of the wetland rather than the water quality, and that the cost of this maintenance would be borne by the landowners of the Toonalook Waters Estate.

Unfortunately, a formal agreement was not placed on the titles of Toonalook Waters properties. As such, there is no agreement in place for residents to contribute to the maintenance of the constructed wetland, nor an agreement or obligation for Council to maintain the wetland to a specific standard (for aesthetic value). In summary, Councils formal obligations extend to ensuring that stormwater management functions are maintained. Council has obtained advice that the water quality of the wetland is acceptable.

Officer Recommendation

That Council:

- 1. receives and notes this report;***
- 2. requests that the Chief Executive Officer or delegate:***
 - a. engage with Toonalook Waters Estate landowners in the development of a Management Plan and management agreement for the constructed wetland, which is to detail the maintenance required and responsibilities if the wetland is revegetated;***
 - b. ensure that residents are clear that no works other than standard maintenance, will be undertaken by Council until such time as a Maintenance Plan is developed and agreed to by residents including agreement to the landowners funding ongoing maintenance costs; and***
- 3. proceed with the revegetation of the Toonalook Waters constructed wetland once the maintenance plan identified in Recommendation 2 is formalised, all required permits and permissions are obtained, and funding to complete revegetation obtained.***

Background

Toonalook Waters was developed in the early 2000's as a residential development in Paynesville. The development includes a stormwater retarding basin with a catchment zone across the development, as well as part of the nearby Eagle Bay Village development, and farmland to the West.

While there are a number of constructed wetlands across the Shire, the wetland is unique in East Gippsland as it directly abuts residential property. This presents challenges as the functions of stormwater water quality management do not necessarily align with the visual amenity expected from residents.

Notification was received from residents in late 2020 about a growing presence of *Typha*, also known as Cumbungi or Bulrush and the impact on the aesthetics of the Toonalook Waters Estate. This vegetation is thought to be playing an important role in the maintenance of water quality and the removal of nutrient loads. However, visually the *Typha* blocks residents' views and prevents active use of the of the water body for activities such as kayaking. There are reports of areas of poor water quality, stagnant water, and the presence of pests caused by the presence of *Typha*, however, evidence to date is that the water quality is satisfactory and there is no evidence of pest animals.

Revegetation

Based on the information above, Council is not obligated to revegetate the wetland, with the current vegetation performing the necessary nutrient stripping and storm water management functions for the estate and the Gippsland Lakes. The decision is therefore whether it is reasonable to undertake a revegetation project on the basis of the visual amenity, and the wetland's function as open space.

Key information relating to this decision then reverts to whether it is possible to undertake such a revegetation in a manner that is both aesthetically enhancing and meets water quality objectives. To confirm this, Officers commissioned the development of a Revegetation Plan to identify appropriate works that would meet water quality requirements with vegetation that has a reduced impact on views.

While the Revegetation Plan confirmed that it was possible to revegetate to maintain water quality and gain views over the constructed wetland, there was a question about whether these works can be conducted legally and in a manner that mitigates harm to the environment. To investigate this, a wildlife study was also conducted to identify requirements to mitigate any negative impacts on wildlife that may arise from these works.

These two reports identified that an appropriate plan to both maintain the stormwater functions of the constructed wetland and remove the *Typha* in order to improve the aesthetics was possible. The reports estimated the costs of the required actions total approximately \$120,000 over three (3) years, including waste disposal costs of approximately \$25,000.

This cost is significant, and it is acknowledged that there is a relatively narrow community benefit, predominantly to adjacent landowners. This said, the provision of an attractive wetland that can be used for recreational activities is seen as a desirable outcome, given the dearth of other public open space in the development. The benefits of the revegetation are not fully exclusive to adjacent landowners, there is public access to the wetland from small reserves at the Western and Eastern end of the wetland, and views for those walking or driving across the central bridge.

It is understood that residents may be amenable to a contribution agreement regarding future maintenance should the revegetation project bring the wetland back to its original condition (estimated total value of maintenance approx. \$2,000 - \$3,000 p.a.).

Further investigation on this matter had determined that seeking landowner financial contributions to the revegetation works would be complex and potentially open to legal challenge. A preferable approach would be to either self-fund or seek funding for the revegetation works and then enter into landowner agreements for contributions to ongoing maintenance works.

Several key questions are raised relating to this matter

Does Council have an obligation to undertake any works?

With regard to aesthetics, early informal planning and estate marketing documentation (circa 2002) identifies the constructed wetland as an open “lake” with waterfront views and the capacity for water sports such as kayaking. There are references to the need for a Management Plan that would be agreed to by residents which placed the responsibility for the costs of the higher level of maintenance on the Estate landowners. Had this agreement been in place there would be:

- A) a formal responsibility for Council to maintain the wetland to this higher amenity standard
- B) A formal agreement with landowners to cover the cost of this maintenance.

However, this Management Plan was not developed, and no agreement formally entered into by property owners.

Therefore, the primary purpose of this constructed wetland from a Council perspective has been stormwater management. Some Landowners have raised concerns that the *Typha* has reduced water quality and reduced flow in some sections of the wetland, however, it is also known that *Typha* is an effective nutrient stripper which has positive water quality benefits. To understand the actual impact of *Typha* on this wetland a Water Quality Assessment was conducted which identified that water quality was satisfactory. Therefore, from a stormwater management perspective Council does not have an obligation to remove the *Typha*.

As this report provides a recommendation that revegetation is undertaken, the question of responsibility to maintain the new vegetation to maintain this nutrient stripping function and prevent reoccurrence of high levels of *Typha* is pertinent. As identified above, it has been shown that water quality can be maintained when *Typha* is present, and therefore if the decision was made to cease high level maintenance at any point, there is no formal obligation on Council to continue this. As a dominant species it is probable that *Typha* would return to the wetland and fulfil the nutrient stripping function.

Is it possible to effectively remove the *Typha* without compromising the stormwater function, or causing environmental harm?

As identified in the Revegetation Plan, maintenance of water quality in the absence of *Typha* is possible with the planting of alternate vegetation. If *Typha* was removed and no alternate vegetation planted the wetland would lose much of its nutrient stripping function. The impact of this would be high nutrient levels within the wetland, and further downstream during times of flow.

It should be noted that to ensure water quality maintenance without negatively impacting on the visual and physical amenity, revegetation will require a higher level of future management and therefore additional resources to monitor and remove any *Typha* that emerges and maintain the replacement vegetation.

The importance of *Typha* as a habitat for wildlife, and the impact of the removal of *Typha* on wildlife has also been considered. Advice has been obtained that a fauna salvage strategy should be incorporated into the revegetation process to mitigate against harm. Therefore any revegetation plan will include this important component.

Can landowners just remove the *Typha* themselves?

As identified above, the removal of *Typha* without suitable revegetation will significantly impact on the nutrient stripping function of the wetland leading to an overabundance of nutrients.

It is noted that there is evidence of unauthorised removal of *Typha* from the wetland in some sections. This is cause for concern and may lead to a several negative outcomes including:

- Reduction of nutrient stripping vegetation leading to poor water quality.
- Harm to wildlife, depending on the removal method.
- Danger to perpetrators due to carrying out works on or near water, depending on the removal method.

Unauthorised removal of vegetation on Council Land is addressed in *East Gippsland Shire Council General Local Law 2017*;

58 VEGETATION ON COUNCIL LAND

A person must not, without a permit:

- (a) Take, remove, damage, deface, log, destroy or interfere with any timber, tree, shrub, wildflower, seed or other vegetation*

Penalty: 20 Penalty Units

Could an agreement be put in place for landowners to pay for the revegetation?

There are several mechanisms that could be put in place to formalise a process to obtain the funding for the revegetation component from landowners. However, there are a number of complexities associated with each of these:

A Section 173 agreement could be placed on titles to ensure that financial obligations are formal. This would also ensure that contributions toward ongoing maintenance would be formalised and remain on land titles. However, this would require agreement from all landowners which is believed to be unlikely.

A special charge scheme could be enacted, this could be put in place without full agreement of all affected landowners. The barrier to this process is that the complexity and resources required to put this in place are significant, and given the maintenance costs are relatively low once revegetation is completed, this is not thought to be financially prudent.

A voluntary arrangement could be put in place, however as there is unlikely to be full agreement from landowners about this contribution, it is unlikely that it would generate the full amount to cover the project. If it was to proceed the costs would likely fall disproportionately on some landowners over others. In addition, a voluntary agreement would not be binding into the future.

The other significant complexity would involve apportioning costs in a fair and equitable manner across properties (e.g., just landowners of directly abutting properties, or all subdivision properties?). Reaching agreement with all landowners within the subdivision is also believed to be unlikely. As such, the likely cost of enacting a process that would commit landowners to a contribution would be complex, potentially expensive, with the potential that no agreement would be reached.

If there is no obligation, why consider removal of *Typha* from this constructed wetland?

It is acknowledged that with the majority of the wetland directly abutting private property, views and access over the wetland are limited for the general public other than residents. However, small reserves to the East and West do provide some view and access, and the wetland is visible when walking or driving across the bridge. As such the constructed wetland provides some amenity and community benefit other than that to landowners directly abutting.

With minimal other active open space within this subdivision, it can be assumed that improving this access and the look of the wetland would provide this function for nearby residents.

Could Council cover the cost of revegetation?

As evidenced above, Council does not have a formal obligation to carry out this work. Formal agreements were not put in place at the time of development, nor an alternate agreement since.

However, placing full responsibility on adjacent landowners is not believed to be appropriate either. As well as the identified challenges and costs associated with establishing a formal agreement, it is not uncommon for Council to carry out works largely for aesthetics, with some associated public open space benefits such as supporting recreational activities. Similar to the Toonalook Waters Estate, public access to these reserves is generally not restricted, it is the location and/or absence of walking tracks and other infrastructure that means that they are rarely accessed or used for purposes other than aesthetics.

Further, in this particular case there is evidence of a clear intent for this constructed wetland to allow for water views and some positive public open space functions such as supporting recreational activity. Over time however, these open space values of the constructed wetland have declined. Had the condition of a typical Council reserve declined to this level at a reserve other than a constructed wetland, it is likely that Council would seek to undertake some rectification work, albeit the cost of this rectification is significantly higher. It is also noted that the reason the wetland has not been managed for these views is that a Management Plan was not put in place at the time of development.

Summary

It is therefore thought to be reasonable that while there is not a formal obligation on Council to undertake works to bring the condition of the constructed wetland back to a functional and attractive condition, despite the fact that an original management plan was not formalised. This is conditional on the basis that ongoing maintenance to keep the wetland to this standard is financially covered by landowners, as evidence suggests was originally intended.

Funding Strategy

As there is no current budget for these works, revegetation could not commence until sufficient funding is obtained. While a specific funding opportunity is not yet identified, there may be the opportunity to obtain external funding for this project. And while there is no formal obligation from landowners to contribute to these works, it is believed it is reasonable to request some contribution should this revegetation proceed.

Legislation

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

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

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

Council Plan

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

Strategic Objective 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

The recommendations within this report do not conflict with any Council Policy.

Options

There is a primary option and two (2) alternatives associated with this report:

Option 1 Recommended: Approve Council proceeding with the revegetation of the Toonalook Waters constructed wetland in accordance with the Management Plan, on the basis that:

- Full funding for the revegetation is obtained prior to commencement of works. This may be obtained from contribution from landowners, external funding. While full cost coverage by Council is not recommended, some contribution from Council budget is expected to be required.
- An agreement is formalised for future management of the constructed wetland. This would include agreement from landowners to cover ongoing maintenance costs to meet the higher standard of amenity.

Revegetation is estimated to cost \$37,500 in year 1 for removal of *Typha*, and additional budget in the following two years for revegetation.

Alternate 1: Commence discussions with landowners regarding a formal agreement for landowners to cover the costs of revegetation on the basis that no works would be undertaken unless funded by impacted landowners.

Alternate 2: Formally decide that no additional works will take place at this site above what is required to maintain the stormwater function.

Resourcing

Financial

The expected cost over three years for the full revegetation of the constructed wetland is expected to be \$93,500, plus staffing and plant, and waste disposal, for a total of approximately \$120,000.

The amount of \$37,500 would be required in Year 1.

Plant and equipment

Council plant will be required for waste disposal. Expenses have been included in the financial calculations above.

Human Resources

Staffing will be required to transport waste, as well as manage the project. It may be possible to offset some of the costs with Council staff depending on requirements and availability.

Risk

The risks of this proposal have been considered and there are risks associated with the recommended option and the alternatives. The risk for Option one is primarily financial, although there may be negativity from non-impacted ratepayers viewing any Council expenditure as unnecessary.

However, there is a reputation risk associated with both alternates. There is also a financial risk as there is an unknown cost associated with the development, enforcement, and potentially the defense of either position.

The risk of environmental damage has been mitigated through the development of the revegetation plan, and wildlife study. Noting the recommendation for a fauna salvage strategy with an Ecologist on site for the duration of the removal to relocate any native animals located, or euthanise any exotic animals discovered.

Economic

The improvement of aesthetics and functionality of this area may positively impact the property values of the waterfront and nearby properties.

Social

There are no associated social implications of this report.

Gender Impact Statement

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

Environmental

The environmental implications are discussed extensively in the body of this report.

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

There has been limited recent communication with landowners other than brief updates of the planned dates for reports being received and presentation to Council.

Toonalook Waters Estate residents will be contacted, seeking an appropriate agreement to contribute to the costs of an agreed ongoing maintenance plan (future maintenance following revegetation) for the constructed wetland should revegetation proceed.

This messaging will include a reliance on obtaining funding prior to proceeding, meaning revegetation will not commence immediately.

Officers will then develop a full project plan and seek opportunities to fund the revegetation component of the project.

Attachments

Nil

5.2.2 Capital Works and Major Projects 2022/2023 - Year in Review

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

This report is provided to Council as an overview of the capital works and major projects program, to showcase some of the many projects that have been delivered this financial year. This report complements coverage of the Capital Program in the Annual Report of 2022/23 that will be presented to Council at a future meeting.

This is the first year that an end of year summary report has been developed. This end of year report builds on the three quarterly reports on the Capital Program presented to Council throughout the year. Recognising that this is the largest ever Capital Program delivered by Council, a summary, and end of year wrap up was considered appropriate.

The year began with an adopted budget plus carry forwards of \$112 million. 45% of the budget was funded by State or Commonwealth grants. By the end of the financial year \$43.4 million had been expended with \$31.3 million committed by way of awarded contracts.

The presentation 'Year in Review' provided at **Attachment 1** summarises pictorially some of the 2022/23 achievements of Council's Capital Works program.

Officer Recommendation

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

Background

The 22/23 Capital Works Program commenced the year with an adopted budget of \$112.21 million which included \$54.42 in carry forwards.

The program commenced the year with 191 individual projects in June and had risen to 272 by the end of the financial year. The increase can largely be attributed to individual projects being identified from annual programs.

By the end of the year, 45 projects had been completed. Significant projects completed were:

- WORLD Hockey and Netball playing surfaces. The first hockey game was played on 6 May 2023;
- Mallacoota Skatepark – opened Easter 2023;
- Tabberabbera Timber Bridge replacement – complete December 2022;
- Lions Park Toilet, Bruthen – complete December 2022;
- Installation of 19 Static Water Tanks across the Shire;
- Gymnastics Pavilion Lucknow – complete end of June – opened early July 2023;
- Bills Creek Wairewa Culvert renewal;

- LED lighting Upgrade;
- Bruthen Streetscape;
- Electrical Vehicle Charge Points x 4;
- Bullock Island Bridge – complete December 2022;
- Metung Tennis Court;
- Buchan Linkages – shared footpath;
- Omeo Recreation Reserve & Tennis Hall Upgrade;
- Nowa Nowa Streetscape;
- Mallacoota Cricket Training facility;
- 64 roads resealed – 71.71 kms; and
- Renewal of gravel roads – 69 kms.

In addition to the projects that have been constructed, the following projects have been in design and / or construction.

- Bullock Island Masterplan;
- Eagle Point Foreshore Hub;
- Metung Shaving Point Boat Ramp;
- Jemmy's Point Lookout and Loop Trail;
- Lindenow Recreation Reserve Lighting Upgrade;
- Omeo Mountain Bike Trails;
- Moroney Street Stage 2;
- Mallacoota Streetscape;
- Marine Parade Stage 1;
- Krauatungalung Walk;
- Lakes Entrance Foreshore Park;
- Jones Bay Southern Catchment – Crooke Street Wetlands;
- Orbost Forest Park;
- Eastwood Play space;
- Buchan Recreation Reserve*; and
- Swifts Creek Recreation Reserve*.

*These are major projects. Council is assisting the community with the delivery of these projects on assets not owned by 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.

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

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

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

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.

Strategic Objective 5:5.4 Continuous improvement systems are strengthened, and organisational efficiency enhanced.

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

Council Policy

This report and the actions described in the report are aligned to Council's Risk Policy.

Options

Delivery options and design options are considered for the individual projects within the Program but are not applicable to this report.

Resourcing

Financial

This report outlines the impact of external factors impacting the capital works program and the plan to manage the issues in 2022-23 and into the future.

Plant and equipment

The capital program includes budget for the replacement of plant and equipment as per depreciation schedules.

Human Resources

The development of this report has no impact on human resource levels. The delivery of the capital program relies on the engagement of a number of project supervisors, that are engaged under various terms by Council.

Risk

Risk assessments are carried out on all projects within the capital program as part of the organisation's use of a Project Management Framework.

Economic

Delivery of the Capital program includes the procurement of contractor services which stimulate the local economy and the betterment of areas of the Shire that support business and industry growth. Many of the projects further stimulate the economy and investment by supporting access and connectivity, improving amenity, and enhancing liveability.

Additionally, all projects tendered use local content as one of the tender assessment criteria, which allows the contractors response to local procurement, employment, and community support to be considered.

Social

The delivery of a number of projects within the Capital program is seen to implement aspects of adopted strategies and plans and delivers positive social outcomes for our communities.

Gender Impact Statement

Gender Equity is considered at the project level not at program level. Gender Equity consideration has therefore been built into the organisations Project Management Framework used to manage all capital projects.

Environmental

The delivery of a number of the projects within the program have been designed to consider and / or provide environmental benefits. Additionally, all projects tendered use environmental sustainability as one of the tender assessment criteria, which allows the contractors response to environmental sustainability to be considered.

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.

Financial Management: Climate change is budgeted for and resources are allocated for mainstreaming through a financial management plan, policy, or strategy.

Engagement

No engagement has been undertaken in the compilation of this report. However, engagement with community members, agencies and stakeholders has been a critical element in the design, delivery, and management of many of the projects in the 2022/23 and 2023/24 capital programs. The capital program was also part of deliberative engagement undertaken to develop the Council Plan and Budget.

Attachments

1. Year in Review Presentation [5.2.2.1 - 41 pages]

2022/2023 Capital Works Program A Year in Review



Budget

- 22/23 started with a record capital works budget of \$112 million
- 45% was funded by State or Commonwealth grants.
- By the end of the financial year we had expended \$43.4 million with \$31.3 million committed ready for 23/24.

Overall Projects

We commenced with 191 individual projects

By year end this had expanded to 272

The majority of 'new' projects came from allocations to annual programs

45 projects were completed within the year.

WORLD Hockey & Netball

Construction packages 1 and 2 are now complete

- Netball Courts
- Hockey fields
- Carparking
- Marshalls Building
- Lighting

Construction package 3 (The Pavilion) is now under construction





Mallacoota Skatepark

This project was delivered for \$584,000 and was funded predominately by the Lions Club, Mallacoota, who received a grant from the Community Enterprise Foundation



Tabberabbera Timber Bridge

Funded by
Roads to
Recovery at a
cost \$328,000
this timber
bridge over the
Wentworth
River was
replaced
December
2022



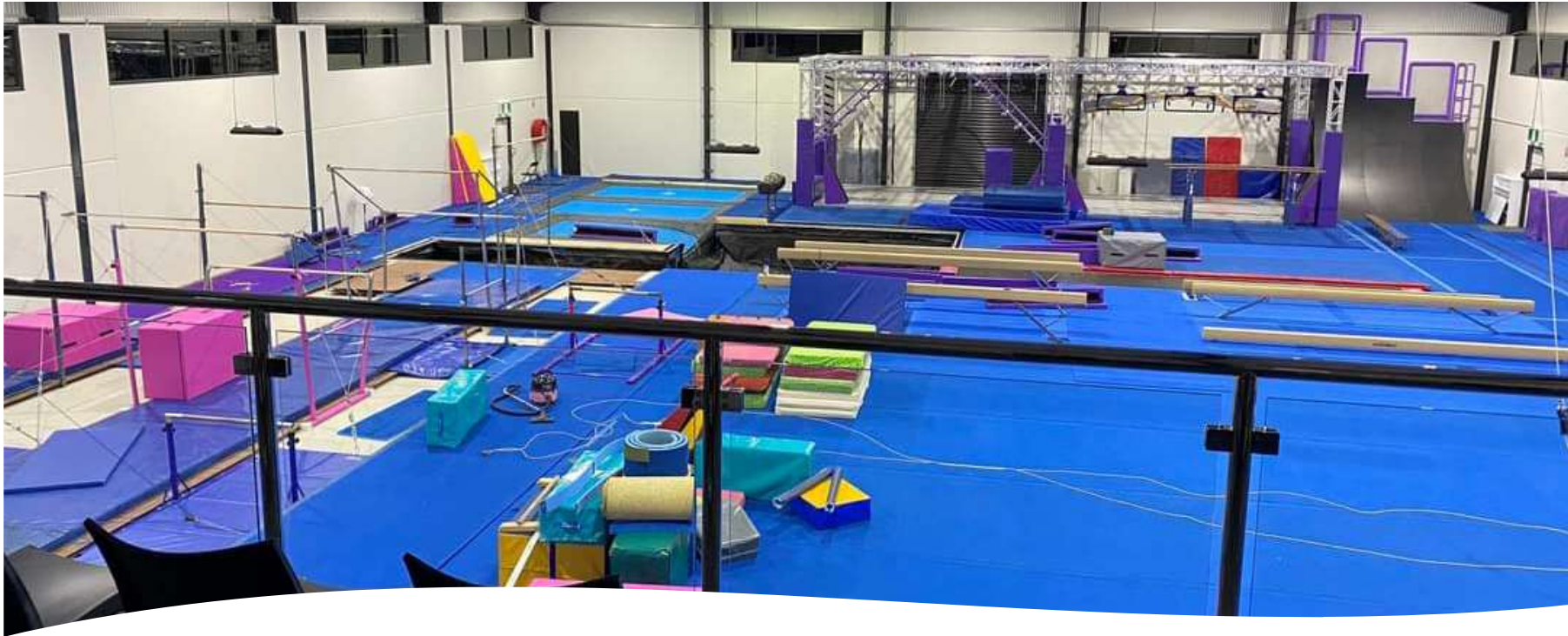
Lions Park Toilet, Bruthen

This project was completed in December 2022 and was funded by the Lions Club of Bruthen and delivered by the works crew.

19 Static Water Tanks

- Bellbird Road, Granite Rock
- Bemm River CFA Station
- Brookville Road, Brookville
- Buchan Road, Reedy Flat
- Club Terrace, Combienbar Road
- Combienbar Hall
- Corringe Back Beach Road
- Deptford Road, Turners Road
- Deptford Road, Waterhole Road
- Deptford Road, Speedway Entrance
- Ensay, opposite Sale Yards
- Ensay Doctors Flat Road
- Gillies Road, Butchers Ridge
- High Forrest Road Omeo
- Marlo Conran Road
- Newmerella
- Raymond Island CFA Station
- Sheep Station Road Doctors Flat
- Bingo-Tice Road, Anglers Rest





Gymnastics Pavilion Lucknow

The project cost \$2.5 million and was part funded by Sports & Recreation Victoria who contributed \$800K.

Gymnastics Club opened to students on 10 July.



Network: 1 Mar 2023
Local: 1 Mar 2023
-37°43'6.33"

Bills Creek Wairewa Culvert Renewal

Culverts were installed at Bills Creek for a total Cost \$365K. This will reduce the severe flooding that has occurred in this location for many years.

LED Lighting Upgrade

We replaced approximately 1755 lights across East Gippsland. These will:

- Improve compliance with Australian Standards in terms of safety and light levels
- Save approximately 24,000 tonnes of greenhouse gas emissions during the life of the new assets (over 20 years) – equivalent to taking 5,702 cars off the road
- Save approximately 1226 tonnes of greenhouse gas emissions per year
- Reduce energy usage by 1256 Mwh each year

The LED lights will save East Gippsland Shire \$3,665,000 over the next 20 years



Bruthen Streetscape

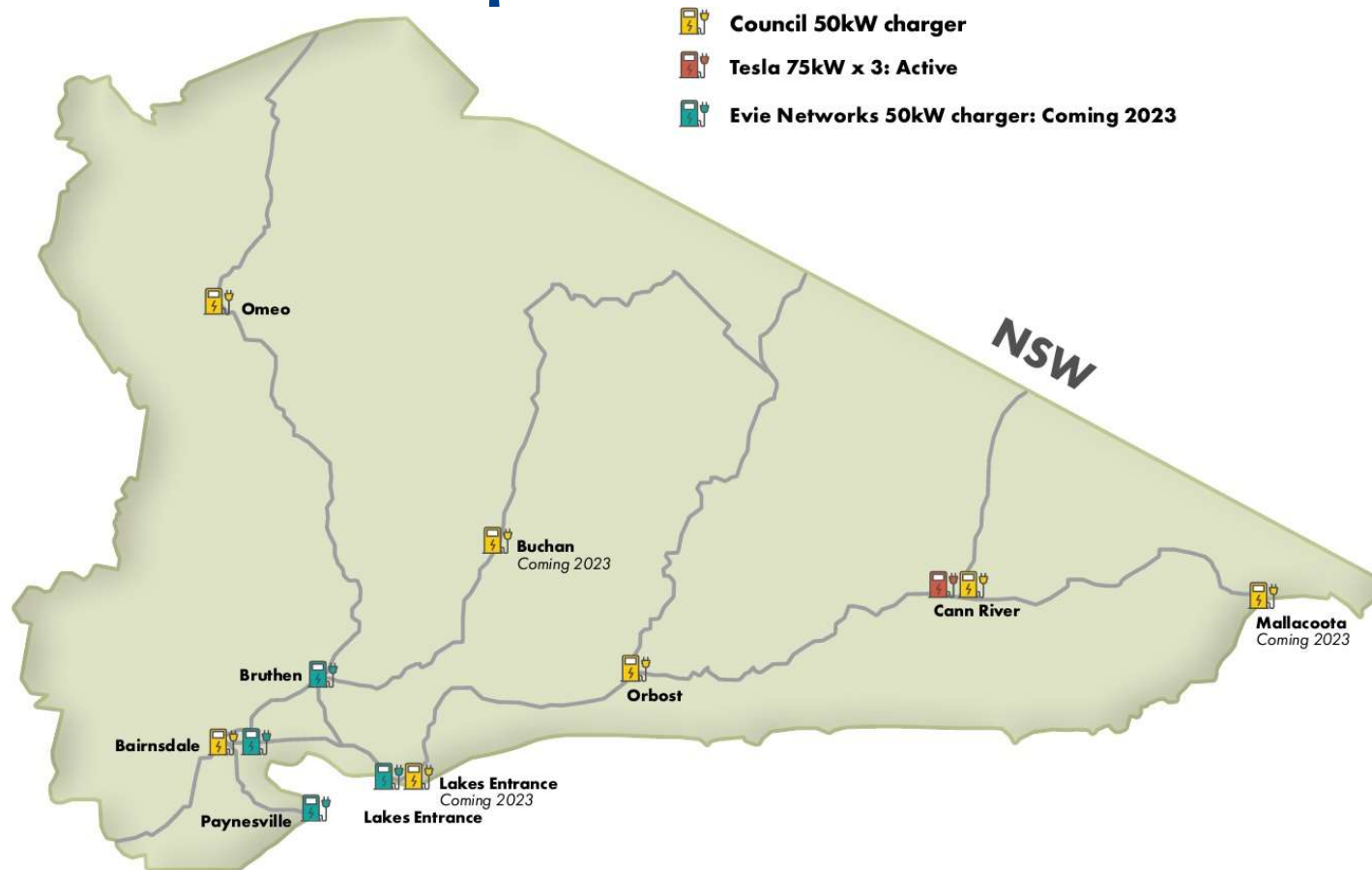
\$1.3million upgrade
to transition
Bruthen from a
timber town to a
tourism hub. This
project was
supported with
\$800K* of funding
from Local
Economic
Recovery Program

*additional funding for Activation, total
funding was \$1.2million



Electric Vehicle Charge Points

The first four Council owned Electric Vehicles Chargers have been installed and are now operational. This project cost \$509K and utilised \$470K from the LRCI Phase 3 program.





Bullock Island Bridge

Project cost \$3 million and was funded by the Federal Government Infrastructure Investment Program. The bridge was opened to traffic prior to the busy holiday season in December 2022. Additional works on Bullock Island and the associated road network are currently underway.



Ferry Park Raymond Island

This project delivered:

- Upgraded amenities
- Improved pedestrian safety
- Improved visitor facilities
- Signage for ferry parking in Paynesville
- A well-marked, interesting, easy to navigate 'gateway' to the Koala Trail

The project cost \$476,000 and was funded with \$300,000 of LER and LRCI grants.

Newmerrella Wayside Stop

The new wayside stop is adjacent to the Newmerrella Recreation Reserve. The purpose of the project was to formalise parking, upgrade the stormwater drainage, including kerb and channel, and provide disabled parking and footpaths.

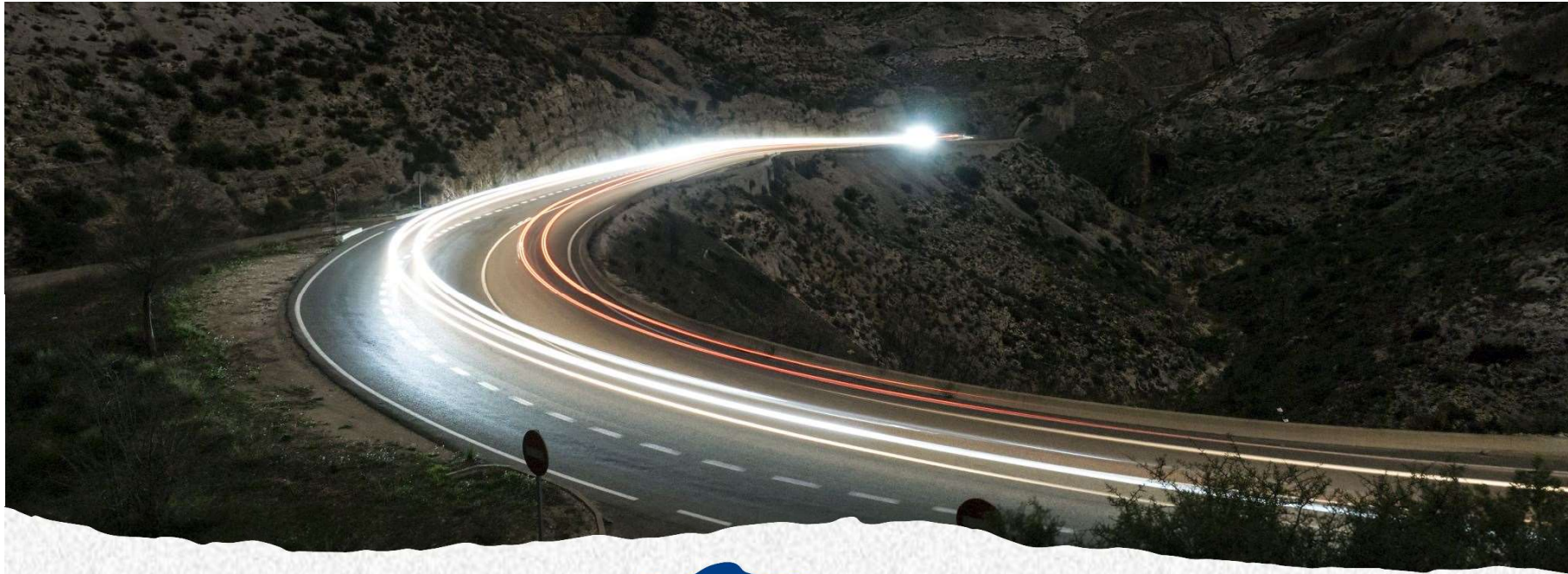
The project cost \$520,000 was funded by the Federal Government of \$440,000 and an \$80,000 contribution from Council.





Metung Tennis Court

Project delivered for \$66,000 with a grant of \$62,000 from Sports & Recreation Victoria. The surface of the existing tennis courts in Metung was upgraded, and since completion membership has doubled.



Reseal & Gravel Road Programs

- \$3.8 million spent on road reseals
- 64 Roads renewed = 71.71Km
- That's the equivalent of driving from Bairnsdale to Ensay
- Roads to Recovery funded \$1.5 million
- \$1.2 million spent on gravel resheet, covering 69 km of road



Buchan Linkages

A shared path link to the Buchan Caves campground is part of the larger Buchan Streetscapes project. It facilitates tourist movement between the Caves campground and the township, to encourage campers and glampers to walk or cycle to town and spend.

The project cost \$483,000 and was funded by the Local Economic Recovery Program



Omeo Recreation Reserve Netball & Tennis Upgrade

This project included resurfacing of courts, perimeter fencing, lighting, player and scorer shelters, secure storage area for equipment, new pedestrian access path and upgrade of access road and parking area.

The project cost \$634,000 and was funded by the Black Summer Grants Program

Nowa Nowa Streetscape

The Nowa Nowa Streetscape road upgrade, comprising a 300-metre section of Princes Highway that runs through the centre of town, will greatly improve the standard of road infrastructure.

Project Cost \$500,000 fully funded by the Commonwealth Government.





Mallacoota Cricket Training Facility

Delivered
for \$90,500
and part
funded by
Cricket
Australia

Projects in Delivery

In addition to completed projects, many key projects have commenced construction during 22/23



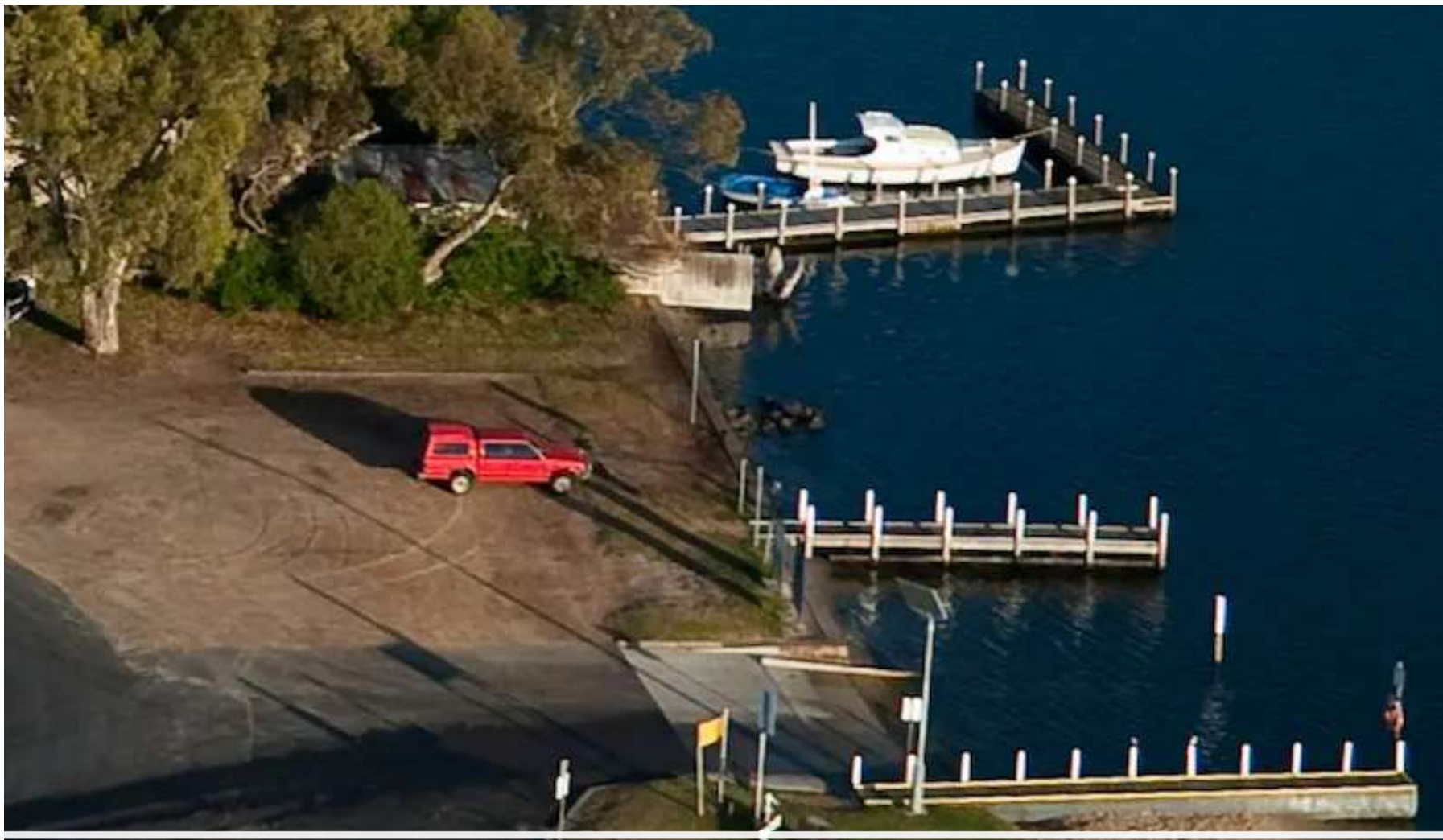
Bullock Island Masterplan





Eagle Point Foreshore Hub





Metung Shaving Point Boat Ramp





Jemmy's Point Lookout and Loop Trail

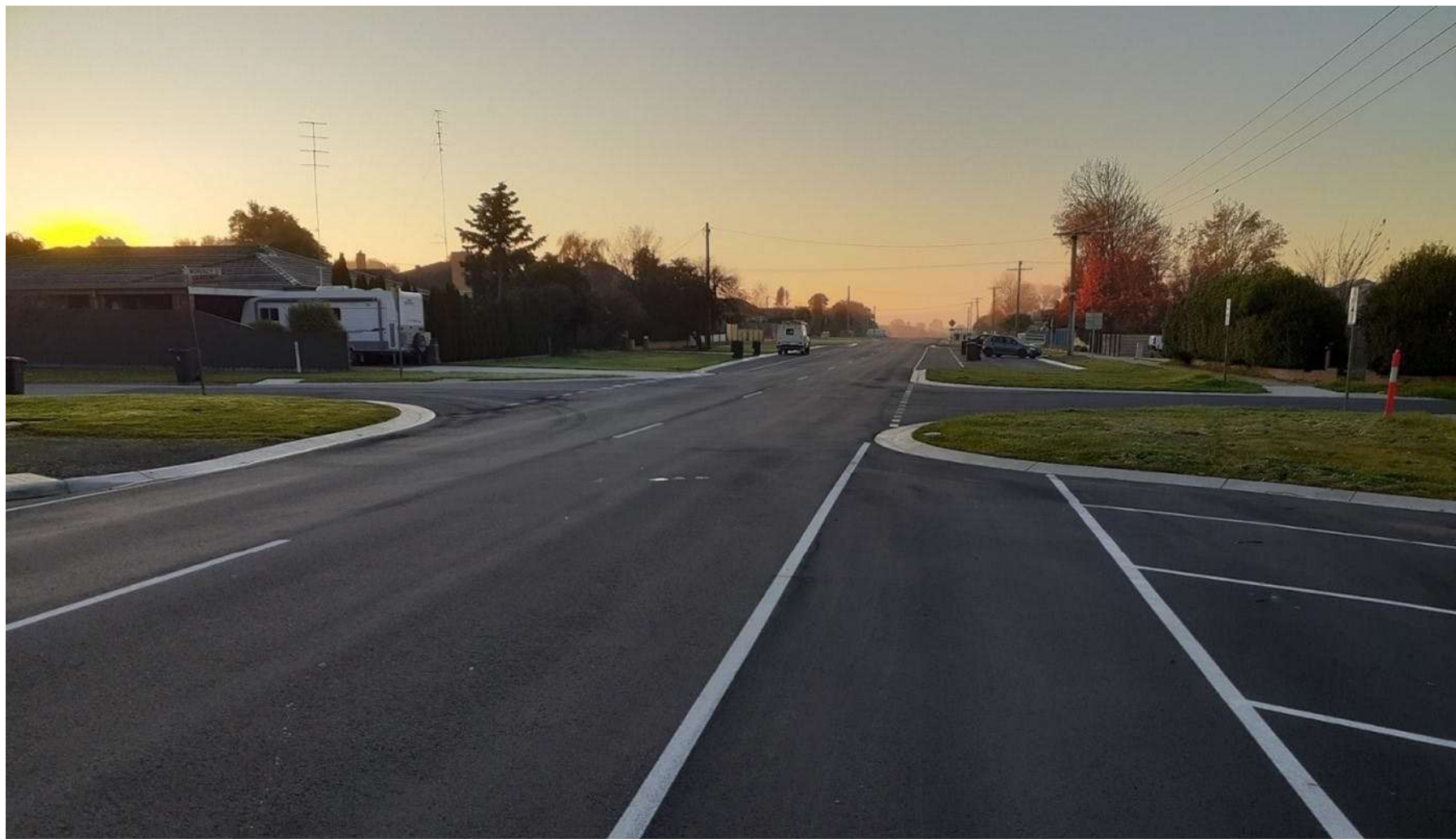


Lindenow Recreation Reserve Lighting Upgrade



Omeo Mountain Bike Trails





Moroney Street Stage 2

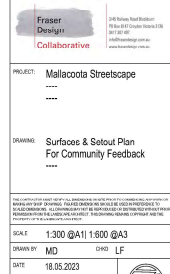


Swifts Creek Recreation Reserve

Projects in Design

Many projects have been in design during 22/23.

Community consultation of these projects has seen a 293% increase in visitors to our YourSay website.



Mallacoota Streetscape



Marine Parade Stage 1



Krauatungalong Walk



Jones Bay Southern Catchment Crooke Street Wetlands



Buchan Recreation Reserve



Lakes Entrance Foreshore Park



Orbost Forest Park Upgrade

Eastwood Playspace

To be continued in
23/24

Authorised by General Manager Assets and Environment

Confidentiality Notice

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

Conflict of Interest

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

Executive Summary

The purpose of this report is to seek Council approval to appoint a contractor for the construction of Krauatungalung Walk Stage 1 - Foreshore Park to the Surf Club Precinct.

Krauatungalung Walk, named after the traditional landowners, will be a practical demonstration of respect and healing by increasing our mutual understanding of the rich Indigenous heritage of Lakes Entrance. The circuit will tell stories of the local Indigenous community, while providing an opportunity to develop an active community and help provide improved all abilities access within Lakes Entrance. Krauatungalung Walk will further enhance Lakes Entrance as a tourism and lifestyle destination.

The overall objective is to provide a world class pedestrian walkway between the Lakes Entrance Footbridge and Pelican Point at Cunninghame Arm. The site offers a unique design opportunity to link in and complement the existing foreshore developments and additionally offer a unique cultural experience for all members of the public.

The entire Krauatungalung Walk has been designed and funding is in place to deliver Stage 1. This report seeks Council approval to award a construction contract for Stage 1.

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 contract CON2023 1491 – Krauatungalung Walk Stage 1.

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 1491 – Krauatungalung Walk Stage 1 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 presented; and**
- 4. resolves that Confidential Attachment 1 to this report and all discussions relating to that attachment remain confidential.**

Background

Krauatungalung Walk has been designed as an all-abilities accessible walking circuit around Cunninghame Arm, east of the Lakes Entrance Footbridge. The central tenet of the project is to support reconciliation and social inclusion, respect, and mutual understanding between the Traditional Owners and the wider community. The circuit will complement and link the existing uses and facilities of the foreshore.

Krauatungalung Walk will be a practical demonstration of healing by immersing the walker in the natural and cultural landscape, creating strong connections of respect, and understanding of cultural diversities. The walk will begin with the traditional stories of the Gunaikurnai people. As pedestrians progress along the southern boardwalk to the east, the stories will take a more contemporary view with the pedestrian bridge assisting in the transition from the cultural significance of the walk through to the modern European settlement of Lakes Entrance. The walk will end at the 'common ground', a meeting place of respect and understanding for all diversities.

Five significant 'break out' locations have been identified, providing the opportunity to include smaller structures offering local quotes attributed to the Local Elders and their recollection and understanding of the local area.

The first stage of the circuit (Krauatungalung Walk Stage 1 - Foreshore Park to the Surf Club Precinct) will tell stories of the local Indigenous community, while providing an opportunity to develop an active community and help provide improve all abilities access within Lakes Entrance. Krauatungalung Walk will further enhance Lakes Entrance as a tourist and lifestyle destination and offer a significant new cultural experience for all members of the public. The scope for the Stage 1 (provided as **Attachment 2**) is:

- 3 x Indigenous art installations – installation by Gunaikurnai Land and Water Aboriginal Corporation (GLaWAC) under separate contract;
- Shield Design at Footbridge entry – installation by GLaWAC under separate contract;
- 300-metre section boardwalk from existing footpath south of footbridge to sand spit;
- 600-metre section of concrete footpath;
- Upgrade shared path to remove fall hazards;
- Replace two seating areas;
- Construction of two shade structures along the foreshore; and
- Soft landscaping surf club 100m² new garden beds & 300m² turf grass.



To complement the Krauatungalung Walk, Council Officers had also redesigned the storage facility that support the water sports businesses (leases) within the project area. This was originally tendered as part of this package of works. However, due to budget constraints, this has been removed from the recommended package of works to be covered by CON2023 1491. This work will now be completed separately using in-house resources.

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

Given the bespoke nature of this project, this tender has not been prepared in collaboration with another local government or agency.

Council Plan

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

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

Council Policy

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

Options

When developing the specifications for the Krauatungalong Walk Stage 1 a range of design options were considered during the design phase in order to provide the most effective design in terms of both usability and construction. The Final design used for the Tender specification is the outcome of this of periodic design review.

Council has the option to award a contract in accordance with the Tender Evaluation Panel's recommendation, or to not proceed with the procurement.

Resourcing

Financial

The project is being funded from a Commonwealth Government's Department of Infrastructure, Transport, Regional Development and Communications program. Council has contributed a small amount for Council's project management and overheads as these are not eligible to be claimed expenses under the grant agreement.

The funding is phased over two years from 2022 – 2024.

Detailed information on the project budget is provided 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 Council's Infrastructure Projects unit. No additional human resources are required to manage this project.

Risk

The risks of this proposal have been considered and tenderers were requested to develop a construction method that minimises risks identified in relation to property access, traffic management, vibration, dust, and other key issues associated with the works.

Economic

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

The economic benefit of the project includes the economic activity associated with the construction and maintenance of the walk.

Improved local infrastructure will also support attracting and extending visitors length of stay in Lakes Entrance with positive local economy outcomes.

Social

The users of Krauatungalung Walk Stage 1 will directly benefit from this project with new pedestrian access boardwalk, new shade areas to meet required standards, and upgrade of seating areas.

The upgrade of pedestrian infrastructure outlined in this tender is driven by objectives of:

- enhancing the visitor experience;
- maximising visitation; and
- contributing to the visitor economy of Lakes Entrance and the broader region.

These improvements will provide passive recreation improvements to the town that will enhance its enjoyment by the local community and visitors.

Importantly, the project also delivers cultural interpretation elements aimed at celebrating the relationship between First Nations people and the Lakes Entrance environment.

Gender Impact Statement

Krauatungalung Walk Stage 1 has considered the *Gender Equality Act 2020* in its preparation. The Krauatungalung Walk Stage 1 has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

The design of the boardwalk will have a positive environmental impact on flora along the proposed boardwalk alignment by containing pedestrians to a specified area.

Council's environmental consultant completed a biodiversity impact assessment and offset requirements for Stage 1 of the walk project. These reports reviewed the vegetation within Stage 1 of the walkway and provided Council with relevant environmental information to assist with statutory vegetation removal approvals and offset requirements that will allow the Stage 1 project to proceed.

Clear wayfinding with new pedestrian pathways will allow existing flora to remain untouched.

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

A Project Reference Group (PRG) has been established to help guide this project moving forward. The PRG consists of six (6) community members representing the local Federal Member of Parliament, Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC), Lakes Entrance Development Association (LEADA), and Lakes Entrance Surf Life Saving Club.

Further discussion with Council's key stakeholders, the Disability Advisory Committee, Lakes Entrance Aboriginal Health Association (LEAHA), and local Elders contributed to the final design.

Consultation with the Lakes Entrance community commenced in May 2020 with an external consultant, engaged by LEADA, undertaking significant community engagement to inform the development of the Krauatungalung Walk Stage 1 project concept design. An overview of the community engagement stages is provided at **Attachment 3**.

Community engagement has included;

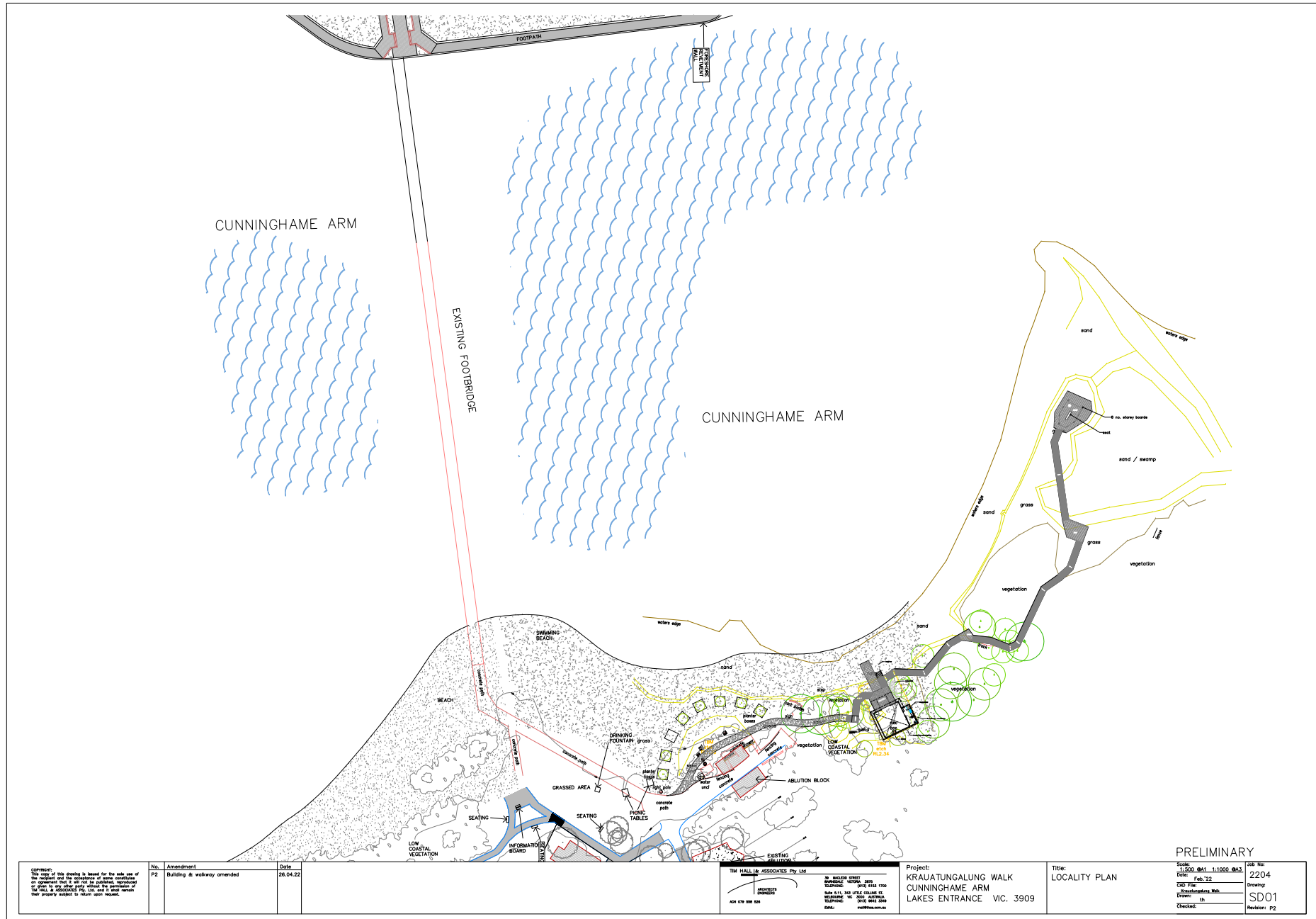
- direct mailouts to residents, social media posts (Facebook), radio, printed media/newspaper articles; and
- regular updates to the community via YourSay and Council's existing engagement and communications channels.

The Project Supervisor will be responsible for providing initial advice to the Lakes Entrance community regarding the construction works, location and expected date. As part of the construction methodology, the Project Supervisor will be responsible for ongoing communication with affected business owners in terms of property access during the works.

No residents will be impacted with the Stage 1 works.

Attachments

1. CONFIDENTIAL - Tender Evaluation Panel report [5.2.3.1 - 8 pages]
2. Project Scope [5.2.3.2 - 1 page]
3. Consultation Review [5.2.3.3 - 16 pages]



'KRAUATUNGALUNG WALK' CONSULTATION REVIEW

Table of Contents

1.0 BACKGROUND	3
2.0 CONSULTATION PROCESS	3
2.1 Summary of Consultation	4
3.0 DETAILS OF CONSULTATION	5
3.1 Project Brief Consultation – Darren Chester Facebook pages.....	5
3.2 Facebook Update Post – Darren Chester.....	6
3.3 Direct Mailout to Adjoining Land Owners.....	6
3.4 Facebook Post – ‘Sneak Peak’ Initial Concept Designs released for Feedback	8
3.5 Facebook Post – LEADA sharing Darren Chester’s Post	10
3.6 Facebook Post – TRFM Lakes Entrance boardwalk plan	10
3.7 Facebook Post – LEADA shared TRFM Lakes Entrance boardwalk plan.....	11
3.8 Facebook Post / Lakes Post Media Release / LEADA Website – LEADA Request for Feedback	11
3.9 Facebook Post – Darren Chester (Private) Response to Lakes Post Newspaper Feature.....	15
4.0 CONCLUSION	16

1.0 BACKGROUND

In April 2019, Darren Chester MP developed a project brief for the proposed development of an All Abilities Walking Circuit to be built along the shores of Cunninghame Arm, celebrating the region's rich Indigenous heritage and delivering cultural, economic, social and environmental benefits to the community.

The proposal further built upon previous plans and attempts by the East Gippsland Shire Council to link existing infrastructure and develop the 'missing link' between Eastern Beach and the town.

Named Krauatungalung Walk, the 4.5 kilometre circuit will link existing infrastructure and create new boardwalks and pathways. It will take users along a safe, flat circuit between the footbridge and Eastern Beach, crossing some of the Gippsland Lakes' most attractive coastal scenery.

It will commission local artists to tell the story of the Lakes Entrance Aboriginal community and the Traditional Owners of this special place, creating an opportunity to deepen understanding and respect of Indigenous culture in a way that has never been done before, in such a high profile location in East Gippsland.

The construction of the circuit will fill in missing sections of path along both sides of the water, while preserving access to Cunninghame Arm for swimmers, kayaks, paddle boards and boating.

Raised boardwalks will protect environmentally-sensitive areas currently impacted by uncontrolled foot traffic, and assist its regeneration, while elsewhere the boardwalk structure will be co-designed to limit the impact of erosion on private and public assets.

The circuit will inspire people of all abilities to be more active: locals will be encouraged to use the trail as part of their regular exercise routine, while visitors will be enticed to extend their visit and explore more of Lakes Entrance's attractions.

With government funding support, Krauatungalung Walk will create jobs and play an important role in fostering greater indigenous understanding; supporting the resilience of the visitor economy; enhancing the liveability of Lakes Entrance; and protecting the natural environment for all to enjoy.

2.0 CONSULTATION PROCESS

In March 2019, Darren Chester's office met with Gunaikurnai Land and Waters Corporation (GLaWAC) to seek initial 'in principle' support for the development of a project brief for the all abilities accessible Indigenous themed boardwalk.

Following this meeting, in April 2019, Darren Chester MP developed a project brief for the proposed all abilities accessible Indigenous themed boardwalk with the working title 'Tatungalung Circuit' in recognition of the traditional clan of Lake Entrance.

The project received \$50,000 in Federal Government funding to develop designs, investigate the environmental impact, and provide cost estimates for the proposed boardwalk. Local community development group, Lakes Entrance Action and Development Association (LEADA) have managed and administered the concept design stage of this project.

A meeting of key stakeholders including representatives from, LEADA, East Gippsland Shire Council (EGSC), GLaWAC, Lakes Entrance Aboriginal Health Association (LEAHA), Local Indigenous Elders, Department of Environment Land Water and Planning (DELWP), Disability Advisory Committee (DAC), Gippsland Ports, Local Designers and Darren Chester MP met in October 2019.

The purpose of this meeting was to seek 'in principle' support for the proposal and to identify any reasons that the proposal would be undeliverable. All stakeholders gave their 'in principle' support

and a project working committee was formed. It was identified that environmental and cultural heritage sensitivities will need to be closely considered.

In December 2019, Darren Chester and the designer engaged by LEADA, Ryan Summerton, Archistyle met with a number of directly adjoining land owners. This meeting enabled the designers to understand the concerns and desires of the land owners. The discussion helped shape the initial concept proposals.

In May 2020, Darren Chester posted a project update on his private social media platform, Facebook.

Unfortunately, the opportunity to hold another meeting with residence had not been possible due to the coronavirus pandemic, in order to ensure the project continued to progress, in July 2020, Darren Chester sent a direct mail out to adjoining land owners to seek their feedback and preference for the proposed concept designs prior to seeking wider community feedback.

News of the proposal was circulating around the wider community, in an effort to provide transparency Darren Chester provided the wider community with a 'sneak peak' of the initial concept designs, ideally, consultation would have completed with the adjoining land owners prior to revealing the concept to the wider community.

The initial concept design was featured on the TRFM social media platform and further shared by LEADA.

In September 2020, the concept design proposal had been completed and was released for public feedback. The following table provides a summary of the outcomes of the consultation process.

2.1 Summary of Consultation

Consultation Date	Consultation Platform	Support			Against
		'Likes'	'Loves'	Partial Support	
9 April 2019	Darren Chester Facebook Post (Private) – Project Brief	126 18 Comments	12		
9 April 2019	Darren Chester MP Facebook Post – Project Brief	42 1 comment	5		
8 May 2020	Darren Chester Facebook Post (Private) – Project proposal update	136 11 comments	10		
3 July 2020	Direct Mailout – Adjoining land owner feedback request	6 with boardwalk modifications Submission			3 submissions
18 July 2020	Darren Chester Facebook Post – 'Sneak Peak' initial concept designs	177 32 comments 1 submission	27	2 submissions	1 1 comment 1 submission
18 July 2020	Lakes Post 'Sneak Peak'				
18 July 2020	LEADA shared Darren Chester Facebook post	9	1		1
23 July 2020	TRFM Facebook Post – Lakes Entrance Boardwalk	219 14 comments	22		

23 July 2020	LEADA Shared TRFM Facebook Post	5 1 comment			1
8 September 2020	LEADA Facebook request for feedback	1 7 submissions	1	2 submissions	10 submissions
8 September 2020	Lakes Post request for feedback				
8 September	LEADA Website request for information				
23 September 2020	Darren Chester Facebook Post (Private) – in response to Lakes Post newspaper feature. Requested feedback	152 53 comments	16	1 comment	2 comments

3.0 DETAILS OF CONSULTATION

3.1 Project Brief Consultation – Darren Chester Facebook pages

On April 9, 2019, Darren Chester posted on both his private and public social media platform Facebook, advising the local community and seeking feedback on the concept plan with the working title 'Tatunglung Circuit – Lakes Entrance'

The support was overwhelming positive with 168 'likes', 17 'loves' and 19 positive comments across both Facebook pages.

Some of the positive comments received included:

'Fantastic for the town', 'great idea wonderful plan for all ages awesome'. 'This would be awesome for Lakes Entrance and health and fitness in the area'. 'Sounds like a great idea! How can we show our support to help get this over the line?' 'Brilliant this will allow a comfortable walk along the pathways, leading to the beach instead of thick sand. Physically challenged, aged and expectant mum's will have an easier walk'.

The following table outlines the key comments and concerns raised through this consultation; it also serves to offer a response. It is important to note that whilst some comments / concerns have been raised, it does not necessarily indicate the support or lack thereof.

Key Comments / Concerns	Response
Unsure how it fits in with the Foreshore management plan	The proposal to construct the 'missing link' on the northern side of Cunninghame Arm is consistent and has been clearly identified in the Lakes Entrance Foreshore Management Plan October 2012.
Extend through to link Lake Tyers with Lakes Entrance	Noted.
Continue to link through to the Entrance	Noted.

3.2 Facebook Update Post – Darren Chester

On 8 May 2020, Darren Chester posted a project proposal update. This post served to keep the community informed and updated on the progress of the proposed all abilities walk.

Once again, this post attracted overwhelming support with 136 'likes', 10 'loves' and 11 positive comments.

Some of the positive comments received included:

'Brilliant idea'. 'Tatungalung, local tribe of the Gunaikurnai Nation, that's awesome'. 'Looking forward to it.' 'New running circuit for when we stay at Eastern Beach'. 'Wow how awesome would that be for those that need a flat level surface to walk on'.

The following table outlines the key comments and concerns raised through this consultation; it also serves to offer a response. It is important to note that whilst some comments / concerns have been raised, it does not necessarily indicate the support or lack thereof.

Key Comments / Concerns	Response
Looking forward to viewing concept plans	Concept designs will be made public hopefully by the end of the month.
This will impact on several lake fronting properties. End of the quiet atmosphere at Lakes Waterfront Motel – Pity.	Meeting held with neighbouring land owners prior to Christmas. Concept designs will take into account concerns raised. Important to note that there is a high level of erosion along this stretch of Cunningham Arm, already threatening properties. There is a designated road reserve. Designers have been asked to balance the neighbouring land owners right to privacy, the public's right to access the foreshore, the opportunity to enhance an environmentally degraded section of the foreshore and the overall aims of the project to provide an all-abilities accessible circuit.
When is Lake Tyers getting connected with Lakes Entrance via a walking / running / cycling track that's safe and you don't have to go on the hwy.	Good point – suggestion is noted by LEADA

3.3 Direct Mailout to Adjoining Land Owners

In December 2019, Darren Chester and Ryan Summerton from Archistyle, engaged to develop the concept design, met with a number of the land owners whose properties directly connect to the proposal. Key outcomes from this discussion was primarily that the eroding foreshore need to be re-established whilst privacy and water access needs to be maintained.

Following this meeting, a number of draft concepts options were presented to the adjoining land owners for feedback and preference of option prior to presenting the draft concept to the wider community.

The feedback provided from this consultation process helped for the final concept proposal released for public feedback in September 2020.

Of the nine formal submissions received, six submissions were supportive of the proposal, provided a number of alterations to the concept design occur. Three of the submissions are opposed to the proposal.

The following table outlines the key comments and concerns raised through this consultation; it also serves to offer a response. It is important to note that whilst some comments / concerns have been raised, it does not necessarily indicate the support or lack thereof.

Key Comments / Concerns	Response
Strongly oppose all of the options put forward	Noted.
Takes away natural look and owning 'absolute water frontage'	Unfortunately, there is a gazetted road between the houses and the lake.
Foreshore should be renourished only and allow pedestrian access	Renourishing the foreshore and leaving the sand for pedestrians will not achieve the all abilities access the proposal is aiming for.
Preference is still purely for a refurbishment of the area with sand, that will allow pedestrians to walk in front of properties without impinging on the privacy of the residents.	A boardwalk will create a defined walking path approx. 11mt from property boundary – simply renourishing foreshore and not creating a defined path will have more of a privacy implication.
Proposal to link Main Beach with Eastern beach on the southern side is supported	Noted.
Water access needs to be maintained. Biggest concern is that there will be no natural easy recreational access from the sand to the water.	Noted. New concept design maintains water from the sand, utilising ramps to intercept the boardwalk. An additional kayak launching area has been included near the Eastern Princes Hwy car park – it is anticipated that this will alleviate traffic down Short Street, Jetty and Middle Road for the purpose of kayak launching.
Removal / relocation of 5th shield	Noted. 5 th shield has been removed in the revised concept proposal
If same design as southern side can be employed for the northern side it would be ideal	Noted. Revised concept proposal renourishes the foreshore and employs the same boardwalk design as proposed for the southern side – grid mesh with small kick-rail.
Preference to reinstate both jetties	Noted. Revised concept reinstates both jetties.
Design option not consistent with Esplanade upgrades	Noted. The seawall option has been removed.
Local Elders are not supportive of the proposal	GLaWAC and representatives from LEAHA are supportive of this proposal and are represented on the Project Committee as well as the Aboriginal Advisory Committee.
Proposal is not consistent with the Foreshore Management Plan	The proposal to construct the 'missing link' on the northern side of Cunninghame Arm is consistent and has been clearly identified in the Foreshore Management Plan
Area is considered a natural precinct – concrete wall is inappropriate	Noted. The seawall option has been removed.
Lack of environmental and Indigenous facilitation and investigation	Environmental consultant has been engaged to conduct the relevant environmental studies. Indigenous organisations and local Elders have been engaged in Project Committee as well as the Aboriginal Advisory Committee
Drains require monthly maintenance	Noted. This will be addressed in the detail design process
Is an additional pedestrian bridge necessary?	The additional pedestrian bridge will create a feature point for the development and will be an essential element in the 'story telling'.

Why is it necessary to cut off the lake with a high seawall?	The seawall option attempted to address the foreshore erosion concerns of residents. Agreed an alternative option is more appropriate
Would like a boardwalk similar to the Noosa boardwalk	Noted. Feedback will be passed on to designers for consideration.
Concerned that the boardwalk would result in a cycle speedway	Noted. Detailed design works can address this potential issue.

3.4 Facebook Post – ‘Sneak Peak’ Initial Concept Designs released for Feedback

In an effort to provide transparency, a ‘sneak peak’ of the initial concept designs were released. Ideally, the process would have continued with the adjoining land owners to ensure the concept was acceptable prior to seeking wider community feedback, however, news of the proposal was making its way into the public domain.

The Facebook post again received overwhelming support with 177 ‘likes’, 27 ‘loves’, 32 positive comments, 1 ‘dislike’, 1 negative comment and four formal written submissions.

Of the four formal written submissions received. One was supportive of the entire concept, whilst one was supportive of the need to provide a ‘missing link’ on the northern side without the ‘loop’ around the southern side of the lake. One agrees that it is a great project, however still believes that the Entrance Track will remain the “icon” track and will continue to be very popular. The final submissions offered recollections of the area rather than indicate any level of support.

Two formal submissions were received by the East Gippsland Shire Council, of these submissions, one submission was supportive of the concept in some sections, however felt that the section in front of the houses should be replenished and remain sandy without a boardwalk. Whilst the second submission felt that the proposal was an ‘eye sore’ in some parts, and that the proposal was a ‘very expensive’ project and other areas more importantly need to be finished or upgraded, such as the boardwalk from Kalimna to downtown and Jemmy’s Point.

The comments from the formal submissions have also been captured in the table below.

Some of the positive comments received included:

‘Great idea, something we need’. ‘We currently have very few options in East Gippsland for nature walks for people with disabilities.’ ‘This gives us a great option for a nature walk (or in my case roll), but gives access to the water, as well as beach access which we also currently don’t have’.

‘Great idea certainly an asset for Lakes Entrance’. ‘Looks fantastic – love the idea of learning history along the way’.

The following table outlines the key comments and concerns raised through this consultation; it also serves to offer a response. It is important to note that whilst some comments / concerns have been raised, it does not necessarily indicate the support or lack thereof.

Key Comments / Concerns	Response
Very big circuit, some drinking water access for users and pets	The proposal does link up with existing infrastructure at Eastern beach, the Rotunda and Main Beach, additional points may be easy to provide if required. The circuit is approximately 4.7Km
Bridge over water needs to be see through on fat side	Good idea. Feedback will be passed on to designers for consideration.
Would like to see the social story developed to encourage those diagnosed	Noted. Can be considered as detailed design progresses

with autism (and others) can be also included.	
If there is money to spare put it towards improving the water quality by upgrading the sewage treatment around the Lakes to avoid all the "Planned Emergency Releases".	Noted.
Wouldn't be happy if I owned those houses on the lake – but like the walking track	We have met with the neighbouring landholders and sought their input. There is a gazetted road in front of those properties and the foreshore is currently eroding away.
Would rising sea levels compromise long term foreshore restoration?	Potentially, ongoing monitoring and maintenance will be required to manage the impacts of climate change. In regards to the boardwalk proposal intermittent inundation would not be significantly detrimental to the proposed infrastructure.
Does the design take into account the inevitable rise in ocean level?	Key stakeholders have been involved in the initial discussions about heights etc. The plan is to have the boardwalk elevated enough to be above high tide but not too high that it requires handrails or impedes the view
Would like to see toilets at car park area near the Kayak launch with some BBQ's on the foreshore	Good point – suggestion will be included in the foreshore development review plan
Why not put a stage	One of the shields could be utilised for this?
Upgrade of Surf Club side could include a small playground	Noted. Can be considered as detailed design progresses
Do they plan on re laying the surface of the track which runs along the Eastern Beach Caravan Park	Yes, the intention is to provide an all abilities accessible walking circuit.
Enough infrastructure down there already	Noted.
What about a path to the actual entrance – only able people are capable of using it	LEADA has successfully obtained over \$150,000 of federal, local and philanthropic funding to upgrade the entrance trail including installation of interpretative and wayfinding signage, weed removal and revegetation through community working bees.
Too much empty space on the far Eastern side of town should have BBQ's, toilets maybe even a water park.	Noted. Can be considered as detailed design progresses
Very expensive project – would like to see other areas such as Kalimna Boardwalk to town and Jemmy's Point upgraded.	Jemmy's Point Lookout is currently being developed through Local and Federal funding. Funding proposal are being developed for the upgrade and improved safety of the Kalimna walk
The area in front of the houses should be replenished and left as a natural sandy area.	The proposal will allow for renourishment of the foreshore, however omitting the development of a boardwalk will not achieve the all abilities accessible outcome desired. The development of a boardwalk with further provide a defined pathway approximately 8-11mt from property boundaries ensuring a higher level of privacy, than encouraging uncontrolled pedestrian activity.

A need for additional seating along the way and basic shelter from sun and rain	Noted. Can be considered as detailed design progresses
Pathway needs to be accessible at various points for ambulance etc.	Noted. The proposed circuit can be accessed at from the second Eastern beach carpark and the Surf club
Need to define what transport can use the pathway (bicycles, scooters, electric carts, Segways etc)	Noted. Can be considered as detailed design progresses
While this is a great project, believe that the Entrance track is still the icon track and will continue to be very popular.	Noted. Upgrades are currently occurring on the Entrance trail. This proposal does not seek to replace the Entrance trail, it aims to provide an all abilities accessible cultural alternative.

3.5 Facebook Post – LEADA sharing Darren Chester’s Post

On July 18, 2020 LEADA shared Darren Chester’s ‘sneak peak’ post.

Once again the support for the development of this proposal was encouraging, with 9 ‘likes’, 1 ‘love’, and 1 negative comment.

The following table outlines the key comments and concerns raised through this consultation, it also serves to offer a response. It is important to note that whilst some comments / concerns have been raised, it does not necessarily indicate the support or lack thereof.

Key Comments / Concerns	Response
Looks ugly, Lakes does not need this.	Noted.
Tourist information is required on the surf club side	This will form part of the detailed design phase.
A fenced in playground near the surf club would be good.	Good point – suggestion will be considered in the detailed design phase.
Shade is required on the surf club side	Good point – suggestion will be considered in the detailed design phase.
Umbrella’s aren’t viable it is too windy	Good point – suggestion will be considered in the detailed design phase.

3.6 Facebook Post – TRFM Lakes Entrance boardwalk plan

23 July, 2020 TRFM highlighted ‘A great project’ being planned in that will link Lakes Entrance main beach and eastern beach with an Indigenous – themed raised boardwalk.

This post once again showed overwhelming community support for the proposal with 219 ‘likes’, 22 ‘loves’ and 14 positive comments.

Some of the positive comments received included:

‘Wonderful idea, how good will it be?’ ‘Woohoo another walk opportunity’, ‘looks wonderful’, ‘great concept’. ‘Oh looks so nice’. ‘It is quite a boardwalk, it’ll be an asset to our area, can’t wait’. ‘Looks amazing! Hope it gets the funding!’

In addition to the positive comments some key comments, suggestions have also been noted.

The following table outlines the key comments and concerns raised through this consultation; it also serves to offer a response. It is important to note that whilst some comments / concerns have been raised, it does not necessarily indicate the support or lack thereof.

Key Comments / Concerns	Response
Too much concrete needs to blend into the environment	The proposal is for a grid mesh boardwalk, along the southern side and across the 'missing link'
Need to provide a place to swim in Lakes	Funding is being sought to upgrade the Club Spit area near North Arm, this along with the improvement to the Surf Club Precinct will hopefully achieve this outcome for locals and visitors
More shade is required	Noted. Will be considered in the detailed design phase.
Should go out over the water near the footbridge and have an inflatable water park inside it.	Noted.

3.7 Facebook Post – LEADA shared TRFM Lakes Entrance boardwalk plan

On July 23, 2020 LEADA shared TRFM's post.

Once again the support for the development of this proposal was encouraging, with 5 'likes', 1 positive comment, and 1 negative comment.

The following table outlines the key comments and concerns raised through this consultation; it also serves to offer a response. It is important to note that whilst some comments / concerns have been raised, it does not necessarily indicate the support or lack thereof.

Key Comments / Concerns	Response
As a wheelchair user I would like to be able to get to the entrance, this circuit is not as important to me and seems an unnecessary expense.	Noted.
This is ugly, stop ruining this town	Noted.

3.8 Facebook Post / Lakes Post Media Release / LEADA Website – LEADA Request for Feedback

On September 8, 2020 LEADA officially released the Proposed Krauatungalung Walk concept design for feedback. As a result of this request twenty written submission were received. Of the twenty submissions received, seven fully supported the concept designs, two supported the concept with exclusion of the 'missing link', one submission whilst not directly stating their objection to the proposal offers a number other alternative projects to focus on, ten do not support the proposal at all, of the ten submissions against this proposal five of the submission were received from two residential addresses, and one was from a local representative group with a member base of approximately three members.

No comments were made on the Facebook post however two people 'liked' the proposal.

Details of the submissions have been captured below.

Positive comments received included:

'The proposal is an excellent idea'. 'Pedestrians walking past the aprons of tyre power, the service station, and boat repair is a safety risk for both businesses and pedestrians.' 'There is constant in and out reversing traffic from these businesses.' 'The walk down Middle Street to link back into the current foreshore walk does not have a path so pedestrians walk on the road. Extending the current

walk / linking the two sections of walk along the lake edge will eliminate these risks, and provide a seamless and scenic walking path linking Eastern Beach with the centre of town’.

‘Plan has great vision, probably one of the best so far’. ‘This proposal will be an asset to Lakes Entrance’. ‘Will provide a safer walking access and is a logical development for residents and tourists to enjoy the natural beauty of our town’. ‘Thank you for persisting with the great idea’.

‘Absolutely LOVE the Krauatunaglung walk. I love the Aboriginal art and culture tied in’.

‘Fantastic proposal’. ‘Something Lakes Entrance badly needs’.

The following table outlines the key comments and concerns raised through this consultation; it also serves to offer a response. It is important to note that whilst some comments / concerns have been raised, it does not necessarily indicate the support or lack thereof.

Key Comments / Concerns	Response
Boardwalk is creating a devastating impact both physically and mentally.	Noted.
The Tataungalung nature walk should not include passing through our private backyard	There is a gazetted road in front of those properties and the foreshore is currently eroding away.
Wow what an eyesore – such an obtrusive structure for a very tranquil location	Noted.
Please don’t destroy the natural beauty of Lakes Entrance, we and others do not travel there to experience Gold Coast like facilities	Noted.
Have you honestly consulted with the residents of the ‘missing link’ section re noise and pollution outside their homes	Residents have been consulted and have effectively contributed to the final concept proposal.
This construction will be very damaging to the birdlife in the area.	The proposal will be subjected to relevant environmental impact studies.
Please consult with the locals and Gunaikurnai people more closely.	Representatives from GLaWAC, LEAHA and local elders have been consulted with and involved with this proposal since March 2019.
The residencies and holiday accommodation around Middle Street, Jetty Road and Short Street would be particularly affected, as they would be constantly overlooked by an overpass	The ‘overpass’ will be no higher than the existing jetties and will be 8-11mt from the property boundaries. The proposal further looks to address the eroding foreshore.
The huge cost of building this raised boardwalk and continual ongoing maintenance costs to the Shire, surely could be put to better use on other projects in the local area.	Noted. Every effort will be made to ensure the ongoing maintenance and any costs associated will be minimal.
We are all wondering why Mr Chester and his entourage are hell bent on destroying the eastern end of Cunningham Arm with his never ending boardwalk proposals.	The boardwalk proposal, particularly on the northern side of Cunningham Arm was identified as a high priority action in the Lakes Entrance Foreshore Management October 2012 prepared on behalf of the East Gippsland Shire Council and the Department of Sustainability and Environment.
Replenish the foreshore and allow pedestrian access.	The proposal will allow for renourishment of the foreshore, however omitting the development of a boardwalk will not achieve the all abilities accessible outcome desired. The development of a boardwalk with further provide a defined

	pathway approximately 8-11mt from property boundaries ensuring a higher level of privacy, than encouraging 'ad hoc' pedestrian activity.
Now a new name.	As a result of ongoing consultation with GLaWAC and the Aboriginal Advisory Committee established for this proposal, the working title 'Tatungalung Circuit' was reviewed and agreed that Krauatungalung Walk was more appropriate in recognising the Traditional owners.
Why should tax payers money be spent on a new project, when so many other projects around town would be more beneficial	Projects such as Jemmy's Point lookout, Lakes Entrance Streetscape Improvements and the Bullock Island Masterplan Implementation have already successfully obtained Federal, State and Local government funding. The particular funding programs on offer assist in determining the projects eligible for funding.
The walk down Kalimna Hill needs to be upgraded.	Funding is being sought for the upgrade and safety works associated with improving the Kalimna Hill walk.
Bullock Island needs to be completed.	Bullock Island Refreshed Master Plan is currently being implemented as a result of substantial funding from all levels of government.
Upgrade the Entrance Walk	LEADA has successfully obtained over \$150,000 of federal, local and philanthropic funding to upgrade the entrance trail including installation of interpretative and wayfinding signage, weed removal and revegetation through community working bees.
Jemmy's Point needs to be completed.	Jemmy's Point project is currently being developed. Additional funding is being sought.
The name is virtually unpronounceable	The name is in honour and recognition of our Traditional Land Owners. An interpretive sign explaining the pronunciation can be added to the walk.
The proposed circuit is located in a RAMSAR wetland	LEADA is aware of this classification and the relevant environmental requirements associated. An Environmental Consultant has been engaged to ensure environmental compliance. Following completion of the concept design the environmental studies can be finalised.
Who will be responsible for the on going maintenance of the boardwalk?	EGSC
Boardwalk is not a good idea due to the fragility of the ecosystem	Raised boardwalks will protect environmentally-sensitive areas currently impacted by uncontrolled foot traffic, and assist its regeneration, while elsewhere the boardwalk structure will be co-designed to limit the impact of erosion on private and public assets.
Does not meet the East Gippsland Shire Council Foreshore Management Plan	The proposal to construct the 'missing link' on the northern side of Cunninghame Arm is consistent and has been clearly identified in the Foreshore Management Plan

Why would you build the eastern link when the Council has already provided an all abilities path?	This proposal provides a safe accessible alternative to the existing pathway which requires pedestrians to cross several roads and commercial premises with undefined driveways.
Foreshore Management Plan proposes Cunningham Arm becomes a family recreational space, by creating sandy beaches – perhaps time to implement this. Improve swimming area	Federal funding is being sought to upgrade the Club Spit area near North Arm, this along with the improvement to the Surf Club Precinct will hopefully achieve this outcome for locals and visitors
The described project design was to preserve the water access for all community, including adjoining landowners, and that the design would not impede any water views. This has clearly not been achieved.	We believe the concept design we have developed maintains water access whilst providing improved all abilities access to the sand. The concept design includes an additional kayak launching ramps. The maximum height of the boardwalk will not exceed the height of the existing jetties.
Detailed estimated Engineering and construction costs have not been provided.	The project is at the concept design phase, as such detailed engineering and construction costs have not been obtained.
Estimated costs started at \$5M, went to \$8.5M and then finishing off at \$6.5M	The concept design process has reviewed a number of options, each option has resulted in alternative costs. The final concept design offered for public consultation has been estimated at \$6.5M
Has DELWP, Coastal Management Board, Gippsland Ports been advised of this project?	Key stakeholders have been engaged with this process since October 2019.
There is no Environmental Effects statement tendered with the concept.	Following completion of the consultation process, confirmation of the alignment will be provided to the Environmental consultant to ensure the environmental impact studies are accurate.
Understanding of the local Indigenous community, a more sensitive approach to communicating its history and culture would be to incorporate information at relevant sites throughout the town and local area.	Local Indigenous elders and organisations have been intimately involved with this proposal. There has been a number of relevant sites identified around the proposed circuit.
If track is deemed essential, it should maintain access to the sand and lake. This could be done with the entire section of the walkway sitting at sand level. Does it really matter if it goes under	The final concept design has maintained access to the sand and the lake. The proposal is to provide for some foreshore renourishment. Agree, it doesn't matter if the boardwalk occasionally becomes inundated.
I don't believe this is a good use of the public purse.	Noted.
Foreshore playground is unnecessary	Noted.
The walkway section at Eastern Beach looks to big and dominates the landscape.	Noted.
The south east section continues to Lions Park	The concept does continue to Lions Park. However to access the park you will need to leave the 'circuit' and cross the road.
The boardwalk should have points where you can get on or off.	Agreed. There are several entry and exit point throughout the proposal.
Similar walk or even drive pathway from surf beach to entrance and back would be great.	Noted

Include a small kayak / canoe launching area would be good.	An additional kayak / canoe launching ramp has been located at the Eastern Hwy carpark opposite the Lakes Entrance Backpackers.
Would be great to have a "grand opening" with local Elders giving a speech about the area	Agreed.

3.9 Facebook Post – Darren Chester (Private) Response to Lakes Post Newspaper Feature

In response to a one sided article which is highly critical of the proposed 'Krautungalung Walk' Darren Chester posted on his social media profile clarifying some additional facts to balance out the conversation.

The post directly asked: 'What do you think? Is this a good project for Lakes Entrance? Would you use a new circuit if it was built?'

The support was overwhelmingly positive, with 152 likes, 16 loves, 53 positive comments, 1 comment providing partial support and 2 comments against the proposal.

Some positive comments received include:

'Would love to see it complete'. 'Anything that shines a light on the traditional owners of our land is a massive need, and any investment the local economy can get from State and Federal governments should be supported'. 'It's a great idea', 'excellent idea', 'magnificent asset for Lakes'. 'Looks like a fantastic plan'. 'Definitely use it'. 'So in favour of this'.

'There is usually a meal of some type at the end of the walk to contribute to the local economy'. 'Agreed, missing link into town and would value add to the stop over and things to do'. 'Top idea'. 'The privacy issues got me, its no different to people walking past peoples places along the street'. 'Would benefit the whole community in various ways for generations to come'. 'Has the potential to become one of the best Park Runs in Australia'.

'We need to be doing more to add to tourism in the area, and this ticks all the boxes'. 'Absolutely brilliant concept'. 'Great use of public land. Everyone gets to enjoy'.

'Great idea for all to use especially if you have family in wheelchairs'. 'Would be much better to be joining up and not having to cut through a court and go out onto the highway with four kids'. 'Needs to happen'. 'Love the Indigenous education part'. 'Am frustrated at being forced out through the road network to go around a group of houses, especially as I have always known the foreshore is not private property'.

'An excellent inclusive concept including access for all, state/commonwealth funding, indigenous involvement and remedial works for those adjacent land owners'.

'As our infrastructure improves so will the tourist numbers'.

The following table outlines the key comments and concerns raised through this consultation; it also serves to offer a response. It is important to note that whilst some comments / concerns have been raised, it does not necessarily indicate the support or lack thereof.

Key Comments / Concerns	Response
Don't agree with the concept	Noted.
That amount of money, public money could and should better spent on aspects of the town	Noted.

Upgrade the Entrance walk	LEADA has successfully obtained over \$150,000 of federal, local and philanthropic funding to upgrade the entrance trail including installation of interpretative and wayfinding signage, weed removal and revegetation through community working bees.
The Entrance walk could be a circular walk with a view of the town one way and return with an elevated view over the ocean	
The area up the end near Jetty Road is beautiful and should be left as is for kids to have a safe area to paddle and watch wildlife.	The sandy beach and water access will be maintained, thus allowing children to continue to enjoy the area
Fear for the wildlife on the south side	The proposal is subject to stringent environmental approvals and conditions, which will aid in the protection and education of the environment and wildlife.

4.0 CONCLUSION

The valuable feedback obtained from adjoining landowners and the wider community has helped shape and develop a wonderful opportunity to enhance the liveability and visitor experience of Lakes Entrance.

Whilst social media feedback may not be a scientific approach to quantifying community support for a proposal, it appears to receive the most engagement than the more traditional formal approaches. The data obtained shows an overwhelming 97.87% of active feedback displaying a very clear and strong level of support for this proposal, with 1.68% objecting to the proposal.

The feedback has also highlighted the communities desire to upgrade and improve a number of other key tourist attractions such as, Jemmy's Point and Kalimna Hill walk.

The proposal has received a number of clear objections primarily from adjoining landowners with a limited number coming from the wider community. These comments have been noted and every effort has been made to ensure the issues raised are addressed effectively to ensure the proposal achieves a good outcome for the nearby residents as well as the wider community.

5.2.4 CON2023 1536 Kerb and Channel Replacement on Various Roads in East Gippsland

Authorised by General Manager Assets and Environment

Confidentiality Notice

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

Conflict of Interest

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

Executive Summary

This contract replaces the existing contract CON2019 1263 Kerb and Channel Replacement on Various Roads in East Gippsland Shire which expired on 30 June 2023.

The purpose of this procurement is to engage a panel of appropriately qualified and experienced contractors to undertake various kerb and channel replacement projects on Council managed roads in the following areas:

- Bairnsdale and Lakes Entrance;
- Omeo, Benambra, Ensay, and Swifts Creek;
- Orbost and Buchan;
- Cann River and Mallacoota; and
- Bendoc.

Kerb and channel works are undertaken to ensure the ongoing integrity of the road pavement and safety of the travelling public. To maximise flexibility, this contract has been structured on the basis of a schedule of rates which allows Council the flexibility to adjust the project scope as annual budgets allow.

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. In addition, a Probity Report is provided as **Attachment 2**.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. accepts the tender submitted by;***
 - a. _____, for CON2023 1536 – Kerb and Channel Replacement on Various Roads in East Gippsland for the Schedule of Rates (ex GST), as provided at Attachment 1, for a contract term of three (3) years, be accepted.***
 - b. _____, for CON2023 1536 – Kerb and Channel Replacement on Various Roads in East Gippsland for the Schedule of Rates (ex GST), as provided at Attachment 1, for a contract term of three (3) years, be accepted.***
 - c. _____ for CON2023 1536 – Kerb and Channel Replacement on Various Roads in East Gippsland for the Schedule of Rates (ex GST), as provided at Attachment 1, for a contract term of three (3) years, be accepted.***
 - d. _____ for CON2023 1536 – Kerb and Channel Replacement on Various Roads in East Gippsland for the Schedule of Rates (ex GST), as provided at Attachment 1, for a contract term of three (3) years, be accepted.***
- 3. authorises the Chief Executive Officer or delegate to finalise the terms and to sign and seal the contract in the form proposed;***
- 4. authorises the Chief Executive Officer to exercise two extension options each of up to twenty-four months inclusive of annual consumer price index adjustment on the basis that contractual terms have been met; and***
- 5. resolves that Confidential Attachment 1 and all discussions regarding this attachment remain confidential.***

Background

The purpose of this contract is to include as many contractors as possible that have experience in undertaking various kerb and channel replacement projects. The financial evaluation analysis was based on the total of the four areas. However, the engagement of a contractor will be determined based on availability, submitted rates and location of works that results in best value for Council for each specific project and is able to be delivered in a timely manner.

Contract CON2023 1536 is a 'schedule of rates' panel contract subject to adjustment for rise and fall in costs for contractors to provide kerb and channel replacement of various roads in East Gippsland Shire.

Kerb and channel replacement is a key part of road and drainage maintenance and replacement and upgrade are programmed using Council asset condition survey data and customer feedback as well as requirements for upgrade for Council's sealed road renewal program.

The initial term of the contract is for three years and provides for the rise and fall adjustment with an anticipated commencement date being 1 September 2023. There are two further extension options each of up to 24 months inclusive of rise and fall adjustment, at Council's sole discretion.

A request for tender was advertised seeking responses from suitable vendors to undertake this contract. Four tender submissions were received by the closing date of Wednesday 15 March 2023.

This contract, (CON2023 1536), replaces CON2019 1263 Kerb and Channel replacement on various roads East Gippsland Shire.

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

Pursuant of section 109(2) of the *Local Government Act 2020*, this contract has not been prepared in collaboration with other agencies.

Council Plan

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

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

Council Policy

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

The specifications used to guide works under this contract are set to meet the Road Management Plan and the Infrastructure Design Manual, both Council adopted documents.

Options

Contract Extension CON2019 1263 Kerb and Channel replacement on various roads East Gippsland Shire, expired on 30 June 2023.

The options are therefore to either award CON2023 1536; retender the works as a panel contract; or seek pricing for individual works. Acceptance of the CON2023 1536 Panel Tenderers as detailed in **Confidential Attachment 1** is the recommended option.

Resourcing

Financial

Council has allocated budget in the 23/24 Adopted Four Year program for the renewal of kerb and channel across the shire. Details of the budget are itemised in **Confidential Attachment 1**.

When assessing the tenders, a set of quantities were used within the pricing schedule. The assessment was then based on the total of the four areas. However, the engagement of a panel contractor will be determined based on availability, submitted rates and location of works that results in best value for Council for each specific project and is able to be delivered in a timely manner.

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 an existing Project Supervisor with the Infrastructure Projects Unit. No additional Council human resources are required to manage this project.

Risk

The risks of this proposal have been considered and the contractor is required to carry out all activities as detailed in the specifications and following the Occupational Health and Safety regulations.

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

In accordance with Council's Procurement Policy, 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 users of East Gippsland Shire roads will directly benefit from this project as it will support the development and maintenance of safe roads used to access to schools, workplaces, recreation services, medical facilities, and residences.

Gender Impact Statement

The *Gender Equality Act 2020* was considered in the preparation of this contract. Contract 'CON2019 1263 Kerb and Channel replacement on various roads East Gippsland Shire' has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

In accordance with Council's Procurement Policy, a 5% weighting has been used in the evaluation of 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

As part of the construction methodology, the contractor will communicate regularly with all stakeholders regarding any impact to their access or egress during works.

Attachments

1. CONFIDENTIAL - Tender Evaluation Panel Report [5.2.4.1 - 59 pages]
2. Probity Review Report [5.2.4.2 - 2 pages]



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12 July 2023

Ms Cheryl Nicholson
 Procurement Co-Ordinator
 East Gippsland Shire Council
 PO Box 1618
 BAIRNSDALE VIC 3875

Dear Cheryl,

Probity Review – CON2023 1536 – Kerb and Channel Replacement on Various Roads

You have sought probity services in relation to the CON2023 1536 – Kerb and Channel Replacement on Various Roads. These services have now been completed in accordance with our letter of engagement dated 12 July 2023.

Scope of Services

We have now completed our review and assessment of the governance, probity and compliance aspects of the:

- Tender advertising process,
- Tender documentation,
- Tender evaluation criteria,
- Tender receipt and recording process, and;
- Tender evaluation process and development of Officer's Recommendation.

Purpose

The purpose of this review was to assess the probity of the processes undertaken from the commencement of the procurement process through to the development of a report to Council recommending a tender be accepted.

Key Observations

From a review of Council documentation it was possible to conclude:

- The tender documentation was clear, with evaluation criteria and weightings identified in advance;
- The tender was advertised appropriately;
- We did not attend the tender opening and therefore cannot comment if it was undertaken in accordance with the procurement requirements;

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- From the documents received the applicants were evaluated in accordance with the documented evaluation criteria and weightings. We did not attend the tender evaluation panel meeting to observe the discussions; and
- The report to Council reflects the outcome of the evaluation process.

Review Conclusion

From the procedures we have undertaken, noting that we did not attend the tender opening or tender evaluation panel meeting, no matter was noted that would indicate that the procurement process, to date, has not been conducted with an appropriate level of probity.

Please do not hesitate to contact me on (03) 5940 2033 or via email gordon.robertson@crowe.com.au should you have any queries.

Yours Sincerely,

CROWE AUDIT AUSTRALIA

A handwritten signature in black ink, appearing to read "G. Robertson", written over a faint horizontal line.

GORDON ROBERTSON
Partner

5.2.5 CON2023 1582 Replacement of Reedy Creek Road Bridge, Ensay

Authorised by General Manager Assets and Environment

Confidentiality Notice

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

Conflict of Interest

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

Executive Summary

The Reedy Creek bridge is located on Reedy Creek Road in Ensay South. It is a single lane timber bridge that provides a link between Ensay and farming properties. Recent Level two bridge inspections identified cracking and rotting in the bridge's timber components. To allow the bridge to remain open, a 15-tonne load limit was placed on the bridge.

The purpose of this procurement is to secure a contract with a contractor that is VicRoads pre-qualified for Level B1 bridge construction and experienced for the construction of a new three (3) span bridge and road approaches across the Reedy Creek at Reedy Creek Road Ensay South.

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.

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 1582 – Replacement of Reedy Creek Road Bridge, Ensay 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 and all discussions regarding this attachment remain confidential.***

Background

Council's timber bridge replacement program is nearing completion. In the past nine years over 151 timber bridges have been replaced with steel and concrete bridges, or where possible, major culverts. The new bridges have a 100-year design life and a load capacity of up to 68 tonne and are less prone to impacts by fires or floods.

Council's timber bridge replacement prioritisation model is determined by the following factors;

- load limitations;
- use;
- place;
- possibility of impact from natural disaster;
- singular access/alternate route available;
- access / egress; and
- maintenance costs.

The Reedy Creek bridge is located on Reedy Creek Road in Ensay South, it is a single lane, two span timber bridge that provides the only link between Ensay and farming properties. Recent level two bridge inspections identified cracking and rotting in many of the bridge's timber components. To allow the bridge to remain open, a 15-tonne load limit was placed on the bridge.

The replacement bridge comprises of steel and concrete and is designed to current standards with a 100-year design life. Funding for the project is provided by the Federal Governments Bridges Renewal Program and Councils 2023/24 Capital Works budget.

The purpose of this procurement is to secure a contract with a contractor that is VicRoads pre-qualified for Level B1 bridge construction and experienced for the construction of a new three span bridge and road approaches across the Reedy Creek at Reedy Creek Road Ensay South.

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

Pursuant of section 109(2) of the *Local Government Act 2020*, contract CON2023 1582 – Replacement of Reedy Creek Road Bridge, Ensay South has not been prepared in collaboration with other agencies.

Council Plan

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

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

Council Policy

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

Options

Council has the option to:

1. Construct a new replacement bridge comprised of steel and concrete and designed to current standards with a 100-year design life through the letting of this tender (**preferred**); or
2. Retain an aging wooden structure that no longer meets the needs of the community and will have escalating maintenance costs (i.e., not approve the contract); or
3. Re-tender the project.

Resourcing

Financial

The project is being funded through a mix of Federal Government's Bridges Renewal Program funding and Council funds.

Plant and equipment

Plant and equipment are to be supplied as a condition in the contract by the successful contract in the entirety.

Human Resources

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

Risk

The risks of this proposal have been considered and are minimal, due to the simplicity of the design and previous experience of the contractor in constructing this type of bridge. The risk of inclement weather affecting the project has been reduced by programming the onsite construction works to be completed in the dryer months of the year.

This project addresses the significant risk of escalating maintenance costs through the replacement of an aging structure. The new bridge has a 100-year design life.

Economic

In accordance with Council's Procurement Policy, 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 surrounding community will directly benefit from this project once completed. The new bridge will increase safety, and ensure unrestricted access is maintained for the next 100 years. The renewal of the road pavement on the approaches to the bridge will provide a safer surface for drivers.

Gender Impact Statement

The *Gender Equality Act 2020* was considered in the preparation of this contract. Contract CON2023 1582 – Replacement of Reedy Creek Road Bridge, Ensay South has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

In accordance with Council's Procurement Policy, a 5% weighting has been used in the evaluation of 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 project supervisor for the works has been responsible for providing initial engagement with the local community and this relationship will continue throughout the duration of the project.

As part of the construction methodology, the contractor will communicate regularly with all stakeholders regarding any impact throughout delivery of the project.

Attachments

1. CONFIDENTIAL - Tender Evaluation Report [5.2.5.1 - 7 pages]

5.2.6 CON2023 1585 Replacement of Little River Road Bridge, Ensay

Authorised by General Manager Assets and Environment

Confidentiality Notice

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

Conflict of Interest

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

Executive Summary

During recent Level two Bridge inspections, the Little River Road bridge showed signs of stress fractures in the bridge's timber beams and rotting of other timber components. The bridge subsequently had a 15-tonne load limit imposed on it.

The purpose of this procurement is to secure a contract with a contractor that is VicRoads pre-qualified for Level B1 bridge construction and experienced, for the construction of a new single span concrete bridge and road approaches across the Morass Creek at Little River Road, Ensay North.

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 contract CON2023 1585 - Replacement of Little River Road Bridge, Ensay.

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 1585 – Replacement of Little River Road Bridge, Ensay for the contract amount \$ _____ 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 Attachment 1 to this report and all discussions relating to that attachment remain confidential.***

Background

Council's timber bridge replacement program is nearing completion. Over the past nine years over 151 timber bridges have been replaced with steel and concrete bridges, or where possible, major culverts. The new bridges have a 100-year design life and a load capacity of up to 68 tonne and are less prone to impacts by fires or floods. Council's timber bridge replacement prioritisation model is determined by the following factors:

- load limitations;
- use;
- place;
- possibility of impact from natural disaster;
- singular access/alternate route available;
- access / egress; and
- maintenance costs.

The Little River Road Bridge, Ensay is a single lane timber bridge that provides access for farming properties and tourists. Recent Level two bridge inspections identified stress fractures in the bridges timber beams and rotting of many of the other timber components. To allow the bridge to remain open, a 15-tonne load limit was placed on the bridge.

The replacement bridge comprises of steel and concrete and is designed to current standards with a 100-year design life. Funding for the project is provided by the Federal Government's Bridges Renewal Program and provides 80% funding towards the originally estimated bridge replacements costs, with any shortfall to be funded from Council's 2023/24 Capital Works budget.

The purpose of this procurement is to secure a contract with a contractor that is VicRoads pre-qualified for Level B1 bridge construction and experienced, for the construction of a new single span concrete bridge and road approaches across the Morass Creek at Little River Road, Ensay North.

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

Pursuant of section 109(2) of the *Local Government Act 2020*, contract CON2023 1585 – Replacement of Little River Road Bridge, Ensay has not been prepared in collaboration with other agencies.

Council Plan

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

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

Council Policy

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

Options

Council has the option to;

1. Construct a new replacement bridge comprised of steel and concrete and designed to current standards with a 100-year design life through the appointment of the recommended contractor. (**Preferred**); or
2. Retain an aging wooden structure which will have associated escalating maintenance costs (i.e., not proceed with the tender); or
3. Retender the project.

Resourcing

Financial

Funding for the project is provided by the Federal Government's Bridges Renewal Program and provides 80% funding towards the originally estimated bridge replacements costs, with any shortfall to be funded from Council's 2023/24 Capital Works budget.

Detailed information on the project budget is provided 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 the Project Supervisor Bridges.

Risk

The risks of this proposal have been considered and are minimal, due to the simplicity of the design and previous experience of the contractor in constructing this type of bridge. The risk of inclement weather affecting the project has been reduced by programming the onsite construction works to be completed in the dryer months of the year.

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. Other factors considered are construction methods that minimises risks identified in relation to protection of existing services, traffic management, property access, vibration and other key issues associated with the works.

This project addresses the significant risk of escalating maintenance costs through the replacement of an aging structure. The new bridge has a 100-year design life.

Economic

The benefit of the project includes the economic activity associated with the construction and maintenance of the bridge, and the improved road access and safety outcomes for the local community, ensuring continued strong local economic growth through the farming and tourism sector.

In accordance with Council's Procurement Policy, 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

A new bridge will ensure improved, reliable road access and safety outcomes for the local community.

Gender Impact Statement

Contract CON2023 1585 – Replacement of Little River Road Bridge, Ensay has considered the *Gender Equality Act 2020* in its preparation. Contract CON2023 1585 has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

In accordance with Council's Procurement Policy, 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

Community engagement will take place as required throughout the construction process.

Attachments

1. CONFIDENTIAL - Tender Evaluation Report [**5.2.6.1** - 7 pages]

5.2.7 CON2023 1566 Green Waste Processing and Removal Services

Authorised by General Manager Assets and Environment

Confidentiality Notice

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

Conflict of Interest

No Officer who has provided advice in the preparation of this report has disclosed a conflict of interest.

Executive Summary

The report outlines the tender and evaluation process undertaken for the processing (mulching) and removal of green waste from ten of Council's waste service sites. This is an important component of keeping green waste from landfill and is a service that Council does not operate in-house due to the specialised nature of the work and equipment required.

The tender was advertised through the Bairnsdale Advertiser, Lakes Post, Snowy River Mail and online through TenderLink. and closed on Wednesday 24 May 2023.

The initial term of the contract is for two (2) years effective 8 September 2023 to 7 September 2025. This is a schedule of rates contract subject to rise and fall. There are two (2) further extension options each of up to 12 months, at Council's sole discretion.

The Tender Evaluation Report (**Confidential Attachment 1**) and Probity Report (**Attachment 2**) are provided as attachments to this report. This report and attachments are presented for Council's consideration.

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 1566 Green Waste Processing and Removal Services for the tendered schedule of rates as shown in Confidential Attachment 1, for an initial two (2) year term;***
- 3. authorises the Chief Executive Officer to exercise the two (2) extension options of up to 12 months each inclusive of annual consumer price index adjustments on the basis that contractual terms have been met;***
- 4. authorises the Chief Executive Officer or delegate to finalise the terms and to sign and seal the contract in the form proposed; and***
- 5. resolves that Confidential Attachment 1 and all discussions regarding this attachment remain confidential.***

Background

Council provides green waste disposal services at ten waste facilities across the East Gippsland Shire. Green waste material requires processing (mulching) to make it a viable product for use in landfill rehabilitation and suitable for transport.

The initial term of the contract is for two (2) years effective 8 September 2023 to 7 September 2025. This is a schedule of rates contract subject to rise and fall. There are two (2) further extension options each of up to 12 months, at Council's sole discretion. It is noted that the initial term of two (2) years allows for possible changes to this service.

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

Legislation

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

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

Council has previously considered collaborative procurement options, the details of which were included in a Confidential Report presented to Council on [20 September 2022](#).

Council Plan

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

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

Council Policy

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

Options

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

1. Award the Contract (preferred option); or
2. Re-tender for the services provided by CON2023 1566 Green Waste Processing and Removal Service.

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

Resourcing

Financial

The annual budget allocation for this contract is \$675,000 excluding GST. The actual cost to deliver the service will however be determined by the volume of material received.

Plant and equipment

Not applicable.

Human Resources

The contract is managed internally by existing staff.

Risk

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

Economic

There are no identified economic implications in relation to this report.

Social

There are no identified social impacts in relation to this report.

Gender Impact Statement

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

Environmental

Climate change

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

Greenhouse Gas Emissions: Consideration has been given to reduce GHG emissions with mulching and re-use of green waste being an important factor for the reduction of organic materials going to landfill. Organic materials in land full are a major generator of emissions.

Engagement

Not applicable

Attachments

1. CONFIDENTIAL - Tender Evaluation Panel Report [5.2.7.1 - 6 pages]
2. Probity Review Report [5.2.7.2 - 2 pages]



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12 July 2023

Ms Cheryl Nicholson
 Procurement Co-Ordinator
 East Gippsland Shire Council
 PO Box 1618
 BAIRNSDALE VIC 3875

Dear Cheryl,

Probity Review – CON2023 1566 – Green Waste Processing and Removal Services

You have sought probity services in relation to the CON2023 1536 – Green Waste Processing and Removal Services. These services have now been completed in accordance with our letter of engagement dated 12 July 2023.

Scope of Services

We have now completed our review and assessment of the governance, probity and compliance aspects of the:

- Tender advertising process,
- Tender documentation,
- Tender evaluation criteria,
- Tender receipt and recording process, and;
- Tender evaluation process and development of Officer's Recommendation.

Purpose

The purpose of this review was to assess the probity of the processes undertaken from the commencement of the procurement process through to the development of a report to Council recommending a tender be accepted.

Key Observations

From a review of Council documentation it was possible to conclude:

- The tender documentation was clear, with evaluation criteria and weightings identified in advance;
- The tender was advertised appropriately;
- We did not attend the tender opening and therefore cannot comment if it was undertaken in accordance with the procurement requirements;

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- From the documents received the applicants were evaluated in accordance with the documented evaluation criteria and weightings. We did not attend the tender evaluation panel meeting to observe the discussions; and
- The report to Council reflects the outcome of the evaluation process.

Review Conclusion

From the procedures we have undertaken, noting that we did not attend the tender opening or tender evaluation panel meeting, no matter was noted that would indicate that the procurement process, to date, has not been conducted with an appropriate level of probity.

Please do not hesitate to contact me on (03) 5940 2033 or via email gordon.robertson@crowe.com.au should you have any queries.

Yours Sincerely,

CROWE AUDIT AUSTRALIA

A handwritten signature in black ink, appearing to read "G. Robertson".

GORDON ROBERTSON
Partner

5.3 Business Excellence

5.3.1 Valuation Averaging Mechanism - Local Government Rates Discussion Paper

Authorised by Acting General Manager Business Excellence

Conflict of Interest

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

Executive Summary

The Victorian Government has developed a discussion paper on Local Government Rates, which is focusing on Valuation Averaging Mechanism (VAM), as a result of the 2020 Local Government Rating System Review, which recommended consideration of the merits of a valuation averaging mechanism for local government rates. A copy of the discussion paper is available on Engage Victoria website via this [Link](#).

This VAM would involve annual valuations for the current year and a number of previous years for a property being averaged for rating purposes for the current rating year. This could be a two-, three- or four-year period in terms of the number of years used in the average calculation.

Where differential rating is applied as well as a municipal charge, as is the current situation with Council, the averaging mechanism may create further complexities for Council in terms of equity when applying differential rates to a class of property.

Officers have prepared feedback to the VAM Local Government Rates Discussion paper, provided at **Attachment 1**, and will be submitted by 31 August 2023.

The discussion paper explores how a VAM would apply to Council rates and the implications of using such a system to determine annual rates and charges.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. endorses the feedback submission, at Attachment 1, to the Valuation Averaging Mechanism Local Government Rates Discussion Paper for submission by 31 August 2023.***

Background

The Victorian Government has developed a discussion paper on Local Government Rates, which is focusing on Valuation Averaging Mechanism (VAM), as a result of the 2020 Local Government Rating System Review which recommended consideration of the merits of a valuation averaging mechanism for local government rates. Feedback on the discussion paper is sought until 31 August 2023.

This would involve annual valuations for the current year and a number of previous years for a property being averaged for rating purposes for the current rating year. This could be a two-, three- or four-year period in terms of the number of years used in the average calculation.

Where differential rating is applied as well as a municipal charge, as is the current situation with Council, the averaging mechanism may create further complexities for Council in terms of equity when applying differential rates to a class of property.

The discussion paper explores how a VAM would apply to Council rates and the implications of using such a system to determine annual rates and charges.

Critical Information

There is only one state in Australia that uses a VAM to determine annual rates and charges, being Queensland, which allows an opt-in but is not compulsory.

The criteria used to assess the merit of a VAM are as follows:

Simplicity – any VAM system should be comprehensible to ratepayers and not any more difficult to interact with than the current system.

Sustainability – any VAM system proposed should be practical and cost-effective for Councils to administer.

Horizontal Equity – all ratepayers in similar circumstances are treated in a similar way, and so a VAM must be applied to all properties in the municipality.

Vertical Equity – this principle is worth considering in any VAM design, in that ratepayers with greater economic measures (i.e., property value) should contribute more.

Any VAM designed will only affect how rates are distributed. If one ratepayer's bill lowers due to the application of a VAM (compared to using the most recent value as is currently), then this amount will be redistributed to other properties and paid by these ratepayers. Conversely, a ratepayer that pays more in rates under a VAM (compared to the most recent valuation), is affecting a subsidy to other ratepayers.

Challenges of Implementation and Administration

The current method of applying valuations to an occupancy for the purpose of determining rates, is based on the "ad valorem" system of taxation, meaning "according to value".

A foundation of the local government rating system and its equity is that all properties are subject to the same process of valuation, with appeal rights for ratepayers. All properties have a valuation on the same nominal date of 1 January. Since the introduction of annual valuations, the equity of the rating system has arguably been enhanced, as property valuations for rates are no more than six months old.

A VAM could weaken this nexus as rates would no longer be based on the most recent valuations.

In terms of community expectations that any change should be transparent and simple and should not increase dissatisfaction amongst ratepayers, then a VAM applied along with differential rates would make the rating system more complex for ratepayers and Council alike.

Administration Processes

If a VAM is introduced, consideration as to how valuation averaging information would be shown on a rate notice. This may add further complexity to the information already required on a rate notice. Additionally, the process of objection may be complicated by any confusion as to what valuation, to which a ratepayer may object. A valuation objection would only be possible to the most recent annual valuation and not the average valuation used for the rates calculation.

Whilst the discussion papers stated that any alteration that will affect the calculation or collection of the Fire Services Property Levy (currently the responsibility of Council), it is an opportunity to provide feedback on whether this levy could be better administered by the state government as it currently does for Land Tax. If the state government took over the administration of the Fire Services Property Levy, considerable administrative process would be removed from Council responsibility.

Existing Mechanism to Smooth Rate Payments Over Multiple Years

Under a VAM, the deferral of rates and payment plans may affect other ratepayers and the overall distribution of rates.

There is a series of consultation questions seeking Council's thoughts on a VAM versus the current system of rating. These questions and an officer draft response is provided at **Attachment 1**.

Legislation

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

Council Rates and Charges legislation remains within the *Local Government Act* 1989 Part 8.

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 for this report.

Council Plan

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

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

Council Policy

Not applicable for this report.

Options

1. endorse the Officer responses provided at **Attachment 1** to the VAM Local Government Rates Discussion Paper; or
2. not endorse the Officer responses at Attachment 1 to the VAM Local Government Rates Discussion Paper.

Resourcing

Financial

Not applicable for this report.

Plant and equipment

There are no plan and equipment implications with this report.

Human Resources

There are no Human Resources implications with this report.

Risk

Not applicable for this report.

Economic

Not applicable for this report.

Social

Not applicable for this report.

Gender Impact Statement

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

Environmental

There are no environmental implications with this report.

Climate change

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

Engagement

Not applicable for this report.

Attachments

1. Valuation Averaging Mechanism Survey Questions and Officer Draft Responses
[5.3.1.1 - 4 pages]

Valuation Averaging Mechanism Discussion Paper Question responses

Valuation Movements and Rate 'Volatility'

Individual property valuation movements in a municipality are highly variable in any given year. There are many occupancies that experience greater or lesser valuation movements. The reality is that property valuations will vary from year to year at different percentage changes for many reasons.

1. What should be considered a 'volatile increase' in valuation and rates?

Officer comment

It is difficult to determine at what level of increase it would be determined that it was a 'volatile increase'. There would need to be a specific measure such as a valuation increase greater than the rural average or State average or higher than inflation.

Models of VAM

Any VAM designed will only affect how rates are distributed. If one ratepayer's bill lowers due to the application of a VAM (compared to using the most recent value as is current), then this amount will be redistributed to other rateable properties and paid by those ratepayers. Conversely, a ratepayer that pays more in rates under a VAM (compared to using the most recent valuation), is effecting a subsidy to other ratepayers.

1. Which principles of good taxation should be considered for a VAM in these scenarios?

Officer Response

There is no guarantee with a VAM that higher valued properties for example would pay less rates. It will still depend on valuation movements over time and the average movement of those valuations. Whilst the current system of using the annual valuation may be seen as a wealth tax with the higher your valuation the more rates that you pay, a VAM in effect would be no different regardless of the averaging.

2. When would it be appropriate to lower an occupancy's rates when its valuation (and potential sale value) has increased?

Officer Response

Under a VAM this may come about when using the averaging of valuations of a number of years. Over time this may then lead to a significant increase depending on what the subsequent years' valuation movements were. Through the current use of differential rating 'smoothing' of average rate increases has been possible.

3. Is it equitable that an occupancy that experiences a decrease in valuation in a given year does not experience a relative reduction in rates in the same year?

Officer Response

This would be a consequence of a VAM and ratepayers may find this difficult to understand. This would not be equitable.

4. In the context of the examples shown, what may be considered rate “volatility” and do the VAMs proposed mitigate this sufficiently?

Officer Response

Each year potentially there will still be volatility, as even with averaging over time a certain geographic area for a property type may continually be experiencing the greatest valuation movements. A measure of what is ‘volatility’ needs to be determined. Just basing this on a percentage increase does not necessarily mean that it is volatile.

Challenges of Implementation and Administrative

There are many variables that in the real world of rating need to be dealt with, from differential rating, application and impact of a municipal charge, supplementary valuations, division of properties for subdivisions etc. The transparency of all of these processes and rate calculations will be more difficult using a VAM.

1. Does the application of a VAM provide the desired results in a taxation environment that includes Supplementary Valuations, Differential Rates and Municipal Charges?

Officer Response

A VAM will increase the complexity of managing supplementary valuations as well as the application of differential rates and a municipal charge. There would need to be a significant change in the software that Council uses to manage the rating and valuation processes, application of rebates etc.

2. Would it be practical to remove Supplementary Valuations, Differential Rates and Municipal Charges from legislation in favour of applying a VAM?

Officer Response

Removing differential rating would impact both positively and negatively on Council's using differential rating. Where there are higher differentials for certain classes of property and lower differentials for other (Farms for example) then those properties who had previously received a discount through a lower rate in the dollar such as farm properties would experience an increase to their rate bills that would be significant compared to other properties that had a higher differential rate than the general rate. This would take away the ability of individual Councils to set differential rates on the basis of fairness and equity.

The removal of the municipal charge would also create increases and decreases depending on the property class. For example, where single farming enterprises are

currently exempt from the municipal charge then the removal of a municipal charge would increase rates for these properties.

Supplementary valuations are the current source for the growth in the rates base. If a VAM is used in conjunction with rate capping then Council's would potentially lose the growth factor of the rate base.

The State would need to develop an alternate mechanism if these rating processes were removed.

Fire Services Property Levy (FSPL) and Land Tax

If there was a VAM then there are different valuations required for different purposes shown on the annual rate notice that may cause additional confusion for ratepayers. The FSPL requirements come under the provisions of the Fire Services Property levy Act 2012. As well the State Revenue Office uses the most recent Site Value of properties for the issuing of land tax notices.

1. How would multiple valuations be applied to annual rate notices without creating confusion for ratepayers?

Officer Response

Potentially the multiple valuations would cause further confusion for ratepayers and be more difficult to understand than the current annual valuations being shown on the rate notice and which are used for rating, FSPL and also Land tax purposes.

Given the State government collects land tax through the State Revenue Office, then potentially the State Revenue Office could also collect the Fire Services Levy and take this administrative process from Councils as it is a State tax.

2. What information should be present on the rate notice to explain the function of the VAM?

Officer Response

All of the valuations and years of the valuation would need to be shown on the rate notice. For a ratepayer to understand how the VAM was derived then a separate information sheet may need to be included with the annual rate notice to explain how the VAM worked.

3. How would the State Revenue Office and Councils prevent confusion during the objection process, regarding the application of varied valuations?

Officer Response

Potentially Councils would receive many calls from ratepayers in an attempt to understand the multiple valuations and the process if they wished to lodge an objection to the valuation. Whilst information can be provided to assist ratepayers in

understanding the valuations, it will still potentially create more confusion and complexity that the current rating and valuation system.

The State Revenue Office would need to be the primary point of contact for valuations regarding the Fire Service Property Levy and only refer Council specific matters to Council.

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

The Draft Annual Action Plan 2023/24 (the Plan), provided at **Attachment 1**, is the companion document to the Council Plan 2021-25. The Plan identifies the actions that the organisation will undertake to implement the Council Plan strategies.

After receiving feedback from Council briefings on 2 May and 1 August 2023 the following amendments have been made to the action plan:

- Action 3.2.3 - Changed to “Preserve and restore local biodiversity values and seek partner and stakeholder input”.
- Strategic Indicators for strategy 3.3 - Number of management plans changed to ≥ 5
- 5.4.1 Major Initiative 7, Undertake an organisational capability review, changed to regular initiative allocated to the office of the CEO. This now leaves eight major initiatives.
- Initiative 4.6.2 removed – duplication of 2.1.3.
- Major Initiative 3 renamed as Bairnsdale 2050 Project
- Addition of the Strategic Planning Framework outlining the links between the Council Plan the Annual Action Plan and the Budget.

The Plan identifies the major initiatives that will be undertaken in 2023/24. These represent significant high priority activities that will require substantial time and resources to deliver. They are important to achieving the strategic objectives in the Council Plan.

The eight major initiatives are:

1. develop and commence implementation of organisation-wide strategies that embed Aboriginal engagement in the organisation through increased mutual understanding and effective partnerships.
2. present the Housing and Settlement Strategy to Council and if adopted commence implementation of recommendations.
3. prepare the ‘Bairnsdale 2050’ Growth Strategy.
4. prepare a climate risk assessment to identify and respond to the likely impact of extreme weather and climate events on Council’s infrastructure and services.
5. deliver actions to reduce Council’s greenhouse gas emissions from energy use as identified in the Environmental Sustainability Action Plan including development of a net zero emissions plan; explore the feasibility of using geothermal energy and key sites; and work with Councils’ contractors to reduce their emissions;
6. complete design and progress development of organic waste processing facility at Bairnsdale Landfill;
7. develop a new Information Communication and Technology Strategy; and
8. adopt and implement the organisation’s Occupational Health and Safety Management System.

The progress of the major initiatives and actions in the Plan will be reported to Council on a quarterly basis, and then will be made available to the community by accessing the report from Council's website.

During the 2023 financial year there were nine major initiatives identified.

The table below outlines the status for those initiatives and the correlation to the 2023/24 major initiatives.

Major initiative	Status
1. Develop a Culture and Creativity Strategy	Completed
2. Develop a new Reconciliation Action Plan	Incomplete – Linked to 2023/24 Plan as Major initiative 1 – Develop and commence implementation of organisation-wide strategies that embed Aboriginal engagement in the organisation through increased mutual understanding and effective partnerships
3. Prepare a Housing and Settlement Strategy to guide future housing development and to support increased housing diversity and affordability	Incomplete – Linked to 2023/24 Plan as Major initiative 2 – Present the Housing and Settlement Strategy to Council and if adopted commence implementation of recommendations
4. Develop key public open space planning initiatives, which includes the East Gippsland Sporting Facilities Plan and Public Open Space Strategy	Incomplete – Carried forward for completion as 2.1.2 Undertake key public open space planning initiatives, including the first stage of the Marine and Coastal Management Plan and finalisation of the East Gippsland Sporting Facilities Plan
5. Implement a climate risk analysis to identify the likely impact of extreme weather and climate events on Council's infrastructure assets, and ability to provide community services	Incomplete - Linked to 2023/24 Plan as Major initiative 4 – Prepare a climate risk assessment to identify and respond to the likely impact of extreme weather and climate events on Shire infrastructure and services
6. Support the circular economy through initiatives that reduce waste going to landfill, including: <ul style="list-style-type: none"> · Value adding green and organic waste; and · Introducing appropriate glass collection services at locations throughout the Shire. 	Completed
7. Implement the Tourism Events Action Plan 2022-26	Completed
8. Implement the Customer Experience Strategy. Key projects include: <ul style="list-style-type: none"> · Enhance systems and processes to increase resolution of customer enquiries and requests at first point; and · Streamlining customer response systems and processes. 	Completed
9. Review and redevelop the organisation's Occupational Health (OHS) and Safety Management System.	Incomplete - Linked to 2023/24 Plan for the next stage once the 2022/23 initiative is completed: Major initiative 8 – Adopt and implement the organisation's Occupational Health and Safety Management System.

Further detail about the Major Initiatives for the 2022/23 year will be included in the Council Plan progress report 2022/23 quarter 4, and the 2022/23 Annual Report.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. endorses the Draft Annual Action Plan 2023/24, at Attachment 1, as the companion document to the Council Plan 2021-25.***

Background

The Plan lists the actions, major initiatives, and strategic indicators for 2023/24 that have been identified to achieve the strategic objectives and strategies from the Council Plan. The actions, major initiatives, strategic indicators, and services are also listed in Section 2 of the Annual Budget.

In addition to the actions outlined in the Plan, the organisation delivers many other services and programs. Due to the ongoing nature of these activities, they are not detailed in this plan. These activities represent a core component of Council's services and are a vital part of our work with community, and also ensure that our organisation is appropriately managed and complies with necessary legislation, such as the *Local Government Act 2020*.

Our progress in achieving the actions and performance indicators from the Plan is reported quarterly and in further detail in the Annual Report. The actions in this plan are also used as the basis for the business unit plans and individuals' work plans across the organisation.

Legislation

This report has been prepared in accordance with *Local Government Act 2020* (the Act), section 98(3) from the Act - The report of operations (Annual Report) of the Council must contain the following—

- (a) a statement of progress on implementation of the Council Plan, which includes the results of the strategic indicators.
- (b) a statement of progress in relation to the major initiatives identified in the budget or a revised budget.

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

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

Collaborative procurement

Pursuant of section 109(2) of the *Local Government Act 2020*, this report has not been prepared in collaboration.

Council Plan

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

Strategic Objective 5: 5.4 Continuous improvement systems are strengthened, and organisational efficiency enhanced.

Council Policy

Not applicable for this report.

Options

No options are available.

Resourcing

Financial

There are no financial resourcing impacts relating to the Plan, however the delivery of the plan links directly to the Annual Budget and 10-year Financial Plan.

Plant and equipment

Not applicable for this report.

Human Resources

There are no human resourcing impacts relating to the Plan. However, the delivery of the plan requires human resources to action each initiative listed.

Risk

The risks of this proposal have been considered and managed accordingly.

Economic

The Plan has no direct economic impact however, the delivery of the plan links directly to achieving economic outcomes that have a positive influence on the local economy.

Social

The Plan has no direct social impact. However, the delivery of the actions related directly to social outcomes that have a positive influence on the community.

Gender Impact Statement

The review the Council Plan has considered the *Gender Equality Act 2020* in its preparation. This report to Council has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

The Plan has no direct environmental impact, however the delivery of actions related directly to environmental outcomes that have a positive influence on the natural environment.

Climate change

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

Engagement

No external engagement was conducted on developing the Plan. There was extensive community engagement undertaken to develop the Council Plan 2021-25, with the data and themes used to inform the development actions.

Attachments

1. Annual Action Plan 2023-24 [5.3.2.1 - 24 pages]

Annual Action Plan

How we will achieve our strategies listed in the Council Plan 2021-25 in

2023-24



Our 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



Council has several projects currently being undertaken within the community, including the **WORLD Sporting Precinct Redevelopment** (pictured top left and bottom right), **Lucknow Gymnastics Centre** (pictured top right) and the **Mallacoota Streetscape Upgrade** (aerial view of the original streetscape, pictured bottom left).

THE COUNCIL PLAN 2021-2025

Vision for the next four years

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

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

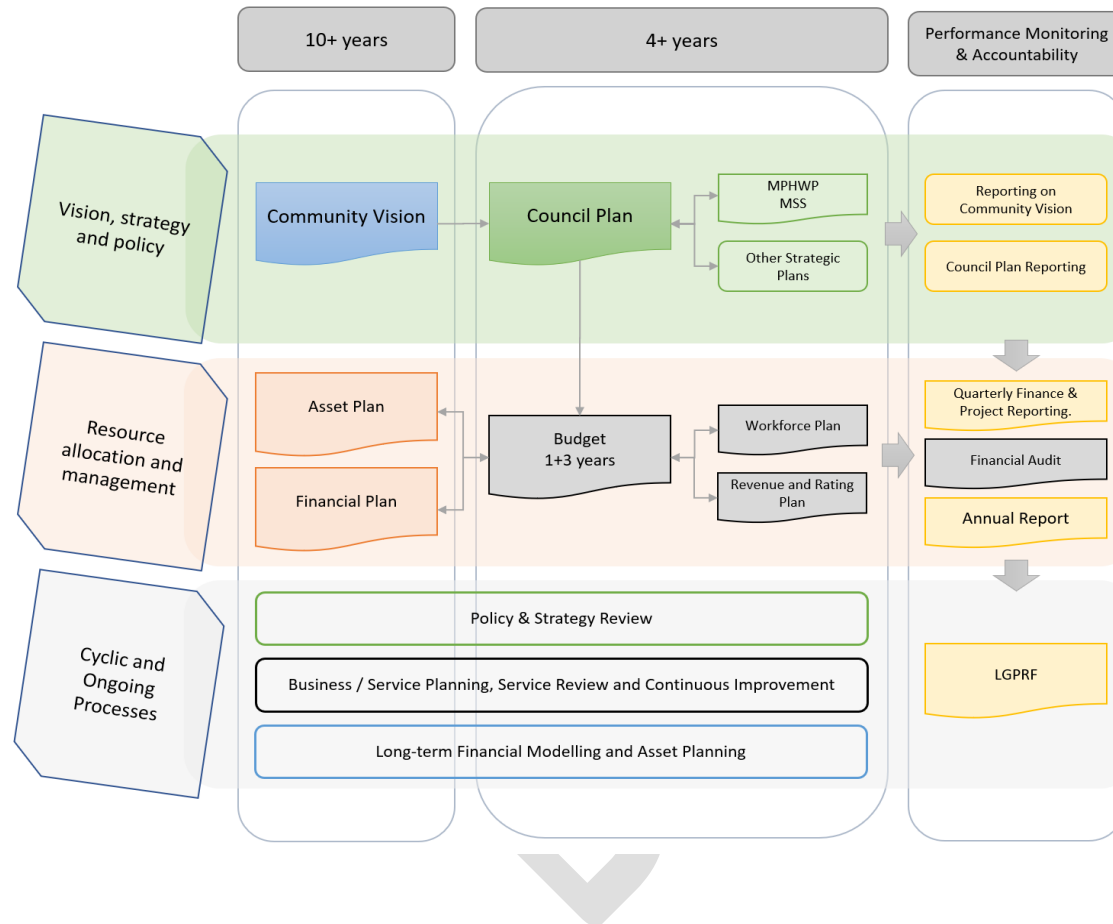
5

A transparent organisation that listens and delivers effective, engaging and responsive services

Strategies and strategic indicators

Monitoring our progress

Strategic Planning Framework



Each year the Annual Action Plan is developed to identify the services and initiatives that will be undertaken to contribute to the strategic objectives outlined in the Council plan.

Council is required by legislation to identify major initiatives, initiatives and service performance outcome indicators in the Budget and report against them in their Annual Report to support transparency and accountability.

The Annual Budget identifies the funding that is allocated to support the delivery of these initiatives.

The relationship between these accountability requirements in the Council Plan, the Budget and the Annual Report can be viewed in the Council 23 – 24 year published Budget on pages nine to nineteen.

ANNUAL ACTION PLAN 2023-24

How we achieve our strategic objectives and strategies

In this document you will find actions, major initiatives and strategic indicators for 2023-24 as we work to achieve the objectives and strategies outlined in the Council Plan 2021-25 (the Council Plan). The Annual Action Plan is the companion document to the Council Plan, and identifies the actions that the organisation will undertake within a given year to implement and operationalise the Council Plan.

The actions, major initiatives, strategic indicators and services are also listed in Section 2 of the annual Budget. Our progress in achieving these actions are measured by the performance indicators that are reported quarterly to Council and the community, and in the Annual Report. This plan is used to develop business unit plans and individuals work plans across the organisation.

Delivery of Council Plan objectives and strategies, and related actions, major initiatives, strategic indicators, and services, is conducted in conjunction with goals from strategic documents to achieve Council's Community Vision.

Major initiatives

The major initiatives identified by Council represent priority activities that will require substantial time and resources to deliver. They are important to achieving the strategic objectives in the Council Plan.

Business as usual / ongoing Council activities

Council delivers many ongoing activities, services, and programs that have not been detailed in this plan. These activities represent a core component of Council's services and are a vital part of our work with community and ensure that our organisation is appropriately managed and complies with legislation, such as *the Local Government Act 2020*.

A plan for recovery and resilience

Over the last five years East Gippsland communities have demonstrated incredible resilience in navigating:

- Drought impacting farmers, the broader business community and our rural communities
- Black Summer Bushfires that burnt more than 50 per cent of East Gippsland

- COVID-19 pandemic that has compounded the economic impacts of fires and drought and changed the way we live and increased isolation
- Traditional industry (e.g., forestry) transitions
- Flooding and storm events

While the impacts of these events have been many and compounding, Council, businesses, and communities have demonstrated agility and persistence in responding to new and unexpected pressures on Council services, new demands on our communities, economic impacts, increased demand on our health and wellbeing services and the widespread environmental impacts.

These events also bring opportunity, and together we can:

- Create greater pathways for connection with communities in place.
- Understand and develop the resilience of Council and community
- Learn from the experience and preparing our communities for future events
- Invest in our communities.
- Strengthen community leadership and capacity.

The Council Plan 2021–25 has been framed around supporting our community's continued recovery from these events and challenges; whilst also positioning the region to increase its resilience and preparedness for future events; undertake actions that will assist to mitigate the likelihood of future events; and manage the recovery and grant funds.

Together we have learnt a lot and are well placed to move forward with confidence and knowledge about how to respond to similar challenges in the future.

Climate Change

This plan has been developed to assist Council in responding to the challenges and opportunities faced in responding to climate change and ensuring our operations and services reduce carbon emissions. We will seek to prioritise actions to reduce emissions and waste in order to protect public health, strengthen the economy and create a region that mitigates and adapts to climate change.

Strategic Objective 1: An inclusive and caring community that respects and celebrates diversity

Strategy	2023-24 Actions	Business Unit
1.1 Council strives to provide equitable access to their services, support and facilities, and celebrates diversity	1.1.1 Deliver and maintain Council's roads and other infrastructure to provide safe and suitable physical connectivity for remote and other communities	Assets and Projects Works
	1.1.2 Strengthen engagement processes with communities and stakeholders to ensure their views are heard when planning services, facilities, and infrastructure	Community Facilities and Open Space Community Programs and Engagement Asset and Projects
	1.1.3 Implement policy and practices that improve equitable access to facilities and services including consideration of gender equity; access and inclusion; socio-economic, age friendly and implementation of audits to support these outcomes	Community Facilities and Open Space Council Enterprises Community Programs and Engagement Assets and Projects
	Strategic Indicators	Source Target
	Number of council facilities for which an accessibility audit has been completed	Internal Report 5
	Number of inclusion programs offered in Council's recreation centres and pools	Internal report ≥ 5 programs
	Number of community facilities upgraded to improve accessibility	Internal report ≥ 10 upgrades
	Percentage of Roads and Footpaths that remain above intervention level	Internal report Road Management Plan levels.

Strategy	2023-24 Actions	Business Unit
1.2 Collaboration with key stakeholders fosters the cultural, arts and creative communities for all activities Council has facilitated or financially contributed to	1.2.1 Facilitate professional development opportunities to foster growth within the cultural and creative activity across the Shire	Council Enterprises Community Facilities and Open Space Community Programs and Engagement
	1.2.2 Include cultural and creative elements into facility designs and service delivery planning	Community Programs and Engagement Economic Development and Tourism Assets and Projects Community Facilities and Open Space
	Strategic Indicators	Source Target
	Number of cultural and creativity focused organisations / individuals funded through Council's grants programs	Internal report ≥ Nine Arts and Heritage
	Number of professional development opportunities extended to the Cultural and Creativity sector	Internal Report ≥ 5

Strategy	2023-24 Actions	Business Unit
1.3 Community groups and volunteers are acknowledged, promoted, and supported	1.3.1 Promote volunteer events and opportunities across the Shire, including targeted opportunities to increase youth engagement with volunteering	Community Programs and Engagement
	1.3.2 Build the capacity of volunteer groups and provide support for volunteer managed community facilities	Community Facilities and Open Space Community Programs and Engagement
	Strategic Indicator	Source Target
	Number of events held that recognise and support volunteers	Internal report ≥ Four events per annum
	Number of Council projects / services that include volunteer workers	Internal report Set baseline in 2023-24

Strategy	2023-24 Actions	Business Unit
1.4 Through targeted services, partnerships and advocacy, communities enjoy strong mental and physical health, well-being, and resilience	1.4.1 Implement key actions from the Well Placed for Wellbeing 2021-25 Plan	Community Programs and Engagement
	1.4.2 Refresh and implement the Ageing Well in East Gippsland – Age Friendly Communities Strategy 2017-2030	Community Programs and Engagement
	1.4.3 Plan and strengthen our services and infrastructure for sport and recreation.	Council Enterprises Community Facilities and Open Space
	Strategic Indicator	Source Target
	People referred to Council's recreation centres through an allied health service	Internal / external report > 800 attendances per annum

Strategy	2023-24 Actions	Business Unit
1.5 Strong working relationships are further developed with Aboriginal people and organisations	1.5.1 Major initiative 1 – Develop and commence implementation of organisation-wide strategies that embed Aboriginal engagement in the organisation through increased mutual understanding and effective partnerships	Community Programs and Engagement
	1.5.2 Provide opportunities for Traditional Owners to participate and partner in the planning and delivery of services and the planning and development of Council infrastructure and projects	Assets and Projects Community Facilities and Open Space
	Strategic Indicator	Source Target
	Percentage of Council directorates representation on Reconciliation Action Plan working group	Internal report 100 per cent
	Number of projects and service reviews that have included formal engagement with traditional owners	Internal report ≥ 10 projects and service reviews

Strategy	2023-24 Actions	Business Unit
1.6 Council is culturally and linguistically inclusive and celebrates diversity	1.6.1 Promote council services that support cultural and linguistic diversity and continue to embed diversity and inclusion in Council events and programs	Community Programs and Engagement Economic Development and Tourism
	Strategic Indicator	Source
	The number of initiatives that celebrate diversity and inclusion supported by Council	Internal report
		Target
		≥ 10 events per annum

Strategic Objective 2: Planning and infrastructure that enhances the environment, lifestyle, and character of our communities

Strategy	2023-24 Actions	Business Unit
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	2.1.1 Major initiative 2 Present the Housing and Settlement Strategy to Council and if adopted commence implementation of recommendations	Planning
	2.1.2 Undertake key public open space planning initiatives, including the first stage of the Marine and Coastal Management Plan and finalisation of the East Gippsland Sporting Facilities Plan	Community Facilities and Open Space
	2.1.3 Implement the Rural Land Use Strategy and prepare a Planning Scheme Amendment for consideration	Planning
	2.1.4 Deliver actions from key growth area plans including Lakes Entrance Northern Growth Area and Paynesville Growth Area Strategy	Planning
	2.1.5 Major initiative 3 Prepare the 'Bairnsdale 2050' Project	Planning
	Strategic Indicators	Source Target
	Completion of milestones of key strategic plans	Internal Report ≥ 80 per cent of milestones

Strategy	2023-24 Actions	Business Unit
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	2.2.1 Implement the asset management framework with a focus on data improvement	Assets and Projects
	2.2.2 Develop and implement service standards for the maintenance of key asset classes.	Assets and Projects Community Facilities and Open Space
	2.2.3 Deliver the capital works program and asset management program, including WORLD sporting precinct, Omeo MTB trails, Eagle Point Hub, Bullock Island works	Assets and Projects Community Facilities and Open Space Sustainability and Waste Works
	2.2.4 Implement year two actions on the Environmental Sustainability 4 Year Action Plan including completion of the Bairnsdale Alternate Water project; and incorporation of environmental sustainability design principles into new and renewed asset	Sustainability and Waste Assets and Projects
	2.2.5 Deliver improvements to Councils Road network including: upgrading Moroney Street, Marine Parade and Myer Street and reseal high priority roads	Sustainability and Waste Assets and Projects
	Strategic Indicators	Source Target
	Asset renewal and upgrade expenses as a percentage of depreciation	Internal Report > 100 per cent
	Percentage of adopted capital projects completed at the conclusion of the financial year (based on the most recent amended budget)	Internal Report ≥ 80 per cent
	Percentage of sealed roads that meet Council's target condition rating	LGPRF ≥ 97 per cent
	Percentage of the Capital Road renewal program undertaken	Internal report ≥ 80 per cent

Strategy	2023-24 Actions	Business Unit
2.3 Planning with local communities for natural disasters and emergencies strengthens capacity, infrastructure, resilience, preparedness, and recovery	2.3.1 Major initiative 4 - Prepare a climate risk assessment to identify and respond to the likely impact of extreme weather and climate events on Shire infrastructure and services	Sustainability and Waste Emergency Management
	2.3.2 Develop and trial new approaches to road renewal and maintenance that improves resilience to changing climatic conditions and utilises recycled materials	Works
	2.3.3 Strengthen community emergency planning arrangements to improve resilience and preparedness	Emergency Management
	2.3.4 Support communities to transition from recovery to longer term community resilience, where appropriate	Bushfire Recovery Coordination Community Programs and Engagement
	2.3.5 Finalise and commence implementation of the East Gippsland Road Safety Strategy	Works
	Strategic Indicators	Source Target
	Community satisfaction with emergency and disaster management	Community Satisfaction Survey ≥ Large Rural Council average
	Percentage of communities that need a Local Incident Management Plan have one in place	Internal Report 100 per cent
	Climate risk assessment completed.	Internal report 100 per cent

Strategic Objective 3: A natural environment that is managed and enhanced

Strategy	2023-24 Actions	Business Unit
3.1 Council works to reduce its own and the communities carbon emissions while supporting the community to mitigate the impact of a changing climate on the environment, safety, health and lifestyles	3.1.1 Major Initiative 5 - Deliver actions to reduce Council's greenhouse gas emissions from energy use as identified in the Environmental Sustainability Action Plan including: development of a net zero emissions plan; explore the feasibility of using geothermal energy at key sites; and work with Councils' contractors to reduce their emissions	Sustainability and Waste Minimisation Council Enterprises
	3.1.2 Develop processes and tools that support whole of community to take action to reduce carbon emissions	Sustainability and Waste Minimisation
	Strategic Indicators	Source
	Percentage of Council's electricity use from renewable sources	Internal Report
	Reduce carbon emissions from Council operations	Internal Report
	Proportion of Council passenger vehicle fleet is electric, hybrid or uses alternate fuel sources	Internal Report
	New public electric vehicle charging stations operational	Internal Report
		Target
		≥ 95 per cent
		≥ 10 per cent decrease from the previous year
		≥ 20 per cent
		≥5 council owned stations

Strategy	2023-24 Actions	Business Unit
3.2 Sustainable land use practices are used to manage council land to protect biodiversity and to provide education and incentives to support the management of private land	3.2.1 Improve the health of local waterways and wetlands through the use of water sensitive urban design to treat urban stormwater	Sustainability and Waste Minimisation Community Facilities and Open Space
	3.2.2 Develop and implement suitable plans and practices for managing storm water in priority areas including new urban development	Community Facilities and Open Space Assets and Planning Planning Works
	3.2.3 Preserve and restore local biodiversity values and seek partner and stakeholder input	Sustainability and Waste Community Facilities and Open Space
	3.2.4 Manage roadside weeds and vegetation	Works
	3.2.5 Develop an Encroachment Policy and supporting processes to protect and preserve the open space values of Council land	Community Facilities and Open Space
	Strategic Indicators	Source Target
	Kilometres of regionally controlled and prohibited weeds treated on roadsides	Internal Report ≥ 200 km per annum
	Community satisfaction with slashing and weed control	Community Satisfaction Survey ≥ Large Rural Council average
	A baseline for the quality and quantity of land being managed for 'at risk' habitat, biodiversity purposes, and community safety on Council and private land	Baseline to be developed Year 3

Strategy	2023-24 Actions	Business Unit	
3.3 Natural values on key Council land are managed and enhanced	3.3.1 Identify key Council land and develop management plans for these sites	Community Facilities and Open Space Works	
	3.3.2 Review the Infrastructure Design Manual with the view for Council to adopt and apply the Environmentally Sustainable Design principles to new development	Sustainability and Waste Minimisation	
	Strategic Indicators	Source	Target
	Total investment in Council managed land to support natural areas	Internal Report	≥ \$1,710,000 (2020-21 baseline)
	Number of management plans developed	Internal Report	≥ 5

Strategy	2023-24 Actions	Business Unit
3.4 Environmentally and financially sustainable practices reduce waste going to landfill	3.4.1 Reduce waste going to landfill through the implementation of actions identified in the Waste Minimisation Action Plan – year 2 actions. including developing and implementing waste education programs for key areas of waste reduction	Sustainability and Waste Economic Development and Tourism
	3.4.2 Review waste and recycling services to respond to changing regulations and needs of our community	Sustainability and Waste
	3.4.3 Major initiative 6 Complete design and progress development of organic waste processing facility at Bairnsdale Landfill	Sustainability and Waste
	Strategic Indicators	Source
	Kerbside collection waste diverted from landfill	LGPRF
	Community satisfaction with waste management	Community Satisfaction Survey
	Number of community waste education programs delivered	Internal Report
	Number of new waste types collected as recycling	Internal Report
	Proportion of recycled content in construction projects on Council assets	Internal Report
		Target
		≥ 52 per cent
		≥ Large Rural Council average
		≥ Five programs per annum
		≥ Two new waste streams
		≥ 10 per cent of recycled content in all construction projects

Strategic Objective 4: A thriving economy with a diverse industry base and a skilled workforce, that attracts investment and generates inclusive local employment

Strategy	2023-24 Actions	Business Unit
4.1 Leadership enables economic prosperity, investment, recovery, resilience and growth	4.1.1 Support businesses to be emerging leaders in climate change adaption and assist businesses to transition toward greater resilience	Economic Development and Tourism Sustainability and Waste
	Strategic Indicators	Source Target
	Percentage of actions implemented from the Economic Development Strategy Action Plan 2022-26	Internal report ≥ 80% of calendar year 1 actions

Strategy	2023-24 Actions	Business Unit
4.2 Collaboration amongst key partners is facilitated to improve pathways for education and skills training	4.2.1 Engage young people, youth organisations, training organisations and social enterprises to understand and address barriers to training and employment	Economic Development and Tourism Community Programs and Engagement
	Strategic Indicators	Source Target
	Report prepared on barriers to training and employment	Internal Report prepared

Strategy	2023-24 Actions	Business Unit
4.3 Council's work with stakeholders fosters entrepreneurship and new business opportunities, particularly with communities facing change	4.3.1 Evaluate and expand Council's entrepreneurship programs to identify, foster and promote emerging business opportunities and new investors	Economic Development and Tourism
	4.3.2 Support the development and implementation of Local Development Strategies for communities impacted by changes in the native timber industry	Economic Development and Tourism
	Strategic Indicators	Source Target
	Number of businesses that participate in Council run programs delivered to support business growth	Internal Report ≥ 300 businesses per annum

Strategy	2023-24 Actions	Business Unit
4.4 Targeted information and streamlined approvals and processes make it easier for business to invest	4.4.1 Streamline development and business approval processes and strengthen customer information and services for investors.	Planning Economic Development and Tourism Regulatory Services Customer Experience
	Strategic Indicators	Source
	Council processing time for events and business permits and registrations.	Internal Report
		Goods on footpath: < 8 days Trading permits: < 6 days Domestic animal business registration: < 6 days
	Community satisfaction with planning and building permits	Community Satisfaction Survey
	Statutory Planning applications decided within required time frames	Planning Permit Activity Reporting System
	Average time taken to decide Statutory Planning applications	Planning Permit Activity Reporting System

Strategy	2023-24 Actions	Business Unit
4.5 Tourism sector investment is sought in business capability, product development and experience to meet the changing needs of domestic and international markets	4.5.1 Implement the <i>Pathways to Growth</i> program from the Tourism Events Action Plan 2022-26	Economic Development and Tourism
	4.5.2 Plan, deliver and support major project development that enhance the amenity of our towns, improve the visitor experience and facilitate new business investment	Assets and Projects Community Facilities and Open Space Economic Development and Tourism
	4.5.3 Complete construction of Omeo MTB trail, deliver operational model and support Omeo region to realise the benefits of the new infrastructure.	Assets and Projects Council Enterprises Economic Development and Tourism Council Enterprises
	4.5.4 Complete feasibility study into the establishment of an Arts Precinct in Bairnsdale	Community Facilities and Open Space
	Strategic Indicators	Source Target
	Number of signature events participating in Pathways to Growth	Internal report ≥ 4
	Number of tourism events held during the low and shoulder season periods	Internal Report ≥ 30 events per annum

Strategy	2023-24 Actions	Business Unit
4.6 East Gippsland's natural strengths in agriculture and natural resource-based industries are enhanced to increase value, employment, sustainability and resilience	4.6.1 Support enhanced agribusiness, productivity and resilience through a range of programs	Economic Development and Tourism
	Strategic Indicators	Source Target
	Number of members of the farming community engaged in Council supported programs	Internal report 100 farm businesses engaged in programs

Strategic Objective 5: A transparent organisation that listens and delivers effective,engaging and responsive services

Strategy	2023-24 Actions	Business Unit
5.1 A better everyday customer experience is created for our residents and visitors	5.1.1 Undertake customer interaction surveys to inform the development of service improvement plans	Customer Experience and Communications
	5.1.2 Utilise a range of online tools to engage electronically including websites, Your Say, and social media	Organisation wide
	Strategic Indicator	Source Target
	Community satisfaction with customer service	Community Satisfaction Survey ≥ Large Rural Council average
	Number of visitors to key websites, social media and Your Say pages	Internal report Measurable growth in interaction in all mediums

Strategy	2023-24 Actions	Business Unit
5.2 Strong relationships with government, partners and stakeholders are maintained and strengthened to advocate for the community	5.2.1 Actively participate in networks, forums and alliances to advocate for the Shire and regional community issues and priorities	Office of CEO
	5.2.2 Actively undertake and promote the advocacy work of the Council	Customer Experience and Communications
	Strategic Indicator	Source Target
	Community satisfaction with advocacy lobbying on behalf of the community	Community Satisfaction Survey ≥ Large Rural Council average

Strategy	2023-24 Actions	Business Unit
5.3 Communities are engaged in decision-making and support is provided to develop local solutions to local issues	5.3.1 Review and strengthen Council's community engagement approach and capacity	Community Programs and Engagement
	5.3.2 Refresh Council's place-based approach to planning and engagement to ensure it is fit for purpose	Community Programs and Engagement
	5.3.3 Incorporate community engagement into the development and delivery of all major strategies and projects	Organisation wide
	Strategic Indicators	Source
	Community satisfaction with community consultation and engagement	Community Satisfaction Survey
	Community satisfaction with making community decisions	Community Satisfaction Survey
	Community satisfaction with informing the community	Community Satisfaction Survey
		Target
		≥ Large Rural Council average
		≥ Large Rural Council average
		≥ Large Rural Council average

Strategy	2023-24 Actions	Business Unit
5.4 Continuous improvement systems are strengthened, and organisational efficiency enhanced	5.4.1 Undertake an organisational capability review	Office of the CEO
	5.4.2 Fit for purpose technology is implemented, including enhanced mobility and document management solutions	ICT
	5.4.3 Major Initiative 7 Develop a new Information Communication and Technology strategy	ICT
	5.4.4 Finalise road safety strategy and implement	Works
	5.4.5 Rollout the Asset Management System to priority business units.	Assets and Projects
	Strategic Indicators	Source Target
	Number of service reviews and continuous improvement initiatives undertaken	Internal Report ≥ Two reviews per annum
	Permanent workforce has access to mobile technology	Internal Report ≥ 70 per cent
	Information Communication and Technology Strategy adopted by Council	Internal 30 June 2024
Strategy	2023-24 Actions	Business Unit
5.5 Resources are managed to meet current and future needs and priorities	5.5.1 Review the 10 Year Financial Plan annually	Finance
	5.5.2 Review the Capital Program and provide quarterly reports to Council	Assets and Projects
	Strategic Indicator	Source Target
	Assess financial sustainability using Victorian Auditor-General's Office ratings	Audited Financial Statements Achieve an average low risk rating over the 10 Year Financial Plan

Strategy	2023-24 Actions	Business Unit
5.6 Council attracts, develops, and retains an inclusive workforce to deliver services and priorities	5.6.1 Major initiative 8 – Adopt and implement the organisation's Occupational Health and Safety Management System.	Governance
	5.6.2 Implement actions from the Workforce Plan 2021-25	People and Capability
	5.6.3 Deliver actions from the Gender Equality Action Plan	Organisation Development
	Strategic Indicator	Source Target
	The percentage of actions implemented from the Workforce Plan 2021-25	Internal Report ≥ 80 per cent
	Unplanned staff turnover rate	Internal report ≤ Rural Councils State average

Contact us

Telephone

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Web www.eastgippsland.vic.gov.au

Email feedback@egipps.vic.gov.au

In person

Bairnsdale: 273 Main Street

Lakes Entrance: 18 Mechanics Street

Mallacoota: 70 Maurice Avenue

Omeo: 179 Day Avenue

Orbost: 1 Ruskin Street

Paynesville: 55 The Esplanade

Outreach Centres

Bendoc Outreach Centre: 18 Dowling Street

Buchan Resource Centre: 6 Centre Road

Cann River Community Centre: Princes Highway

5.3.3 Municipal Association of Victoria October 2023 State Council Meeting Motions

Authorised by Acting General Manager Business Excellence

Conflict of Interest

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

Executive Summary

The purpose of this report is for Council to decide on the motion/s to be presented to the Municipal Association of Victoria (MAV) State Council meeting, which will be held on 13 October 2023.

Council has identified two motions for consideration for submission as potential motions for the State Council meeting that are consistent with the MAV's Strategy 2021-25. The proposed motions are:

- That the MAV calls on State Government to lead, coordinate and resource the amendment of planning schemes to include updated flood mapping in a coordinated State-wide approach, as provided at **Attachment 1**; and
- That the MAV calls on the Victorian Government to take responsibility for the provision of adequate parking, playing fields, open space, and other infrastructure that support public schools, including requiring the Victorian School Building Authority to seek planning approval for new schools and school expansions, as provided at **Attachment 2**.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. approves the submission of the two proposed motions, as provided at Attachment 1 and Attachment 2, to the Municipal Association of Victoria for consideration to be included in the agenda for the State Council Meeting to be held on 13 October 2023.***

Background

MAV will be holding the next State Council Meeting on Friday 13 October 2023, at the Sofitel Melbourne on Collins. MAV is seeking submissions for motions for consideration by the State Council Meeting. Final motions for consideration at the MAV State Council meeting are to be submitted by Monday 14 August 2023. Councils have until Wednesday 30 August 2023 to amend their motion/s.

In considering potential motions, Councils are asked to keep in mind the parameters within which the MAV requires motions for State Council Meeting to be framed. In submitting a motion/s, Councils need to confirm:

- the motion has been the subject of a Council resolution;
- whether the motion or item is of strategic relevance to the MAV or of such significance to local government that it ought to be considered at the meeting; and
- the motion is not repetitive in form or substance of a motion or item considered at the most recently held meeting of the State Council.

The MAV Strategy Plan 2021-25 identifies six priority themes:

- Economically sound Councils.
- Healthy, diverse and thriving communities.
- Well-planned, connected and resilient built environment.
- Changing climate and circular economy.
- Sector capability and good governance.
- Effective and responsive MAV.

The following issues have been identified as potential motions for East Gippsland Shire Council to present to the MAV State Council:

- State Government leadership in planning scheme amendments to incorporate updated flood mapping, as provided at **Attachment 1**; and
- Victorian Government Responsibility for Education Related Infrastructure, as provided at **Attachment 2**.

These proposed motions each have state-wide significance and relate to one of the sector priority issues in the MAV Strategy 2021-25.

These motions can be adopted by Council in preparation for the MAV State Council meeting in October 2023.

Legislation

As of 1 July 2021, all provisions in 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 *Municipal Association Act* 1907 provides for the operation of the Municipal Association of Victoria.

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

Collaborative procurement

This report does not involve collaborative procurement.

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.

Council Policy

There are no Council policies applicable to this report.

Options

MAV holds two State Council meetings each year. Councils are invited to provide motions for consideration for each meeting. Council may decide to support or not support all motions for submission to the MAV State Council meeting or delay any motion to be submitted to a future meeting.

Resourcing

Financial

This report does not have financial implications.

Plant and equipment

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

Human Resources

There are no implications for human resources.

Risk

There is a risk that the proposed motions will not be adopted at the MAV State Council meeting.

Economic

There may be economic benefits to the Shire if draft Motion 1 is able to be progressed.

Social

There may be safety benefits to the community if one or both Motions are able to be progressed.

Environmental

There may be environmental benefits to the Shire if draft Motion 1 is able to be progressed.

Climate change

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

Attachments

1. Draft Municipal Association of Victoria Motion 1 **[5.3.3.1 - 1 page]**
2. Draft Municipal Association of Victoria Motion 2 **[5.3.3.2 - 1 page]**

East Gippsland Shire Council
Draft Motion for MAV State Council Meeting
13 October 2023

Name of Motion: State Government leadership in planning scheme amendments to incorporate updated flood mapping

Motion: That the MAV calls on State Government to lead, coordinate and resource the amendment of planning schemes to include updated flood mapping in a coordinated State-wide approach.

Rationale: Recent events including the 2022 flooding events have demonstrated the need to review and update flood mapping within planning schemes.

This is also the case in East Gippsland and other coastal councils where sea level rise contributes to flooding risks through coastal inundation. Updating flood mapping is a technical process where there is limited opportunity to take into account changes to respond to community views.

Management of flood risk is a state-wide issue requiring a state-wide planning policy approach. Differing community views in relation to local planning policy may create significant challenges for individual local governments seeking to respond to those views while consistently implementing State policy.

The inclusion of updated flood mapping is analogous to the implementation of the Bushfire Management Overlay which was implemented through a streamlined Minister-led planning scheme amendment. It is appropriate that updated flood mapping be implemented in a similar, streamlined and coordinated manner.

Relevance to [MAV Strategy 2021-25](#) priorities themes (nominate relevant priority):

MAV Strategy 2021-25 Priority	Develop strategic partnerships
1. Economically sound councils	
2. Healthy, diverse and thriving communities	
3. Well-planned, connected and resilient built environment	✓
4. Changing climate and circular economy	
5. Sector capability and good governance	
6. Effective and responsive MAV	

**East Gippsland Shire Council
Draft Motion for MAV State Council Meeting
13 October 2023**

Name of Motion: Victorian Government Responsibility for Education Related Infrastructure

Motion: That the MAV calls on the Victorian Government to take responsibility for the provision of adequate parking, playing fields, open space, and other infrastructure that support public schools, including requiring the Victorian School Building Authority to seek planning approval for new schools and school expansions.

Rationale: Council acknowledges that education facilities, and schools in particular, are a crucial part of the social fabric of communities and fulfill an important function. This motion is not designed to restrict the development of new schools or expansion of schools, but rather to place the financial burden of providing the support infrastructure such as parking and playing fields with the Victorian government.

At present State schools do not require local planning approval for their facilities (unlike private schools). Therefore, there are numerous examples of schools being developed without sufficient parking, school drop-off areas, playing fields and other support infrastructure. This often leads to pedestrian safety issues, parking congestion and the need to use off-site facilities without the prior planning for such use. This leads to expectations in the school family and broader community that councils will 'fix' the problem, often at an extensive cost to the relevant council.

Requiring planning approval for these developments would bring the approvals in line with the expectations placed on private education providers. It would also allow for the development of agreed approaches to parking, sharing off-site (council) facilities, and an assurance the design of parking and traffic circulation meet road safety requirements.

A collaborative approach during the design phase and the requirement for a planning permit application which is subject to the normal development requirements, would ensure that issues of congestion or undersupply of support infrastructure are identified and addressed in the planning phase, rather than through costly interventions once built.

Relevance to [MAV Strategy 2021-25](#) priorities themes (nominate relevant priority):

MAV Strategy 2021-25 Priority	Develop strategic partnerships
1. Economically sound councils	
2. Healthy, diverse and thriving communities	
3. Well-planned, connected and resilient built environment	✓
4. Changing climate and circular economy	
5. Sector capability and good governance	
6. Effective and responsive MAV	

5.3.4 Adoption of Internal Audit Plan 2023-26

Authorised by Acting General Manager Business Excellence

Conflict of Interest

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

Executive Summary

The purpose of this report is to present the draft Internal Audit Plan 2023-26 (Plan), provided at **Attachment 1**, to Council for endorsement.

In accordance with its Charter, the Audit and Risk Committee (the Committee) is responsible for preparing a draft three to five-year Internal Audit Plan.

Development of the draft Plan has been informed by a review of Council's current and past Internal Audit Plans, Council's risk register, emerging issues reports generated by Crowe Australasia, Integrity Agency reports, and through consultation with Council Officers and the Executive Leadership Team (ELT).

A total of four potential internal audit areas have been included for each of the three years.

The Committee endorsed the draft Plan to be presented to Council for adoption at its meeting held on 31 May 2023.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. Adopts the Internal Audit Plan 2023-26, as provided at Attachment 1;***
- 3. notes that the Internal Audit Plan 2023-26 will be reviewed annually; and***
- 4. authorises the Chief Executive Officer to approve changes to the proposed audit timings.***

Background

Section 1.6(g) of the Committee's Charter and Duties, notes that the Committee will, in consultation with the internal auditor and management, through a process of mapping against Council's risk registers:

- prepare a draft three to five-year internal audit plan for consideration by Council;
- make a recommendation to Council on any amendments; and
- review internal audit reports and monitor progress on actions required to achieve rectification of any identified issues.

Development of the draft Plan has been informed by a review of Council's current and past internal audit plans, Council's risk register, emerging issues reports generated by Crowe Australasia, Integrity Agency reports, and in consultation with Council Officers and the ELT.

A total of four potential internal audit areas have been included for each of the three years.

The draft Plan was presented to the Committee for consideration and feedback at the meeting held on 20 February 2023. It was re-presented to the Committee at its meeting held on 31 May 2023 for endorsement to be presented to Council.

Further, the draft Plan aligns to the Committee's Charter and objectives noting that the Committee's primary role is to provide oversight, advice, and guidance on Council's frameworks, systems and controls relating to:

- legislative and good governance compliance;
- financial and performance reporting;
- risk management with a focus on strategic risk; and
- internal and external audit.

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 to this report.

Council Plan

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

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

Council Policy

The Committee Charter, adopted by Council in August 2022, sets out the role and responsibilities of the Committee. The requirement to prepare a draft three to five-year Internal Audit Plan is outlined in clause 1.6(g).

Resourcing

Financial

The draft Plan has no financial implication in and of itself. The cost for the provision of internal audit services is factored into each annual Budget.

Plant and equipment

Not applicable to this report.

Human Resources

Once endorsed, Council officers across all directorates will be required to assist the contractor with delivery of the Plan. This will be achieved within existing human resourcing levels.

Risk

The draft Plan has been developed through a process of mapping against Council's Strategic Risk Register.

Economic

Not applicable to this report.

Social

Not applicable to this report.

Gender Impact Statement

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

Environmental

Not applicable to this report.

Climate change

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

Engagement

The draft Plan has been subject to extensive consultation with the Committee, Council Officers, and the ELT.

Attachments

1. Draft Internal Audit Plan 2023-26 [**5.3.4.1** - 3 pages]

Internal Audit Plan 2023-26

Audit Scope / Area	Proposed Audit Timing	Rationale for Inclusion
Procurement: <ul style="list-style-type: none"> - Above and below tender threshold practices - Cumulative spend compliance - Fair and equitable use of panel members - Training - Record Management 	2023/24	Procurement is a critical area of enterprise corporate governance strongly steeped in compliance requirements. As such it is recommended that various areas of Procurement practice are reviewed annually. Yarriambiack Local Government Inspectorate Report.pdf
Council Governance: <ul style="list-style-type: none"> - Election Process - Personal Interest Returns - Gifts and Donations - Councillor Expenses and Allowances - Code of Conduct - Training and Support 	2023/24	Prompted by outcomes from investigation by the Local Government Inspectorate of the following Councils in relation to election processes: Melbourne City Council Melbourne City Council elections review 23 June 21.pdf Wyndham City Council Wyndham City Council Election Process Review Nov 17.pdf Prompted by outcomes from investigation (2016-20) of 650 Councillors at 78 Councils by the Local Government Inspectorate Personal Interests Returns Encouraging Disclosure and Increasing Transparency Oct 21.pdf Crowe Emerging Issues Report (April-June 2022) Local Government Cultural Project Insights Report prompting Councils to review support, training and education provided to Councillors and Mayors. This insights report identified culture and conduct issues the Local Government sector is currently facing to be: <ul style="list-style-type: none"> ▪ Leadership experience and capability - A lack of leadership experience and capability may be preventing some councils from effectively working together to achieve community-based goals. ▪ Councillor journey - Councillors need to be supported throughout their journey to ensure they understand and can perform their duties especially in the social media age. ▪ Early intervention and effective dispute resolution - Early intervention and effective dispute resolution mechanisms are critical in resolving conflict and preventing the escalation of poor behaviour. Councillor Expenses and Allowances Report.pdf
People Management <ul style="list-style-type: none"> - Vacancy Management - Succession Planning - Recruitment - Panel Training 	2023/24	Council's 2022/23 strategic risk register confirms that this is an area of significant review and development. The purpose of this internal audit would be to analyse the effectiveness of systems / processes implemented in the 2022/23 and 2023/24 financial years. MAV Local Government Workforce Skills Report 2018.pdf
Climate Change (if not undertaken in 2022/23)	2023/24	Climate Change Risk - poses a challenge for Australia, affecting its society, economy, and natural environment. Climate change risk will impact organisations in all sectors either because of their own operations or because it impacts suppliers, customers, and other stakeholders. For these reasons, directors should consider the impact of climate change on their organisation. Flagged through an emerging issue report from Crowe Publication (April-June 2022) by Governance Institute of Australia
Community Engagement – compliance with <i>Local Government Act 2020</i> ("the Act"), Section 56 requirements. Scope to cover application of Council's community engagement policy in the development of the following: <ul style="list-style-type: none"> - Planning and financial management - Community vision - Council plan - Financial plan 	2024/25	"The Act" has at its core, the aim of ensuring all Victorians can engage with their council on local priorities and the future of their community. The purpose of the internal audit would be to review Council's approach to deliberative engagement i.e., whether there is good evidence to confirm, Council's community engagement is authentic; is a good representation of the community in engagement activities; demonstrates evidence that all views have been considered; is accessible and relevant; and is transparent. Victoria State Government - Council Governance and Integrity - A Principles based Act.pdf
Public Interest Disclosure – Reporting Corruption and Misconduct - Council's process for: <ul style="list-style-type: none"> - Receiving - Record Keeping and Confidentiality - Investigating - Undertaking Corrective Action - Reporting - Training 	2024/25	There is an opportunity for Council to confirm that processes align to best practice. IBAC Local Government Integrity Frameworks Review.pdf IBAC Public Interest Disclosures.pdf
Procurement: <ul style="list-style-type: none"> - Policy - Procedure - Tender Process - Record Management 	2024/25	Procurement is a critical area of enterprise corporate governance strongly steeped in compliance requirements. As such it is recommended that various areas of Procurement practice are reviewed annually. Yarriambiack Local Government Inspectorate Report.pdf
CAPEX / Project Management Processes:	2024/25	Joint State-Local Government Forum – 7 December 2022 Insights from VAGO Audits <ul style="list-style-type: none"> - VAGO advised of opportunities for Councils to re-prioritise their projects and strengthen the relationship between their finance and asset management and engineering teams.

Internal Audit Plan 2023-26

Audit Scope / Area	Proposed Audit Timing	Rationale for Inclusion
Legislative Compliance and Review of Council Practice: Instruments of Delegation Compliance Governance Schedule / Council's Statutory Requirements, Roles, and Responsibilities Delegated Committee Instruments of Delegation* Staff Training	2025/26	Prompted by outcomes from review of Yarriambiack Shire Council by the Local Government Inspectorate (2018-19) following an anonymous complaint. Refer to Report findings link below: Yarriambiack Local Government Inspectorate Report.pdf * If established
Procurement / Contract Management: <ul style="list-style-type: none"> - Conflict of Interest Policy - Panel Contractors - Staff Training - Conflict of Interest Register - Sub-Contractor Arrangements - Confidentiality - Record Management 	2025/26	Procurement is a critical area of enterprise corporate governance strongly steeped in compliance requirements. As such it is recommended that various areas of Procurement practice are reviewed annually. IBAC's Operation Geary was an investigation of allegations that two local council employees were favourably allocating civil works contracts to a company owned by the relative of one of the employees. In March 2019, IBAC received a notification from a metropolitan council under section 57 of the <i>Independent Broad-based Anti-Corruption Commission Act 2011</i> alleging that two Council employees were favourably allocating civil works contracts to a panel contractor, a company owned by the relative of one of the employees (Employee A). IBAC Investigation Summary - Operation Geary.pdf
Fraud Control – Local Government Grants: <ul style="list-style-type: none"> - Grant Management Policy - Grants Register - Conflict of Interest - Decision Making Governance 	2025/26	In 2020-21, Victorian councils distributed >\$45 million in grants to individuals, businesses, and community groups. It is important that councils have effective controls for their grant programs to prevent fraud and give their communities confidence that public money is spent as intended. VAGO Fraud Control Over Local Government Grants Report.pdf Prompted by outcomes from review of Yarriambiack Shire Council by the Local Government Inspectorate (2018-19) following an anonymous complaint. Refer to Report findings link below: Yarriambiack Local Government Inspectorate Report.pdf Crowe Emerging Issues Report (April-June 2022) Fraud Control Over Local Government Grants. This report concluded that Council's grant programs are not always well designed and operating as intended. Councils are not consistently identifying conflicts of interest, assessing applications against criteria, documenting decisions, checking how funds are used or evaluating their grant programs' outcomes. This increases the risk of fraud and makes it hard for councils to demonstrate that their grants programs are transparent, equitable and benefit the community.
Complaint Management: <ul style="list-style-type: none"> - Complaint Management Policy - Response Times - Community Satisfaction - Staff Training - Corporate Record Keeping - Child Safe Complaint Management Process (refer to draft Child Safe Audit findings from Dec 22 yet to be confirmed) 	2025/26	Councils and complaints - A report on current practices and issues Date posted: 24 Feb 2015 – Victorian Ombudsman. This enquiry was launched in 2014 when staff in my office identified that one of the main causes of complaints against local councils was the way those councils dealt with complaints. All too often complaints were seen as a nuisance, or provoked a defensive, bureaucratic, or unhelpful response. Yet complaints are one of the most valuable sources of data available to councils. They represent free feedback about services and, if used effectively, are a catalyst for service improvement. Good complaint handling increases confidence in public administration. On the other hand, mishandled complaints can carry a high potential cost – both financial and reputational. Victorian Ombudsman Report 2015 Council Complaints Processes.pdf

Internal Audit Plan 2023-26

Suggestions for future years or in addition to existing years at extra cost

Audit Scope / Area	Proposed Audit Timing	Rationale for Inclusion
Protecting Integrity and Community Interests: Assets and Resource Management <ul style="list-style-type: none"> - Sale of Consumables - Use of Council-owned Equipment - Leasing and Sale of Assets - Asset Register 	TBD	<p>Prompted by outcomes from review of Yarriambiack Shire Council by the Local Government Inspectorate (2018-19) following an anonymous complaint. Refer to Report findings link below:</p> <p>Yarriambiack Local Government Inspectorate Report.pdf</p> <p>Emerging Issues Report from CROWE (April-June 2022) ACFE Report to the Nations - Occupational Fraud 2022: There are 3 primary categories of occupational fraud:</p> <ol style="list-style-type: none"> 1. Asset misappropriation (e.g., theft, misuse of assets) 2. Corruption (undeclared conflicts, bribery) 3. Financial statement fraud (concealing liabilities, overstating revenues) <p>Asset misappropriation schemes are the most common (86% of cases), but the least costly (\$100K median loss). Financial statement frauds are the least common (9% of cases), but the costliest (\$593K median loss).</p> <p>Personal Interests Returns Encouraging Disclosure and Increasing Transparency Oct 21.pdf</p>
Cyber Security: <ul style="list-style-type: none"> - Security controls - Risk assessment of third-party service providers - Personally identifiable information (PII) 	TBD	<p>CROWE Emerging Issues Report (April-June 2022) - Cyber Controls. Deakin university revealed a data breach impacting almost 47,000 current and past students, along with a 'smishing' attempt that compromised a legitimate communications channel to target 10,000 current students.</p> <p>This attack was outlined to be a targeted cyber-attack where a single staff member's login credentials were compromised. The credential allowed the attacker to 'access information held by third party provider that Deakin uses to forward messages prepared by the university to students via SMS.'</p> <p>The 'smish' was a parcel delivery scam that directed students to a webform that sought additional information such as a payment card, to free a fake parcel from customs.</p> <p>The attacker was able to access details such as student name, student ID, student mobile number and Deakin email address.</p> <p>itnews - Deakin University reveals breach of 47000 student details.pdf</p> <p>Organisations should review cyber security controls, including assessing and managing risks associated with third party services providers.</p> <p>Security protocols need to be enhanced to protect personally identifiable information (PII).</p>
CCTV Practice – review of Council's process as it relates to privacy / confidentiality / information access / community engagement / governance / record management	TBD	<p>As CCTV records kept by Victorian Government agencies are public records, agencies must ensure their record keeping practices around CCTV records comply with Public Record Office Victoria (PROV) Standards. There is an opportunity to ensure that Council's processes and practice align to the Victorian Ombudsman's Guidelines for developing Closed Circuit Television policies for Victorian Public Sector Bodies.</p> <p>Public Record Office Victoria CCTV Records.pdf</p> <p>CROWE Emerging Issues Report (April – June 2022) on Guiding Principles for Surveillance. Organisations that use surveillance to collect personal information have various obligations under the Privacy and Data Protection Act 2014 (PDP Act) and the Information Privacy Principles (IPPs).</p> <p>Surveillance can include, but is not limited to, the use of CCTV, remote invigilator software, artificial intelligence, tracking of employee logins and activity irrespective of the purpose of the data collection or analysis.</p> <p>The Guiding Principles for Surveillance and accompanying checklist should be used by any Victorian public sector organisation that monitors or analyses personal information or data.</p> <p>OVIC Guiding Principles for Surveillance.pdf</p>
Social Media, Information Security and Security Culture: <ul style="list-style-type: none"> - Social Media Policy - Internal Controls for Social Media Accounts - Information Security Manual Corporate Training	TBD	<p>CROWE Emerging Issues Report (April-June 2022) social media and messaging apps pose risks to the security and privacy of organisations and individuals. This guidance provides an overview of those risks along with recommendations for businesses to assist in securing social media accounts and securing the use of mobile apps.</p> <p>Crowe Publication of Interest (April - June 2022) Awaiting Management Comments.docx</p> <p>Further, the Australian Cyber Security Centre (ACSC) produces the <i>Information Security Manual</i> (ISM).</p> <p>The purpose of the ISM is to outline a cyber security framework that organisations can apply, using their risk management framework, to protect their information and systems from cyber threats. The ISM is intended for Chief Information Security Officers, Chief Information Officers, cyber security professionals and information technology managers.</p> <p>ISM Manual.pdf</p> <p>With phishing being one of the biggest cyber-attacks, human error still is the weakest link in the security landscape. This article outlines the pillars of a security culture to be:</p> <ol style="list-style-type: none"> 1. Frame of mind - Employees must have the correct frame of mind when it comes to security. What do they believe their obligations are in this area? 2. Impact - Team members need to be aware of the real impact of not fulfilling their obligations. 3. Awareness - What is the employees understanding and awareness of the specific cyberthreats that the organisation faces? 4. Knowledge - Employees must know why they must take precautions and follow protocols. 5. Internal communication - Protocols, risks, security policies, suspicious links, passwords must be taught effectively. 6. Rules - Organisations need a set of rules that each team members must follow to demonstrate a culture of security. <p>Australian Cyber Security Magazine - Security Culture article.pdf</p>
Commercial Activities: <ul style="list-style-type: none"> - Booking Processes - Essential Safety Measures - Resourcing and Training Scope: Leisure Centres, Forge Creek Theatre, Livestock Exchange	TBD	<p>This proposed audit would focus on both the financial elements, community engagement i.e., community needs being met, as well as building services in terms of essential safety measures, and staff training and resourcing.</p> <p>MAV Local Government Workforce Skills Report 2018.pdf</p>
Health and Economic Stimulus: <ul style="list-style-type: none"> - Community support and take-up of Council promotional activities - What has worked and what has not - Future requirements 	TBD	<p>CROWE Emerging Issues (April-June 2022). This report highlights that since the COVID-19 pandemic hit NSW in January 2022 to 30 June 2021, \$7.5 billion was spent by the state government agencies for health and economic stimulus. The COVID-19 pandemic significantly impacted the financial performance and position of state government agencies.</p> <p>AuditOffice of NSW COVID 19 response recovery and impact - 20 May 2022.pdf</p>

6 Urgent Business

7 Confidential Business

Nil

8 Close of Meeting