



Council Meeting Agenda

Tuesday 5 September 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 Bidawel people as the Traditional Custodians of this land that encompasses East Gippsland Shire, and their enduring relationship with country. The Traditional Custodians have cared and nurtured East Gippsland for tens of thousands of years.

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

Council information

East Gippsland Shire Council live streams, records and publishes its meetings via webcasting (youtube.com/c/EastGippyTV) 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.

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1 Procedural

1.1 Recognition of Traditional Custodians

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

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1.2 Apologies

Cr Mark Reeves Mayor
Cr Jane Greacen OAM
Cr Trevor Stow

1.3 Declaration of Conflict of Interest

1.4 Confirmation of Minutes

That the minutes of the Council Meeting Tuesday 15 August 2023 be confirmed.

1.5 Next Meeting

The next Council Meeting is scheduled to be held on Tuesday 26 September 2023 at the Corporate Centre, 273 Main Street Bairnsdale commencing at 6.00pm.

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 to be tabled

In accordance with section 54(5)(b) of the *Local Government Act 2020*, a copy of the Audit and Risk Committee Biannual Report is to be tabled and subsequently recorded in the minutes of the meeting.

Attachments

1. Audit and Risk Committee Biannual Report - January to June 2023 [1.8.1.1 - 5 pages]



Audit and Risk Committee

Biannual Report

January to June 2023



Introduction

East Gippsland Shire Council (Council) is required to establish an Audit and Risk Committee (the Committee) under section 53(1) of the *Local Government Act 2020* (the Act).

Additionally, section 54(1) of the Act requires councils to prepare and approve a Committee Charter (the Charter) which specifies the Committee's objectives, authority, composition, tenure, roles and responsibilities along with reporting, administrative and governance arrangements. The current Charter was adopted by Council 16 August 2022.

Section 54(5)(a) of the Act also requires the Committee to prepare a biannual audit and risk report that describes its activities, findings and recommendations. A copy of this report must also be provided to the Chief Executive Officer (CEO) for tabling at the next practicable Council meeting.

This Report outlines the activities of the Committee for the reporting period (January to June 2023).

Membership and Meetings

Committee membership comprises four Independent Members appointed by Council and three Councillors. In accordance with section 53(4) of the Act the Chair of the Committee must be an Independent Member.

During the current reporting period, one new Independent Member commenced, and one Independent Member resigned from their position on the Committee. Accordingly, the recruitment process to appoint a new Independent Member commenced.

The Committee met two times during the reporting period:

Date	Meeting Type	Attendance
20 February 2023	Ordinary Committee Meeting	4 Independent Members 3 Councillors
31 May 2023	Ordinary Committee Meeting	3 Independent Members 3 Councillors

In accordance with the Charter, an ordinary meeting is held once each quarter and a joint meeting with Councillors is held annually in September to discuss:

- Council's audited draft financial report and performance statement; and
- the Committee's self-assessed performance evaluation for the previous financial year.

As detailed in the Charter, a quorum will exist if four (4) or more Committee Members are present, and the number of external Independent Members present is equal to or greater than the number of Councillor members.

Meetings during the reporting period complied with quorum requirements.

The meeting agenda is driven by the Committee's Annual Work Program, which was formally endorsed at the meeting held 20 February 2023. The matters from the Annual Work Program considered by the Committee at each meeting are provided in **Table 1**.



TABLE 1

Audit and Risk Committee Annual Work Program 2023		20 February 2023		31 May 2023	
Reports	Source	Planned	Actual	Planned	Actual
Officer Reports					
Quarterly Finance Report	LGA 54(2)(b) / Charter 1.2	✓	✓	✓	✓
Quarterly Capital Works and Major Projects Report	Not Defined	✓	✓	✓	✓
Quarterly Councillors' Expenses Report	Charter 1.6(l)	✓	✓	✓	✓
Quarterly Strategic Risk Management Report (Including Risk Registers)	Charter 1.6(c)	✓	✓	✓	✓
Quarterly Occupational Health and Safety Report	Not Defined	✓	✓	✓	✓
Quarterly Major Insurance and Legal Claims Report	Charter 1.6(h)	✓	✓	✓	✓
Annual LGPRF Report	Charter 1.6(e)			✓	✓
Service Reviews - Implementation of Recommendations	CEO KPI	✓	✓		
Audit Matters					
Internal Audit Plan Progress Update	Charter 1.6(g)	✓	✓	✓	✓
Internal Audit Recommendations - Actions Update Report	Charter 1.6(g)	✓	✓	✓	✓
Internal Audit Reports (as required)	Charter 1.6(g)	✓	x		
Internal Audit Plan (Draft 3-5 Year Plan)	Charter 1.6(g)	✓	✓	✓	✓



Audit and Risk Committee Annual Work Program 2023		20 February 2023		31 May 2023	
Reports	Source	Planned	Actual	Planned	Actual
External Auditor - Financial Year Audit Strategy	Charter - Roles	✓	✓		
External Auditor - Interim Management Letter	Charter - Roles				✓
Committee Matters					
Actions Arising Update	Not Applicable	✓	✓	✓	✓
Annual Report - Completed Actions Arising	Not Applicable	✓	✓		
Annual Work Program	LGA 2020 - s54(3)	✓	✓		
Annual Performance Assessment	LGA 2020 - s54(4)(a) Charter 1.6(j)			✓	✓
Biannual Activity Report	LGA 2020 - s54(5)(a) Charter 1.6(n)	✓	✓		



Key Highlights

The key highlights for the Committee during the current reporting period were:

Committee Matters

- Ms Celeste Gregory elected as Chair for 2023;
- Welcome of new Independent Member Jason Hellyer – a returning member who has past experience from his time on the East Gippsland Audit and Risk Committee and a valuable member to the current cohort;
- Resignation of Mr Stephen Paterson – The Committee thanks Mr Paterson for his contribution and wishes him the all best for future endeavours; and
- Although the Committee has undergone a change in Membership over the last two years, the relationship between Council Officers, Cr Reeves, Cr Urie, and Cr White as the Councillor delegated representatives and the Independent Members, Ms Goldsmith, Mr Hellyer and Ms Gregory, is collaborative and professional, whilst ensuring integrity and transparency is maintained.

Committee Deliberations

- Adoption of Annual Work Program 2023;
- Development and endorsement of Internal Audit Plan 2023-26;
- Recognised the challenges Council is facing relating to project delivery due to constraints outside of Council control. The Committee has seen an increased level of reporting and the transparency on impacts of costs and delivery have been noted;
- The increased focus on climate change and environmental sustainability has been identified by members of the Committee and note the actions in place regarding associated risks;
- Provided feedback and advice on internal audit findings;
- Provided feedback and advice to the Management responses in relation to the findings of the interim external audit;
- Noted continued compliance with the Councillor expenses; and
- Noted and received risk reports indicating Council's key risks are being reviewed periodically and impacts are disclosed to the Committee.

The following key items are noted to be under consideration by the Committee as at the 30 June 2023:

- Annual Performance Assessment; and
- Recruitment of a new Independent Member is required and will be undertaken in the second half of the year in preparation for the November 2023 Committee meeting. Recruitment will be undertaken by a panel comprising the Chief Executive Officer, Cr Urie and Ms Gregory (Chair). The recruitment will go to market having considered the skills matrix of current members and guide the selection, recruitment and appointment of a new Member to ensure that the Committee's composition is and continues to be fit for purpose.

2 Notices of Motion

2.1 Recognising and Supporting Australia's/Victoria's Sustainable Native Hardwood Timber Industry

Take notice that it is my intention to move at the Ordinary Meeting of Council to be held Tuesday on 5 September 2023 at 6.00 pm or at any adjournment of that meeting:

That Council:

1. *acknowledges that:*

- a. located within the Shire is a world-class and sustainable native hardwood timber industry in Australia which delivers social, economic, cultural and environmental benefits for our nation;***
- b. timber industry workers provide invaluable skills and practical support to their communities during times of natural disasters, particularly bushfires;***
- c. banning native timber harvesting in Australia will result in more imported timber products, often sourced from countries with poorer environmental protocols; and***
- d. a sustainable native hardwood timber industry is part of the answer to reducing Australia's carbon emissions as timber products sequester carbon in our floorboards, furniture and other timber products;***

2. *notes that the Victorian Government's controversial decision to ban all native hardwood timber harvesting on public land from 1 January 2024 is based on political science, not environmental science;*

3. *writes to the Federal Government to:*

- a. recognise the sustainable native hardwood timber industry is an issue of national importance because of supply chain considerations and community safety;***
- b. include the future of the native hardwood timber industry as an issue for discussion at the next National Cabinet; and***
- c. support a taxpayer-funded public information campaign to explain the importance of the native hardwood timber industry and dispel the myths perpetuated by environmental activists; and***

4. Writes to the Victorian State Government to

- a. request the repeal of the closure of the Native Timber Industry;***
- b. seek adoption of the East Gippsland Native Timber Harvesting Paper with best management silviculture practices for a healthy, properly managed forest; and***
- c. seek acknowledgement that the basis for the decision to cease native timber harvesting has not been provided and that Local Government as local representatives were not consulted.***

Signed: Cr Sonia Buckley

Date: 29 August 2023

Rationale

We, the Council, acknowledge the significance of the sustainable native hardwood timber industry within Australia. This motion aims to highlight the multi-dimensional benefits that this industry provides to our nation and communities. Furthermore, we recognize the need for proactive measures to ensure the continued existence of this industry for its economic, social, cultural, and environmental contributions. We seek acknowledgement from the Federal and State Government to have open dialogue to repeal the recent Andrews Government decision and adopt a new sustainable select falling management model that mitigates fuel load and wildfire damage. Keeping our regional communities safe.

Acknowledging Industry Importance

- a) The Shire boasts a world-class and sustainable native hardwood timber industry, which plays a pivotal role in enhancing the economic growth and prosperity of Australia. This industry not only generates revenue but also creates numerous employment opportunities, fostering economic stability in our regional area.
- b) During times of natural disasters, particularly bushfires, the timber industry workers demonstrate their immense value by providing essential skills and practical assistance to their communities. Their contributions in disaster response and recovery underline the industry's social importance.
- c) The ban on native timber harvesting would lead to an influx of imported timber products, often sourced from countries with laxer environmental protocols. This has the potential to negatively impact our environment and compromise the integrity of sustainable timber sourcing.
- d) A sustainable native hardwood timber industry is a crucial component in our efforts to reduce carbon emissions. Timber products store carbon, contributing to carbon sequestration and thus aiding in our nation's broader sustainability goals.

Impact of Victorian Government's Decision

The recent decision by the Victorian Government to ban all native hardwood timber harvesting on public land starting from 1 January 2024 has far-reaching implications. This decision will have repercussions for the entire timber industry and the communities it supports, necessitating a proactive response from our Council.

Addressing Federal Government

- a. The sustainable native hardwood timber industry is of national importance due to its intricate supply chain dynamics and its direct impact on community safety. This industry's wellbeing affects various sectors, making it a subject worthy of federal recognition and consideration.
- b. We propose that the future of the native hardwood timber industry be brought to the table for discussion at the upcoming National Cabinet. By involving national stakeholders, we can collaboratively devise strategies that preserve this industry's sustainability and address challenges.
- c. To ensure a well-informed public discourse, we advocate for a taxpayer-funded public information campaign. This campaign aims to educate the public on the true importance of the native hardwood timber industry and dispel any misinformation propagated by environmental activists. An informed public will be better equipped to engage in constructive conversations on this issue.

In conclusion, this motion seeks to shed light on the vital contributions of Australia's sustainable native hardwood timber industry and its impact on various facets of our nation and the people of East Gippsland. It is imperative that we recognize the industry's significance, address its challenges, and collaborate on strategies that ensure its sustainable growth. By doing so, we can safeguard the economic, social, cultural, and environmental benefits that this industry provides for present and future generations. We will protect the animals in the parks for wildfire devastation and keep our communities safe by the adoption of regulated select falling timber harvesting. The Andrews Government recent decision to shut down the industry was decided without consultation with the shires in our region or consideration of the East Gippsland Timber Industry Paper which provides a balanced approach to silviculture and best management practices.

Take notice that it is my intention to move at the Council Meeting to be held on Tuesday 5 September 2023 at 6.00 pm or at any adjournment of that meeting:

That:

- 1. the development proposal for 10 Fullarton Drive be deferred until the requested further information has been provided, to afford Councillors a more detailed evidence base upon which to consider risks in relation to: flooding, acid sulphate soils, coastal erosion, inundation, at the application stage; and***
- 2. Council requests the proponent undertake two risk assessments, including:***
 - a. a Coastal Hazard Vulnerability Assessment; and***
 - b. a Preliminary Coastal Acid Sulphate Soil Hazard Assessment in accordance with Best Practice Guidelines.***

Signed: Cr Tom Crook

Date: 29 August 2023

Rationale

A balanced and integrated decision, as called for by the policy and planning framework, requires us to make our decisions using the best available evidence and up-to-date information. The detailed information we need to assess the flood risk, the risk from acid sulphate soils, the coastal erosion risks, and the risks to natural values, has unfortunately not been provided and therefore cannot be fully considered.

Deferring the assessment of all these risks and values via permit conditions sometime into the future is neither appropriate nor consistent with the state policy and planning framework, and various Victorian Civil and Administrative Tribunal rulings. Because Point Fullarton is not a typical or common planning application due to the highly significant risks and values inherent to the site. A precautionary approach is warranted where this information is provided early on and duly assessed at the application stage to ensure we are meeting our obligations to provide net community benefit for present and future generations and ensure the cost burden is not pushed onto rate payers.

Councillors need to be able to make an informed decision on these complex matters and this motion will provide the evidence required to do so. I urge you to support this motion.

3 Deferred Business

3.1 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 **Attachments 2 & 3**.

Public notice occurred and there have been 52 written objections submitted. The objections are provided at **Attachment 4**. Referral authority submissions are provided at **Attachment 5**. Minutes of the Planning Consultation Meeting (PCM) are provided at **Attachment 6**.

Following the PCM and in response to objections, the applicants have prepared additional supporting materials for Council's consideration. **Attachment 7 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 8**, 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 the subject of 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's 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 7**.



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.

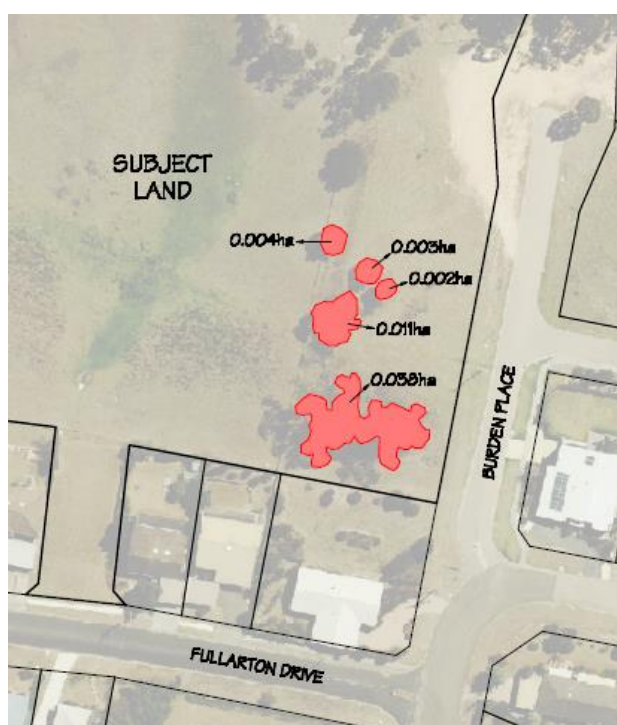


Figure 3: Vegetation to be Removed

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 8**.

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 8**.

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 7**.

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.

The engineering report for the application states: *As is usual practice where CASS [Coastal Acid Sulfate Soils] is potentially present, the Geotechnical Investigation of the site prior to detailed design will include a CASS investigation and recommendations for management if found. Further if CASS is found this will assist in informing the detailed design, in particular avoidance where practical and materials selection (such as sulphate resistant materials) for construction through the CASS profile.*

A condition to this effect has been included.

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 4**.

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 6**).

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 5**. 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 [3.1.1 - 8 pages]
2. Advertised Application Documents Pt 1 [3.1.2 - 112 pages]
3. Advertised Application Documents Pt 2 [3.1.3 - 163 pages]
4. Objections list [3.1.4 - 106 pages]
5. Referral Authority Responses [3.1.5 - 19 pages]
6. Minutes of the Planning Consultation Meeting 21 December 2022 [3.1.6 - 8 pages]
7. Further Application Documents [3.1.7 - 74 pages]
8. Detailed Assessment of the Proposal [3.1.8 - 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

3. 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

4. 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

5. 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

6. 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

7. 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

8. 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

9. 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

10. 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

11. 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

12. 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

13. 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.
- 14. Before the issue of Statement of Compliance all drainage works and requirements must be undertaken and completed to the satisfaction of the Responsible Authority.
- 15. 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.
- 16. 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.
- 17. 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.

- 18. 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. A geotechnical Investigation of the site prior to detailed design to include a Coastal Acid Sulfate Soils investigation and a Coastal Acid Sulfate Soils Management Plan for all civil construction works.
 - b. 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.
- 19. All earthworks associated with the development must be stabilised in accordance with standard engineering design and practices against erosion and failure. All earthworks or

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

20. Before 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.

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

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

Time Limit condition

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

- The 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

25. 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.
26. 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

27. 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.
28. 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

29. Extend water supply infrastructure to the satisfaction of East Gippsland Water.
30. Extend sewerage infrastructure to the satisfaction of East Gippsland Water.
31. Relocate sewerage infrastructure where it significantly traverses proposed lots.
32. Submit design, construction, commissioning and as constructed documentation on all proposed infrastructure, or alterations to existing infrastructure, for written approval by East Gippsland Water.
33. Pay applicable development planning charges.
34. Existing water meter (No. R04010186), is to be disconnected and returned to East Gippsland Water.
35. Place easement(s) on the plan of subdivision over existing/proposed infrastructure, to the satisfaction of East Gippsland Water.
36. 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.
37. 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.
38. 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

39. 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

1. 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.
2. Gas service connections not to be provided in accordance with Victorian State Government ban.
3. 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.
4. 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

5.
 - (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.

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

Page 1 of 1

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

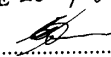
NIL

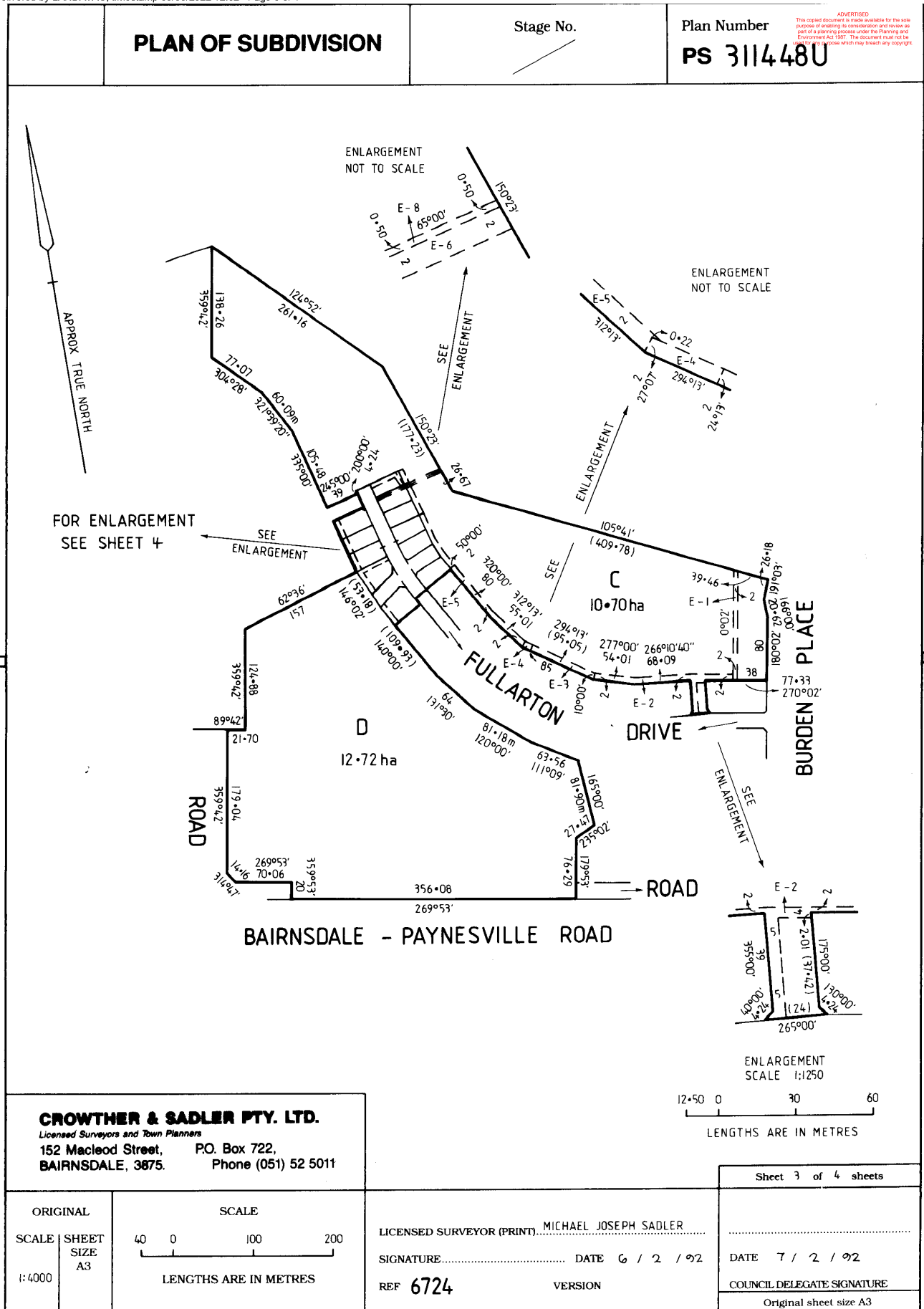
eCT Control 19205Y MAKINSON D'APICE
Effective from 31/05/2022

DOCUMENT END

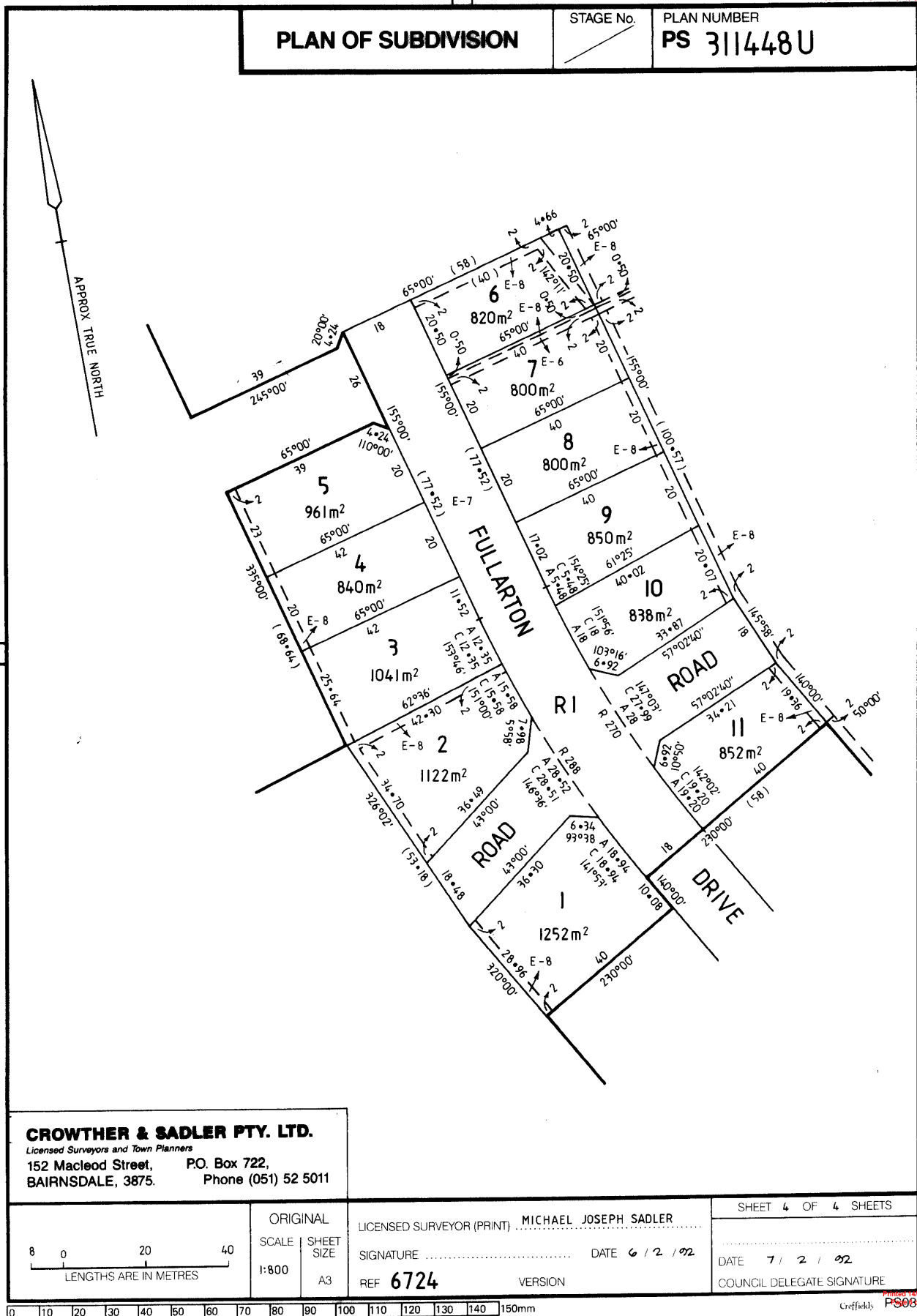
Delivered by LANDATA®, timestamp 09/08/2022 12:32 Page 1 of 4

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PLAN OF SUBDIVISION		STAGE NO. <hr/>	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 1 (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 in plan) N 5804 500		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. OPEN SPACE (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		Notations		
Identifier	Council/Body/Person	Staging This is/is not a staged subdivision Planning Permit No. 77-90-0097 Depth Limitation DOES NOT APPLY		
ROAD R1	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	Land Benefited/In Favour Of
	SEE SHEET 2			
				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



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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



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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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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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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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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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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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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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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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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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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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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.

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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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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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**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;

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-
- The map shows a residential area with several streets and plots. The streets include Eagle Bay Terrace, The Crescent, Eagle Bay Drive, and Eagle Bay Court. The plots are numbered, and the area is color-coded: pink for residential plots, green for open land, and blue for water. A red line outlines a specific area, and a blue line outlines a specific plot. The map includes labels for streets such as Eagle Bay Terrace, The Crescent, Eagle Bay Drive, and Eagle Bay Court. A scale bar is visible in the bottom left corner.

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.

East Gippsland Shire Council

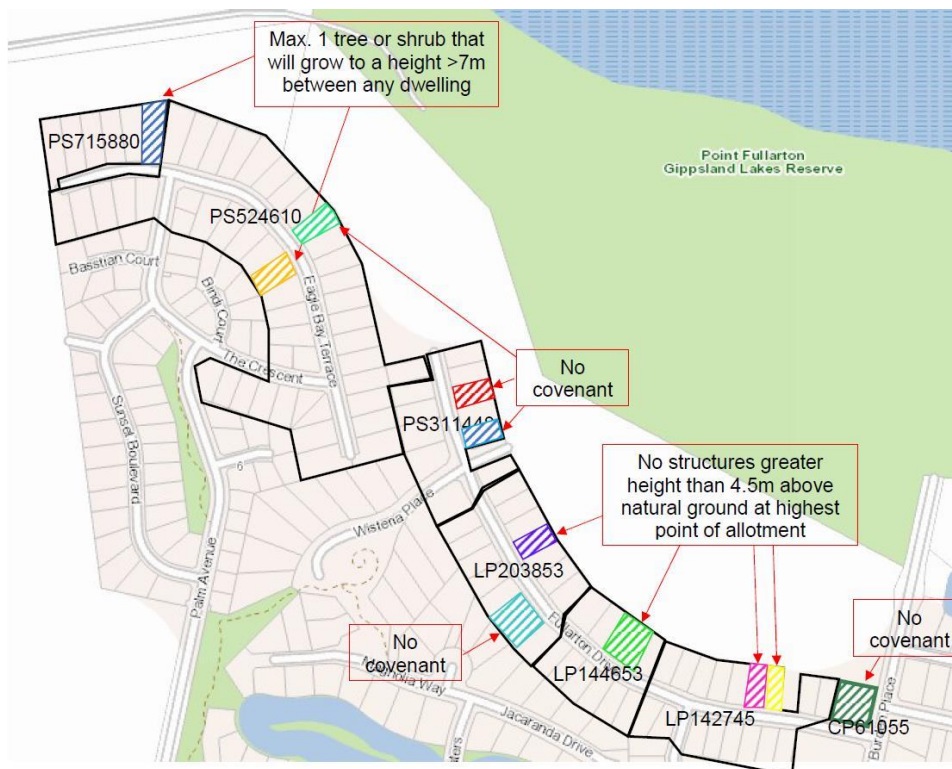
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Interestingly, of the three titles reviewed within the Eagle Bay Village estate there was some variety, one had no form of Covenant registered on title. The other two had a Covenant with an expiration date of 31 December 2024.

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)

19972 Report

Crowther & Sadler Pty Ltd

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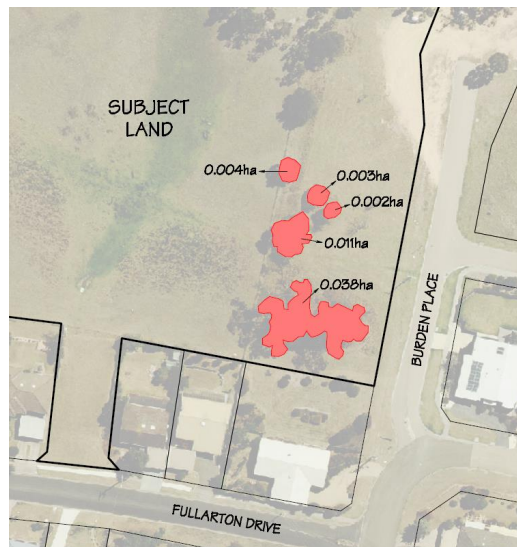
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The proposed subdivision will necessitate the removal of native vegetation within the eastern parts of the subject land, as detailed on the Plan of Vegetation Removal.

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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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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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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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.

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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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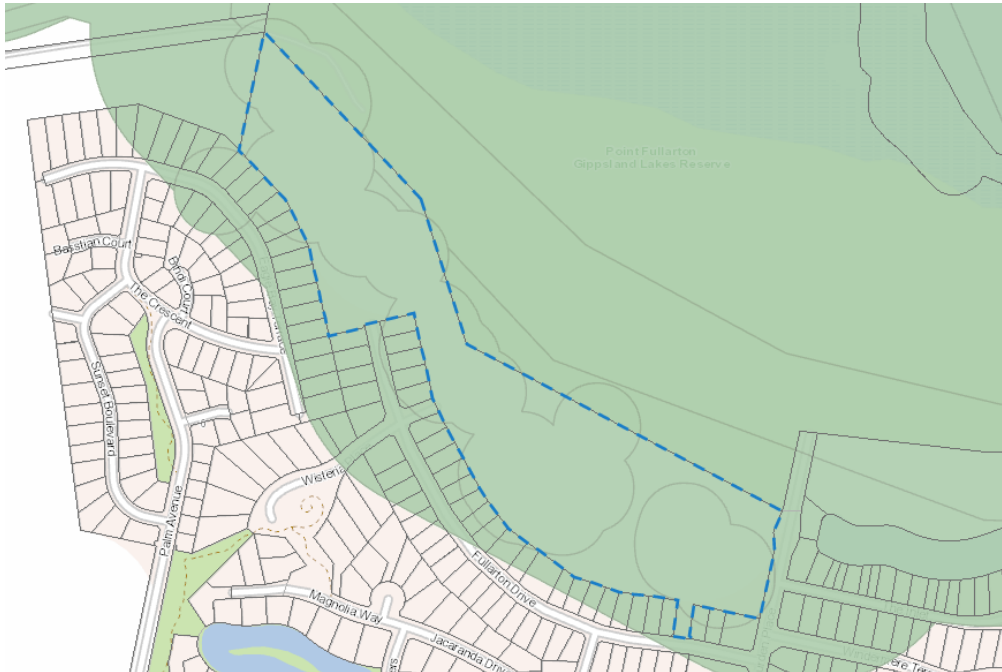
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6. Cultural Heritage

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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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.*

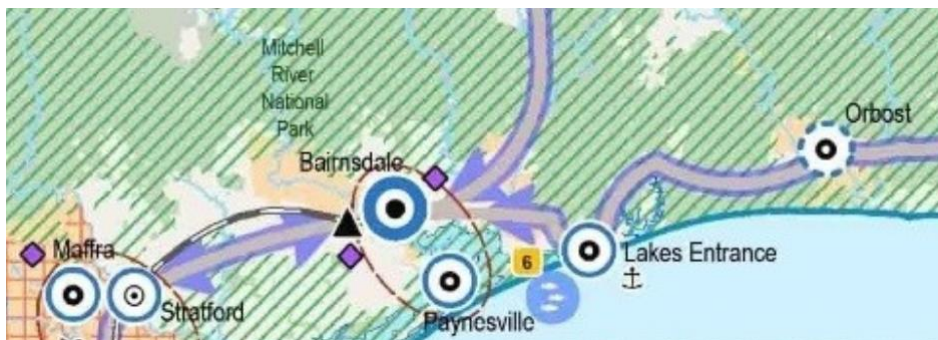
The approved CHMP is able to be submitted in support of the subject Application, having regard for the tests outlined above. The proposed subdivision is able to comply with the management recommendations specified within the approved CHMP, which includes a controlled salvage excavation of no less than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

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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

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.

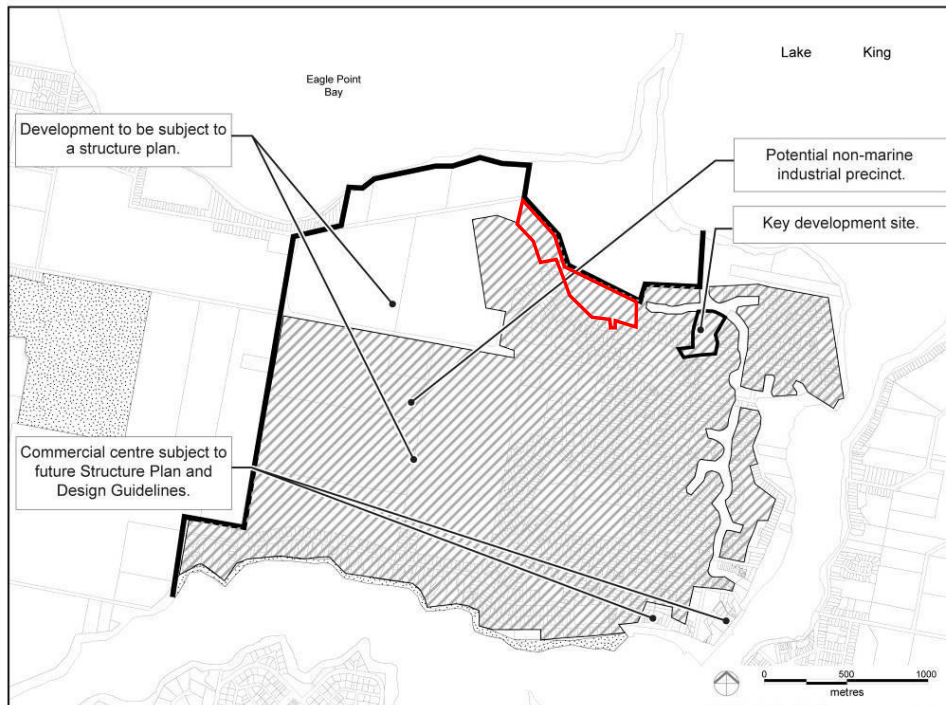
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Consistent with the relevant strategies that underpin the objectives, the proposal is consistent with the *Paynesville Strategy Plan* and provides opportunities to supplement and create new vegetated areas within the town boundary which will be achieved 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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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)

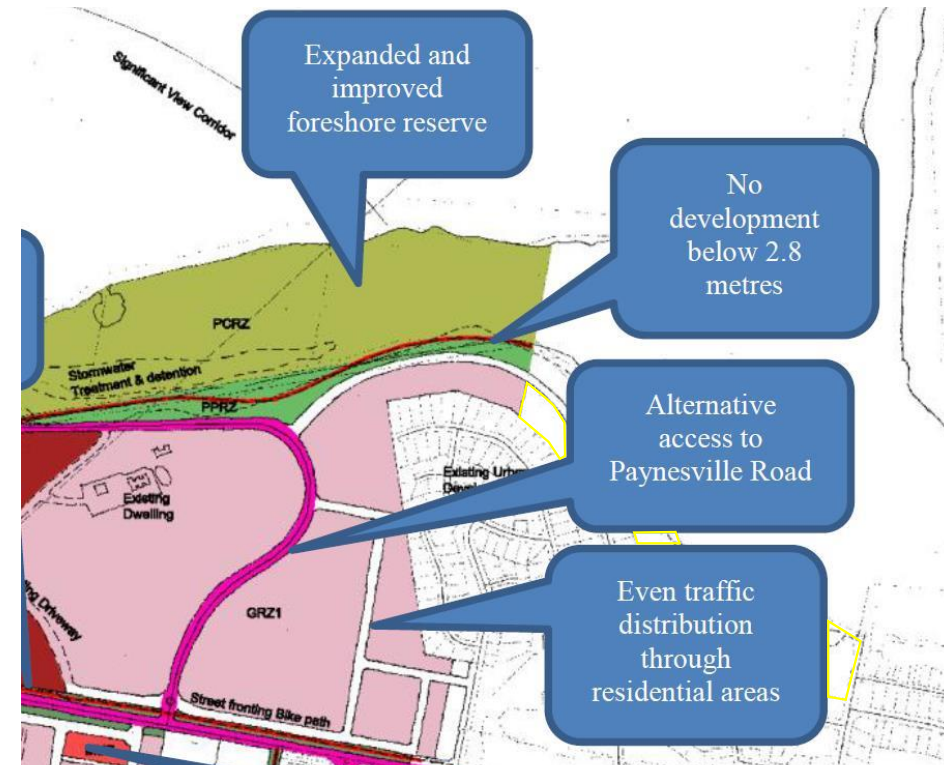
PGASP clearly identifies the land to the west of the subject land to be rezoned residential. It is our understanding that Council is currently preparing a Planning Scheme Amendment to achieve this objective. The plan also identifies the need for the continuation of Fullarton Drive to provide vehicular 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.

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Council Meeting - Tuesday 5 September 2023

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

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.

Even traffic
distribution
through
residential areas

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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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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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>

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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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Objective	Design Response
56.06-7 Neighbourhood Street Network Detail Objective	Complies <p>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.</p>
56.06-8 Lot Access Objective	Complies <p>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.</p>
56.07-1 Drinking Water Supply Objectives	Complies <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>
56.07-2 Reused & Recycled Water Objective	N/A <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>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.</p>
56.07-3 Wastewater Management Objective	Complies <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>
56.07-4 Stormwater Management Objectives	Complies <p>The accompanying Site Drainage Plans demonstrates how the site can be drained to best practice requirements.</p> <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 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.</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>

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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.

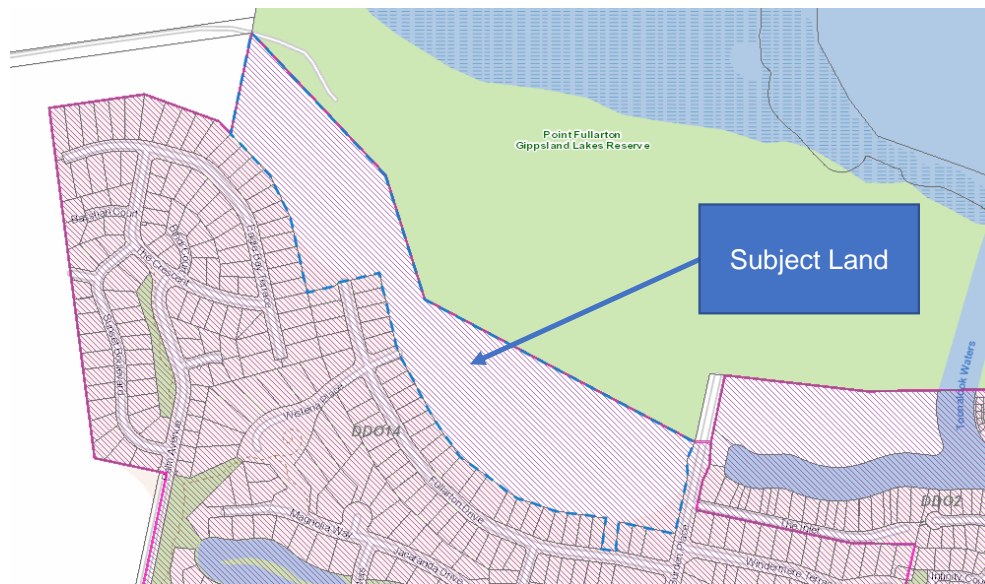
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8.2 Design and Development Overlay – Schedule 14

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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- 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).

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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.

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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>)

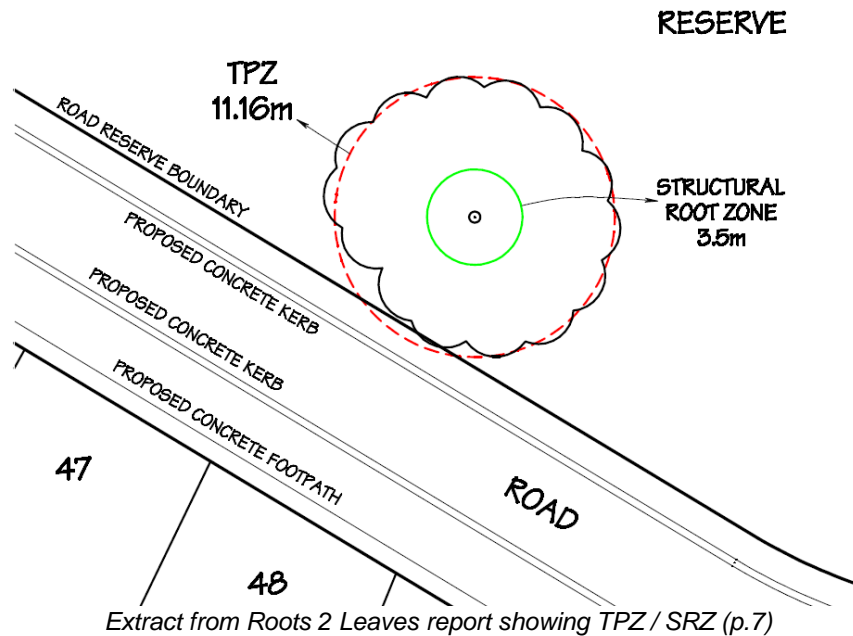
To ensure the large Gippsland Red Gum will not be impacted as a result of the subdivision, an Arborist was commissioned to inspect the tree, determine the Tree Protection Zone and Structural Root Zone of the tree, and to provide recommendations on protection measures to be adopted during construction, 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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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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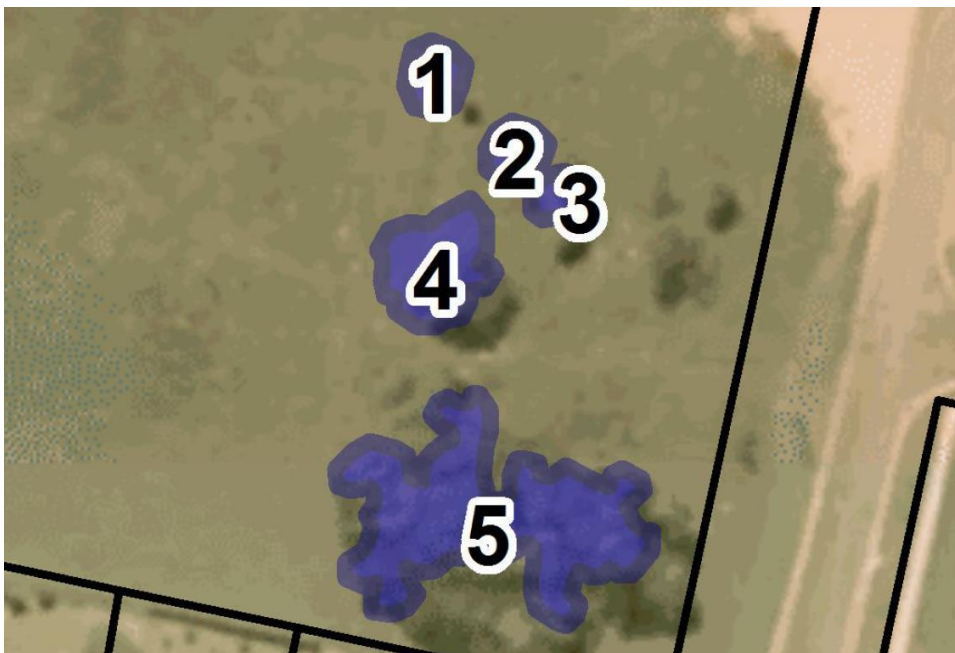
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*Vegetation to be removed, viewed from Burden Place
(Date of photograph: 9 August 2022)*

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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*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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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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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.

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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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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.

East Gippsland Shire Council

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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.

East Gippsland Shire Council

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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)

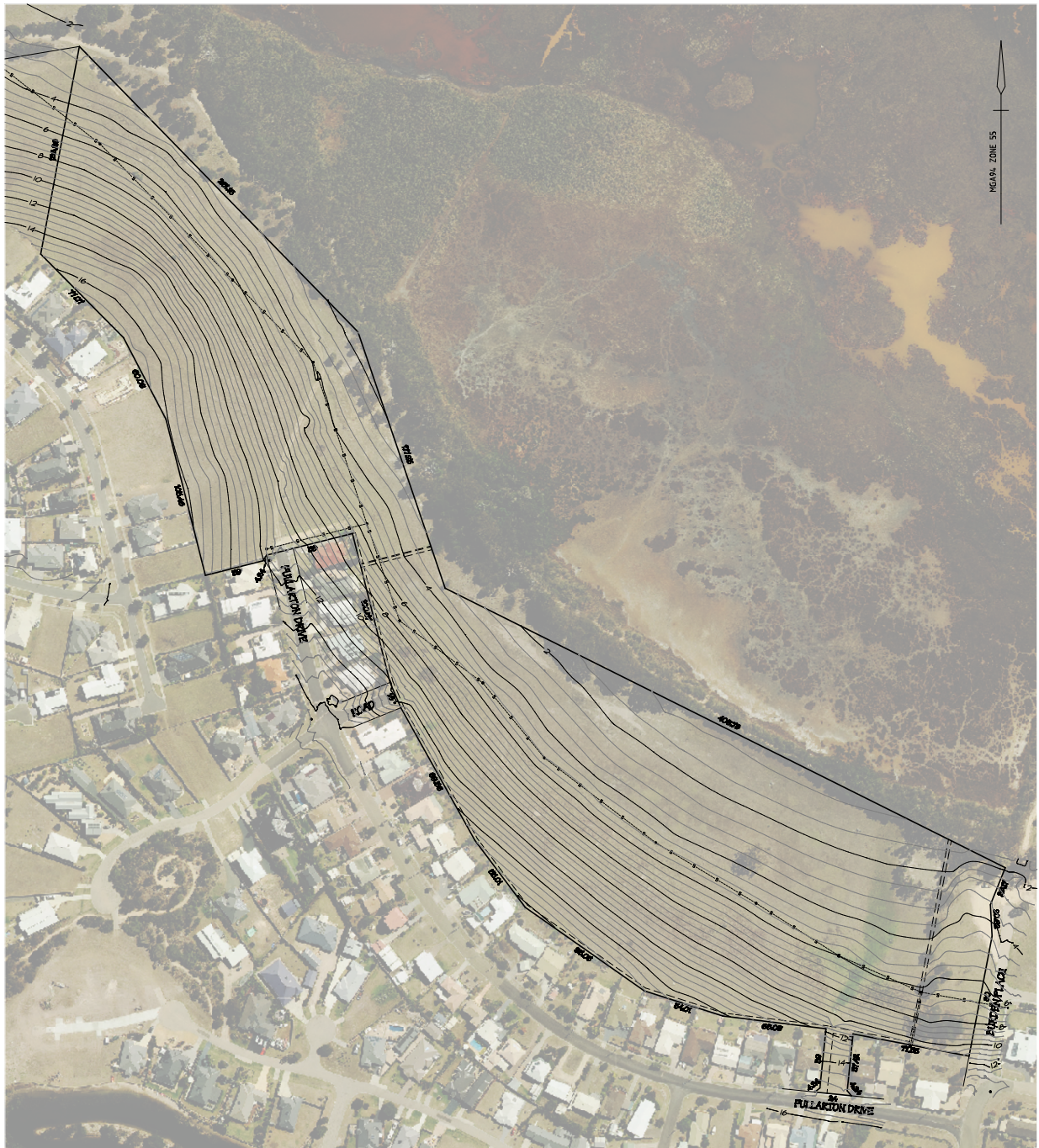


Cultural Heritage Management Plan Identifier: 10690
Date of Completion: 15th April 2010



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1 : 1250

SCALE (VERTICAL)

1 : 2500

19972

VERSION 1 - DRAFT 14/06/2022

NOTATIONS

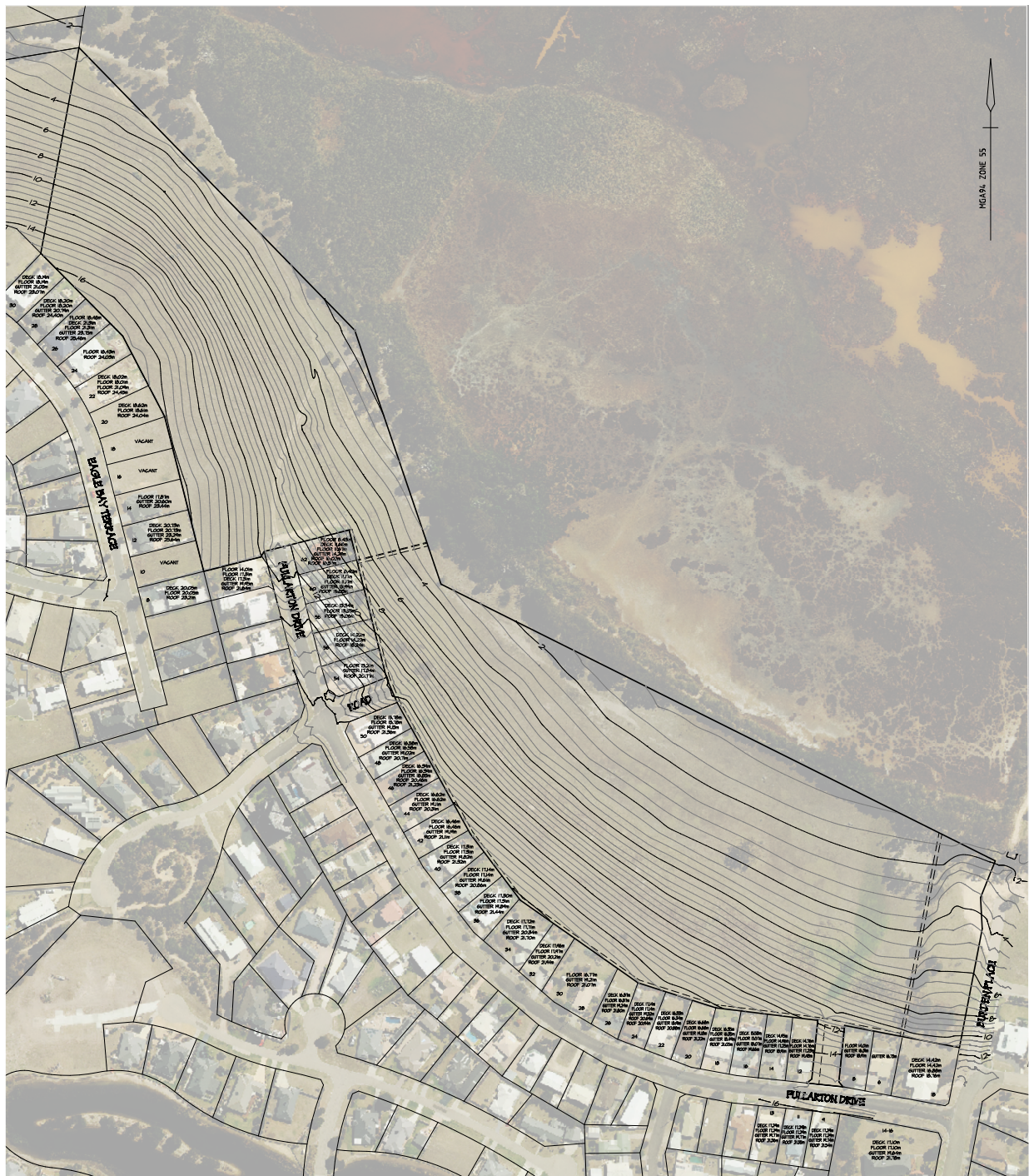
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DIMENSIONS ARE SUBJECT TO SURVEY

EXISTING CONDITIONS PLAN

PARISH OF BAIRNSDALE
CROWN ALLOTMENT 144 (PART)
LOT C ON P83/144BU

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151 HANCOCK STREET, BIRNBECK, VIC. 3084
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PLANS: 14/10/2019, 14/10/2019, 14/10/2019, 14/10/2019, 14/10/2019, 14/10/2019, 14/10/2019, 14/10/2019, 14/10/2019, 14/10/2019

SCALE (HORIZONTAL)

1 : 1250

SCALE (VERTICAL)

1 : 2500

REVISIONS

19972

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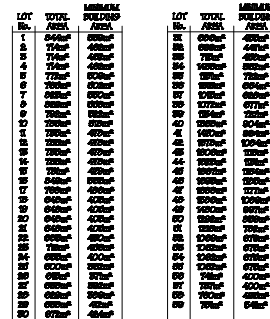
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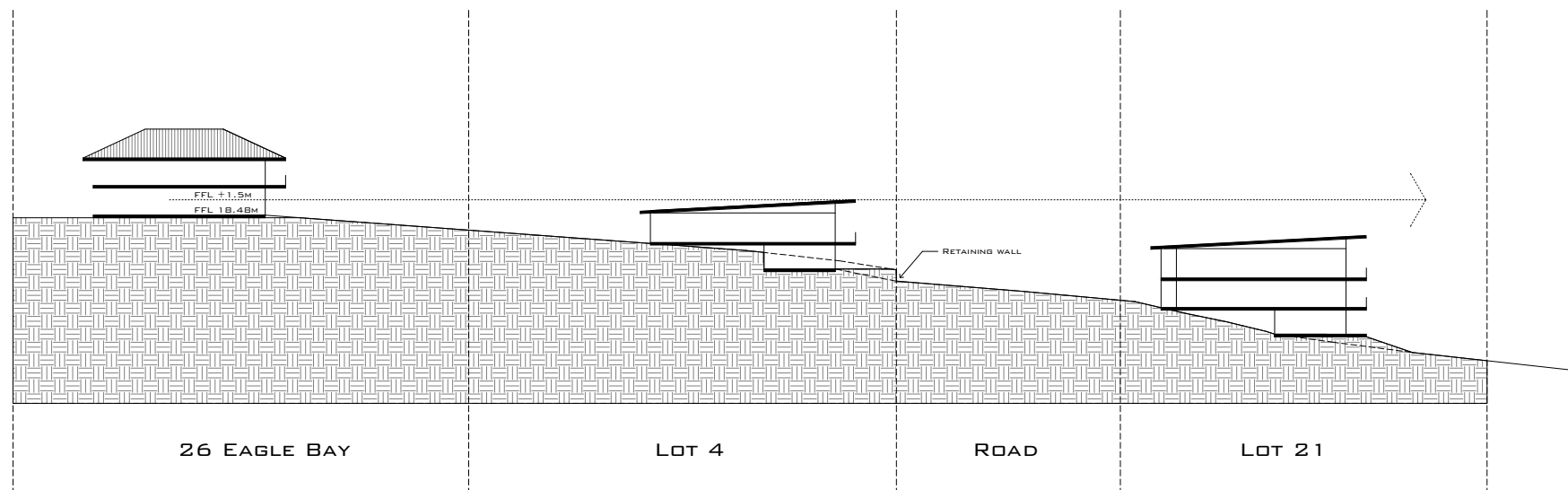
PROPOSED SUBDIVISION

PARISH OF BAIRNSDALE
GROWN ALLOTMENT 144 (PART)
LOT C ON P581/44BU

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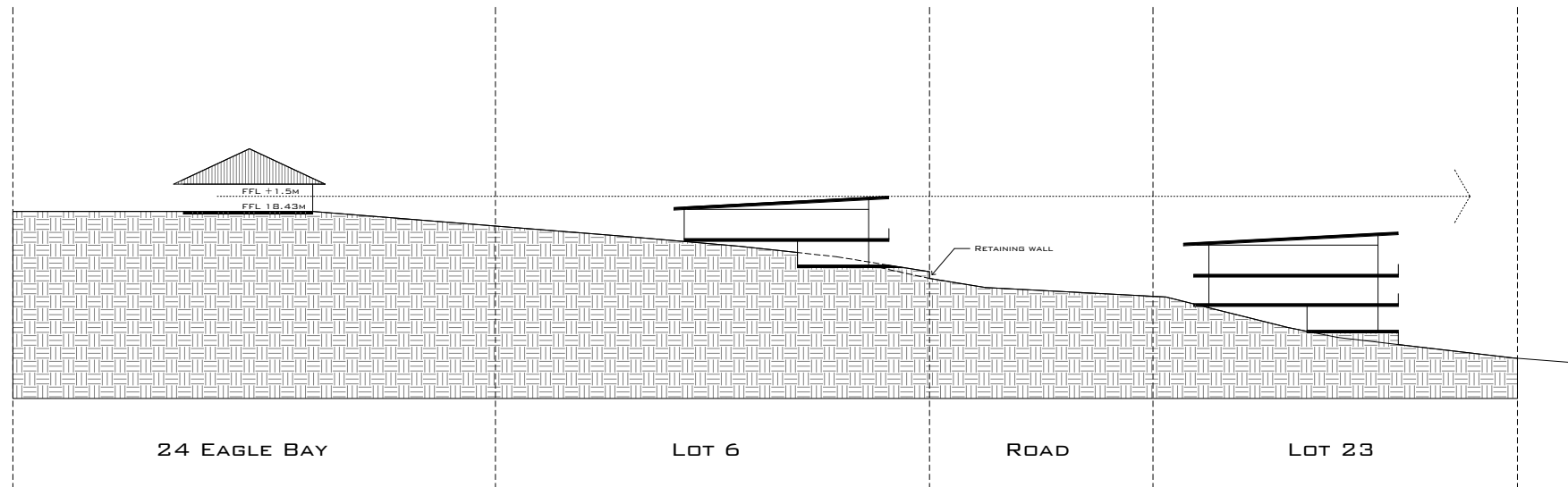


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UD101 26 Eagle Bay
 CLIENT Resi Ventures ADDRESS Paynesville, Victoria
 PROJECT Paynesville STATUS DRAFT
 Scale 1:200 @A1
 DATE 8/8/2022
 VERSION 3

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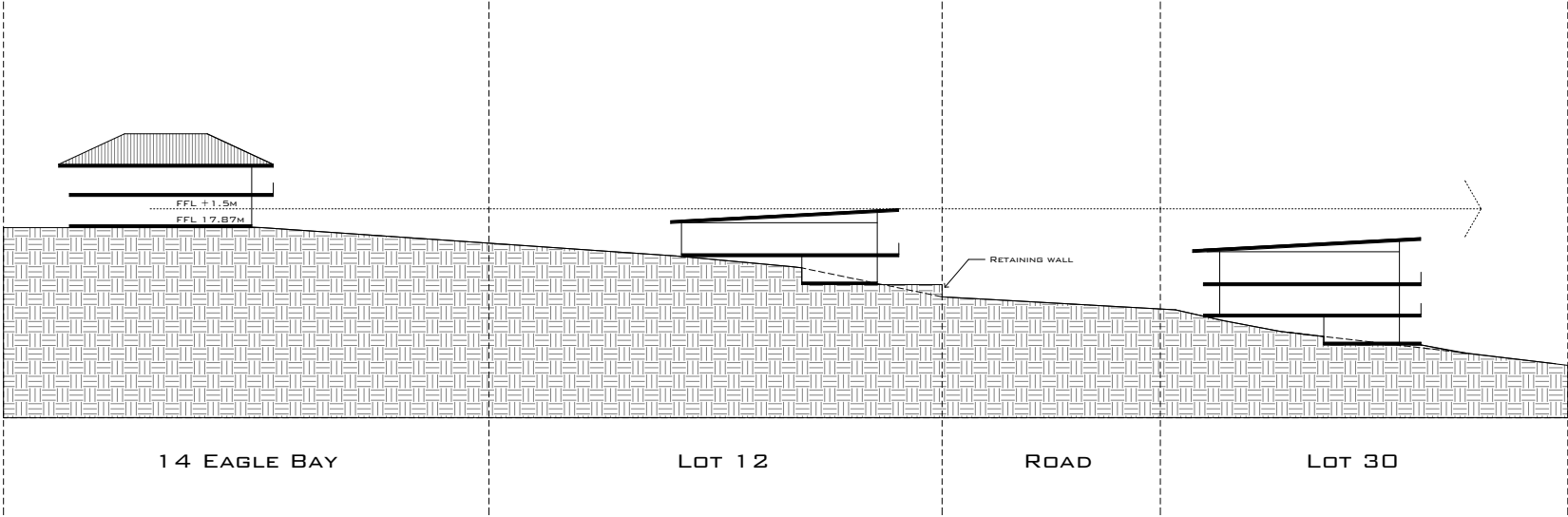
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		Resi Ventures	Paynesville, Victoria	8/8/2022
		PROJECT	STATUS	VERSION
		Paynesville	DRAFT	3

Scale: 1:200 @A1
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Council Meeting - Tuesday 5 September 2023

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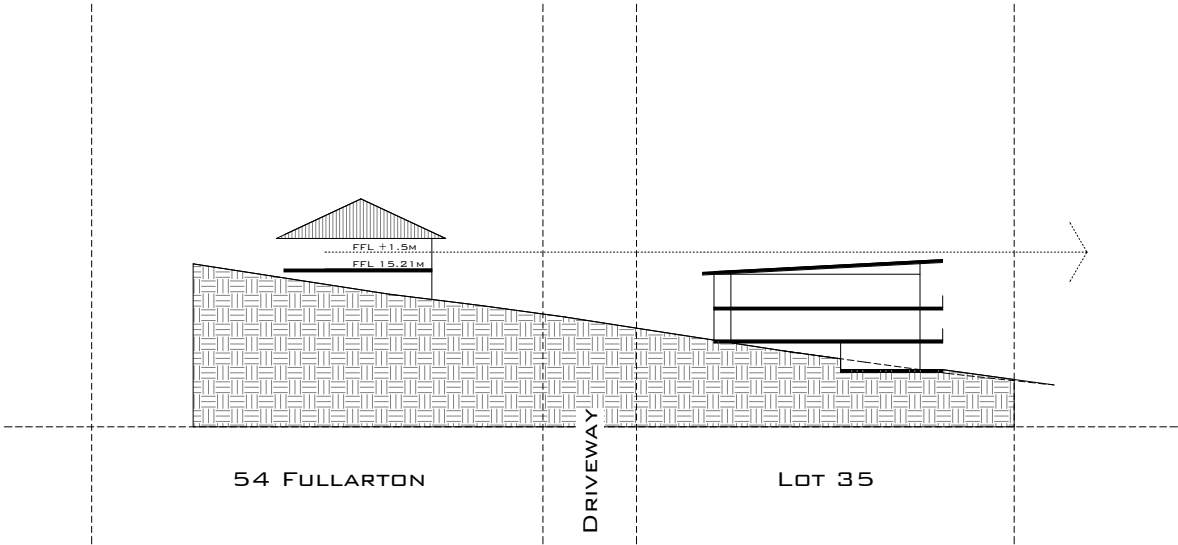
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CLIENT Resi Ventures
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PROJECT Paynesville
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		Resi Ventures	Paynesville, Victoria	8/8/2022
	Scale: 1:200 @A1	PROJECT	STATUS	VERSION
		Paynesville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

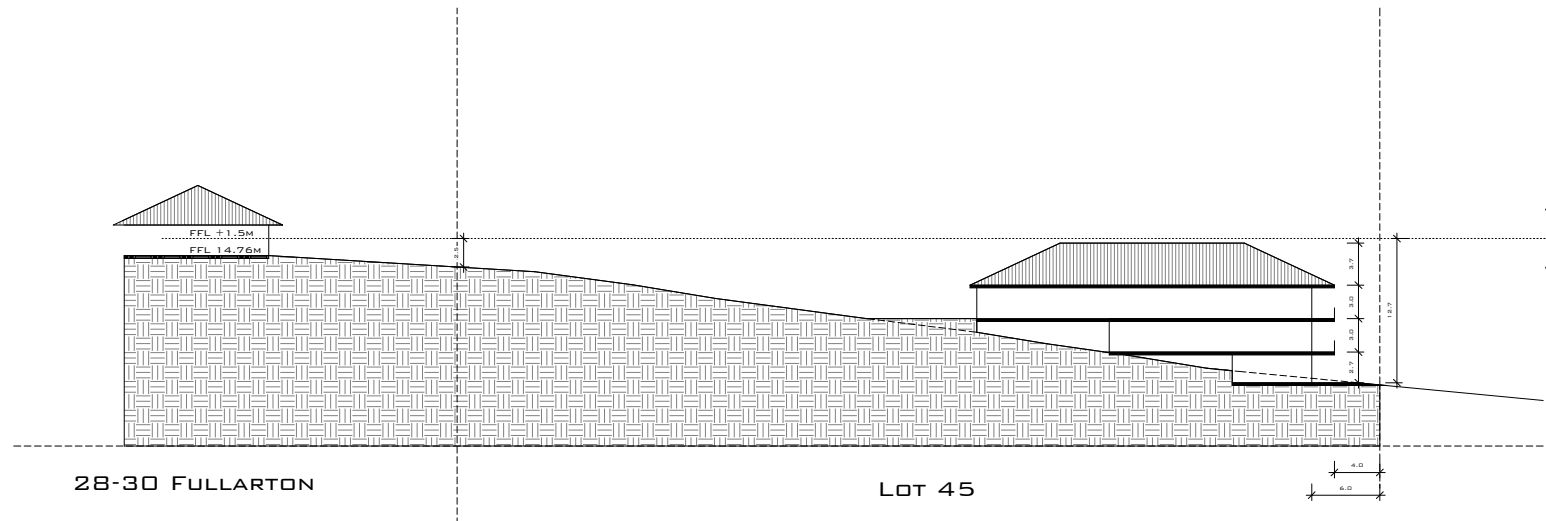
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UD105

28-30 Fullarton

CLIENT
Resi Ventures

ADDRESS
Paynesville, Victoria

PROJECT
Paynesville

STATUS
DRAFT

DATE
8/8/2022

VERSION
3

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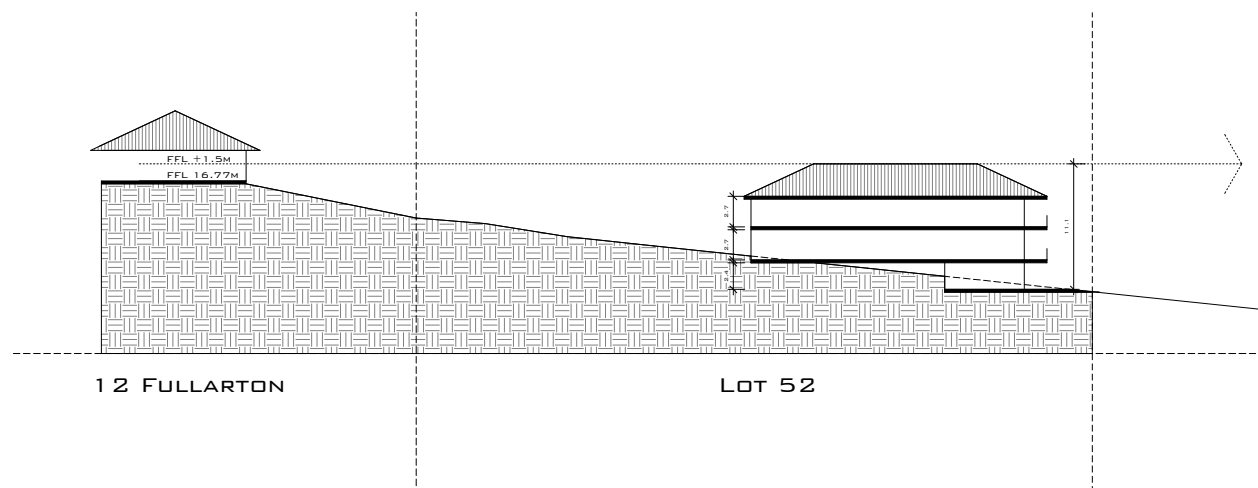
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DRAFT DEVELOPMENT GUIDELINES
10 Fullarton Drive, Paynesville
 Lot C on PS311448U

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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

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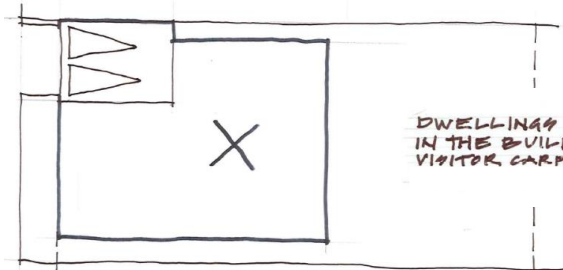
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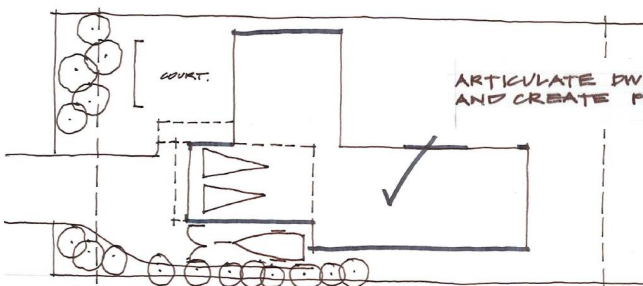
terraces should be achieved by roof overhangs, verandahs, pergolas or other structurally integrated elements of the building.

- 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

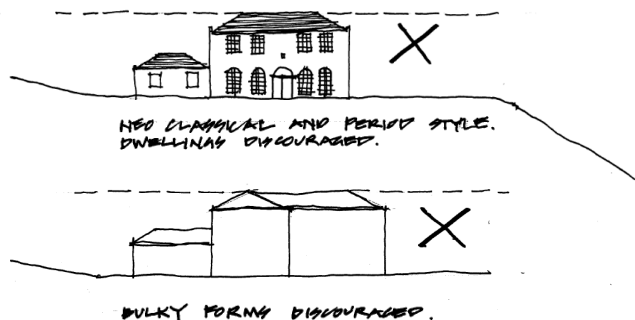
- Corner site designs must address both street frontages through landscaping solutions to both street frontages.
- Design dwellings, terraces, etc. to prevent overshadowing and overlooking of habitable rooms and private open spaces of neighbouring properties.



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.

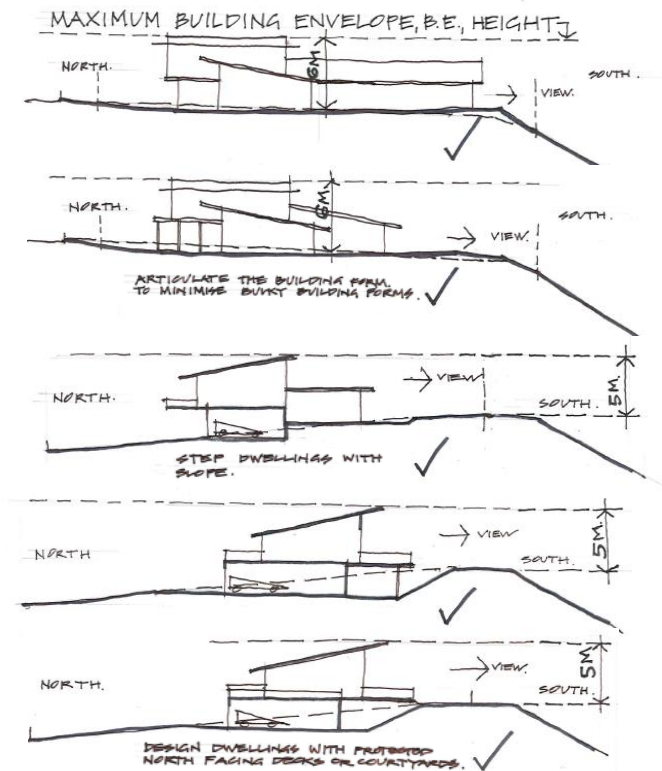
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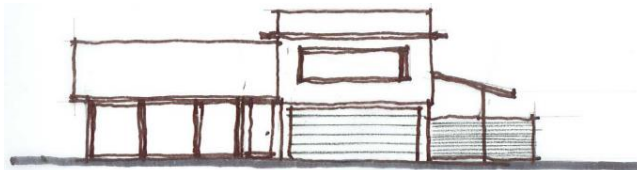
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Buildings on sloping land should be designed in a manner that reduces the overall height above natural surface level, with split level designs encouraged. For the avoidance of any doubt, no part of any structure may exceed the maximum building height. 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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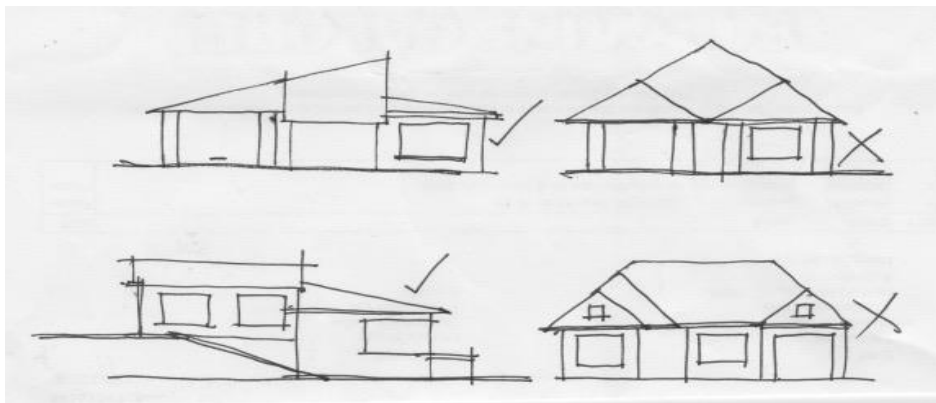
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6. WINDOWS AND OPENINGS

- 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.

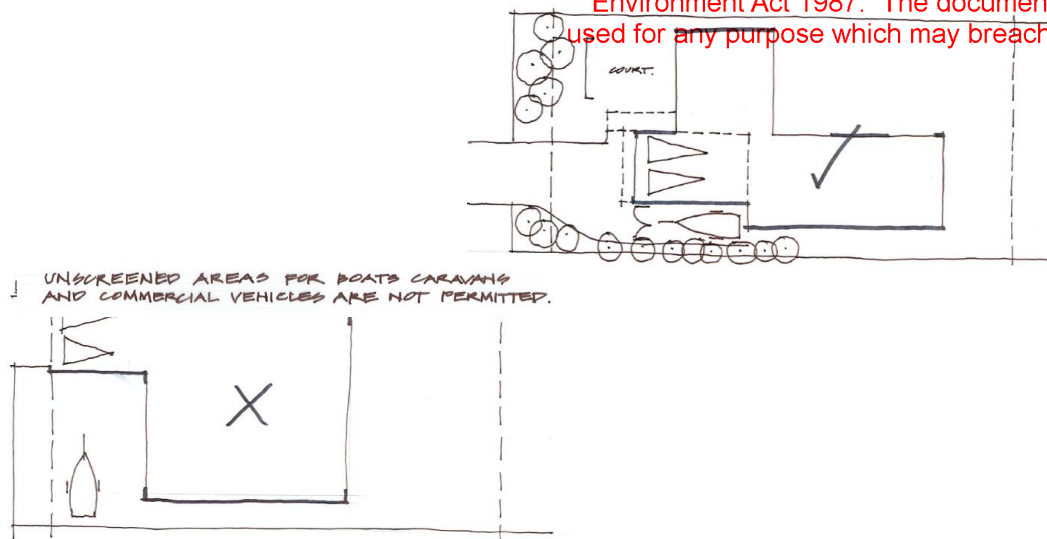
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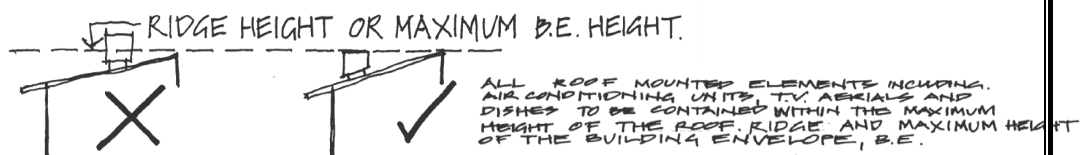
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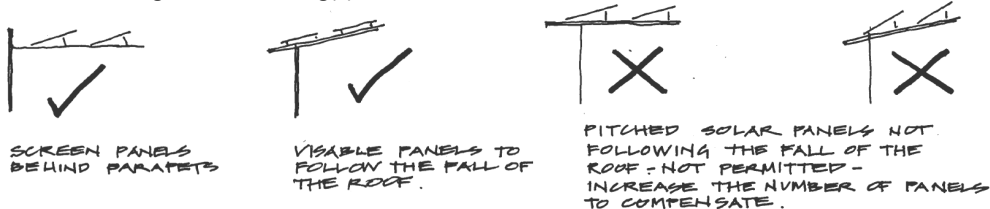
Page 5



- 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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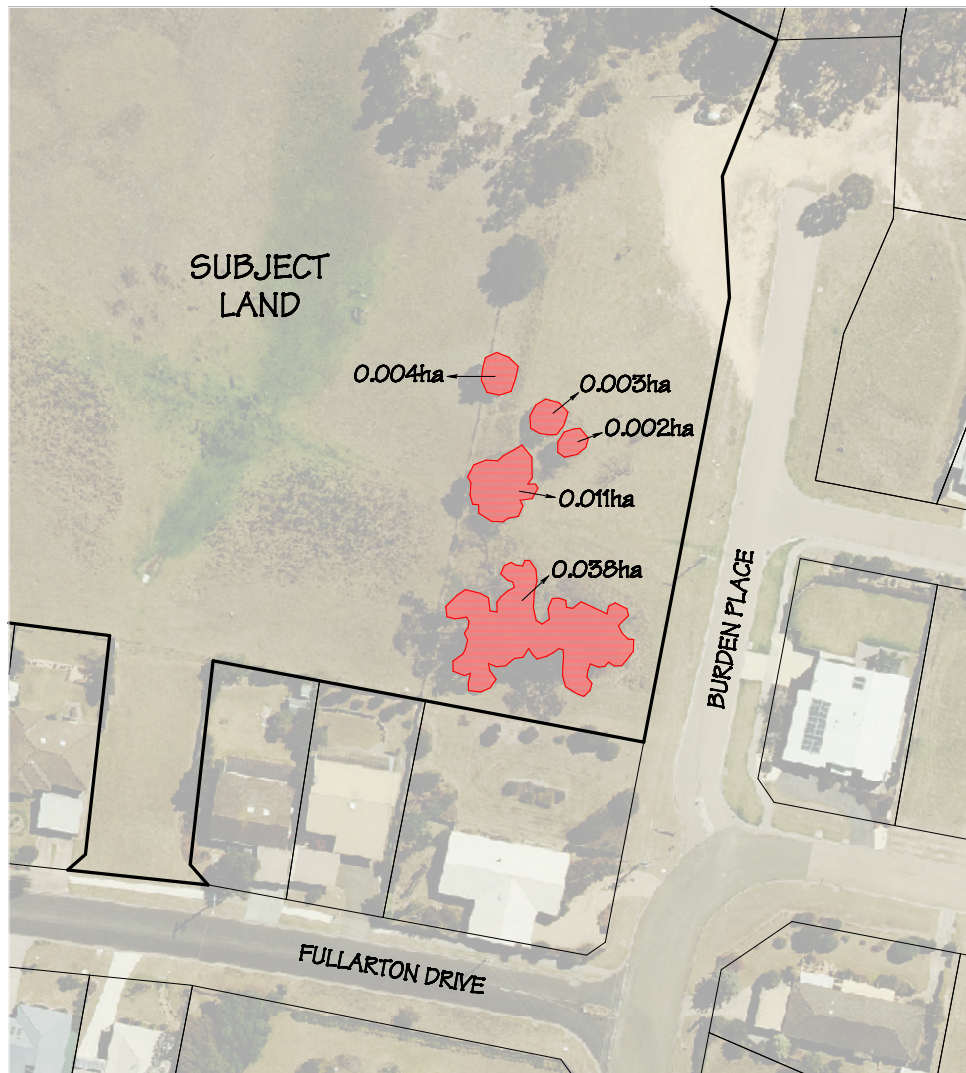
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PLAN OF VEGETATION REMOVAL

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.

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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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Pre-development Site Report – 10 Fullarton Drive, Paynesville

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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



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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

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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

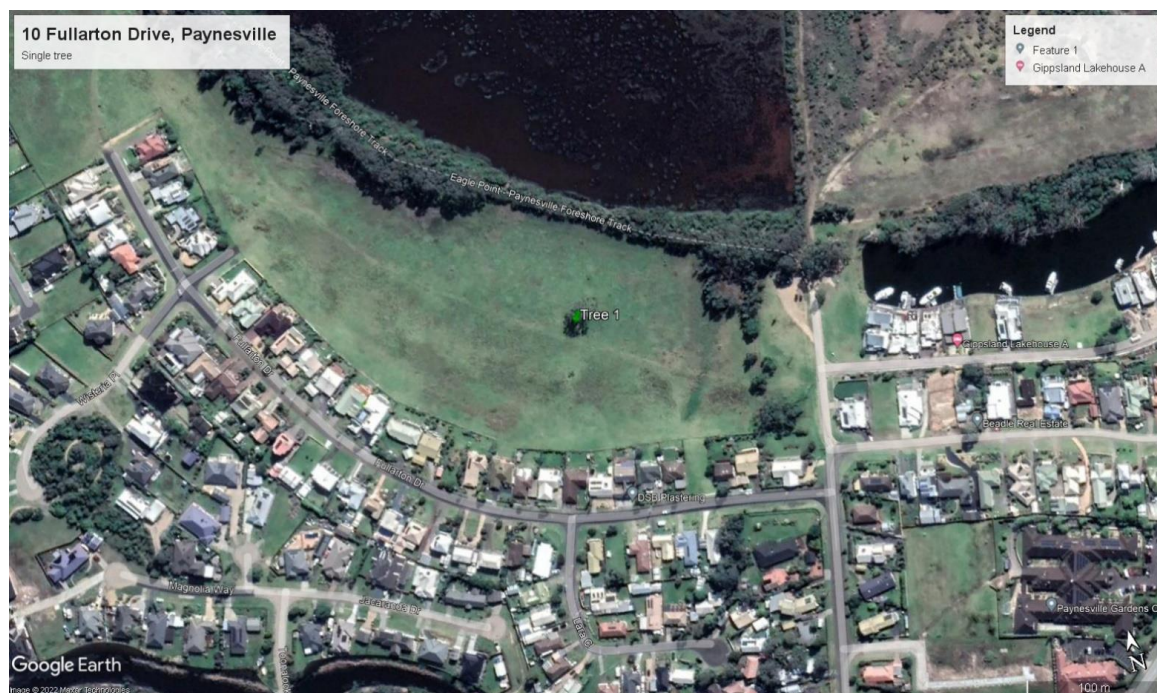
Inspection method

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

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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.

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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.

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.

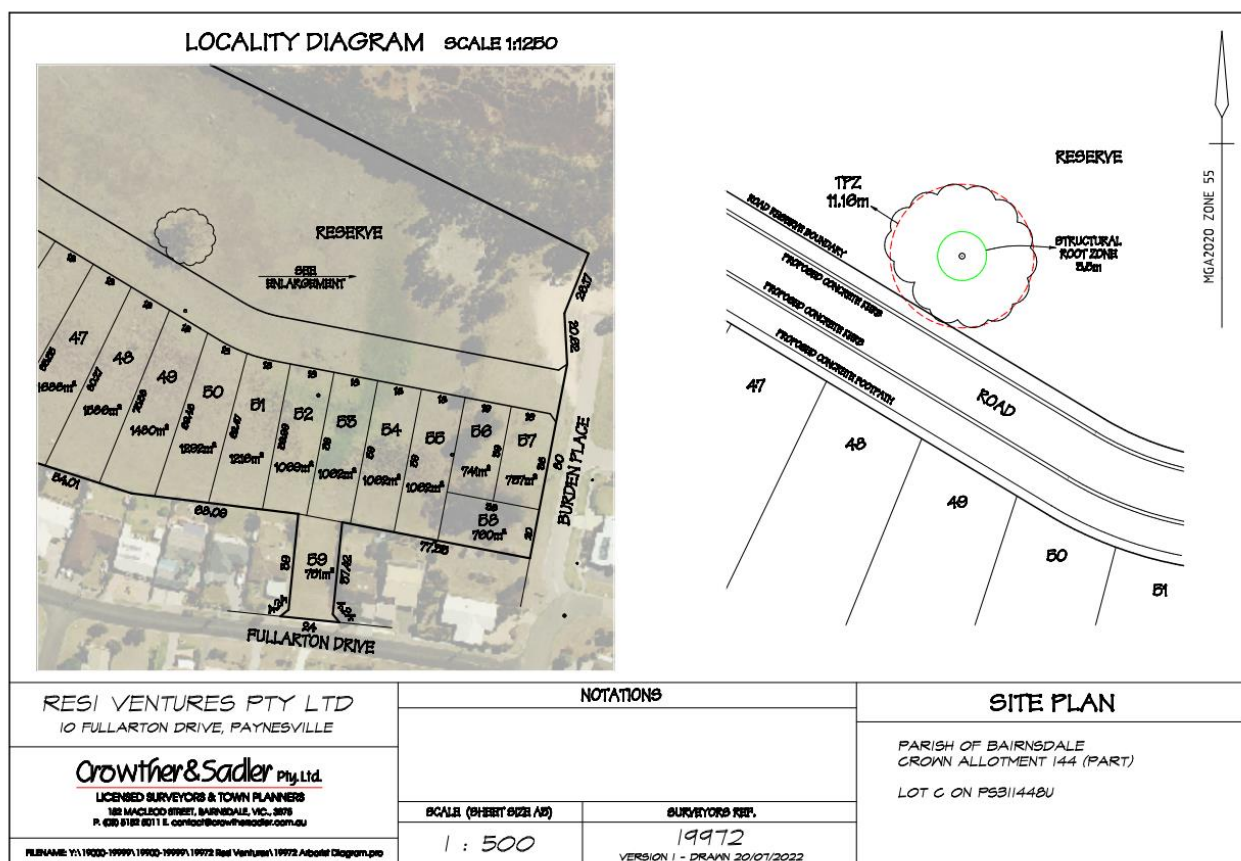


Figure 1 – image showing Tree Location and TPZ/SRZ

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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.

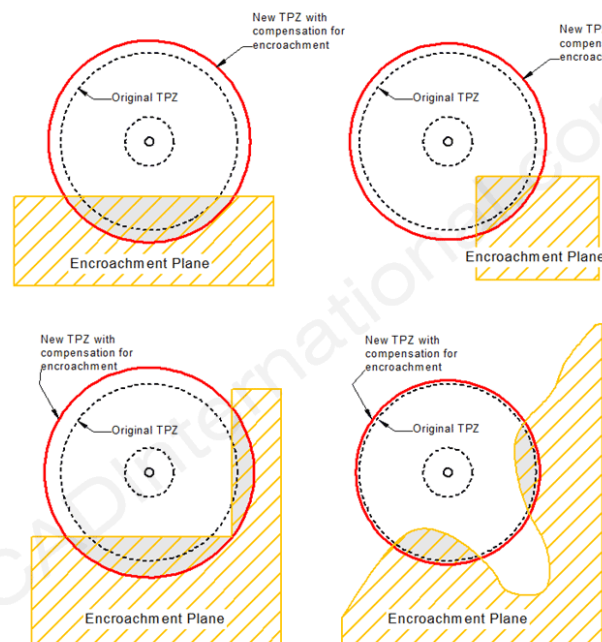


Figure 4 – Acceptable TPZ Encroachments according to Australian Standards

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.

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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

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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:

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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

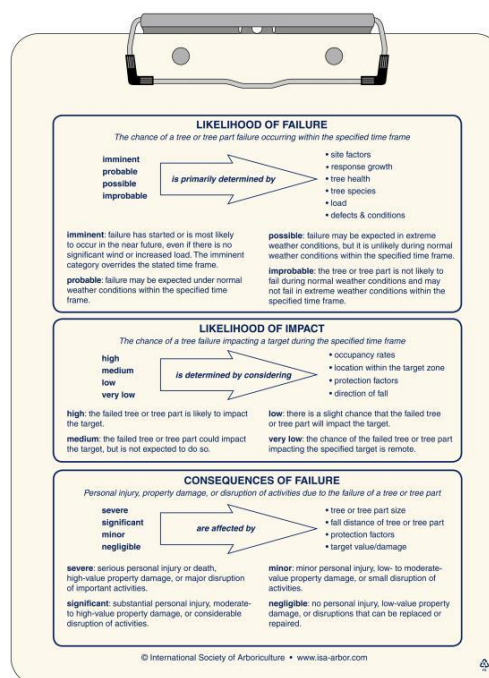
Overall tree risk rating is the highest individual risk identified for the tree. The residual risk is the level of risk the tree should pose after the recommended mitigation. Mitigation priority 1 is defined as mitigation activities that should be scheduled prior to the next growing season. Mitigation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



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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

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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.

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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.

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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.

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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

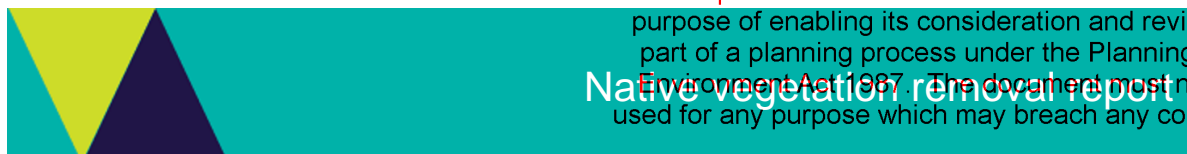
Extent of all mapped native vegetation	0.058 hectares
Condition score of all mapped native vegetation	0.240
Strategic biodiversity value score of all mapped native vegetation	0.220
Extent of patches native vegetation	0.058 hectares
1	0.004 hectares
2	0.003 hectares
3	0.002 hectares
4	0.011 hectares
5	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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Native vegetation removal report

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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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.

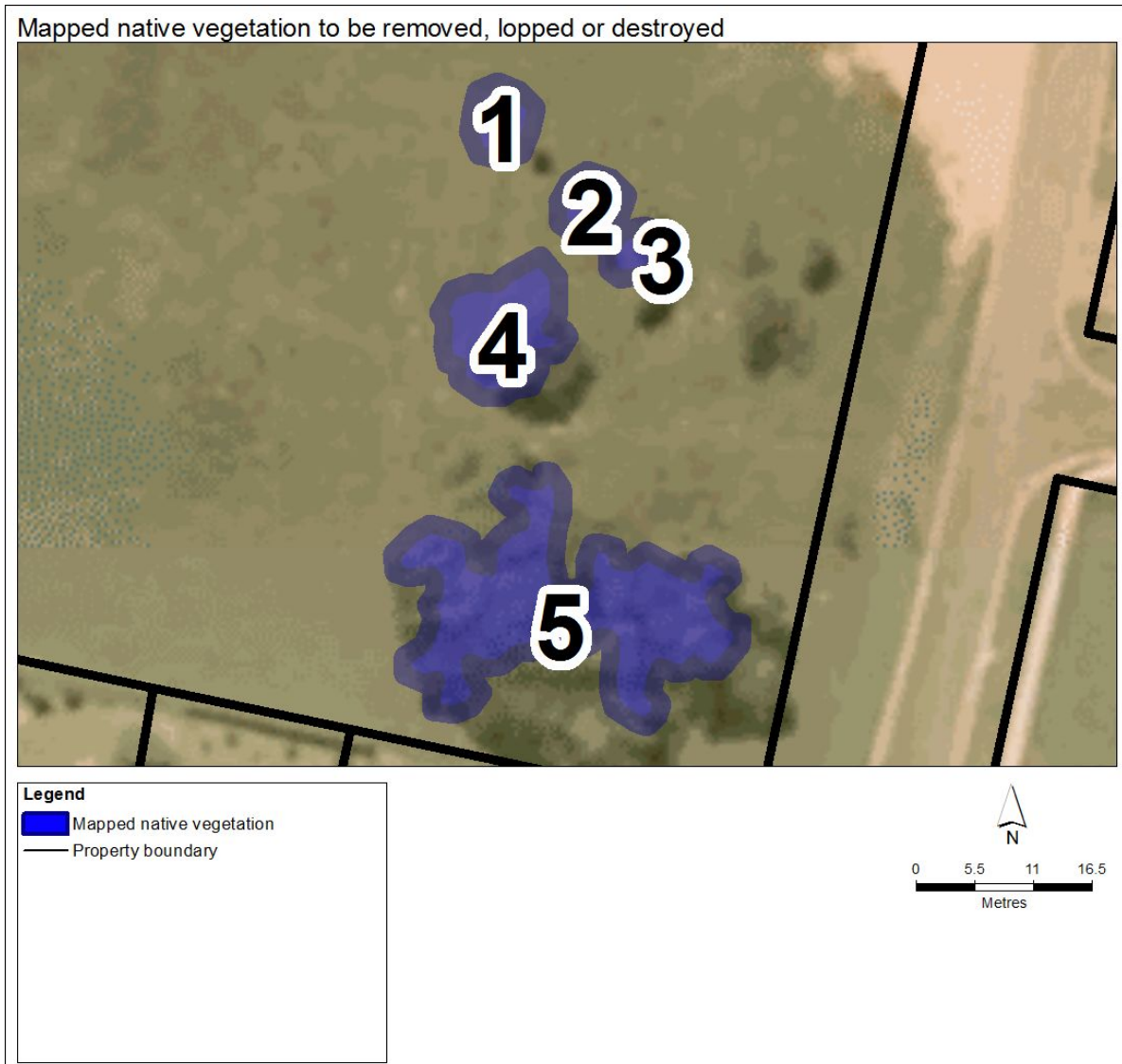
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Native vegetation removal report

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

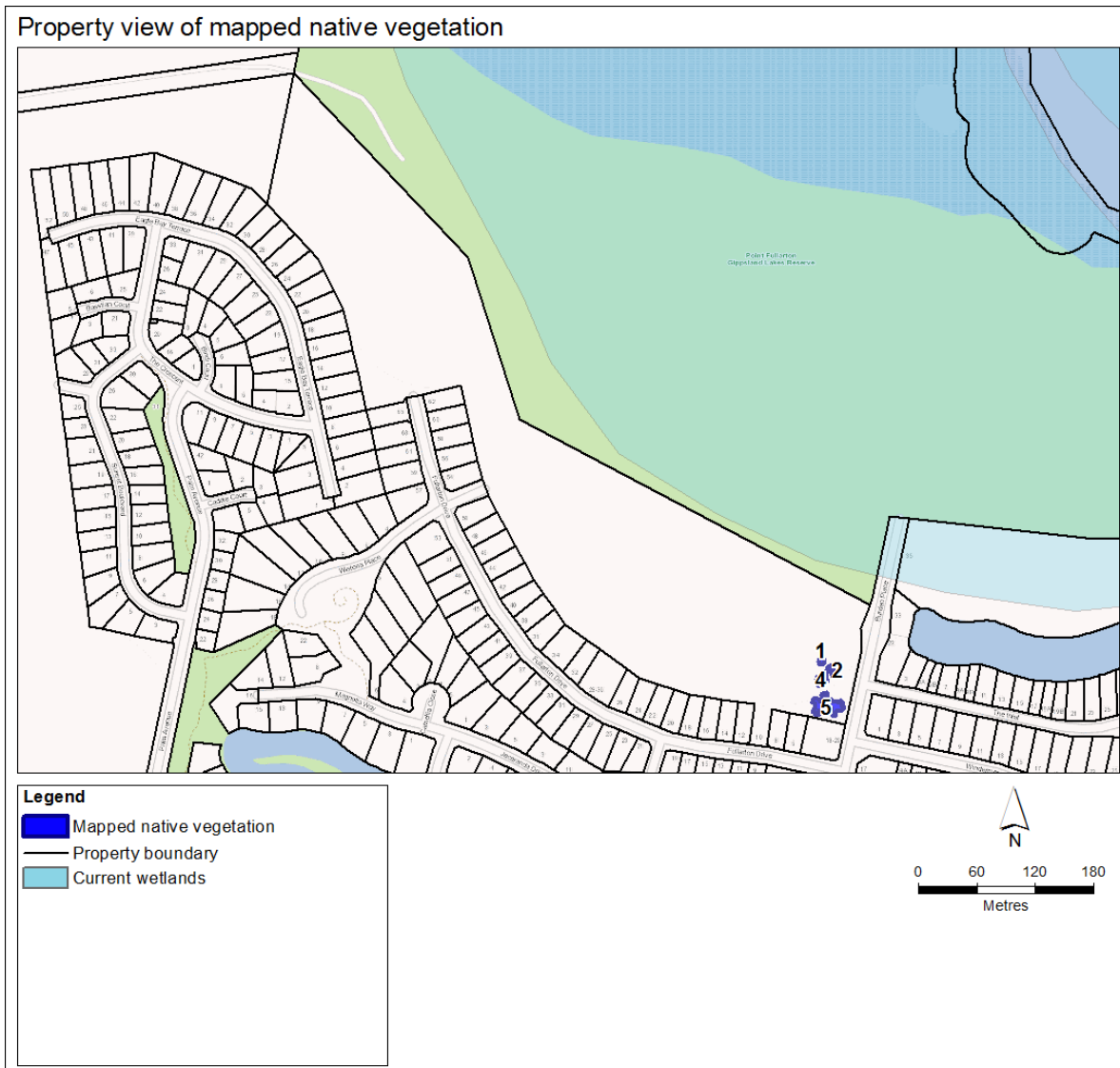


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Native vegetation removal report

Figure 2 – Map of property in context

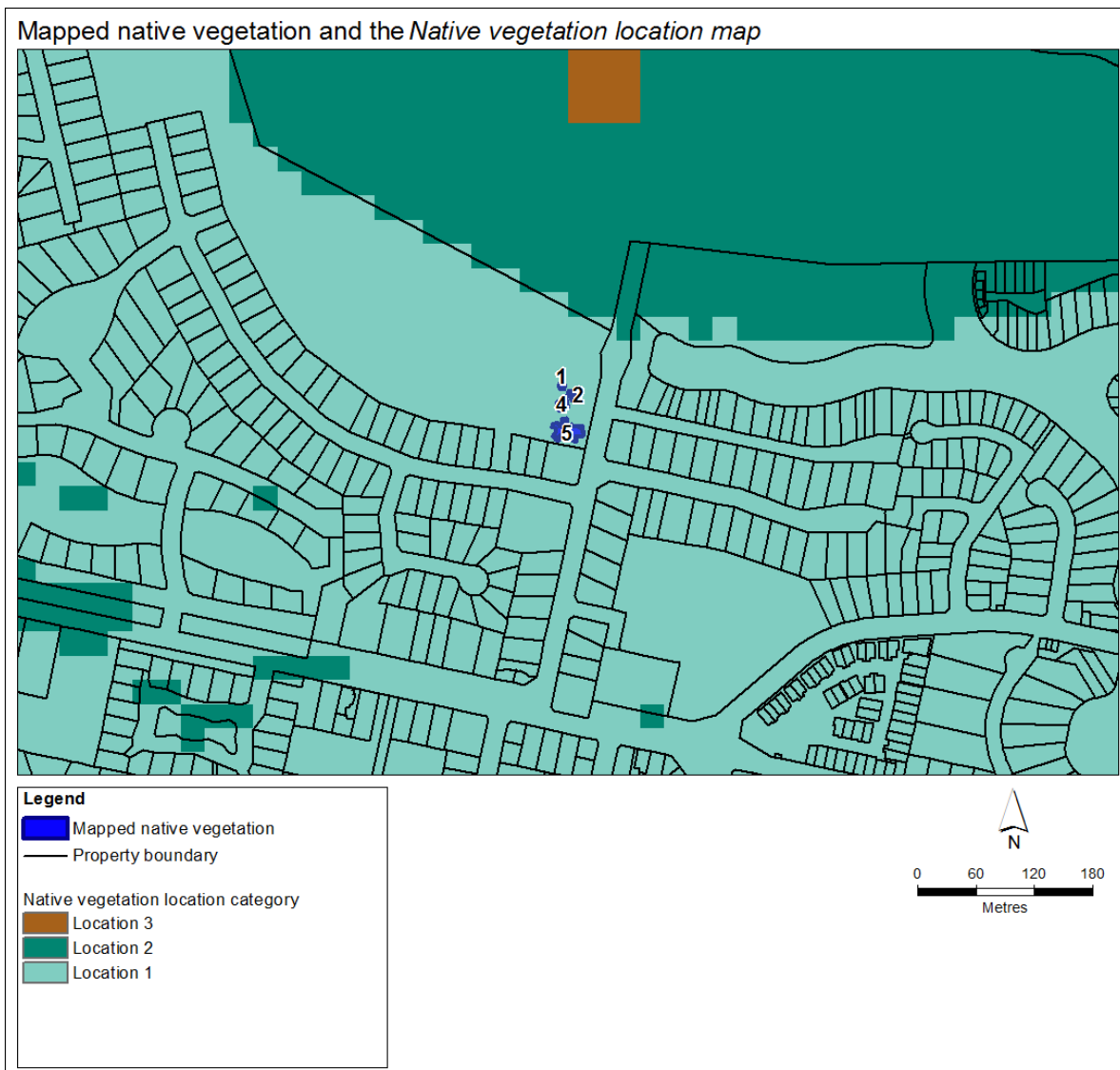


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Native vegetation removal report

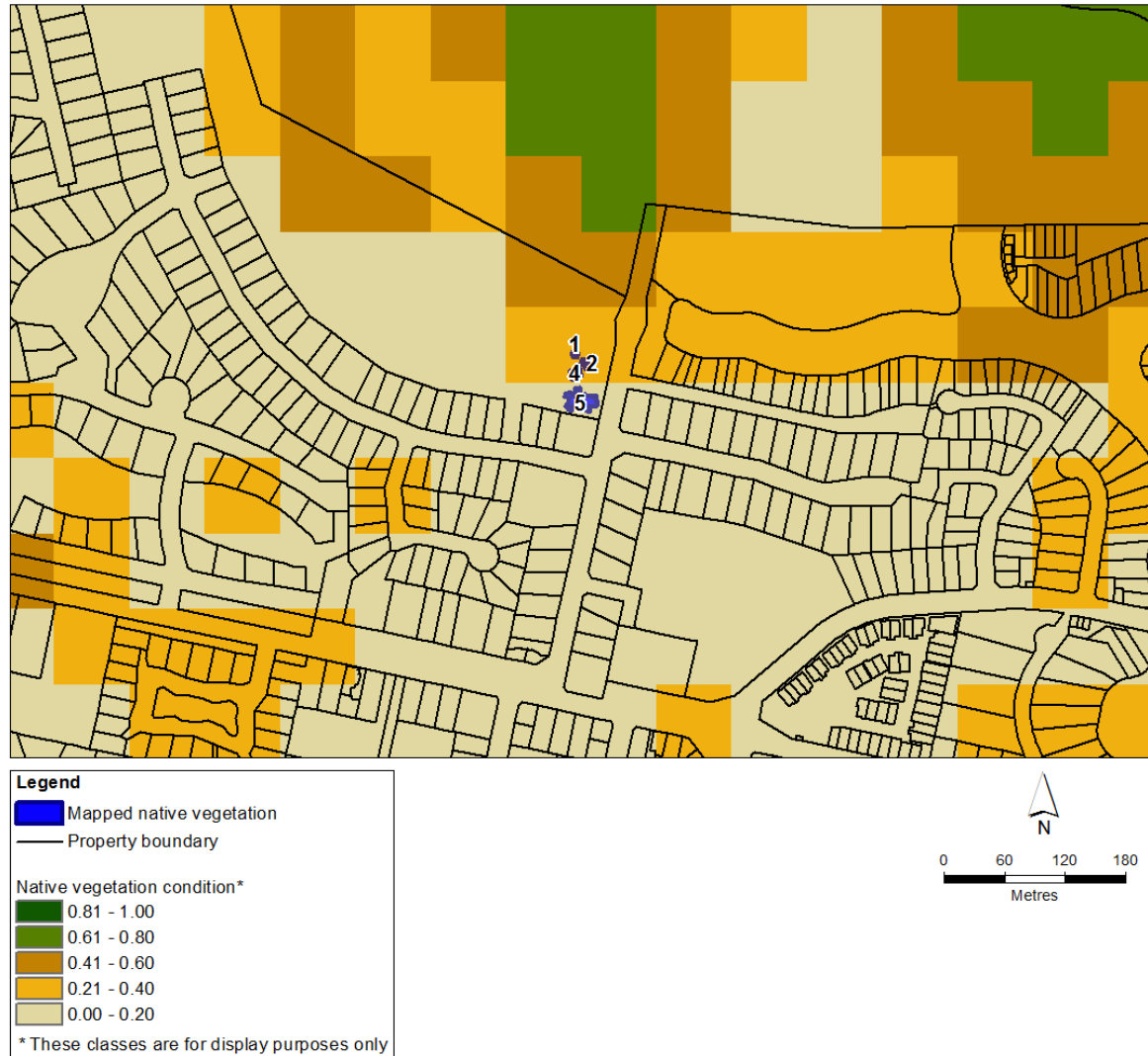
Figure 3 – Biodiversity information maps



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Native vegetation removal report

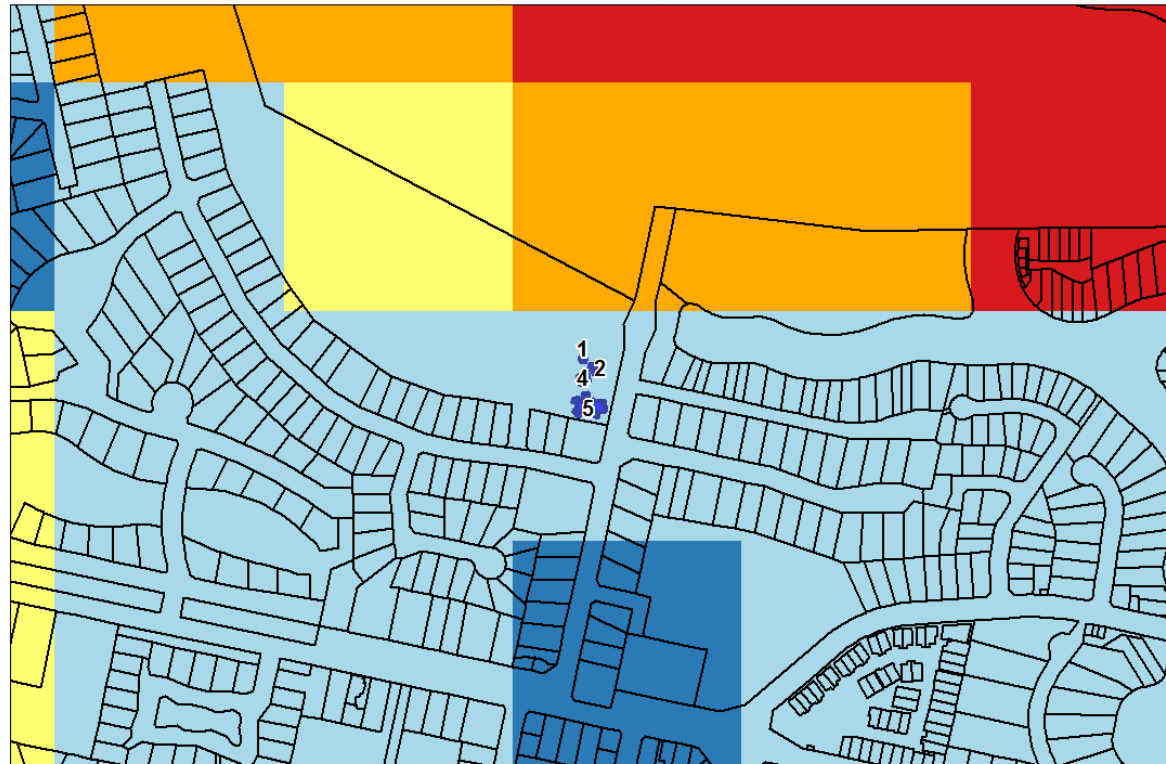
Mapped native vegetation and the *Native vegetation condition map*

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Native vegetation removal report

Mapped native vegetation and the Strategic biodiversity value map

**Legend**

- Mapped native vegetation
- Property boundary

Strategic biodiversity value*

- 0.81 - 1.00
- 0.61 - 0.80
- 0.41 - 0.60
- 0.21 - 0.40
- 0.00 - 0.20

* These classes are for display purposes only

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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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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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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](#).

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**Proposed Multi lot residential subdivision
10 Fullarton Drive, Paynesville**

**Town Planning Report -
Access & Servicing Strategy**

Prepared for:
Resi Ventures Pty Ltd

Prepared by:
Crossco Consulting Pty Ltd
PO Box 858
Bairnsdale Vic 3875



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Revision FINAL

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Document revision

Version	Date	Prepared by	Comments
FINAL	05/08/2022	Crossco	Distributed to C&S

Notice:***This Stormwater Management Strategy:***

- 1. Has been prepared by Crossco Consulting Pty Ltd for Resi Ventures Pty Ltd.***
- 2. Is for the use of Resi Ventures Pty Ltd in seeking planning approval for the proposed subdivision at 10 Fullarton Drive, Paynesville.***
- 3. Is for the use of East Gippsland Shire in assessing any planning application submitted by Resi Ventures Pty Ltd or on their behalf by Crowther & Sadler Pty Ltd for the proposed development of 10 Fullarton Drive, Paynesville.***

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1. Background

Crossco Consulting Pty Ltd has been engaged by Resi Ventures Pty Ltd to prepare an Access & Servicing Strategy to accompany a planning permit application that will be submitted to East Gippsland Shire Council to subdivide land at 10 Fullarton Drive, Paynesville.

A separate Stormwater Management Strategy has been prepared.

The site is subject to the East Gippsland Shire Planning Scheme and is zoned GRZ1 (General Residential Zone – Schedule 1).

To the north of the site are wetlands that fringe the Gippsland Lakes (Lake King) and forms part of the Gippsland Lakes RAMSAR site. Part of the north boundary of the subject site abuts the RAMSAR boundary.



Figure 1: Ramsar Boundary¹

2. Site Overview

2.1 Property Details

Property Address	10 Fullarton Drive, Paynesville
Boundaries	Crown Land (Ramsar Boundary) to the north Existing Dwellings & vacant land to the south and west Burden Place (municipal road) to the east

¹ Excerpt – Gippsland Lakes Ramsar Site Boundary Description, Technical Report (DEPI Victoria), 2013

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2.2 Site Location

The site is located at the north/west edge of Paynesville and overlooks Point Fullarton and Lake King to the north.

Land to the south is developed for residential purposes with existing dwellings that have the following services available:

- Municipal Road access & drainage
- Sewer & Water (East Gippsland Water)
- Electricity
- Natural gas
- Communications



Figure 2: Locality Plan

Figure 2 provides an overview of the location of the site in relation to existing development at Paynesville. The waterways and wetlands associated with the town are also shown.

Figure 3 and Figure 4 show the site in the context of the abutting land and infrastructure.

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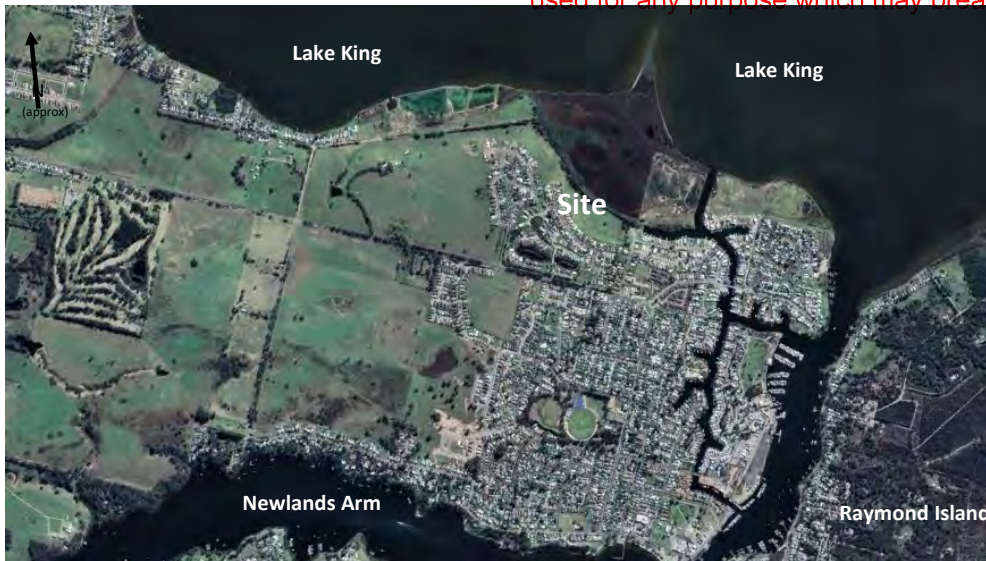


Figure 3: Aerial Overview



Figure 4: Site Aerial

3. Proposal

10 Fullarton Drive, Paynesville is proposed to be developed for residential purposes. The proposed 59 allotment subdivision will include services and create a Reserve to the north.

The development creates:

- Lots 1 – 33 to the west area of the site
- Lots 34 - 59 to the east area of the site

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4. Services

4.1 Roads & Drainage

Drainage and stormwater management are considered in Crossco report "Stormwater Management Strategy" and have not been duplicated in this report.

New roads are proposed to be constructed to access the subdivision as follows:

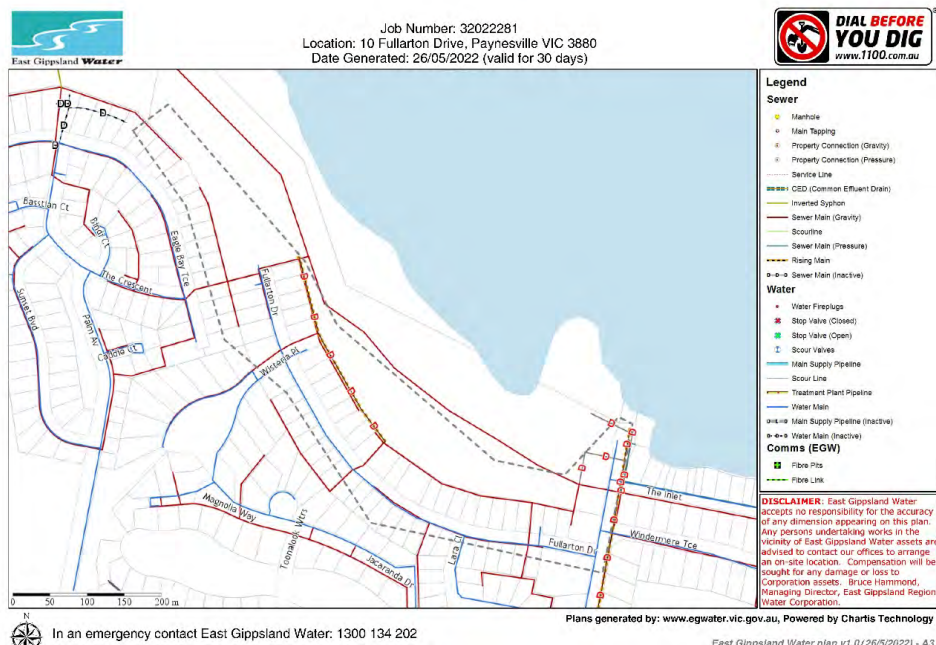
West area (Lots 1-33)	<p>Fullarton Drive currently terminates at the west boundaries of 62/65 Fullarton Drive and at this location the existing road reserve is 18 m wide.</p> <p>Fullarton Drive will be constructed further to the west (approx. 300 lm of new road).</p> <p>The extension of Fullarton Drive:</p> <ul style="list-style-type: none"> - is proposed to be consistent with the width of the existing road and will provide for 2-way traffic, with footpaths on both sides of the road. - road reserve will gradually increase to 22 m wide to accommodate the natural slope. Refer to Crossco Drawing 2635/006 at Appendix 1 for cross sections of the extension of Fullarton Drive. Section A on Drawing 2635/001 is a typical section of the proposed Fullarton Drive extension and shows road reserve width (22m), carriageway, footpaths etc.
East area (Lots 34-59)	<p>A new road to the north boundary of these proposed allotments will be constructed with allotments constructed only to the south of this road and Reserve to the north.</p> <p>The new road will terminate at Burden Place where a new intersection will be constructed, and Fullarton Drive (north of the existing Wisteria Place intersection). The new road will provide for two-way traffic, with a footpath (1.5m width) on the south side.</p> <p>Vehicles on Fullarton Drive and Burden Place respectively will retain right-of-way.</p> <p>Refer to Crossco Drawing 2635/001 at Appendix 1 – Section B is a typical section of the proposed new road and shows road reserve width (18 m), carriageway, footpaths etc.</p>

Road and drainage design are proposed to be consistent with the planning scheme and Infrastructure Design Manual (IDM), and other relevant design standards (such as AustRoads).

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4.2 Sewer & Water

Figure 5: EGW Assets²

4.2.1 Sewer

Authority	East Gippsland Water (EGW)
Existing sewer system	<p>The general arrangement of sewer and water assets in the area are shown at Figure 5, with additional information provided at:</p> <ul style="list-style-type: none"> - Crossco Drawings at Appendix 1 - DBYD plans at Appendix 3. <p>Sewer Gravity Main: There is a sewer gravity main (225 dia) to the north of the site that outfalls sewerage to a sewer pump station (SPS) to the west at Bay Road, Eagle Point. Sections of this sewer will be rerouted in proximity of proposed Lots 16-57.</p> <p>Reticulated sewer: Wastewater generated at existing properties to the north of Fullarton Drive outfall to a reticulated sewer (c 150mm dia), with existing properties at 6-38 Fullarton Drive draining to the east, and 40-62 draining to the west. Both outfall via gravity to the 225 dia sewer gravity main.</p>

² DBYD

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With the exception of proposed Lot 59, the proposed allotments will be serviced by a new 150 dia gravity sewer:

- Lots 1 – 15 constructed in the extension of the Fullarton Drive road reserve (south side).
- Lots 16-33 constructed along the north boundary.

Lots 1 – 33 discharge to the west to the existing (partially reconstructed) 225 dia sewer gravity main.

Lots 34-57 discharge to the east via a new gravity sewer to an SPS (currently decommissioned), and outfall via a new rising main (RM) to a manhole at proposed Lot 33 to the new gravity sewer outfalling to the west. Consideration was given to discharging the RM to an existing 225 dia sewer gravity main manhole but was not preferred to avoid undertaking works / modifying the existing infrastructure when another alternative is available.

Lots 58-59 discharge to the existing sewer to the north of the existing allotments to the north of Fullarton Drive.

EGW have specific and detailed requirements for the design and construction of all sewer and water assets that must be met. This development proposes to meet all EGW requirements.

4.3 Water

Authority	East Gippsland Water
Existing reticulated potable water	<p>The general arrangement of sewer and water assets in the area are shown at Figure 5, with additional information provided at:</p> <ul style="list-style-type: none"> - Crossco Drawings at Appendix 1 - DBYD plans at Appendix 3. <p>Existing properties at:</p> <ul style="list-style-type: none"> - Fullarton Drive are serviced by a 150mm dia watermain in Fullarton Drive. - Burden Place / Windermere Terrace are serviced by a 150mm dia watermain. - Burden Place / The Inlet are serviced by a 100mm dia watermain that terminates in Burden Place.

With the exception of proposed Lots 58-59, the proposed allotments will be serviced by a new watermain:

- Lots 1 – 33 constructed in the extension of the 150mm dia watermain in the Fullarton Drive road reserve (south side).
- Lots 34-57 constructed in the proposed road reserve (south side) from Burden Place (existing 100mm dia watermain) to Fullarton Drive existing watermain.
- Lots 58-59 are proposed to be serviced from existing watermain in Burden Place and Fullarton Drive respectively.

EGW have specific and detailed requirements for the design and construction of all sewer and water assets that must be met. This development proposes to meet all EGW requirements.

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4.4 Natural Gas

Authority	APA Group
Existing gas main & location	<p>Refer to attached for location of existing gas mains at:</p> <ul style="list-style-type: none"> - Crossco Drawings at Appendix 1 - DBYD plans at Appendix 3. <p>Existing properties connected to natural gas are serviced by a 63 dia P7 pipe in the respective road reserves.</p> <p>Refer to APA DBYD plans at Appendix 3.</p>

The proponent proposes to allow for the installation of natural gas.

4.5 Electrical

Figure 6 shows existing Ausnet assets in the area, with overhead services shown in blue and underground shown in maroon. The supply terminates at Burden Place north of The Inlet.



Figure 6: Ausnet Assets

Authority	Ausnet
Existing electrical infrastructure	<p>The general arrangement of Ausnet (electricity mains) assets in the area are shown at Figure 6, with additional information provided at:</p> <ul style="list-style-type: none"> - Crossco Drawings at Appendix 1 - DBYD plans at Appendix 3. <p>Existing surrounding properties connected to mains electricity.</p> <p>Refer to Ausnet DBYD plans at Appendix 3.</p>

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The electricity supply will be provided underground.

Conceptual advice has been provided by an Ausnet certified electrical designer. This advice has been provided in the form of a "mark up" of a Crossco drawing is duplicated below.

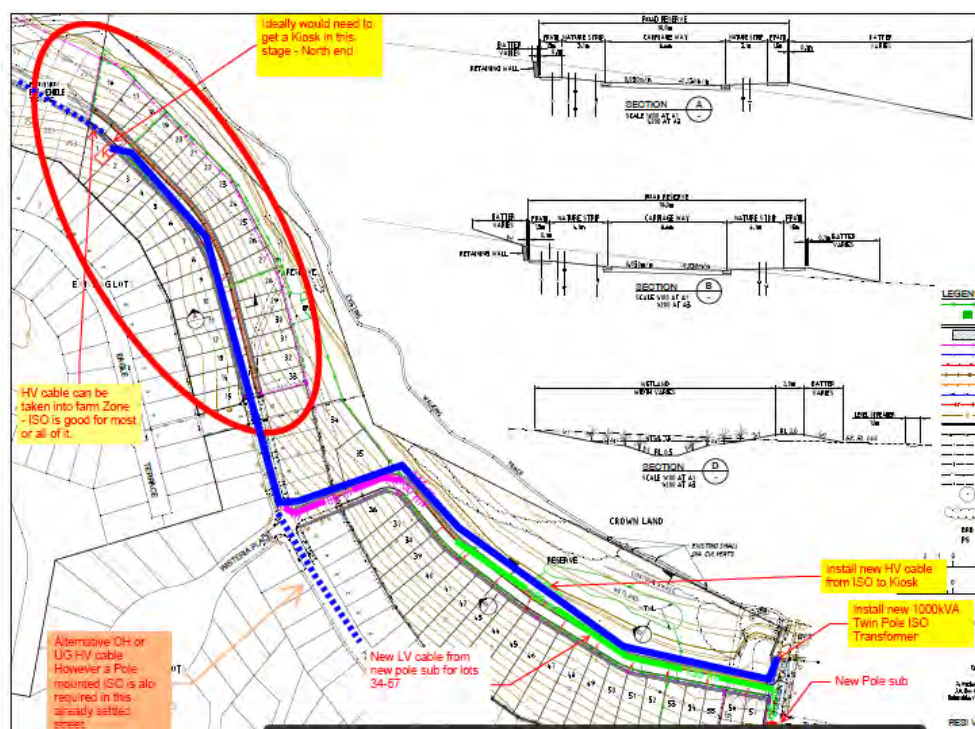


Figure 7: Concept electrical supply layout

The layout at Figure 7 is conceptual and subject to detailed design and Ausnet approval. The concept design indicates that mains electricity can be supplied to the proposed development from Ausnet assets, and further that transformers and kiosks are required. The location of the kiosks will be confirmed in detailed design and will require creation of Reserve.

The "Alternative" shown on the "mark up" to install a pole mounted ISO in proximity to 51 Fullarton Drive has been dismissed and is not the proponent's preferred electrical design solution as the required pole mounted infrastructure could be visually obtrusive to some properties on the south side of Fullarton Drive.

Public / street lighting will be included in the detailed electricity design. Street lighting is proposed to be provided on the "street circuit" and will be designed, approved and constructed in accordance with Ausnet requirements. Street lighting design will apply Ausnet and EGSC approved poles and LED technology.

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4.6 Communications

Authority	Telstra and NBN Co
Existing communications infrastructure	<p>The general arrangement of Telstra assets in the area are shown at Figure 8, with additional information provided at:</p> <ul style="list-style-type: none"> - Crossco Drawings at Appendix 1 <p>The general arrangement of NBN assets in the area are shown at Appendix 3 (DBYD plans).</p> <p>All Telstra and NBN assets are located in existing road reserves.</p> <p>Existing surrounding properties are serviced by both Telstra and NBN.</p>



Figure 8: Telstra Assets

Telstra and NBN existing cables are proposed to be extended to service the proposed allotments as shown on the Crossco Drawings at Appendix 1.

All Telstra and NBN assets are proposed to be constructed underground within proposed road reserves.

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5. Environmental Management

5.1 Construction Phase

Construction of the access and servicing infrastructure outlined in this report will require management to ensure there is no off-site impact.

Compliance with EPA publication 1834 through **all** phases of construction works is strongly recommended. The publication cover page and excerpt of table of contents is included at Figure 9.

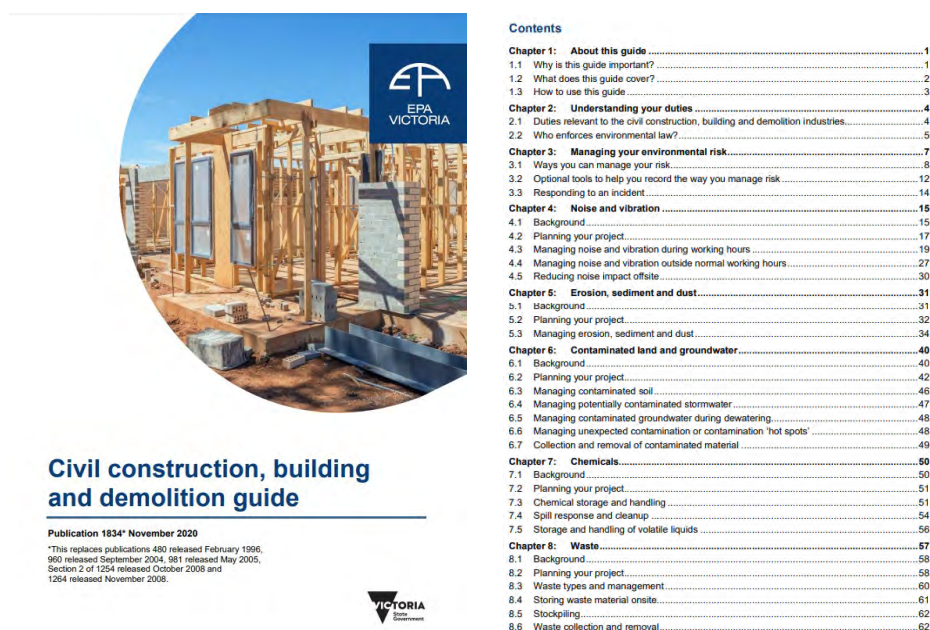


Figure 9: EPA Publication 1834 cover & ToC

5.2 Coastal Acid Sulphate Soils

Some works could impact coastal acid sulphate soils (CASS). Excavation of the constructed waterway immediately to the east (The Inlet waterway) is known to have disturbed CASS which was managed by a CASS Management Plan, and CASS mapping³ confirms the potential for CASS to be present.

EPA Publication 1834 referenced previously includes a statement regarding the management of acid sulfate soils, with a guidance sheet for management of "Hazardous Waste" including acid sulfate soils. Requirements for the management of acid sulfate soils (if present and/or disturbed by construction) will be addressed once the risk is identified and quantified.

³ VRO Coastal Acid Sulfate Soils Distribution – Map 5 for the Gippsland Lakes of Victoria

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As is usual practice where CASS is potentially present, the Geotechnical Investigation of the site prior to detailed design will include a CASS investigation and recommendations for management if found. Further if CASS is found this will assist in informing the detailed design, in particular avoidance where practical and materials selection (such as sulphate resistant materials) for construction through the CASS profile.

CASS Management Plans are commonly implemented by Civil Contractors in East Gippsland and form an important part of OH&S and Environmental management of civil construction projects throughout coastal environments. While not relevant to stormwater assets which are gifted to the municipality, East Gippsland Water has a Standard Operating Procedure (SOP) for Management of Acid Sulphate Soils and will expect compliance with this SOP for construction of assets to be gifted to EGW (water and sewer assets) and it is anticipated that a single CASS Management Plan will be developed for all civil construction works.

If a CASS Management Plan is required, it will meet the requirements of DELWP and any other relevant Authority.

6. Summary

Key issues are:

- Recommissioning of the SPS at Burden Place (EGW asset) is required.
- Access for the east allotments is from Burden Place.
- Access for the west allotments is created by extending Fullarton Drive.
- The proposed allotments can be serviced as required.
- No departure from design standards is proposed.
- Compliance with EPA Publication 1834 during all phases of construction will ensure environmental risk are managed.
- CASS will be managed in accordance with standard practice and statutory requirements.

M Supplitt
05/08/2022



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Appendix

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Appendix 1 – Crossco Drawings

2635/001 Access & Servicing Strategy

2635/002 Access & Servicing Strategy

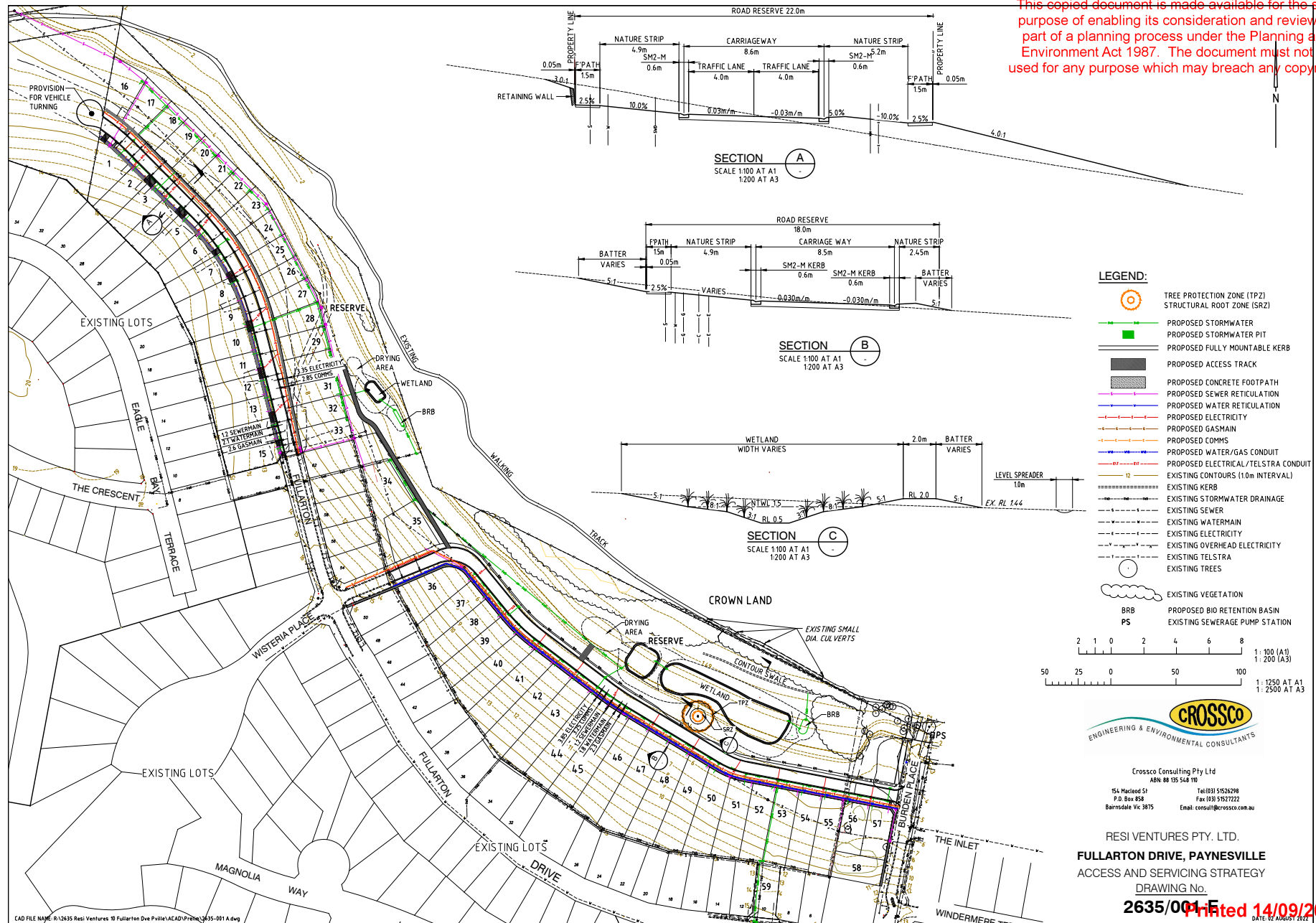
2635/003 Access & Servicing Strategy

2635/006 Indicative Sections

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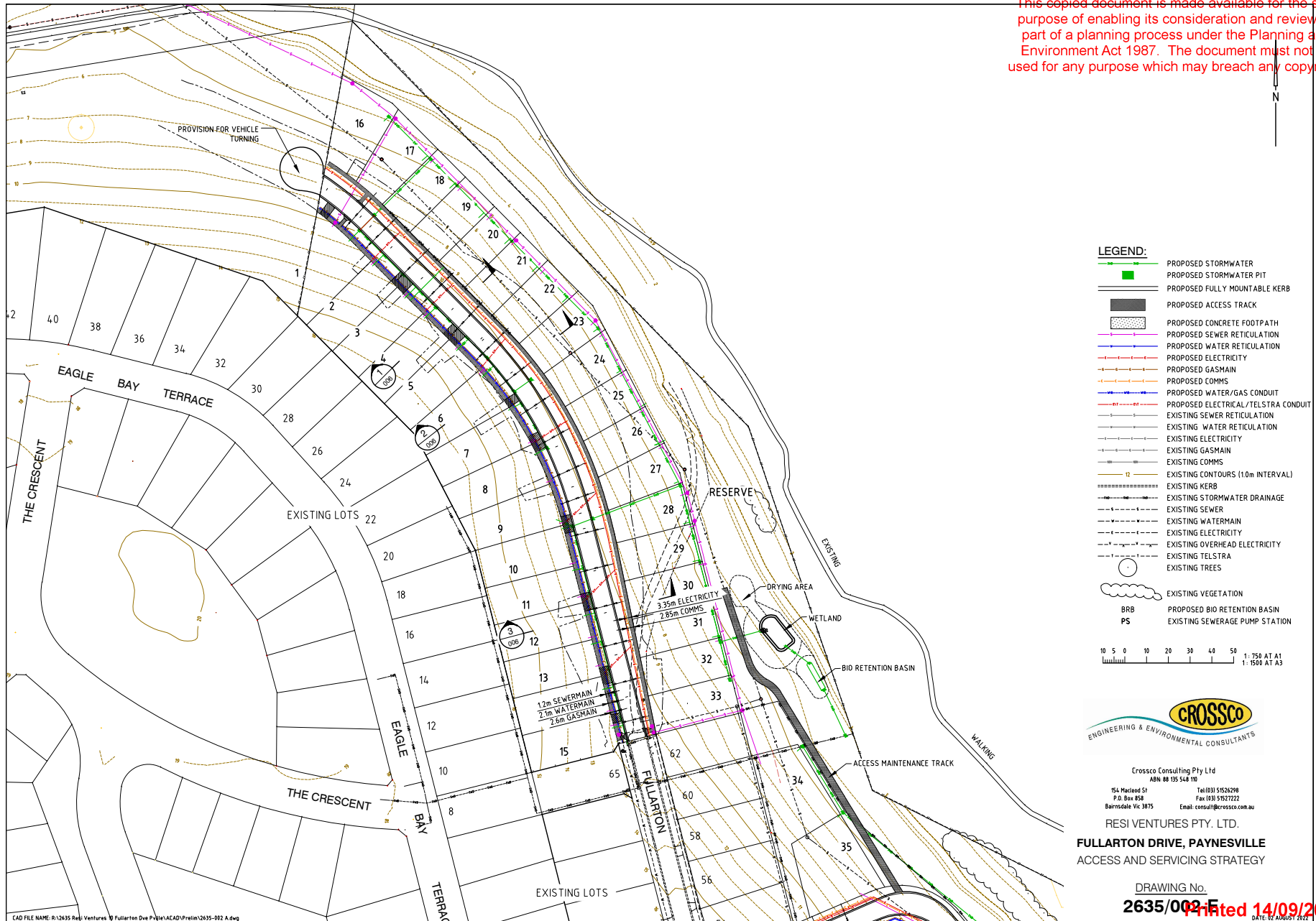
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RESI VENTURES PTY. LTD.
FULLARTON DRIVE, PAYNESVILLE
ACCESS AND SERVICING STRATEGY
DRAWING No.

2635/001-E
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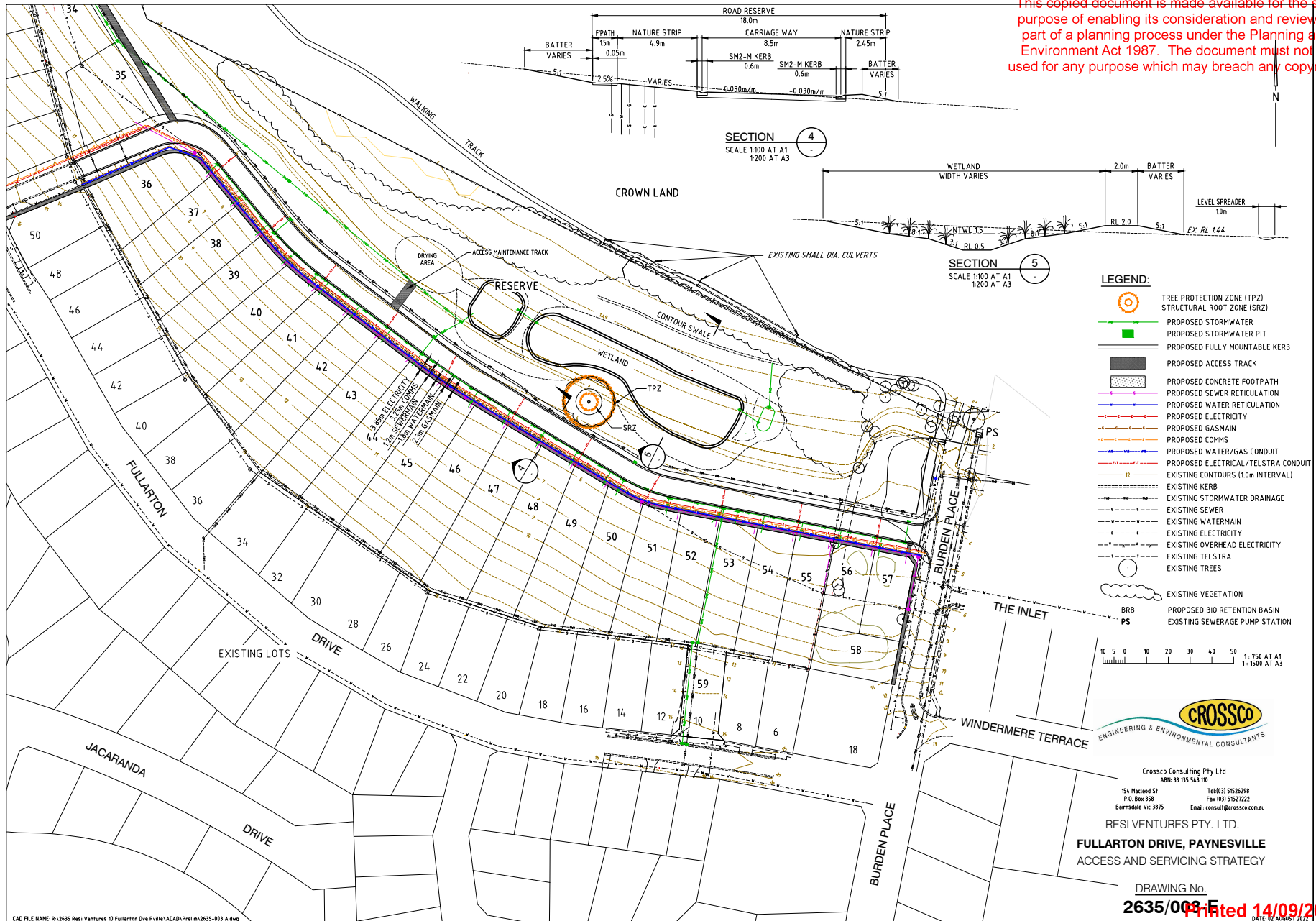
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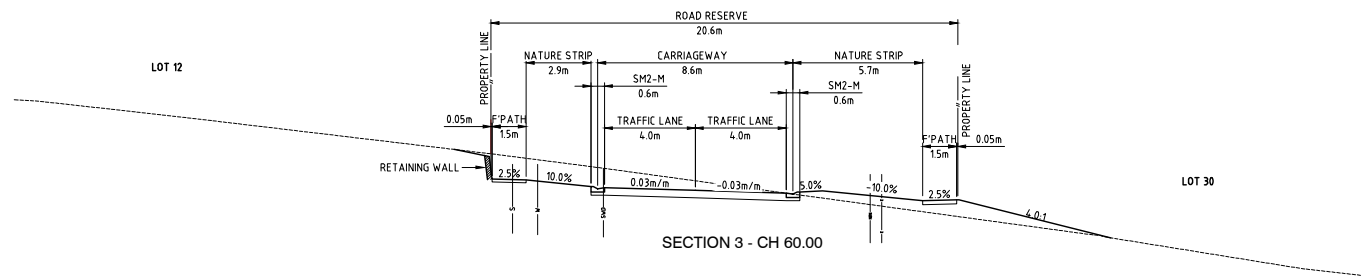
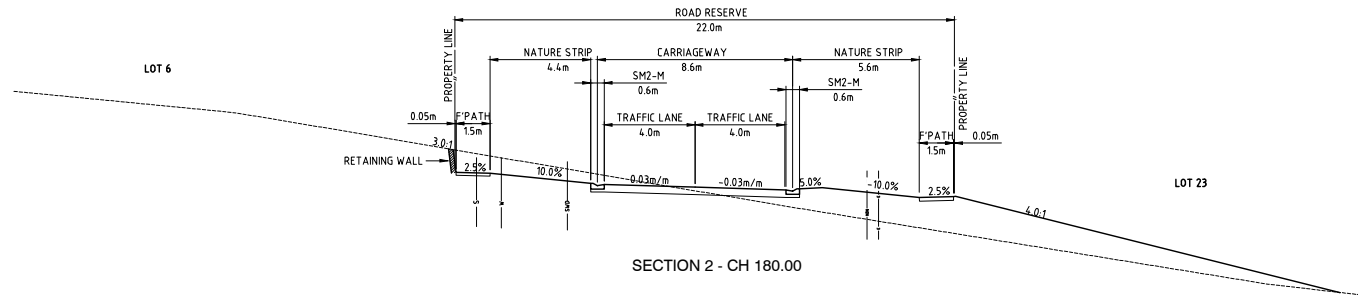
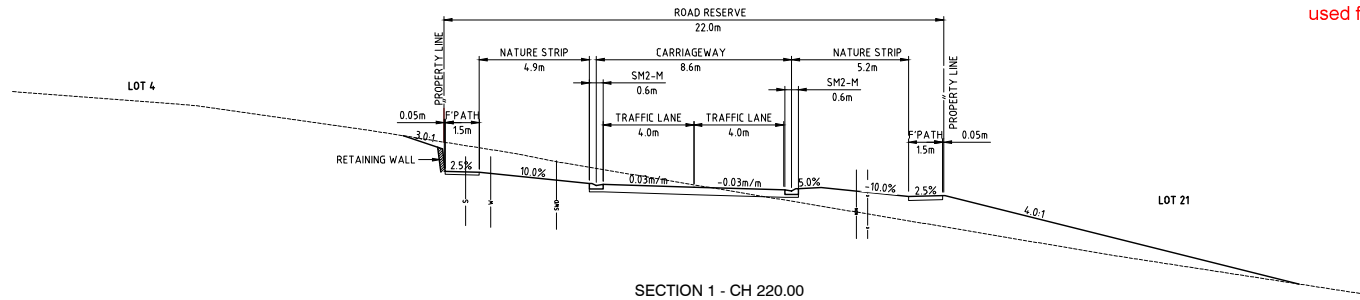
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CAD FILE NAME: R:\2635 Resi Ventures 10 Fullarton Drive Pullen\ACAD\Prelin\2635-006 A - Cross sections.dwg



Crossco Consulting Pty Ltd
ABN: 88 135 548 110
154 Macleod St
P.O. Box 858
Barnside Vic 3875
Tel (03) 51526298
Fax (03) 51527222
Email: consult@crossco.com.au

RESI VENTURES PTY. LTD.
FULLARTON DRIVE, PAYNESVILLE
TYPICAL SECTIONS

DRAWING No.
2635/006-E

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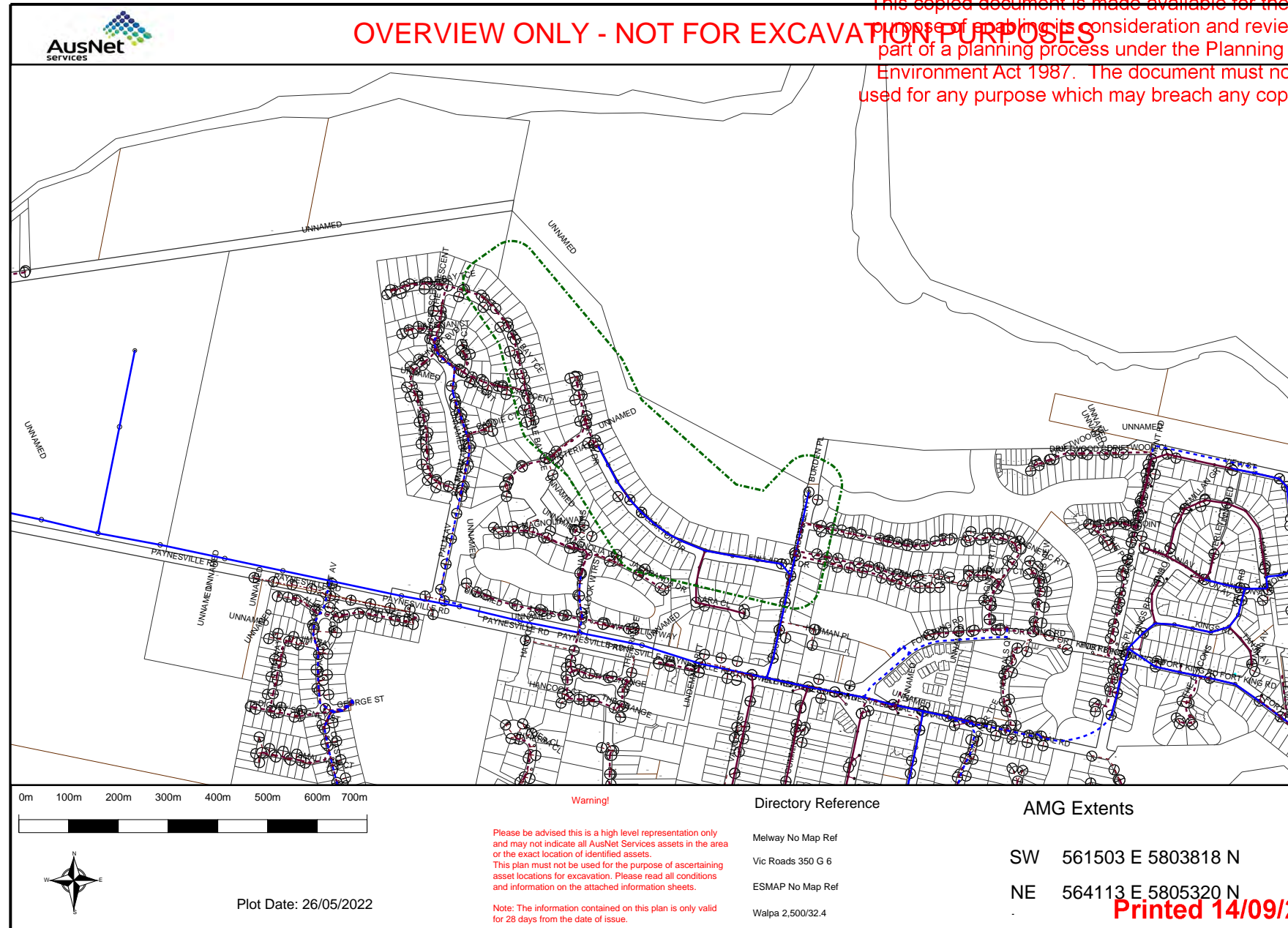
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Appendix 2 – Dial-Before-You-Dig

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APA Group
PO Box 6014 Halifax Street
South Australia 5000



For your immediate information **THERE IS A CRITICAL GAS PIPELINE AND/OR ASSOCIATED INFRASTRUCTURE** in the area of your works.

27/07/2022

Company: Crossco
Margaret Supplitt
154 Macleod Street
Bairnsdale
VIC 3875
margaret@crossco.com.au

Dear Margaret Supplitt

Sequence Number: 214115450
Worksite Address: 10 Fullarton Drive
Paynesville
VIC 3880

Thank you for your Dial Before You Dig enquiry regarding the location of Gas Assets. We can confirm that the APA Group has **Critical Gas Assets** in the vicinity of the above location.

You are hereby notified that **before you commence any works** you are required to complete the attached **'Work In The Vicinity Of Critical Gas Assets'** request form and forward this to APA as soon as practicable.

As laid out in the **Duty of Care** requirements supplied, any activity in the vicinity of Critical Gas Assets operated by APA requires an Authority to Work Permit and potentially attendance on site by an APA representative during any work. Please ensure you read and comply with all the relevant requirements. Should you have any questions with regards to the attached information please contact our DBYD officer - 1800 085 628.

Caution - Damage to gas assets could result in possible explosion and fire with the risk of personal injury. For Gas Emergencies please call 1800 GAS LEAK (1800 427 532)

Please find enclosed the following information:-

- APA's Duty of Care, If you are unclear of your obligations under these requirements please contact the APA Representative listed above immediately
- An overview map with your requested area highlighted to assist in locating APA's Gas Assets
- A map(s) showing APA's Gas Assets in the requested area, this information is valid for 30 days from the date of this response, **please check this represents the area you requested**, if it does not, please contact the APA Representative listed above immediately
- A 'Work In The Vicinity Of Critical Gas Assets' request form, please complete and forward to APA as soon as practicable via DBYDNetworksAPA@apa.com.au, or the address above. **A minimum of 2 business days advance notification is required to process Authority To Work Request applications**

The outcome of this request may be that a qualified APA Group Representative will be required on site when you undertake your proposed works, if this is the case, this will need to be arranged dependent on their availability. Whilst we will aim to facilitate this within 2 business days from a decision, **this cannot be guaranteed**.

Please Note: For some DBYD enquiries, you might receive 2 responses from the APA Group. Please read both responses carefully as they will relate to different assets. It is your responsibility to action all requirements set out in APA Group responses.



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Please take some time to review the entire response document and check the information supplied and please let us have any feedback by sending an email to DBYDNetworksAPA@apa.com.au or contacting us direct on 1800 085 628.

Duty of Care - Working Around Gas Assets

General Conditions

- This location enquiry is valid for 30 days from the enquiry date
- Expired locations, i.e., over 30 days from the date of this response, require a new Dial Before You Dig request to validate location information
- The location information supplied in this document shall be used as a guide only. APA Group shall not be liable or responsible for the accuracy of any such information supplied pursuant to this request
- It is the responsibility of the excavator to expose all Gas Assets, including Gas Service pipes (see below), Gas Asset depths may vary according to ground conditions
- Gas Services (inlet service) connecting Gas Assets in the street to the gas meter on the property are typically **not** marked on the map
- Some Gas Assets are installed inside of a casing. The locations where a Gas Asset changes from inserted to direct burial are not marked on the map unless otherwise stated
- This information has been generated by an automated system based on the area highlighted in your DBYD request and has not been independently verified. It is your responsibility to ensure that the information supplied in this response matches the dig site you defined when submitting your Dial Before You Dig enquiry. If the information does not match the dig site or you have any question, please contact APA immediately using the details listed on the first page and / or please resubmit your enquiry
- For **Gas Emergencies** please call **1800 GAS LEAK (1800 427 532)**

Critical Gas Assets - Conditions

It is your responsibility to follow these important conditions when working in the vicinity of Critical Gas Assets

- A 'Work In The Vicinity Of Critical Gas Assets' request form must be submitted to APA Group PRIOR to any work commencing, a minimum of **2 business days** are required to arrange attendance by an APA Group representative
- Whilst we will aim to facilitate this within **2 business days** from a decision, **this cannot be guaranteed**. Charges for APA Group supervision may apply
- Any works in the vicinity of Critical Gas Assets requires approval from APA via **APA's 'Authority to work' permit** and supervision by an APA Group representative unless expressed otherwise on the "Authority to work" permit.
- Penalties apply to excavators commencing work in the vicinity of Critical Gas Assets **prior to receiving an APA Group 'Authority to Work' permit and an APA Group representative is present**



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Rates applicable to APA on-site representation for supervision or location

Item	Rate
Site Watch - Normal Hours	\$143.42 (hr)
Site Watch - After Hours	\$175.06 (hr)
Electronic Locate – Normal Hours	\$143.42 (hr)
Electronic Locate – After Hours	\$175.06 (hr)
Cancellation	2 hrs (where less than 1 business day notice is provided)
Mains Proving	As quoted by APA

Notes:

- All prices are exclusive of GST
- All partial hours will be charged at a full hour rate for the first hour, 1hr minimum charge.
- Cancellations must be received 1 business day prior to the booked supervision otherwise a 2hr charge will be incurred.
- Contact us for State specific hours of business.

APA CHANGE NOTIFICATION

The map below may have different symbols to those you are familiar with.

APA recently upgraded the asset mapping software utilised for Dial Before You Dig requests.

To avoid confusion, please carefully review the legend along with the map.

Please direct any questions to DBYDNetworksAPA@apa.com.au

Mapping information is provided as AS5488-2013 Quality Level D

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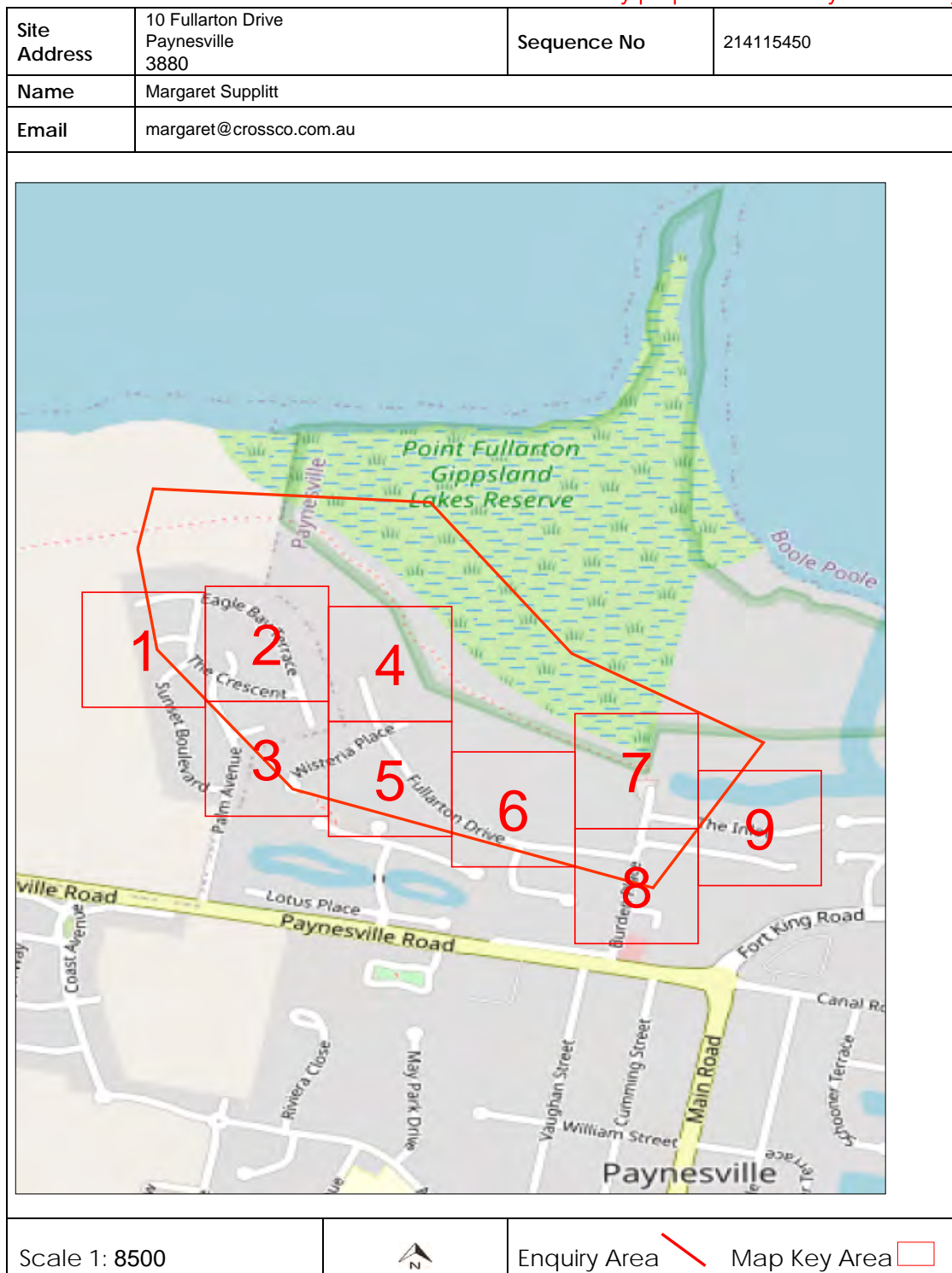
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apa



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Site Address	10 Fullarton Drive Paynesville 3880	Sequence No	214115450
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Before you commence any works you are required to complete the attached 'Work In The Vicinity Of Critical Gas Assets' request form and forward this to APA as soon as practicable.

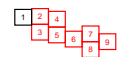


LEGEND					
PIPE AND BOUNDARIES		PIPE CODE / MATERIALS		OBJECTS or TERMS	
LOW PRESSURES		C# (e.g. C2)	Cast Iron	VALVES	
MEDIUM PRESSURES		CU	Copper	BURIED VALVES	
HIGH PRESSURES		N2	Nylon	REGULATORS	
TRANSMISSION PRESSURES		P# (e.g. P6)	Polyethylene (PE)	GAZ SUPPLIED = YES	
PRIORITY MAIN (BEHIND PIPE)		P6,P7,P9-P12	Medium Density PE	CP RECTIFIER UNIT	
PROPOSED (COLOUR BY PRESSURE)		P2,P4,P8	High Density PE	CP TEST POINT/ ANODE	
LPG (COLOUR BY PRESSURE)		S# (e.g. S8)	Steel	SYPHON	
ABANDONED		W2	Wrought Galv. Iron	TRACE WIRE POINT	
IDLE		W3	Poly Coat Wrought Galv. Iron	PIPELINE MARKER	
SLEEVE		Pipe diameter in millimetres is shown before pipe code		NOT TIED IN	N.T.I.
CASING / SPLIT (BEHIND PIPE)		e.g. 40P6 = 40mm nominal diameter		DEPTH OF COVER	C
EASEMENT/ JURISDICTION				BACK / FRONT OF KERB	Bok Fok
EXAMPLES					
	40P6 in 80C2	40mm High Pressure Medium Density Polyethylene in an 80mm Cast Iron Casing			
	63S8	63mm Medium Pressure Steel			

— Line / Polygon Request

This map is created in colour and shall be printed in colour

Map Key



Scale 1:700

A horizontal line segment with arrows at both ends. Below the left arrow is the number 0. Below the right arrow is the number 0.008km.



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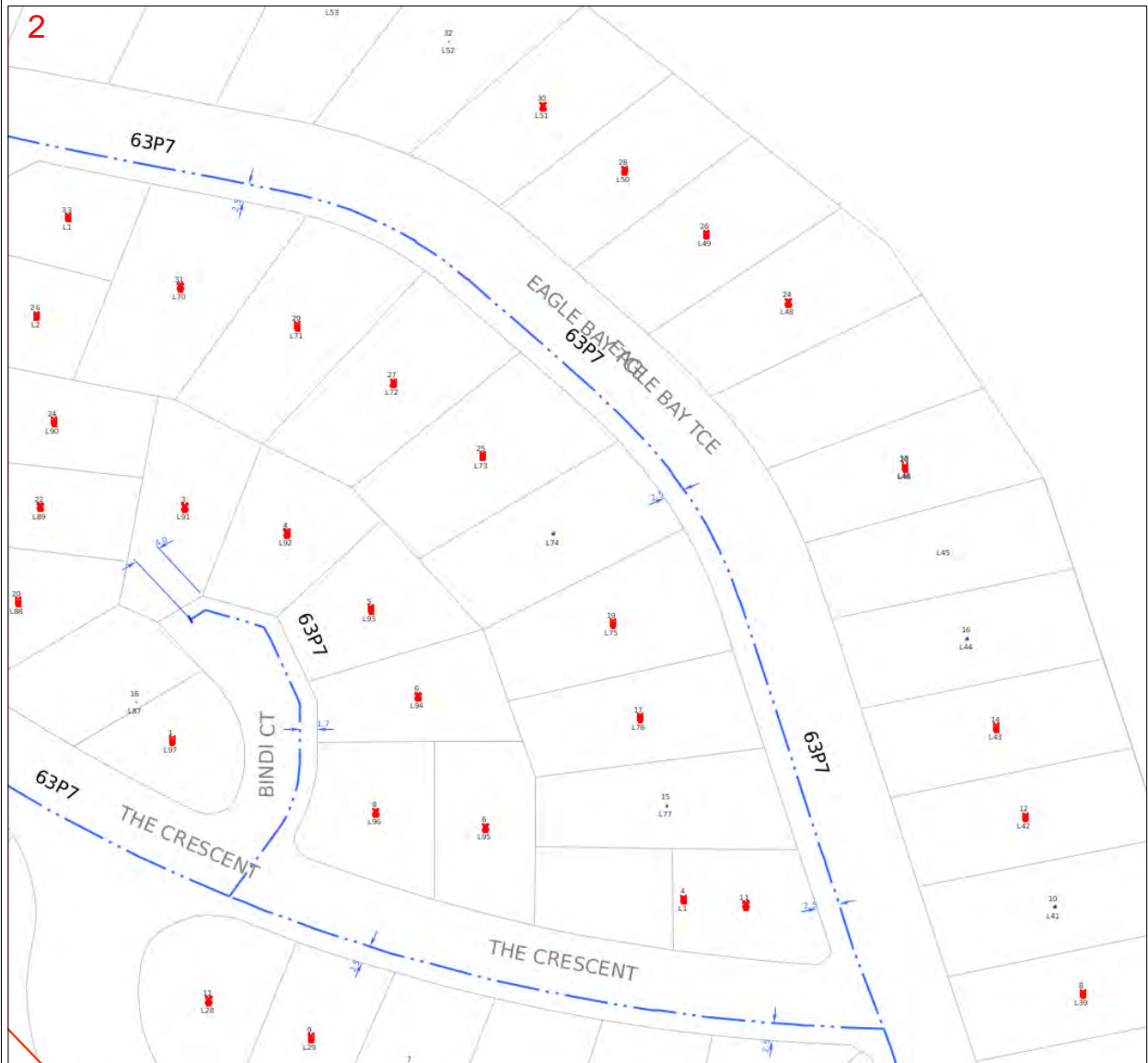


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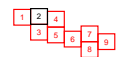


LEGEND		PIPE CODE / MATERIALS		OBJECTS or TERMS	
LOW PRESSURES	—	C# (e.g. C2)	Cast Iron	VALVES	
MEDIUM PRESSURES	—	CU	Copper	BURIED VALVES	
HIGH PRESSURES	—	N2	Nylon	REGULATORS	
TRANSMISSION PRESSURES	—	P# (e.g. P6)	Polyethylene (PE)	GAS SUPPLIED = YES	
PRIORITY MAIN (BEHIND PIPE)	—	P6,P7,P9-P12	Medium Density PE	CP RECTIFIER UNIT	
PROPOSED (COLOUR BY PRESSURE)	—	P2,P4,P8	High Density PE	CP TEST POINT/ ANODE	
LPG (COLOUR BY PRESSURE)	—	S# (e.g. S8)	Steel	SYPHON	
ABANDONED	—	W2	Wrought Galv. Iron	TRACE WIRE POINT	
IDLE	—	W3	Poly Coat Wrought Galv. Iron	PIPELINE MARKER	
SLEEVE	—	Pipe diameter in millimetres is shown before pipe code		NOT TIED IN	N.T.I.
CASING / SPLIT (BEHIND PIPE)	—	e.g. 40P6 = 40mm nominal diameter		DEPTH OF COVER	C
EASEMENT/ JURISDICTION	—			BACK / FRONT OF KERB	Bok Bok
EXAMPLES		40P6 in 80C2	40mm High Pressure Medium Density Polyethylene in an 80mm Cast Iron Casing		
		63S8	63mm Medium Pressure Steel		

Line / Polygon Request

This map is created in colour and shall be printed in colour

Map Key



Scale 1:700

0 0.008km



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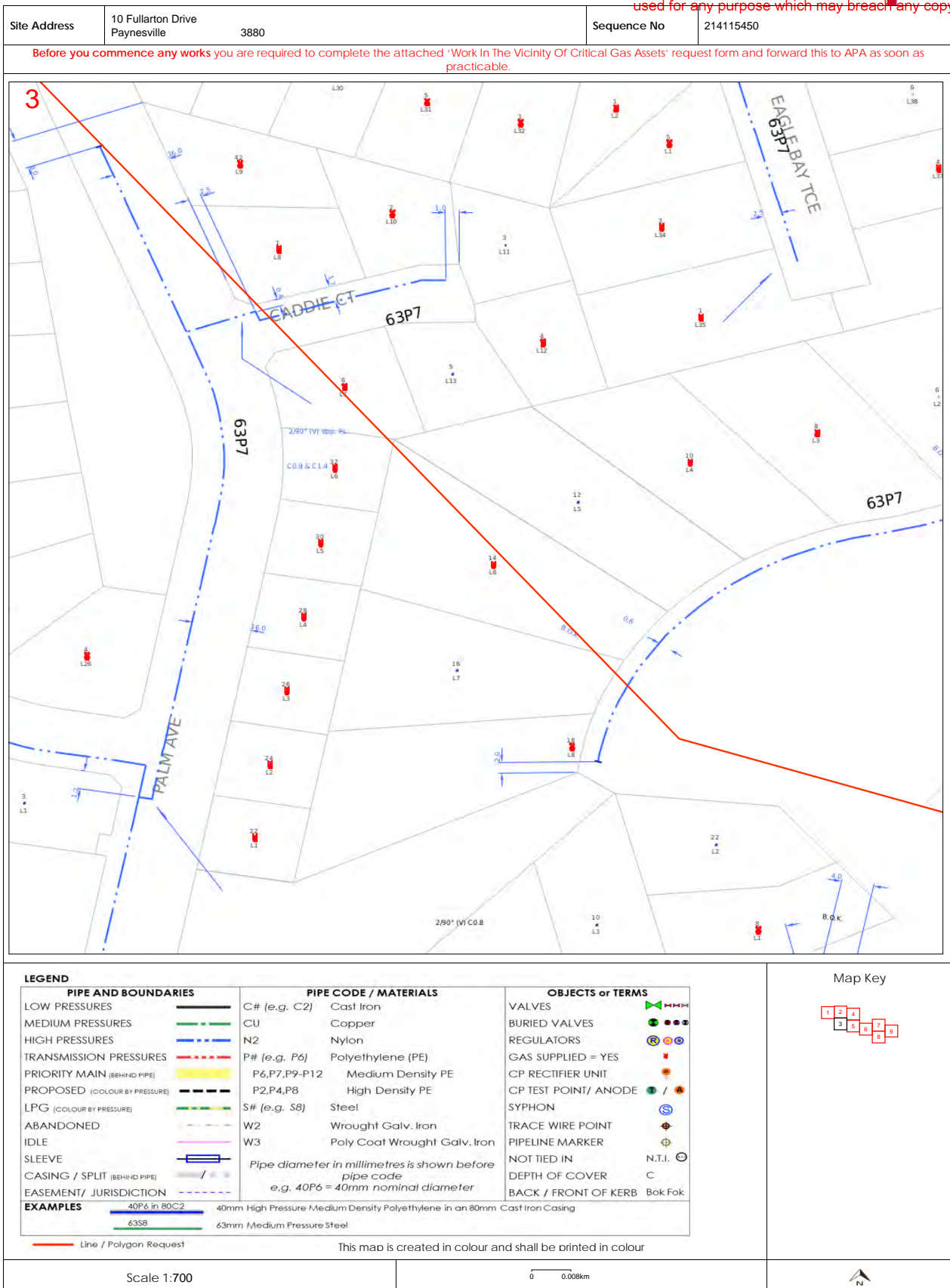
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Before you commence any works you are required to complete the attached 'Work In The Vicinity Of Critical Gas Assets' request form and forward this to APA as soon as practicable.



LEGEND

PIPE AND BOUNDARIES

LOW PRESSURES	—
MEDIUM PRESSURES	—
HIGH PRESSURES	—
TRANSMISSION PRESSURES	—
PRIORITY MAIN (BEHIND PIPE)	—
PROPOSED (COLOUR BY PRESSURE)	—
LPG (COLOUR BY PRESSURE)	—
ABANDONED	—
IDLE	—
SLEEVE	—
CASING / SPLIT (BEHIND PIPE)	—
EASEMENT/ JURISDICTION	—

EXAMPLES

40P6 in 80C2	40mm High Pressure Medium Density Polyethylene in an 80mm Cast Iron Casing
63S8	63mm Medium Pressure Steel

Line / Polygon Request

PIPE CODE / MATERIALS

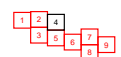
C# (e.g. C2)	Cast Iron
CU	Copper
N2	Nylon
P# (e.g. P6)	Polyethylene (PE)
P6,P7,P9-P12	Medium Density PE
P2,P4,P8	High Density PE
S# (e.g. S8)	Steel
W2	Wrought Galv. Iron
W3	Poly Coat Wrought Galv. Iron

Pipe diameter in millimetres is shown before pipe code
e.g. 40P6 = 40mm nominal diameter

OBJECTS or TERMS

VALVES	—
BURIED VALVES	—
REGULATORS	—
GAS SUPPLIED = YES	—
CP RECTIFIER UNIT	—
CP TEST POINT/ ANODE	—
SYPHON	—
TRACE WIRE POINT	—
PIPELINE MARKER	—
NOT TIED IN	N.T.I.
DEPTH OF COVER	C
BACK / FRONT OF KERB	Back / Front

Map Key



Scale 1:700

0 0.008km

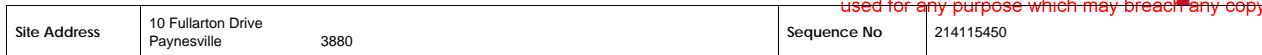


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1	2	4
3	5	6
	7	9

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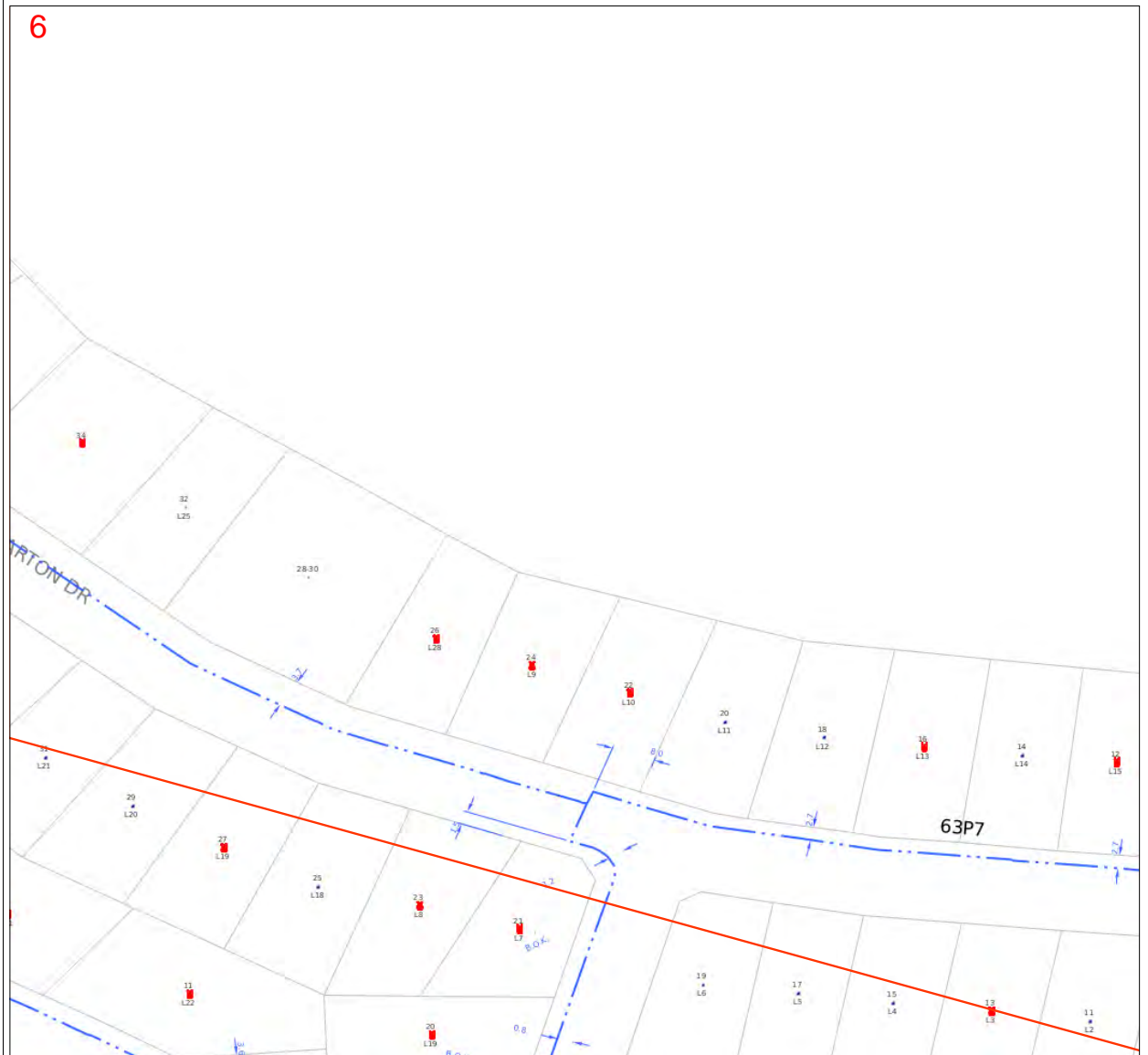


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Before you commence any works you are required to complete the attached 'Work In The Vicinity Of Critical Gas Assets' request form and forward this to APA as soon as practicable.



LEGEND	PIPE AND BOUNDARIES	PIPE CODE / MATERIALS	OBJECTS or TERMS
LOW PRESSURES	—	C# (e.g. C2) Cast Iron	VALVES
MEDIUM PRESSURES	—	CU Copper	BURIED VALVES
HIGH PRESSURES	—	N2 Nylon	REGULATORS
TRANSMISSION PRESSURES	—	P# (e.g. P6) Polyethylene (PE)	GAS SUPPLIED = YES
PRIORITY MAIN (BEHIND PIPE)	—	P6,P7,P9-P12 Medium Density PE	CP RECTIFIER UNIT
PROPOSED (COLOUR BY PRESSURE)	—	P2,P4,P8 High Density PE	CP TEST POINT/ ANODE
LPG (COLOUR BY PRESSURE)	—	S# (e.g. S8) Steel	SYPHON
ABANDONED	—	W2 Wrought Galv. Iron	TRACE WIRE POINT
IDLE	—	W3 Poly Coat Wrought Galv. Iron	PIPELINE MARKER
SLEEVE	—	Pipe diameter in millimetres is shown before pipe code	NOT TIED IN
CASING / SPLIT (BEHIND PIPE)	—	e.g. 40P6 = 40mm nominal diameter	DEPTH OF COVER
EASEMENT/ JURISDICTION	—		BACK / FRONT OF KERB
EXAMPLES	40P6 in 80C2	40mm High Pressure Medium Density Polyethylene in an 80mm Cast Iron Casing	
	63S8	63mm Medium Pressure Steel	

Map Key



Line / Polygon Request

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Scale 1:700

0 0.008km



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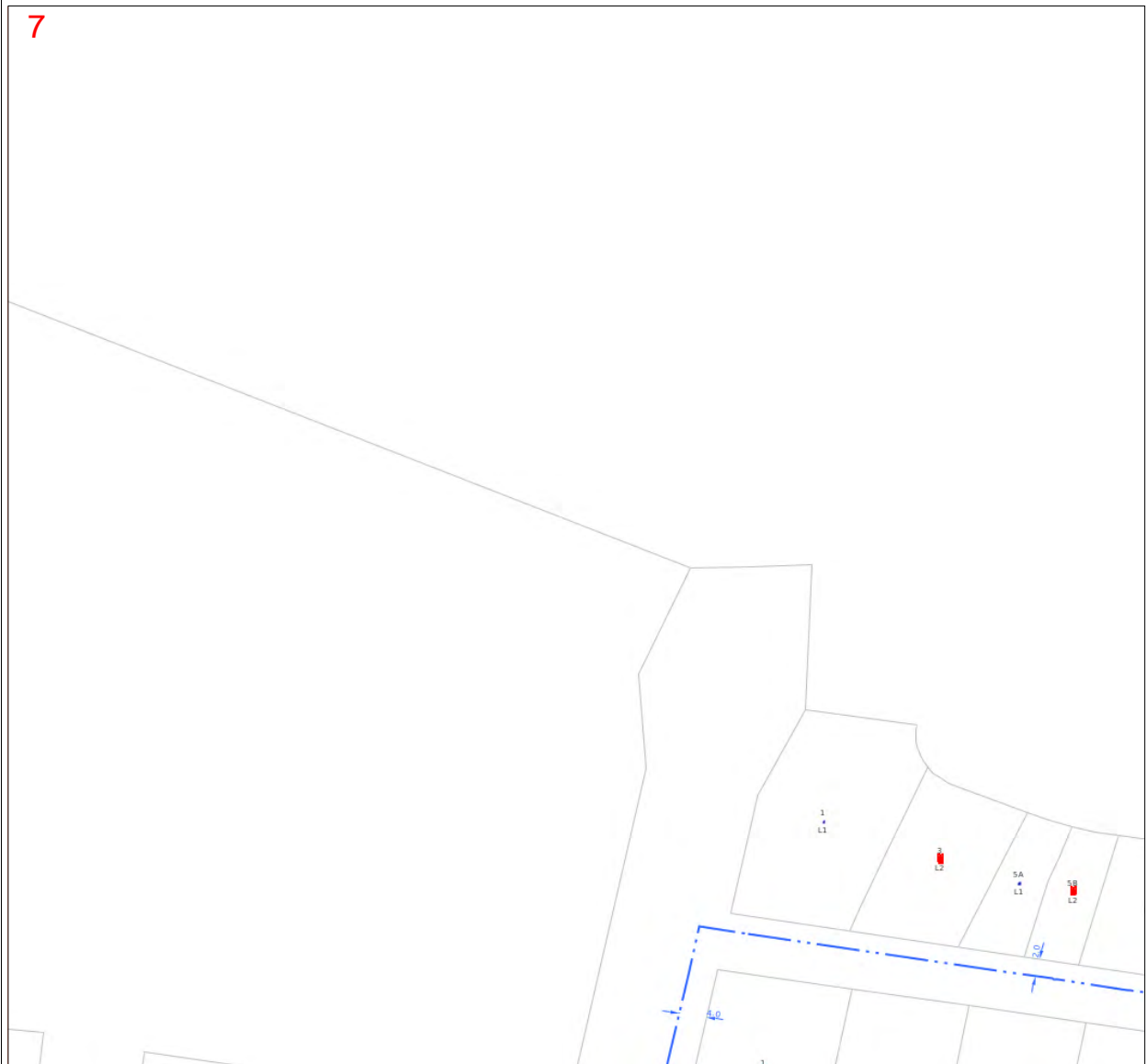


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Site Address	10 Fullarton Drive Paynesville 3880	Sequence No	214115450
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Before you commence any works you are required to complete the attached 'Work In The Vicinity Of Critical Gas Assets' request form and forward this to APA as soon as practicable.

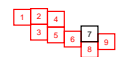


LEGEND		PIPE CODE / MATERIALS		OBJECTS or TERMS	
PIPE AND BOUNDARIES					
LOW PRESSURES	—	C# (e.g. C2)	Cast Iron	VALVES	
MEDIUM PRESSURES	—	CU	Copper	BURIED VALVES	
HIGH PRESSURES	—	N2	Nylon	REGULATORS	
TRANSMISSION PRESSURES	—	P# (e.g. P6)	Polyethylene (PE)	GAS SUPPLIED = YES	
PRIORITY MAIN (BEHIND PIPE)	—	P6,P7,P9-P12	Medium Density PE	CP RECTIFIER UNIT	
PROPOSED (COLOUR BY PRESSURE)	—	P2,P4,P8	High Density PE	CP TEST POINT/ ANODE	
LPG (COLOUR BY PRESSURE)	—	S# (e.g. S8)	Steel	SYPHON	
ABANDONED	—	W2	Wrought Galv. Iron	TRACE WIRE POINT	
IDLE	—	W3	Poly Coat Wrought Galv. Iron	PIPELINE MARKER	
SLEEVE	—	Pipe diameter in millimetres is shown before pipe code		NOT TIED IN	
CASING / SPLIT (BEHIND PIPE)	—	e.g. 40P6 = 40mm nominal diameter		DEPTH OF COVER	
EASEMENT/ JURISDICTION	—			BACK / FRONT OF KERB	
EXAMPLES		40P6 in 80C2			
		40mm High Pressure Medium Density Polyethylene in an 80mm Cast Iron Casing			
		63S8			
		63mm Medium Pressure Steel			

Line / Polygon Request

This map is created in colour and shall be printed in colour

Map Key



Scale 1:700

0 0.008km



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Before you commence any works you are required to complete the attached 'Work In The Vicinity Of Critical Gas Assets' request form and forward this to APA as soon as practicable.			

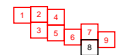


LEGEND		PIPE CODE / MATERIALS		OBJECTS or TERMS	
LOW PRESSURES	—	C# (e.g. C2)	Cast Iron	VALVES	
MEDIUM PRESSURES	—	CU	Copper	BURIED VALVES	
HIGH PRESSURES	—	N2	Nylon	REGULATORS	
TRANSMISSION PRESSURES	—	P# (e.g. P6)	Polyethylene (PE)	GAS SUPPLIED = YES	
PRIORITY MAIN (BEHIND PIPE)	—	P6,P7,P9-P12	Medium Density PE	CP RECTIFIER UNIT	
PROPOSED (COLOUR BY PRESSURE)	—	P2,P4,P8	High Density PE	CP TEST POINT/ ANODE	
LPG (COLOUR BY PRESSURE)	—	S# (e.g. S8)	Steel	SYPHON	
ABANDONED	—	W2	Wrought Galv. Iron	TRACE WIRE POINT	
IDLE	—	W3	Poly Coat Wrought Galv. Iron	PIPELINE MARKER	
SLEEVE	—	Pipe diameter in millimetres is shown before pipe code		NOT TIED IN	
CASING / SPLIT (BEHIND PIPE)	—	e.g. 40P6 = 40mm nominal diameter		DEPTH OF COVER	
EASEMENT/ JURISDICTION	—			BACK / FRONT OF KERB	
EXAMPLES		40P6 in 80C2		Bok Bok	
		40mm High Pressure Medium Density Polyethylene in an 80mm Cast Iron Casing			
		63S8			
		63mm Medium Pressure Steel			

Line / Polygon Request

This map is created in colour and shall be printed in colour

Map Key



Scale 1:700

0 0.008km



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Site Address	10 Fullarton Drive Paynesville 3880	Sequence No	214115450
--------------	--	-------------	-----------

Before you commence any works you are required to complete the attached 'Work In The Vicinity Of Critical Gas Assets' request form and forward this to APA as soon as practicable.

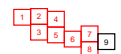


LEGEND		PIPE CODE / MATERIALS		OBJECTS or TERMS	
LOW PRESSURES	—	C# (e.g. C2)	Cast Iron	VALVES	
MEDIUM PRESSURES	—	CU	Copper	BURIED VALVES	
HIGH PRESSURES	—	N2	Nylon	REGULATORS	
TRANSMISSION PRESSURES	—	P# (e.g. P6)	Polyethylene (PE)	GAS SUPPLIED = YES	
PRIORITY MAIN (BEHIND PIPE)	—	P6,P7,P9-P12	Medium Density PE	CP RECTIFIER UNIT	
PROPOSED (COLOUR BY PRESSURE)	—	P2,P4,P8	High Density PE	CP TEST POINT/ ANODE	
LPG (COLOUR BY PRESSURE)	—	S# (e.g. S8)	Steel	SYPHON	
ABANDONED	—	W2	Wrought Galv. Iron	TRACE WIRE POINT	
IDLE	—	W3	Poly Coat Wrought Galv. Iron	PIPELINE MARKER	
SLEEVE	—	Pipe diameter in millimetres is shown before pipe code		NOT TIED IN	N.T.I.
CASING / SPLIT (BEHIND PIPE)	—	e.g. 40P6 = 40mm nominal diameter		DEPTH OF COVER	C
EASEMENT/ JURISDICTION	—			BACK / FRONT OF KERB	Bok Bok
EXAMPLES					
40P6 in 80C2		40mm High Pressure Medium Density Polyethylene in an 80mm Cast Iron Casing			
63S8		63mm Medium Pressure Steel			

Line / Polygon Request

This map is created in colour and shall be printed in colour

Map Key



Scale 1:700

0 0.008km



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WORK IN THE VICINITY OF CRITICAL GAS ASSETS

It is your responsibility to read and complete this request form

1. This request form must be received by the APA Group via the options below at least **2 business days prior to excavation or site location work commencement**
2. Excavation / works must not commence on site until you have received a 'Authority to Work Permit' from the APA Group
3. This request form must be accompanied by a detailed schedule of works
4. Penalties apply to excavators commencing work in the vicinity of Critical Gas Assets **prior to receiving an APA Group 'Authority to Work Permit'**

For further information refer to:-

- NSW Gas Supply Act 1996 – Sec 64 C, Requirements in relation to carrying out of certain excavation work
- Victoria: Pipelines Act 2005 – Section 118, Digging near pipelines and Section 119, Interference with pipeline
- South Australia: Gas Industry Act 1997 – Section 83, Notice of work that may affect gas infrastructure.
- Northern Territory: Energy Pipelines Act as in force at 8 March 2007 – Section 66, Threat to pipeline.

Return to: DBYDNetworksAPA@apa.com.au

Enquiries:

Should you have any questions with regards to the attached information please contact our Dial Before You Dig officer - 1800 085 628.

Work / Excavation Site Details:

Number:	Street:		
Suburb:		State:	
Sequence Number: 214115450			
Requestors Name:			
Company Name:			
Name of Authorised Company Site Representative:			
Email:			



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Phone:	Mobile:
Signature:	

Description of Work / Excavation:

Activity/Excavation Details:			
Tick Applicable Box			
Excavation		Change to surface level	
Service crossing		Boring	
Proving		Other (provide details)	
Earthworks			
Excavator Size, Tooth Type & Tooth Size (provide details)			

Work / Excavation Drawings Attached (circle): Yes No

Proposed Dates and Times:

From			To	
Excavation	Date	Time	Date	Time
	/ /	am/pm	/ /	am/pm
Backfill	Date	Time	Date	Time
	/ /	am/pm	/ /	am/pm

Work is assessed as:	Class 1 Works crossing a critical gas asset	Class 2 Works within 3m of a critical gas asset	Class 3 Works involving large excavations, vibrations or blasting beyond 3m of the critical gas asset

Insurer and Policy Details

Policy Number		Policy Expiry Date	
Insurance Cover – Current Level (\$amount)			



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Third Party Works Authorisation requested by (mandatory fields required for invoicing):

Company/Biller Name:	
Billing Address:	
Purchase Order:	Billing Email:
Biller Phone:	
Requestors Name:	Requesters Signature:

NOTES

5. This Authority to Work applies only to work in the vicinity of the Gas Mains. It does not authorise work near or on the Gas Mains itself
6. A minimum of 2 business days must be allowed between receipt by APA Group of this Request and a response. However, more time for notification may be necessary
7. For any gas leak related work this application must be accompanied by a detailed sequence of events, outlining all aspects of work involved and work is not permitted until an Authority to Work is issued
8. For class 1 and 2 Dial Before You Dig, APA Group will arrange for an inspector to be on site as necessary during the work. An inspector must be present at all times for works involving excavation within 1m of the Gas Mains. APA Group will advise the requirement for an inspector for other works within 3m of the Gas Mains
9. The applicant is responsible for any damage resulting from the work and all consequential damages and losses arising from such damage and therefore must insure against every liability of the contractor in respect of or arising out of any loss of life, loss of or damage to property of person (both real and personal), arising out of or in any way connected to this permit
10. Rates applicable to APA on-site representation for supervision or location exclude GST.

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To: Julie Clarke
Phone: Not Supplied
Fax: Not Supplied
Email: julie@crossco.com.au

Dial before you dig Job #:	32022281	
Sequence #	211831596	
Issue Date:	26/05/2022	
Location:	10 Fullarton Drive , Paynesville , VIC , 3880	









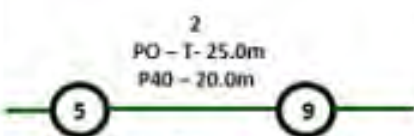
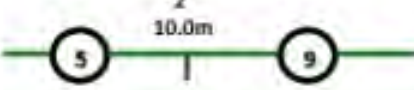




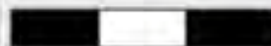
Indicative Plans

1	5
2	6
3	7
4	8

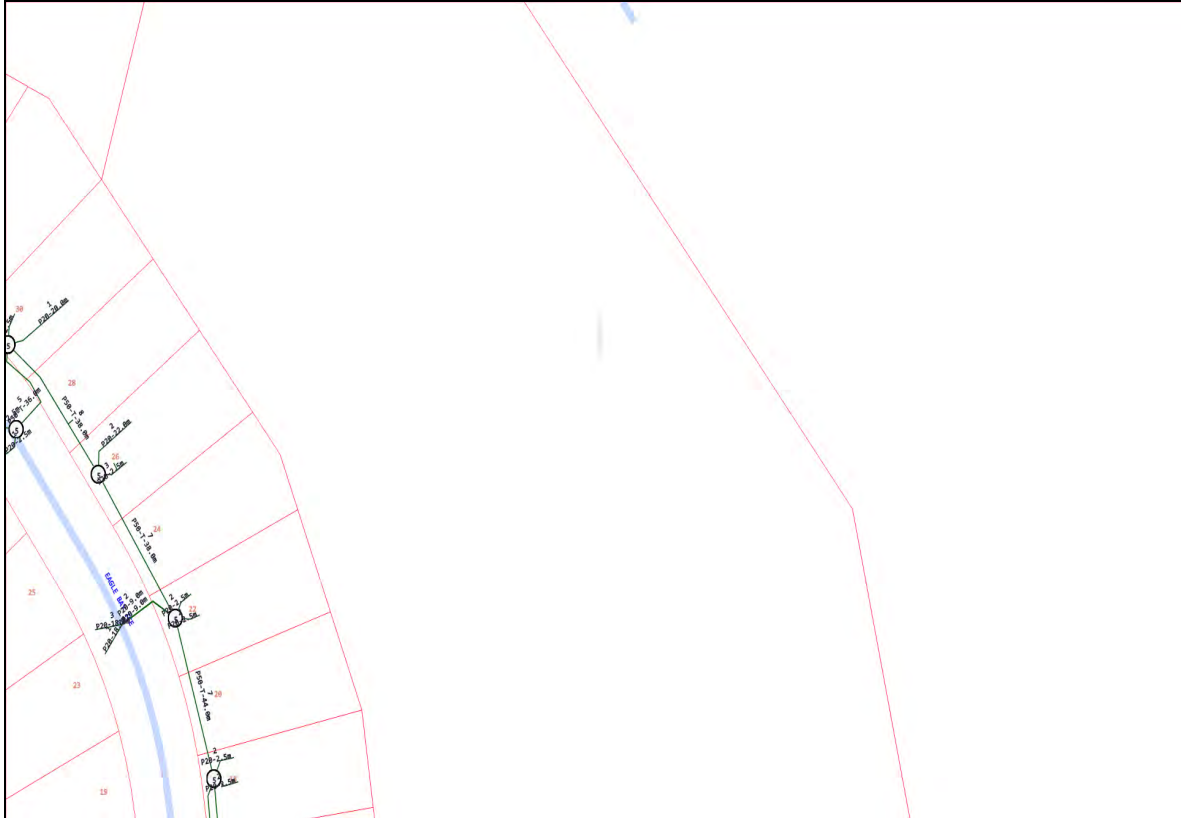
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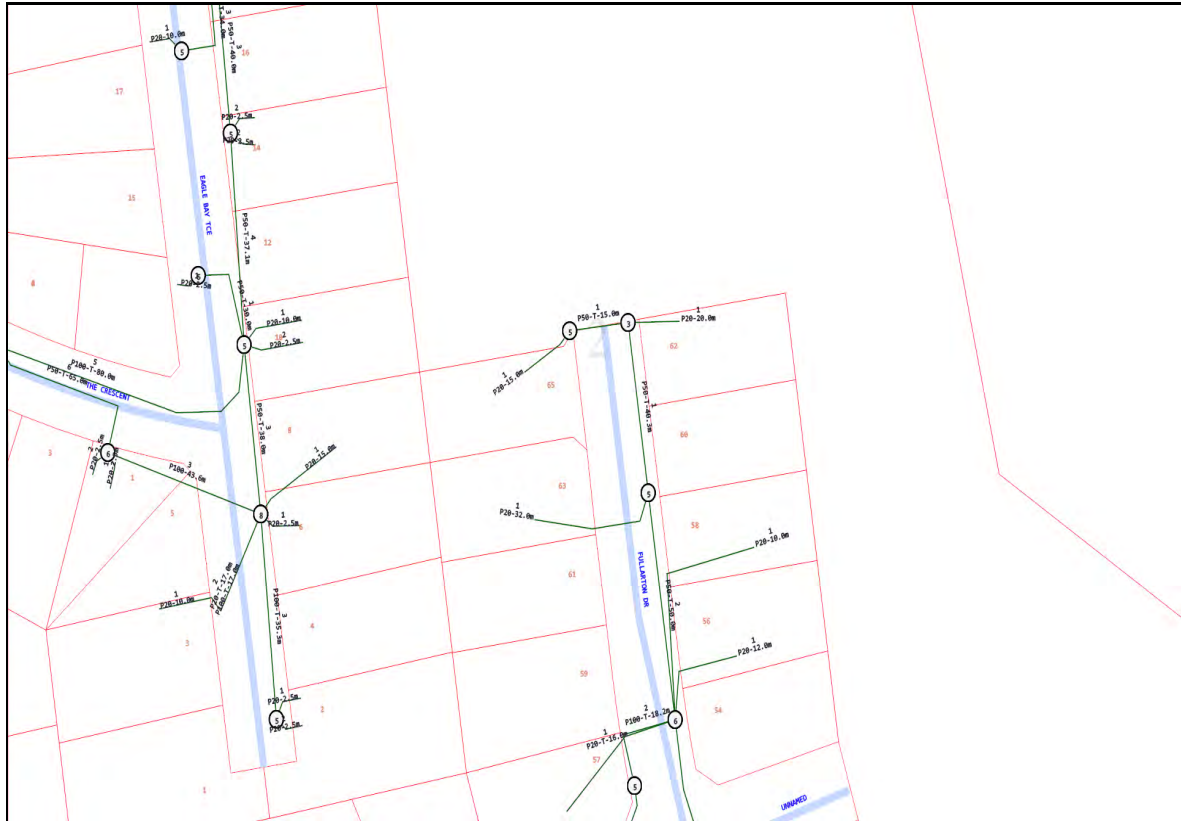
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	<div data-bbox="686 526 877 571">LEGEND</div> <div data-bbox="1069 459 1348 571">   </div>
	Parcel and the location
	Pit with size "5"
	Power Pit with size "2E". Valid PIT Size: e.g. 2E, 5E, 6E, 8E, 9E, E, null.
	Manhole
	Pillar
	Cable count of trench is 2. One "Other size" PVC conduit (PO) owned by Telstra (-T-), between pits of sizes, "5" and "9" are 25.0m apart. One 40mm PVC conduit (P40) owned by NBN, between pits of sizes, "5" and "9" are 20.0m apart.
	2 Direct buried cables between pits of sizes, "5" and "9" are 10.0m apart.
	Trench containing any INSERVICE/CONSTRUCTED (Copper/RF/Fibre) cables.
	Trench containing only DESIGNED/PLANNED (Copper/RF/Fibre/Power) cables.
	Trench containing any INSERVICE/CONSTRUCTED (Power) cables.
	Road and the street name "Broadway ST"
<div data-bbox="399 1780 478 1814">Scale</div>	<div data-bbox="670 1747 1197 1859"> 0 20 40 60 Meters 1:2000 1 cm equals 20 m </div> 

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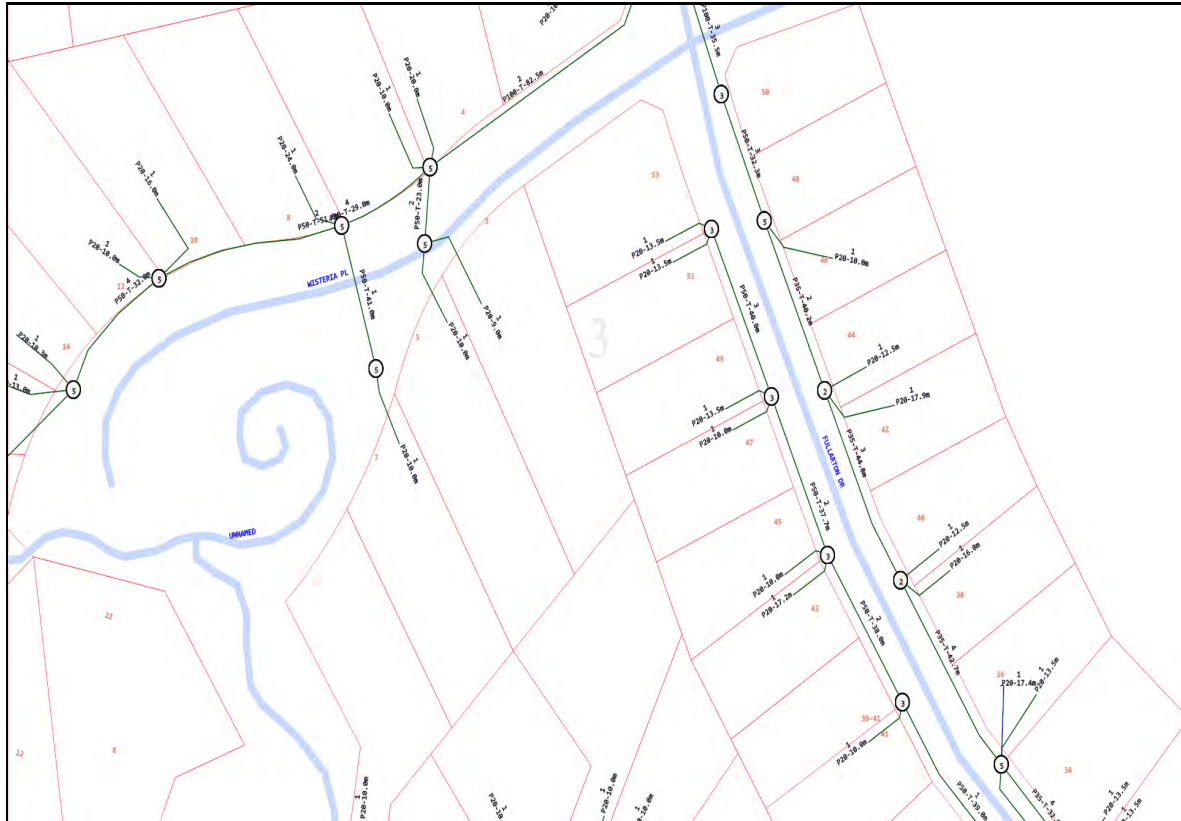


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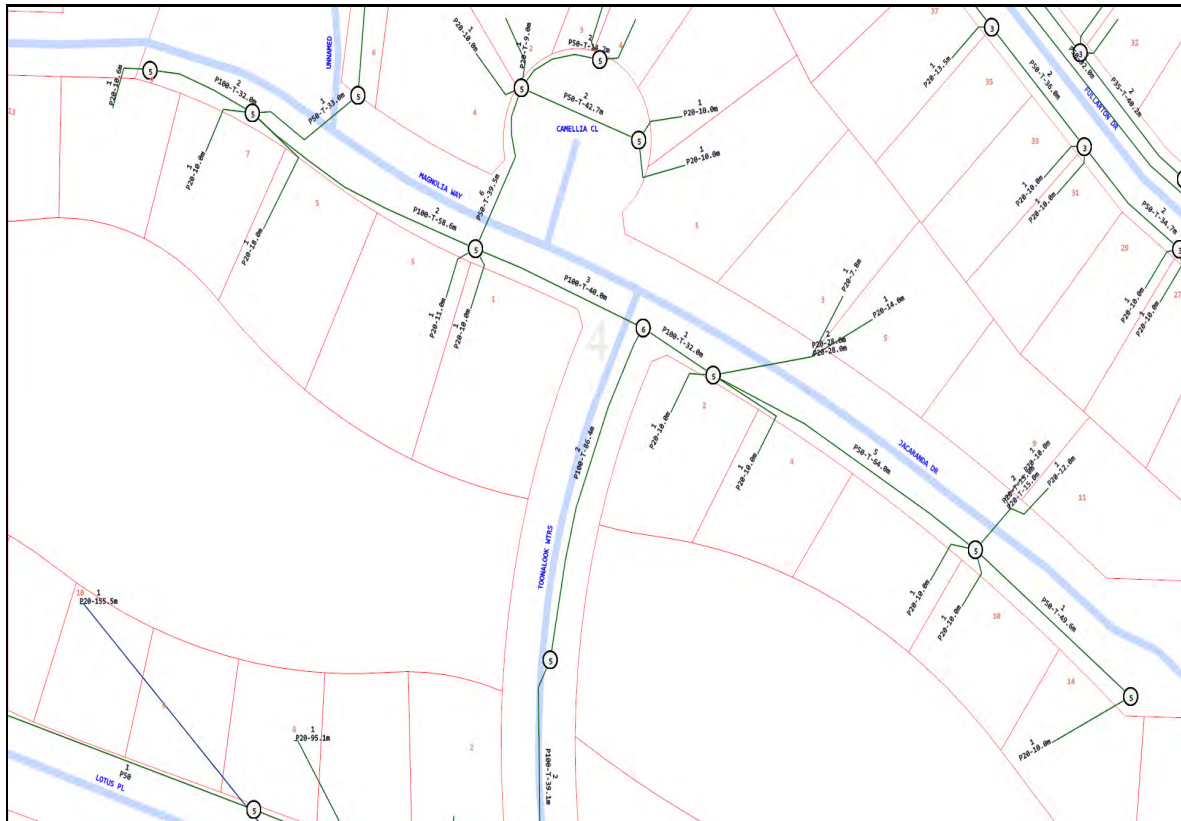
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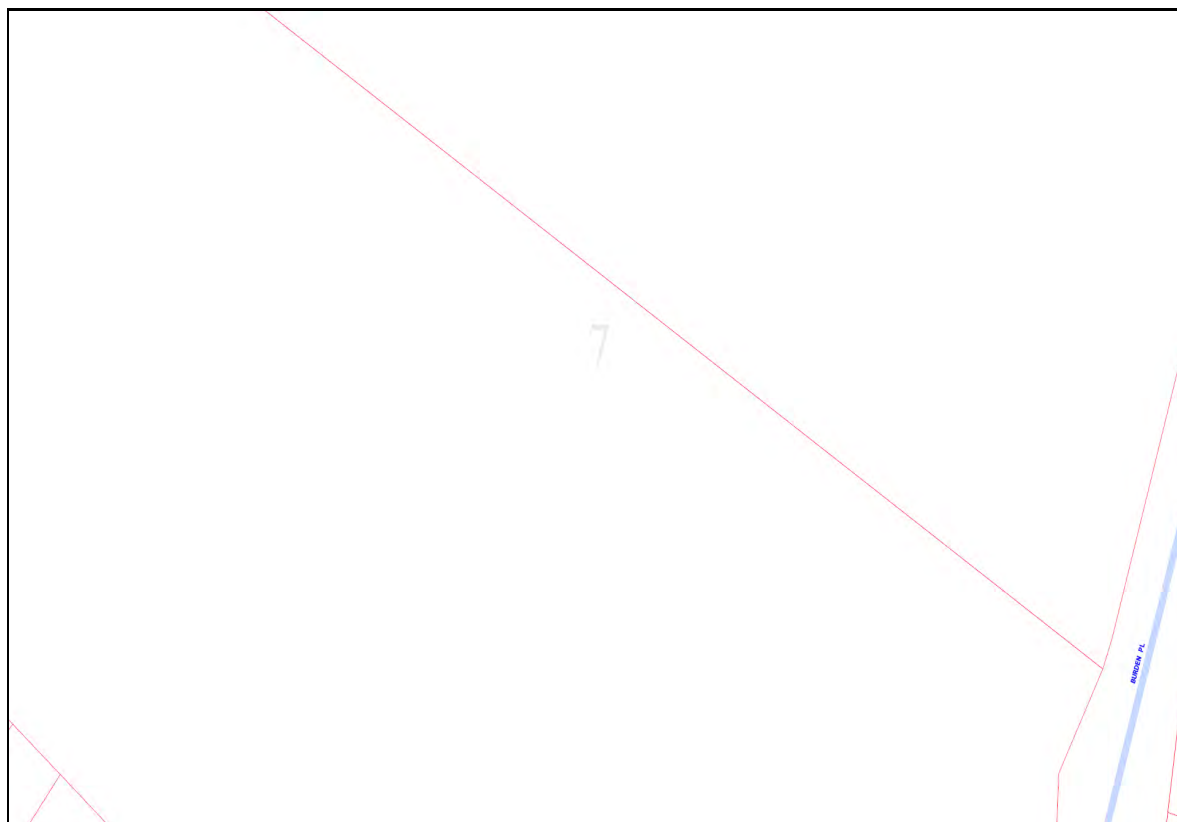
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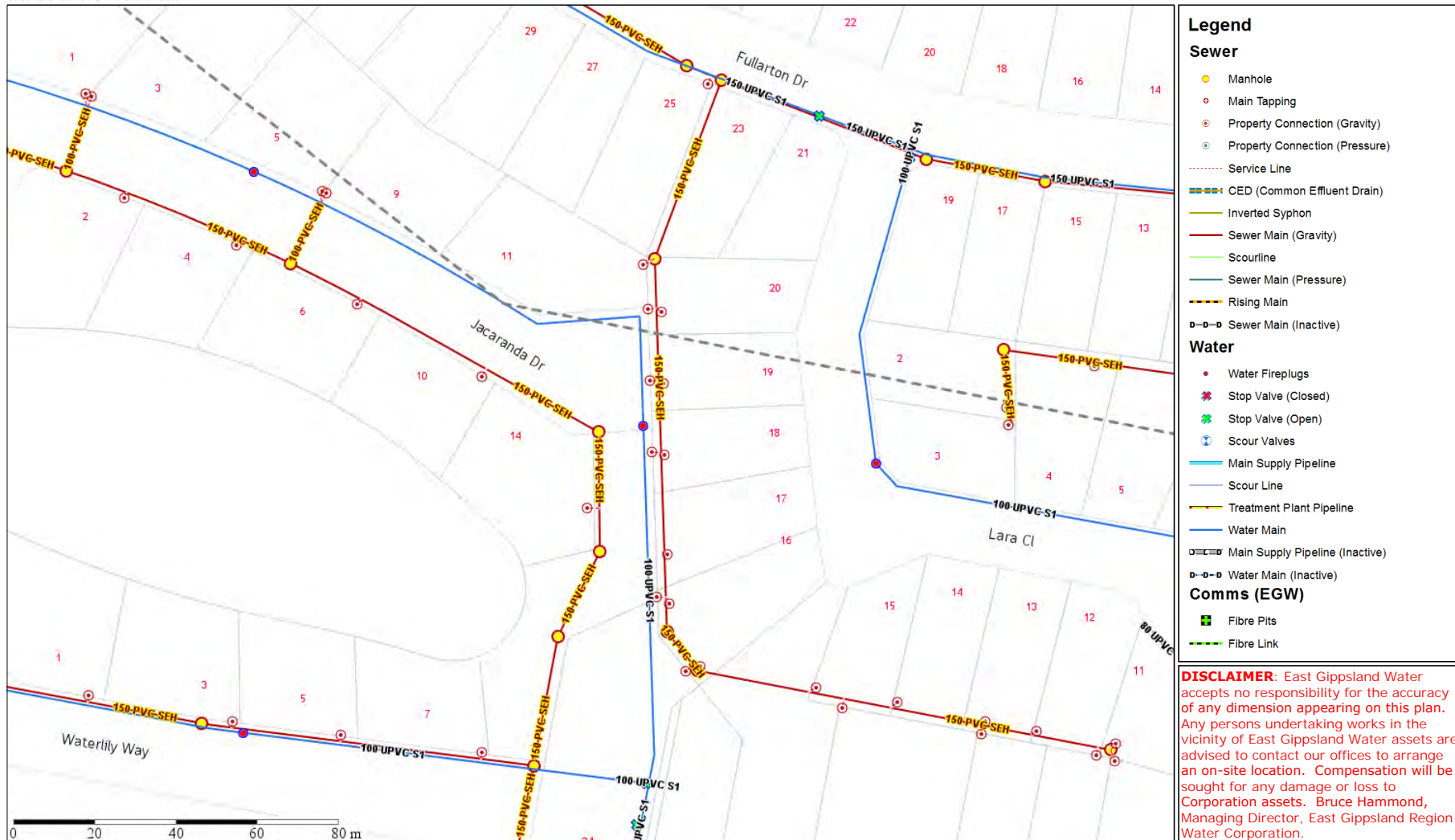
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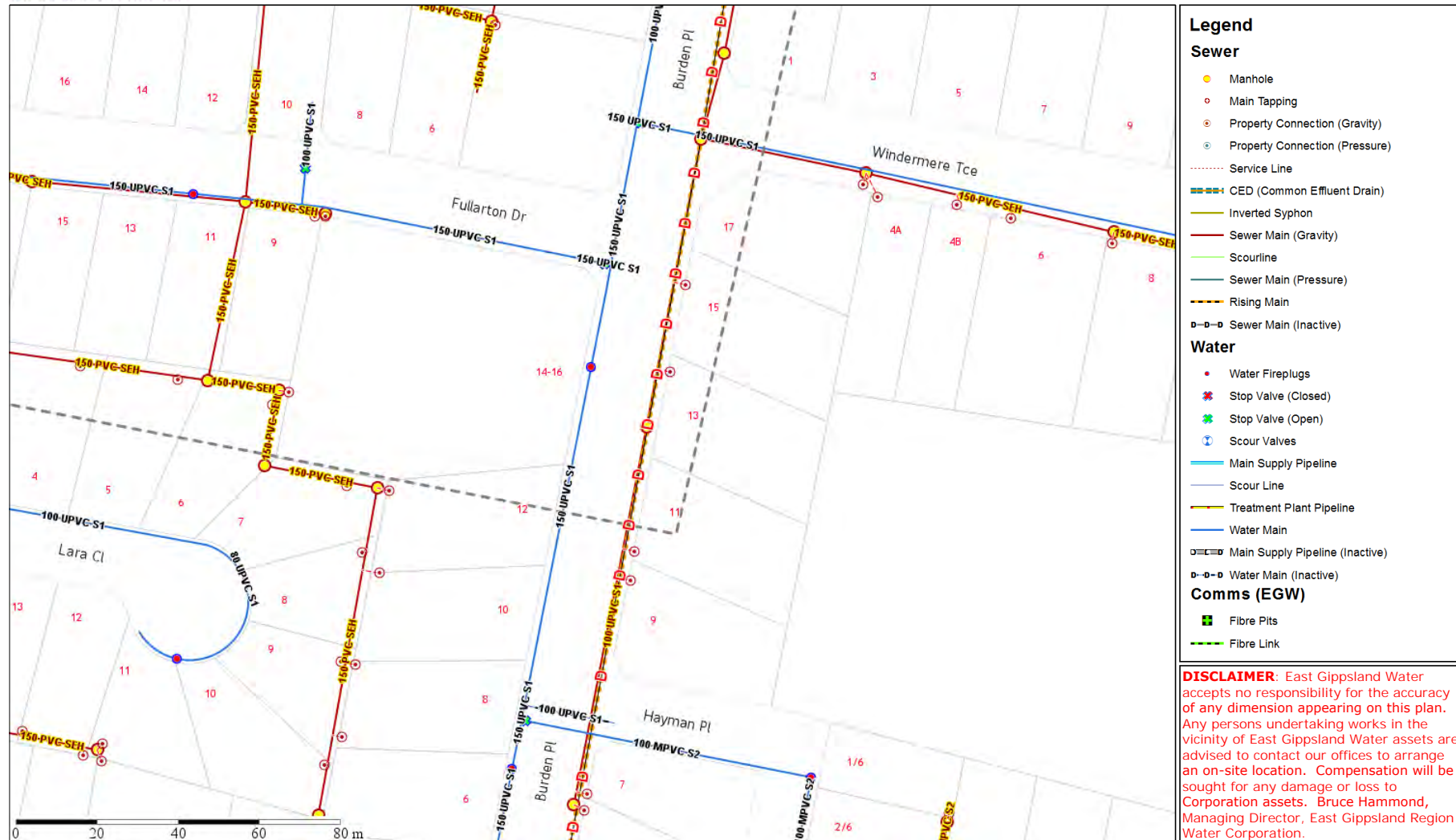
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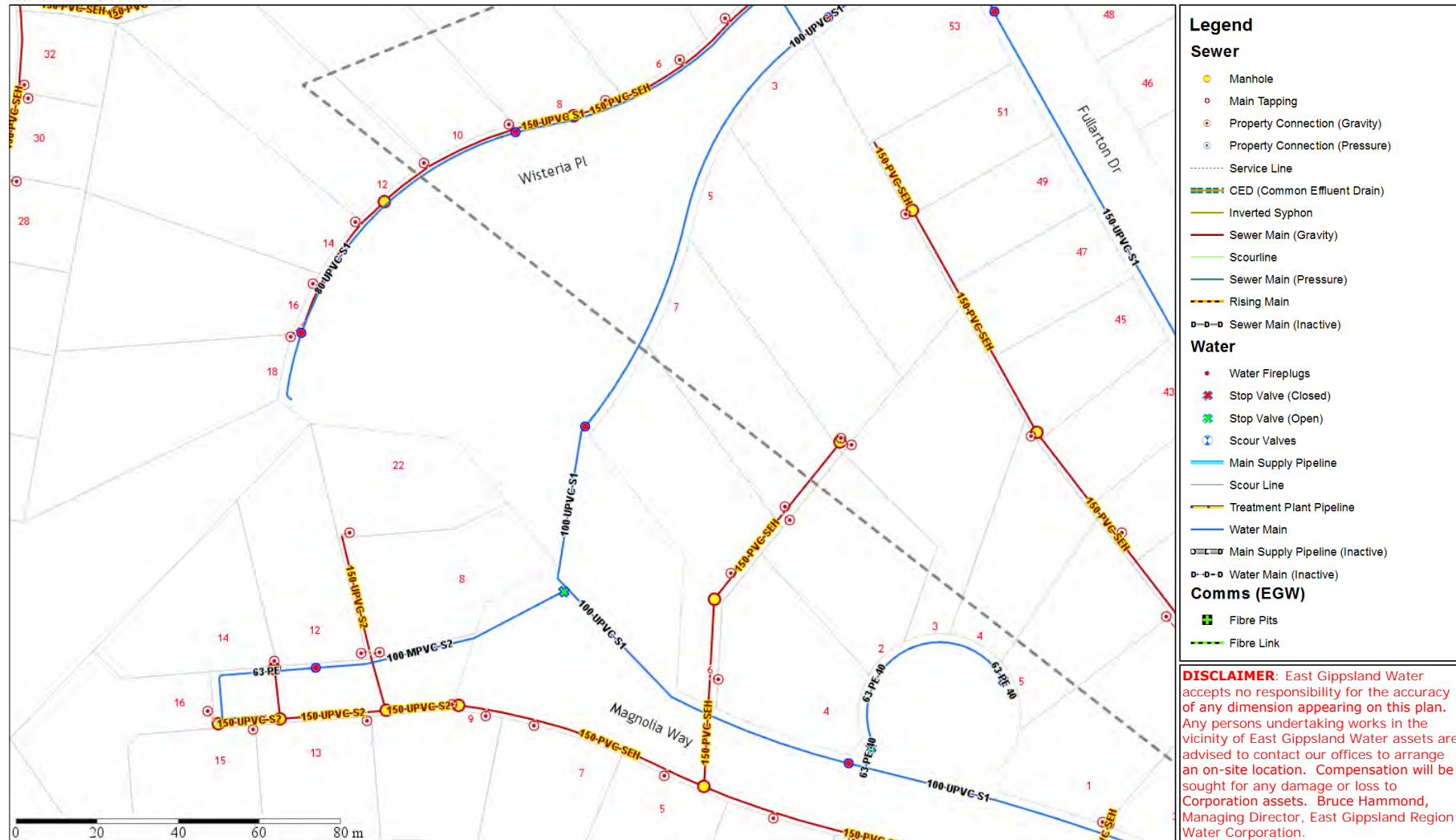
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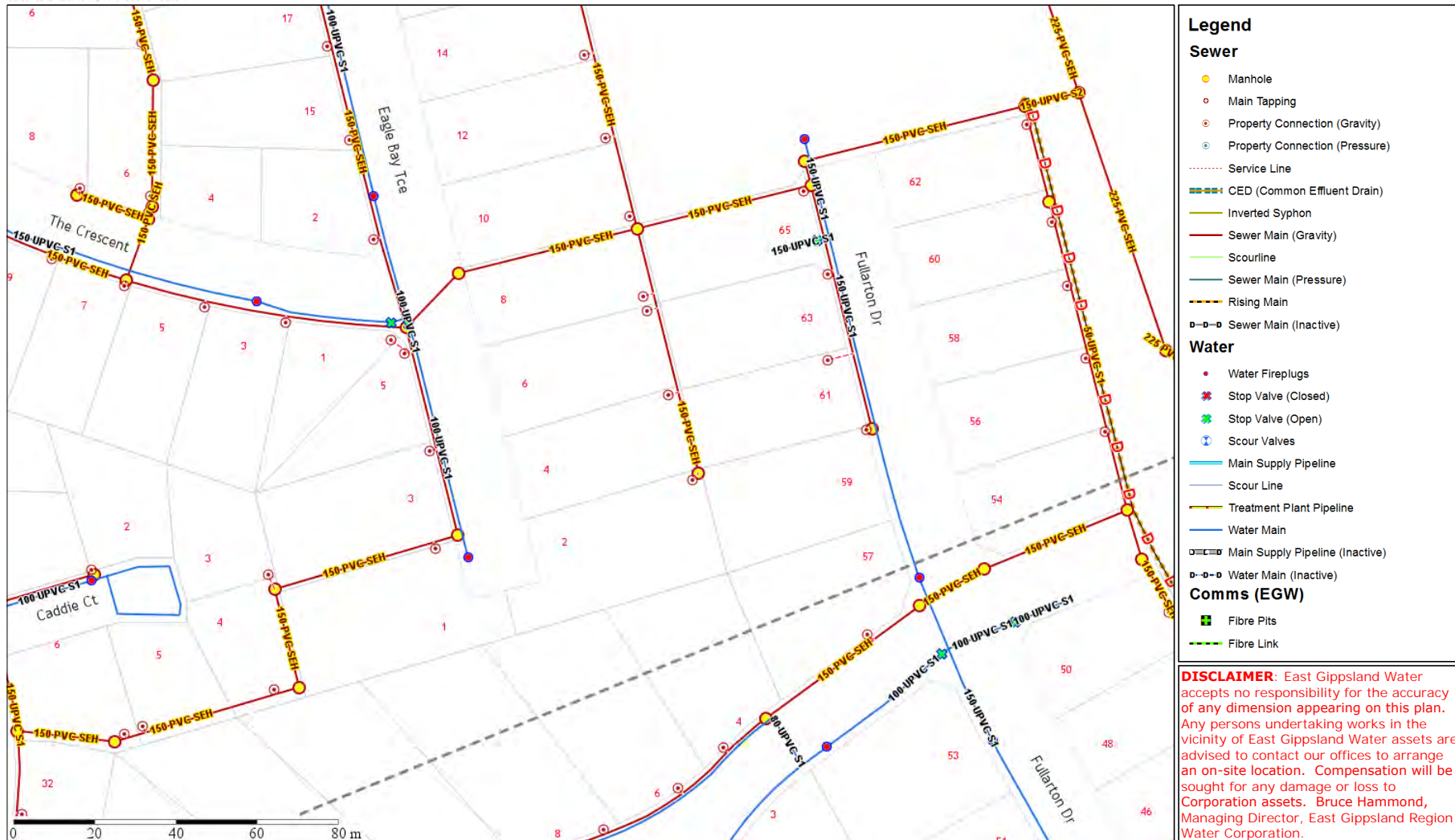
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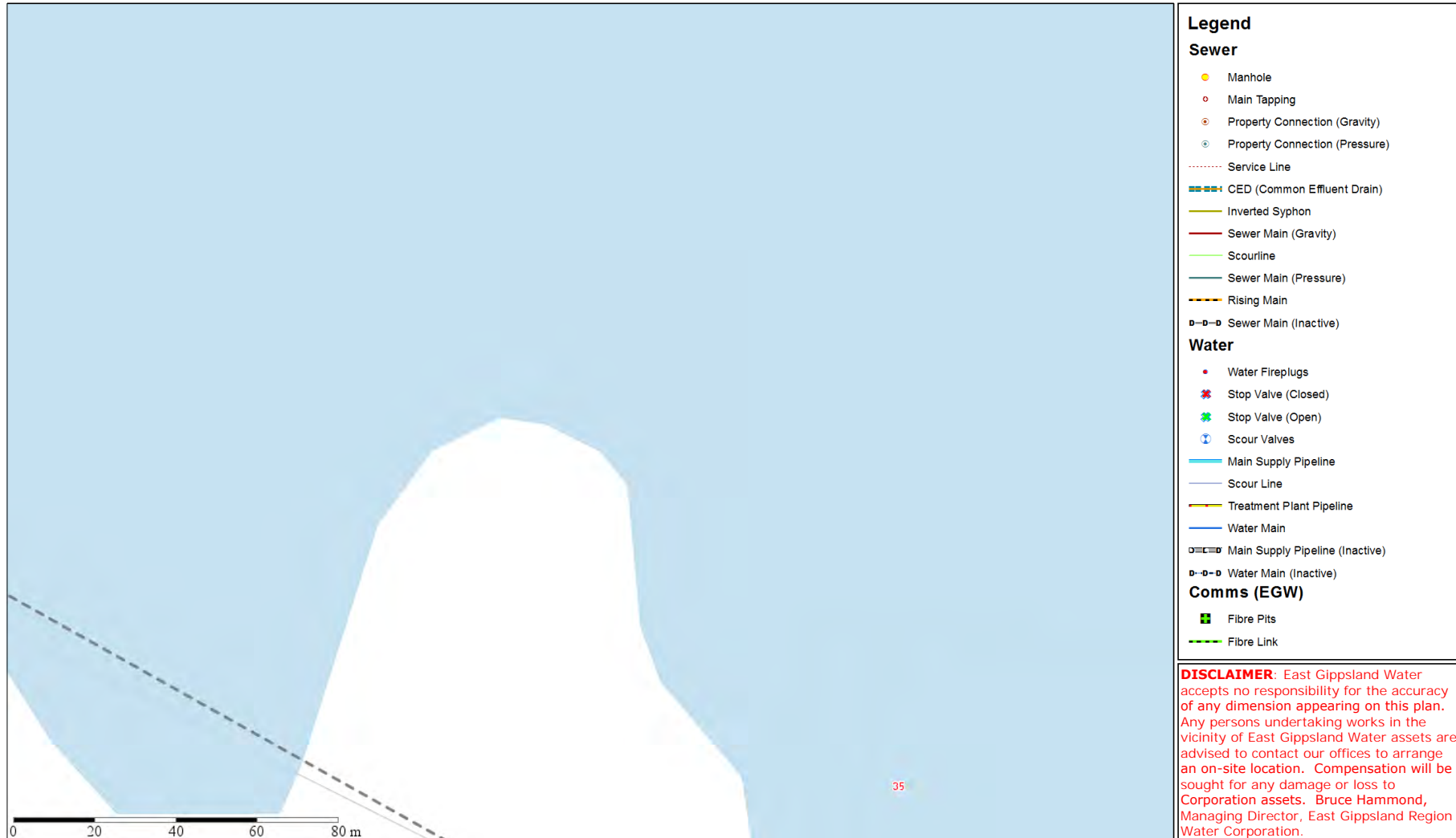
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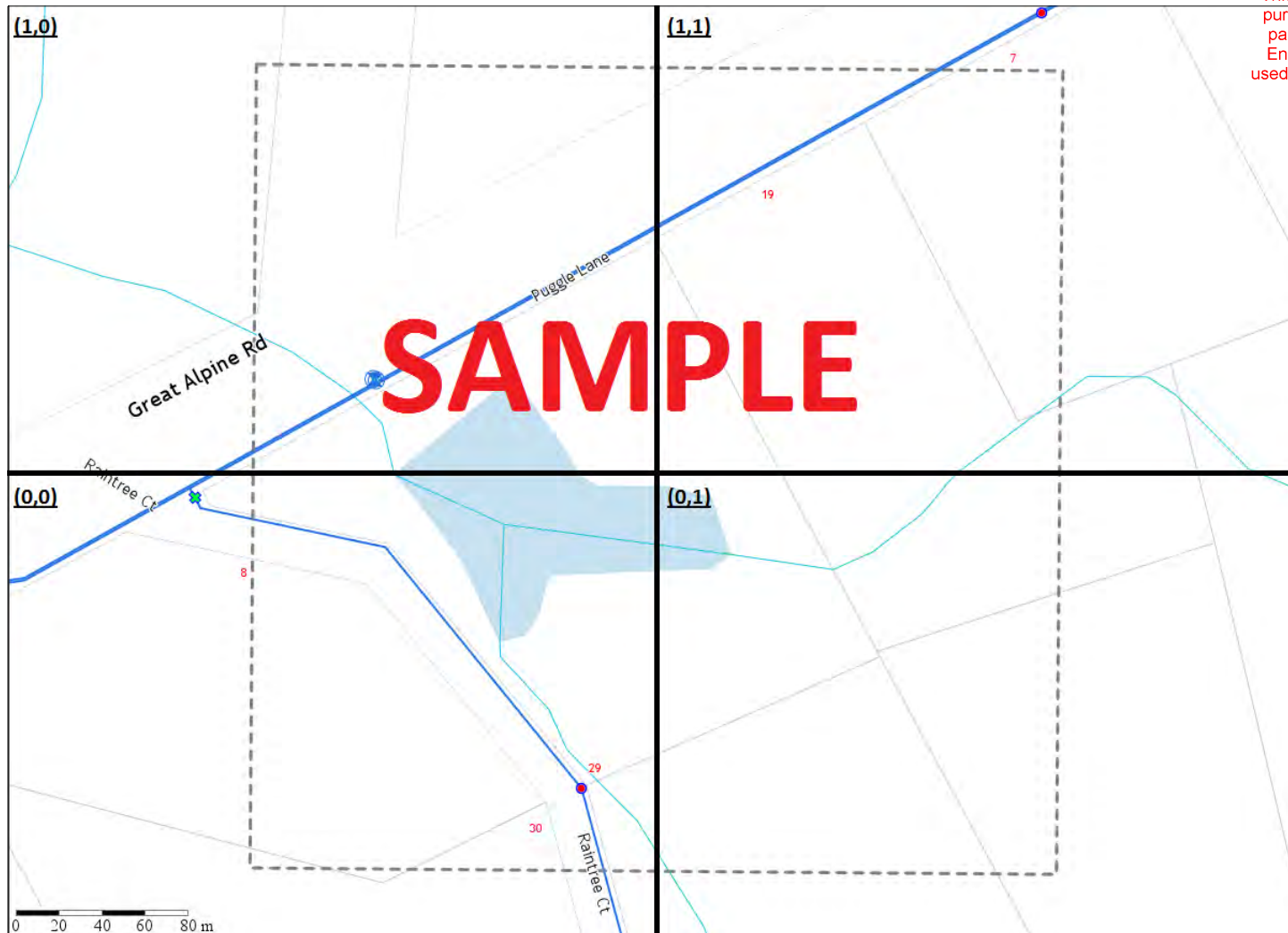
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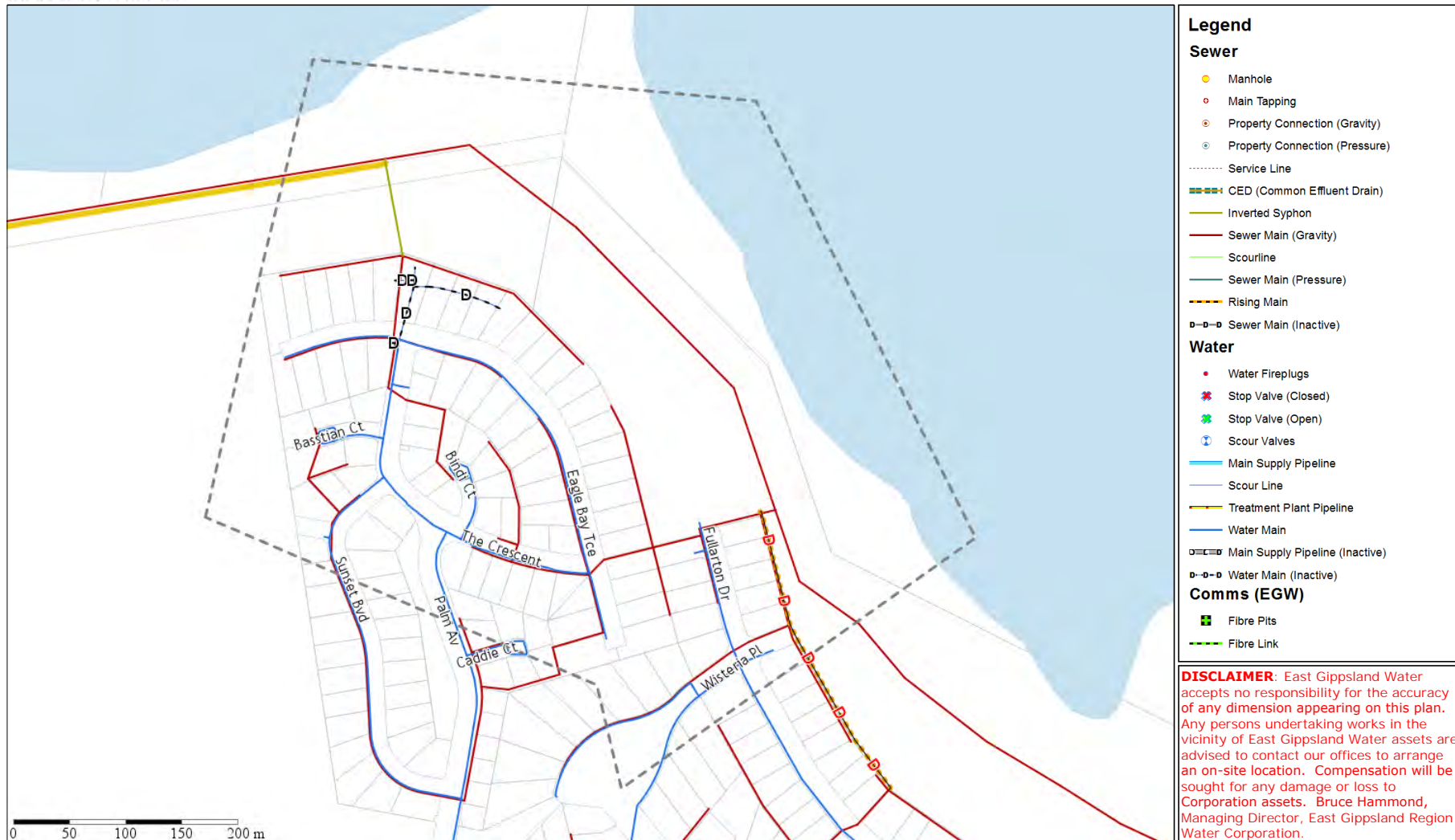




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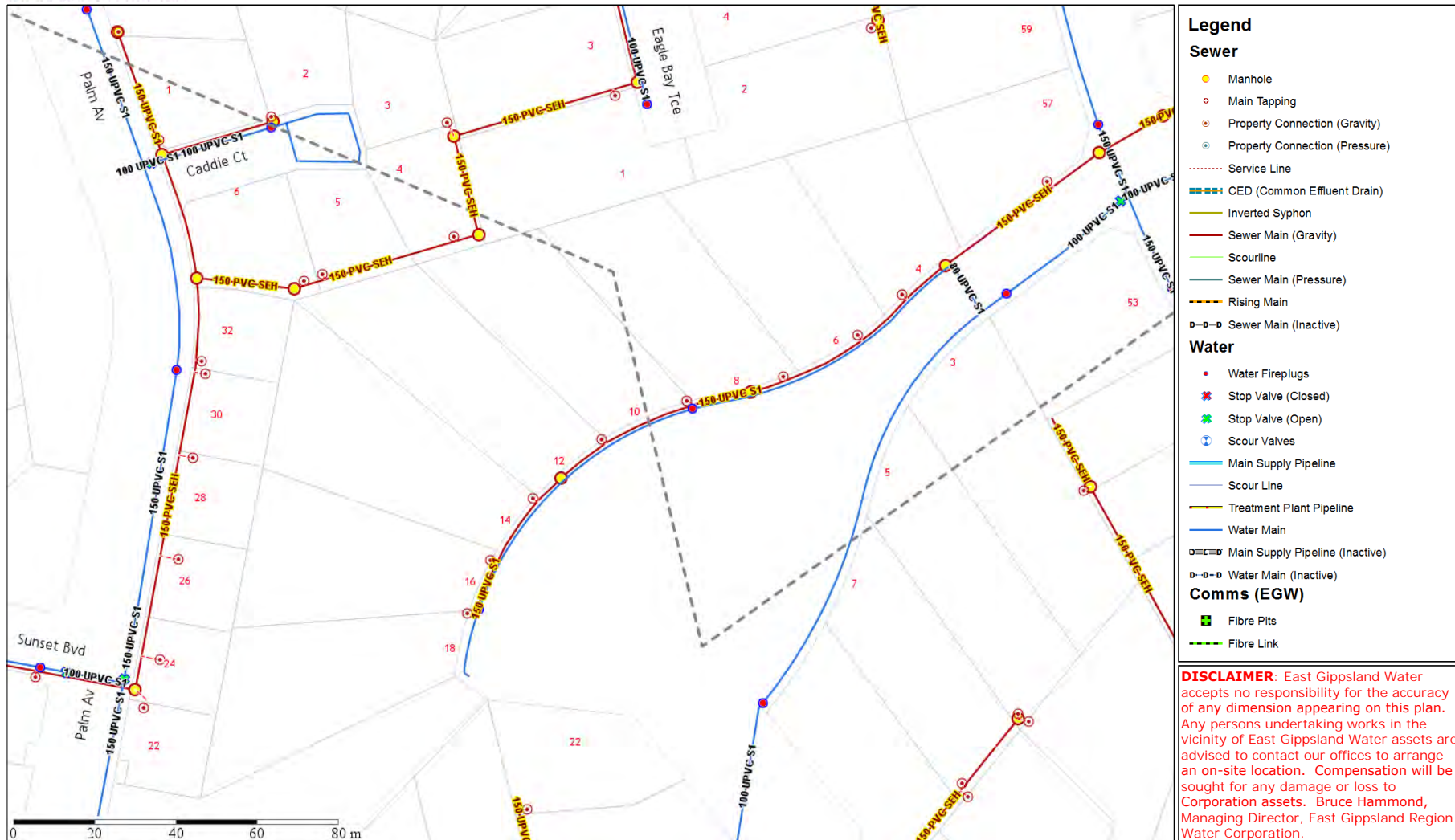
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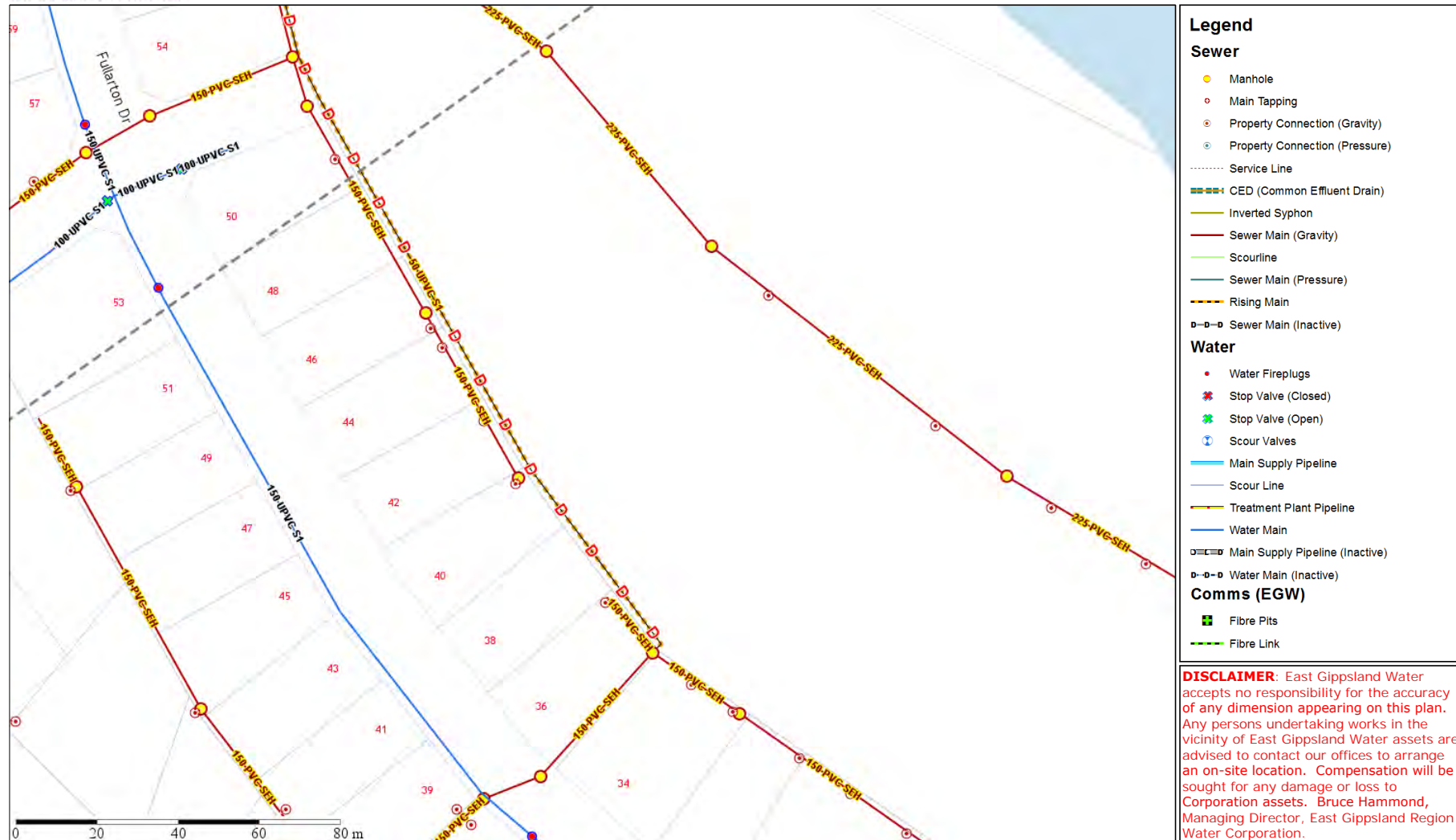
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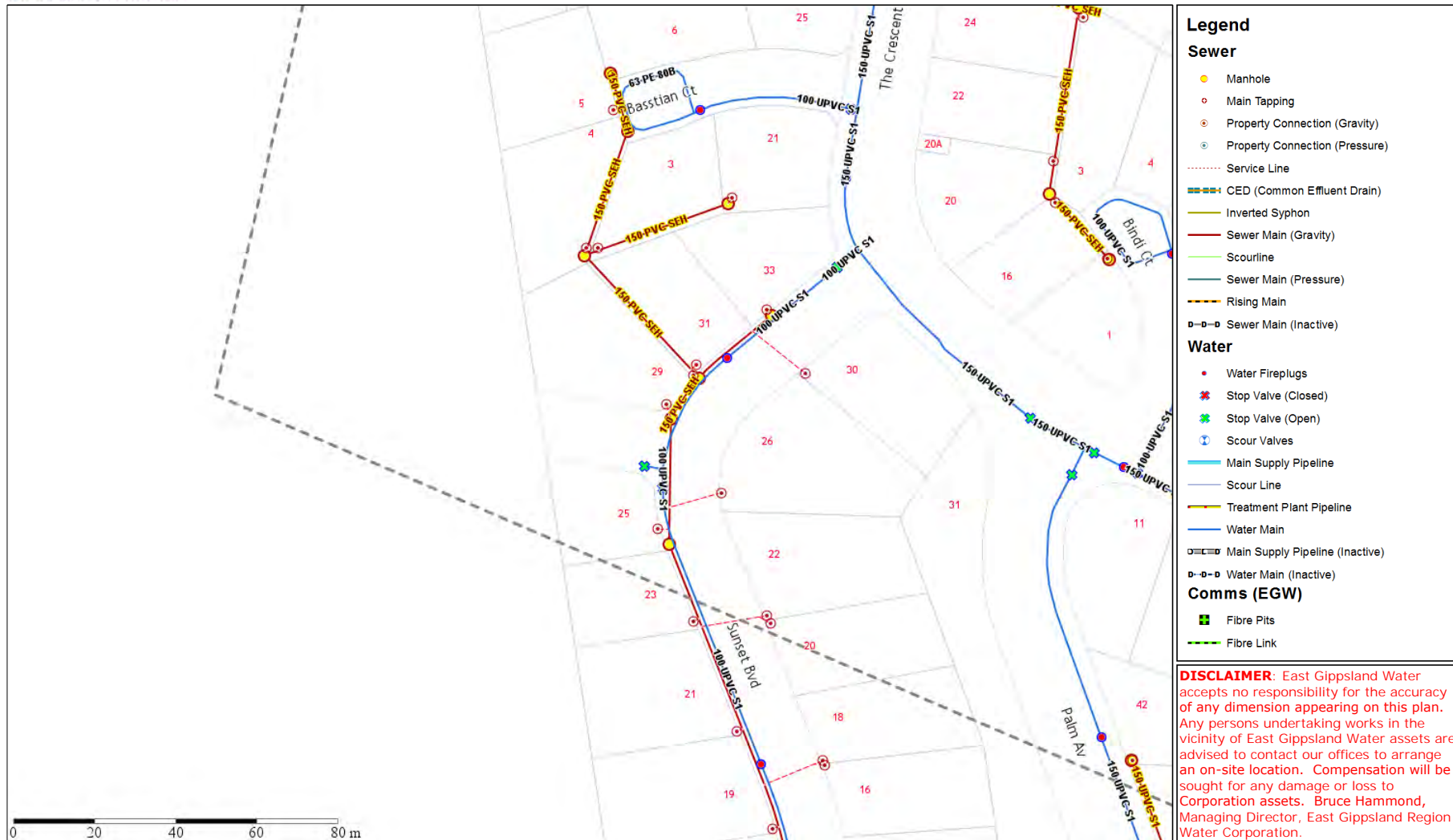
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Attachment 3.1.3

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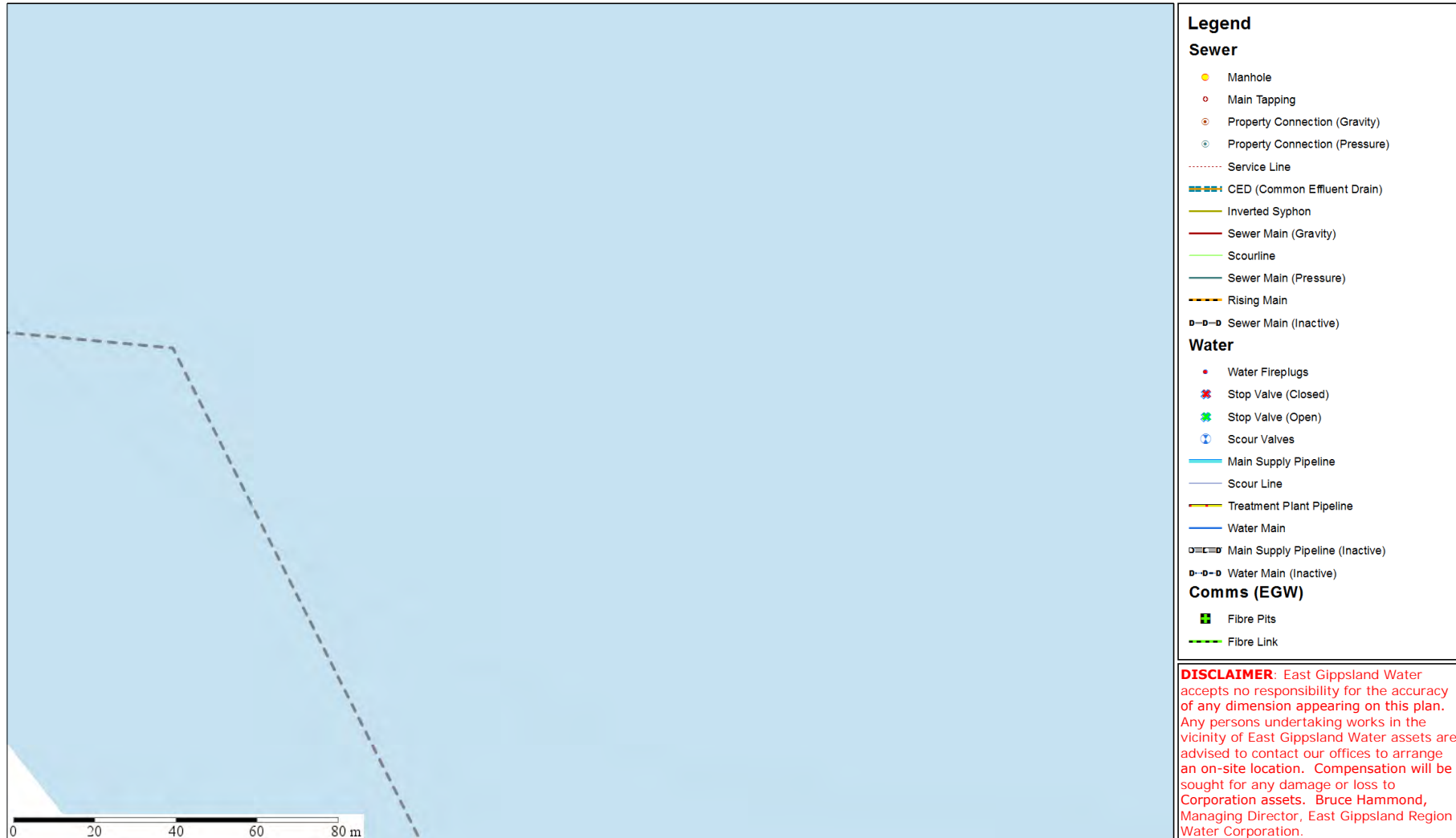
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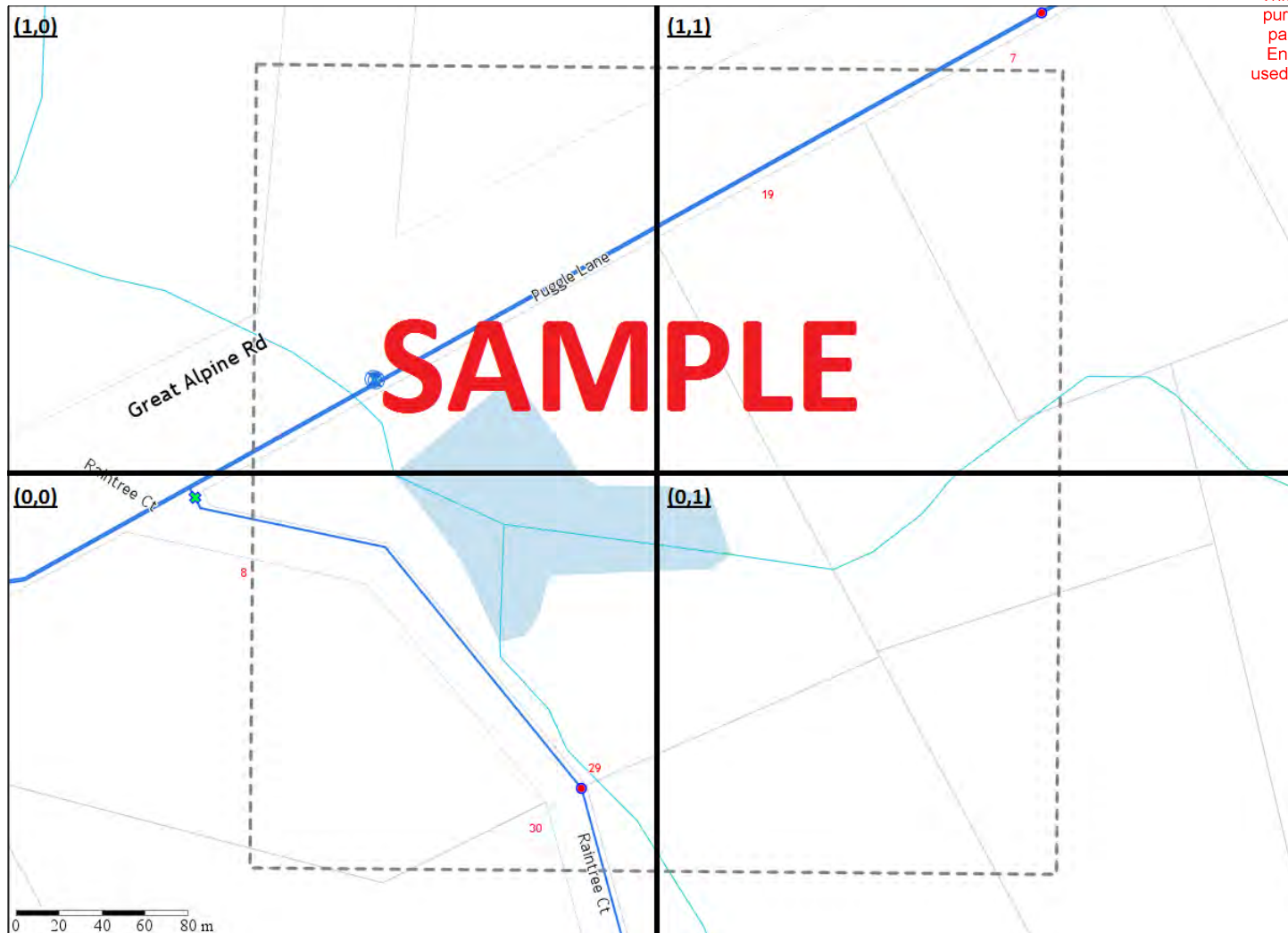
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**Proposed Multi lot residential subdivision
10 Fullarton Drive, Paynesville**

**Town Planning Report -
Stormwater Management Strategy**

Prepared for:
Resi Ventures Pty Ltd

Prepared by:
Crossco Consulting Pty Ltd
PO Box 858
Bairnsdale Vic 3875



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Document revision

Version	Date	Prepared by	Comments
FINAL	05/08/2022	Crossco	Distributed to C&S

Notice:***This Stormwater Management Strategy:***

- 1. Has been prepared by Crossco Consulting Pty Ltd for Resi Ventures Pty Ltd.***
- 2. Is for the use of Resi Ventures Pty Ltd in seeking planning approval for the proposed subdivision at 10 Fullarton Drive, Paynesville.***
- 3. Is for the use of East Gippsland Shire in assessing any planning application submitted by Resi Ventures Pty Ltd or on their behalf by Crowther & Sadler Pty Ltd for the proposed development of 10 Fullarton Drive, Paynesville.***

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1. Background

Crossco Consulting Pty Ltd has been engaged by Resi Ventures Pty Ltd to prepare a stormwater management and drainage strategy to accompany a planning permit application that will be submitted to East Gippsland Shire Council to subdivide land at 10 Fullarton Drive, Paynesville.

The site is subject to the East Gippsland Shire Planning Scheme and is zoned GRZ1 (General Residential Zone – Schedule 1).

To the north of the site are wetlands that fringe the Gippsland Lakes (Lake King) and forms part of the Gippsland Lakes RAMSAR site¹, a wetland of international significance. Part of the north boundary of the subject site abuts the RAMSAR boundary.



Figure 1: Ramsar Boundary²

The site has been the subject of previous stormwater management and drainage designs. This stormwater management strategy is generally consistent with the stormwater management philosophy adopted previously, recognised as appropriate in the second VCAT review³, and revisited to consider the reduced lot numbers and amended layout.

¹ Source: <https://rsis.ramsar.org/ris/269>

² Excerpt – Gippsland Lakes Ramsar Site Boundary Description, Technical Report (DEPI Victoria), 2013

³ VCAT 1449 (21 November 2014)

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2. Site Overview

2.1 Location

The site is located at the north west fringe of Paynesville and overlooks Point Fullarton and Lake King to the north.

Land to the south is developed for residential purposes with existing dwellings.



Figure 2: Locality Plan

Figure 3 provides an overview of the location of the site in relation to existing development at Paynesville. The waterways and wetlands associated with the town are also shown.

Figure 3 shows the site in the context of the abutting land and infrastructure.



Figure 3: Aerial Overview

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Figure 4: Site Aerial

2.2 Site Drainage

The “Plan of Levels” drawing (comprising 4 sheets) by Crowther & Sadler at Appendix 1 shows site contours and illustrates that:

- the land generally grades to the north to Lake King.
- the location of Fullarton Drive and Eagle Bay Terrace is close to the maximum elevation (maximum elevations are highlighted) at approx. 18 m AHD – 20m AHD.

2.3 External Catchment

The external catchment has been modelled based on existing drainage infrastructure plans an additional external catchment has been identified with sections of the following roads draining through the subject site. These areas are illustrated on Crossco Drawing 2635/004 at Appendix 1 as follows:

External Catchment A (4.23 ha)

- East section of Fullarton Drive (north and south sides)
- Lara Close

External Catchment B (11.4 ha)

- West section of Fullarton Drive (north and south sides)
- The Palms
- The Crescent
- Eagle Bay Terrace

The stormwater from both external catchments outfalls through the site. Refer to “Existing Stormwater Infrastructure” below.

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3. Existing Stormwater Infrastructure

3.1 Municipal Infrastructure

Crossco Drawing 2635/004 at Appendix 1 shows the location of existing municipal stormwater drainage infrastructure in the vicinity of the site.

Of particular relevance to the proposed subdivision is:

- Stormwater pipe at the west boundary of proposed Lot 59 that outfalls to the Stormwater pipe to the north of the existing allotments on the north side of Fullarton Drive which provides a (legal point of discharge) LPOD for existing abutting properties.
- Stormwater pipe to the west boundary of 60 Fullarton Drive which outfalls through the subject site (825mm dia pipe). Refer to Figure 6 to Figure 8.



Figure 5: 60 Fullarton Drive west boundary



Figure 6: 60 Fullarton Drive pit cover

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Figure 7: Pit downstream of 60 Fullarton Drive pipe

There is currently no stormwater detention or treatment in place.

The 825 dia pipe at Figure 8 appears to outfall to a point adjacent to the existing fenceline upstream of a timber pedestrian bridge on the Walking Track. The condition and nature of this outfall cannot be determined as it is overgrown. Conditions at the outfall location are shown in Figure 10 and Figure 11.



Figure 8: Indicative Location of Pit at Figure 7

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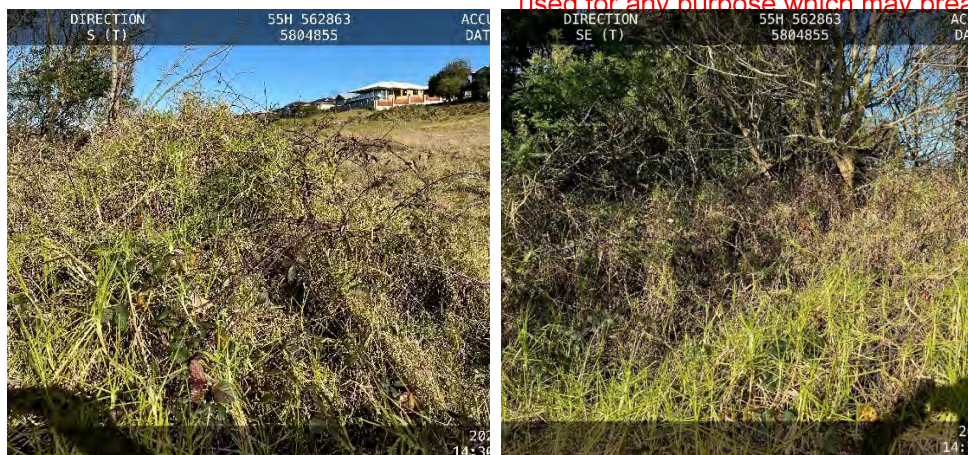


Figure 9: 825 dia outfall vegetation



Figure 10: 825 dia outfall upstream of timber bridge

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3.2 Walking Track

No works are proposed beyond the northern boundary of the subject site. Discussion of the walking track and associated drainage is included to provide an understanding of downslope drainage.

The track is used as a shared pedestrian / cycle track and generally has a gravel surface, with short sections dirt. Sections of the track have a spoon drain on the south side formed by the track being elevated above the surrounding natural surface, with the balance of the track blended to the surrounding natural surface.

The existing stormwater infrastructure outfalls to the south of the walking track, with stormwater passing under the walking track to the Point Fullarton wetlands through series of pipes and a timber pedestrian bridge.

Five culverts and 1 bridge have been identified along the track. Four culverts and the bridge are in the catchment of the subject proposal and these are all between the timber pedestrian bridge and Burden Place. Surface stormwater passes through these structures or over the track to the wetland.

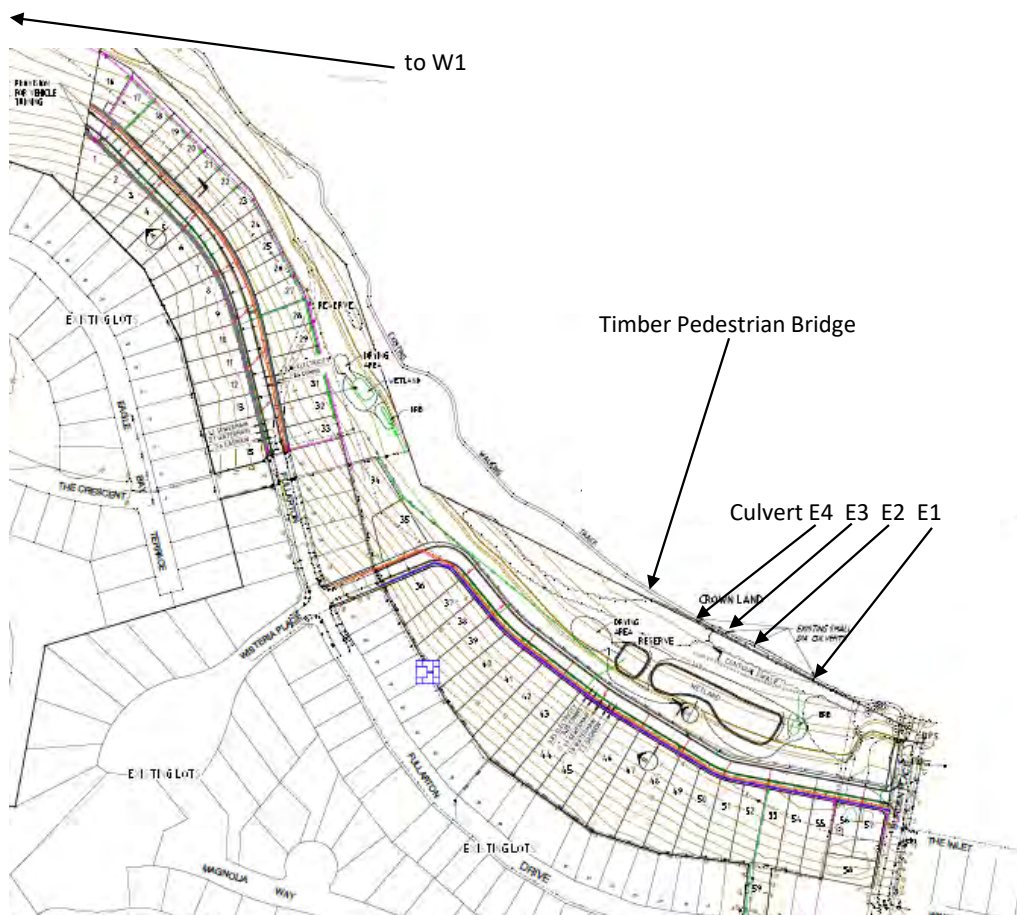


Figure 11: Indicative Walking Track culvert locations

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3.2.1 Timber Pedestrian Bridge

The timber pedestrian bridge is immediately downstream of the 825 dia outfall shown at Figure 9.



Figure 12: Timber Pedestrian bridge

3.2.2 Culverts

Four culverts have been identified and indicate locations are shown at Figure 11. The culverts are all concrete pipes (Class unknown) with no or minimal cover, and diameter varies from approx. 225mm – 300mm.

In all cases the inlet and outlet of the culverts are overgrown, covered or buried.

Culvert E1



Figure 13: Culvert E1 Inlet / Outlet

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Culvert E2

Figure 14: Fullarton Drive properties from Culvert E2



Figure 15: Culvert E2 Inlet / Outlet

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Figure 16: Track at Culvert E2

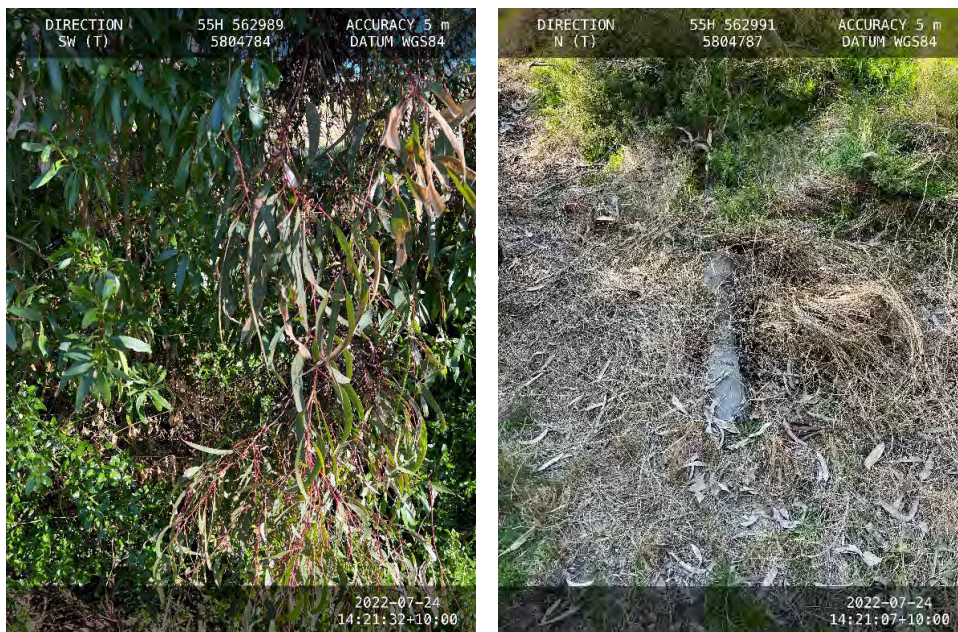
Culvert E3

Figure 17: Culvert E3 Inlet / Outlet

The inlet of culvert E3 requires excavation and disturbance and/or removal of vegetation to photograph and is located among the vegetation photographed.

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Culvert E4



Figure 18: Culvert E4 Inlet / Outlet



Figure 19: Track at Culvert E4

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Culvert W1

There is an additional culvert further to the west (west of the gate on the walking track) but this culvert is not impacted by stormwater generated in the subject catchment and has therefore not been considered. A photograph of the culvert (W1) is included at Figure 20 to provide clear identification of this culvert.



Figure 20: Culvert W1

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4. Flooding

4.1 Lake levels

The Gippsland Lakes Flood Modelling Project (GLFMP) (Grayson et al 2004) calculated the 1% AEP flood level at Paynesville as 2.0m AHD⁴, and included the following table which includes historical flood levels. The “impacted properties” columns have been included to ensure the table is not modified in this report and are not relevant to the subject project. Of relevance is the flood levels and the calculated (Grayson et al 2004) 1% level of 2.0m AHD. Historical flood levels have not been recorded to that level to date.

Table 2-2 Historical Flood Magnitudes and Impacts at Paynesville & Raymond Island

AEP (ARI) Flood	Historical Flood (year)	Level (m AHD)	Impacted Properties ¹	
			Flooded	Isolated
1% (100 yr)		2.0	-	-
		1.8	292	264
2% (50 yr)		1.7	263	251
	1893	1.67	-	-
5% (20 yr)		1.5	174	251
	2007	1.5	174	251
	1998	1.35	-	-
10% (10 yr)		1.25	58	122
	2012	1.01	23	5

¹ Property Information sourced from the East Gippsland Shire Flood Emergency Plan (East Gippsland Shire Council, 2012).

Figure 21: Historical Flood levels - Table 2-2 Water Technology 2014

The “Future Coasts” mapping (refer to Figure 23) indicates that:

- 2070 modelled water levels would not encroach to the proposed allotments or associated proposed municipal infrastructure, and
- with the inclusion of sea level rise and storm surge the modelled 2100 water level impacts the proposed reserve and partially impacts the location of the proposed eastern wetland.

⁴ Gippsland Lakes / 90 Miles Beach Coastal Hazard Assessment, Water Technology for DEPI, 2014

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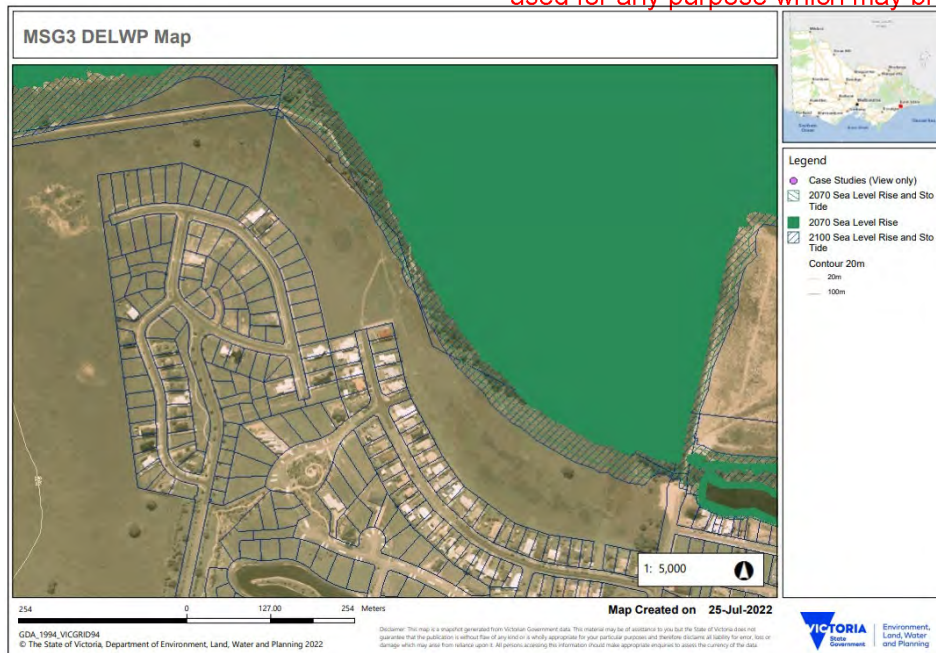


Figure 22: Future Coasts Mapping

The contours on the drawings at Appendix 1 demonstrate that:

- the proposed allotments (and building envelopes) and access roads are all located above the 3m AHD contour and at a higher elevation than the existing and projected flood levels.
- proposed east stormwater infrastructure could be partially impacted by flooding in a 2100 with storm surge scenario.

4.2 Overland flow from catchment

The management of overland flow from infrastructure to the south of the proposed allotments is beyond Scope of this Stormwater Management Strategy, but it is noted that if not managed there is a risk to down slope properties. Management of this risk is considered by Others (including as building designers and surveyors) and requires that:

- overland flow is minimised by ensuring all properties to the south are discharging stormwater generated at their properties to their respective LPOD.
- the development of each proposed allotment considers overland flow from the south, responds to site slope and are designed and maintained in accordance with best practice, Regulations and the National Construction Code (NCC).
- private and municipal drainage infrastructure is maintained and not impaired.

The orientation and layout of the proposed allotments provides ample opportunity for overland flow risks to be managed.

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5. Proposed Stormwater Management

5.1 General Overview

The proposed Stormwater Management solution meets the requirements of CI 56.07-4 (Stormwater management objectives) and Standard C25 of the East Gippsland Planning Scheme.

- Stormwater is treated to the required standard.
- Post development flow is managed to not exceed pre-development flows.

Crossco Drawings 2635/004 and 2635/005 at Appendix 1 provide an illustration of the proposed stormwater solution. To prepare the proposed stormwater management solution Crossco has:

- had regard for best practice environmental guidelines for urban stormwater (BEPM).
- had regard for previous VCAT decisions relevant to the subject land.
- referenced stormwater management designs proposed and considered at VCAT relevant to the subject land.

5.2 Peer Review

Our Client engaged *Waterway Management Solutions* to peer review the proposed design and calculations at Appendix 1. A copy of the peer review statement is included at Appendix 2 and confirms that the proposed stormwater management solution meets all requirements.

5.3 Layout

Proposed allotment 59:

- drains to the existing stormwater pipe to the north of the existing allotments at the north side of Fullarton Drive.

Proposed allotments 34-58 inclusive:

- drain to a stormwater pipe in the proposed access road.
- the pipes discharge to the east wetland.
- outfalls to a contour / spreader swale via bio-retarding basin (BRB).

Proposed allotments 1 – 33:

- drain to a stormwater pipe in the proposed extension of Fullarton Drive (allotments 1-15) or a stormwater pipe to the north boundary (allotments 16-33).
- the proposed stormwater pipes discharge to a wetland and BRB.
- outfalls to the existing 825 dia stormwater pipe shown at Figure 8 which will require construction of a new junction pit (JP).

External catchments

- Low flow stormwater (up to 20% AEP flows) currently discharging from External Catchments A & B via the 825 dia pipe is proposed to be diverted to the east to provide treatment of this currently untreated stormwater, prior to discharge to the contour swale. High flow (>20% AEP event) will be discharged via the existing 825 dia stormwater pipe. This is discussed further at Section 5.5.

5.4 Retarding and Detention

The planning scheme at CI 56.07-4 (Standard C25) requires that stormwater infrastructure must be:

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.

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As detention calculations are based on pre and post development flows, the external catchments have not been considered.

Detention has been included with protection of downslope infrastructure (Walking Trail), vegetation and wetland in mind and to ensure flows discharging under the walking track and into the adjoining Point Fullarton wetland do not exceed pre-development flows.

Pre and post development flows have been modelled for the required 20% AEP event based on the subject site catchment area (7 ha), with the following determined:

- Pre-development flow is calculated to be 0.280 m³/s
- Post-development critical time is 19 minutes and requires a storage of 516 m³.

The detention capacity (storage of 516 m³) is provided for in the proposed stormwater treatment basins (sediment, bioretention and wetland).

Proposed allotments 1-59 inclusive are proposed to have a tank installed downslope of each allotment with a minimum retention and reuse capacity of 2,000 litres. This retention and reuse capacity is in addition to the detention storage provided and is considered in the stormwater treatment model.

5.5 Treatment

The proposed stormwater management solution provides treatment to the required “best practice” (BP) standard. The treatment achieved is summarised in the “Water Quality Treatment Performance Table” (treatment summary table) included on Crossco Drawing 2635/005 at Appendix 1.

The treatment table summarises the modelled treatment performance for five scenarios based on the proposed BRBs, wetland and allotment tanks:

Scenario	Proposed Treatment	Outfall	Treatment BP achieved
Proposed Lots 34-59 with 2,000 litre reuse tanks and external catchment (External Catchment A)	East wetland, sediment basin, BRB	Contour / spreader swale	✓
Proposed Lots 1-33 with 2,000 litre reuse tanks	West sediment basin and BRB	Existing 825 dia pipe	✓
Proposed Lots 1-59 with 2,000 litre reuse tanks and External Catchments A & B	2,000 litre tanks all proposed allotments and; proposed lots 34-59 east wetland including divert low flow from external Catchment A & B pipe to East wetland, sediment basin, BRB and; proposed lots 1-35 west basin and BRB.	Contour / spreader swale (east basin) Existing 825 dia pipe (west basin)	✓

Two additional treatment scenarios have been modelled (MUSIC):

- a) including the external catchments but excluding 2,000 litre tanks on proposed allotments 1-59. This scenario does not achieve best practice reduction for total nitrogen.
- b) excluding the external catchments and excluding 2,000 litre tanks on proposed allotments 1-59. This scenario does achieve best practice treatment.

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The modelling demonstrates that if stormwater generated in the external catchments is not treated, then allotment tanks are not required to achieve best practice treatment.

On balance a net improvement in stormwater treatment is achieved by including the external catchments as there is currently no treatment of stormwater, acknowledging that the proponent has no obligation to upgrade the existing stormwater system.

Achieving best practice treatment requires low flow (up to 20% AEP) stormwater from External Catchments A & B to be diverted to the east. This stormwater currently outfalls under the timber pedestrian bridge via the 825 dia pipe. Therefore, an additional volume of stormwater will outfall to the east via the proposed contour / spreader swale. The contour / spreader swale is designed to avoid point discharges of stormwater and converts channelled or piped flows (point discharges) to sheet flow thereby ensuring stormwater spreads across a wide area as occurs naturally. These drainage outfall structures are also known as "level spreaders".

- ➔ The proponent proposes to include 2,000 litre tanks at allotments 1-59 and treat stormwater from external catchments.

6. Construction Phase

6.1 Stormwater Management

The peak potential risk associated with poor stormwater management will coincide with construction periods (civil infrastructure and buildings) when sediment could become mobilised in stormwater runoff, enter the municipal drainage system and discharge to the wetland.

This could increase nutrient loads in the estuary and cause smothering of water plants among other adverse environmental outcomes. The photograph at Figure 24 shows sediment from a dwelling construction site being mobilised into a municipal stormwater system which will be detrimental to the environment and the performance of the drainage system. Compliance with EPA publication 1834 minimises the risk of similar damage during dwelling construction.



Figure 23: Building Phase Sediment Mobilisation

Compliance with EPA publication 1834 through all phases of construction works is strongly recommended.

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6.2 Coastal Acid Sulphate Soils

Some works could impact coastal acid sulphate soils (CASS). Excavation of the constructed waterway immediately to the east (The Inlet waterway) is known to have disturbed CASS which was managed by a CASS Management Plan, and CASS mapping⁵ confirms the potential for CASS to be present.

EPA Publication 1834 referenced previously includes a statement regarding the management of acid sulfate soils, with a guidance sheet for management of "Hazardous Waste" including acid sulfate soils. Requirements for the management of acid sulfate soils (if present and/or disturbed by construction) will be addressed once the risk is identified and quantified.

As is usual practice where CASS is potentially present, the Geotechnical Investigation of the site prior to detailed design will include a CASS investigation and recommendations for management if found. Further if CASS is found this will assist in informing the detailed design, in particular avoidance where practical and materials selection (such as sulphate resistant materials) for construction through the CASS profile.

CASS Management Plans are commonly implemented by Civil Contractors in East Gippsland and form an important part of OH&S and Environmental management of civil construction projects throughout coastal environments. While not relevant to stormwater assets which are gifted to the municipality, East Gippsland Water has a Standard Operating Procedure (SOP) for Management of Acid Sulphate Soils and will expect compliance with this SOP for construction of assets to be gifted to EGW (water and sewer assets) and it is anticipated that a single CASS Management Plan will be developed for all civil construction works.

If a CASS Management Plan is required, it will meet the requirements of DELWP and any other relevant Authority.

7. Conclusion

- Proposed drainage of the site can be managed in two sub-catchments:
 - Lots 1-33 draining to a proposed treatment system and outfalling to the existing 825 dia stormwater pipe.
 - Lots 34-59 draining to a proposed treatment system and outfalling to a contour / spreader swale.
- Compliance with EPA Publication 1834 during all phases of construction will ensure stormwater is managed during construction.
- The stormwater generated from the developed site will be treated, retarded and discharged from the site in accordance with best practice requirements.

M Supplitt
05/08/2022



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

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Appendix 1 – Crossco Drawings

Survey with contours / levels

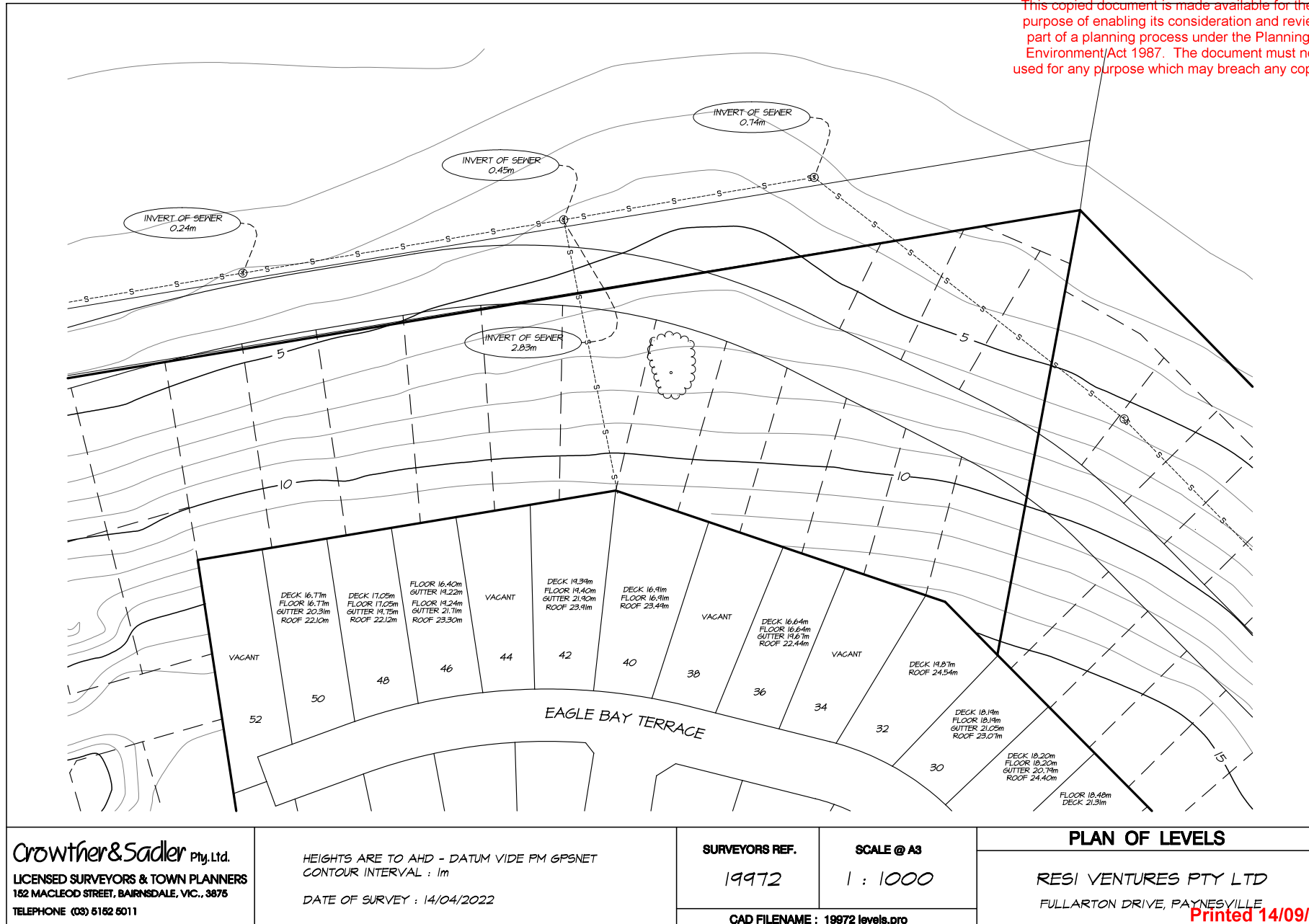
2635/004 Site Drainage Plan, Site and External Catchment – Sheet 1 of 2

2635/004 Site Drainage Plan, Music Output and Results – Sheet 2 of 2

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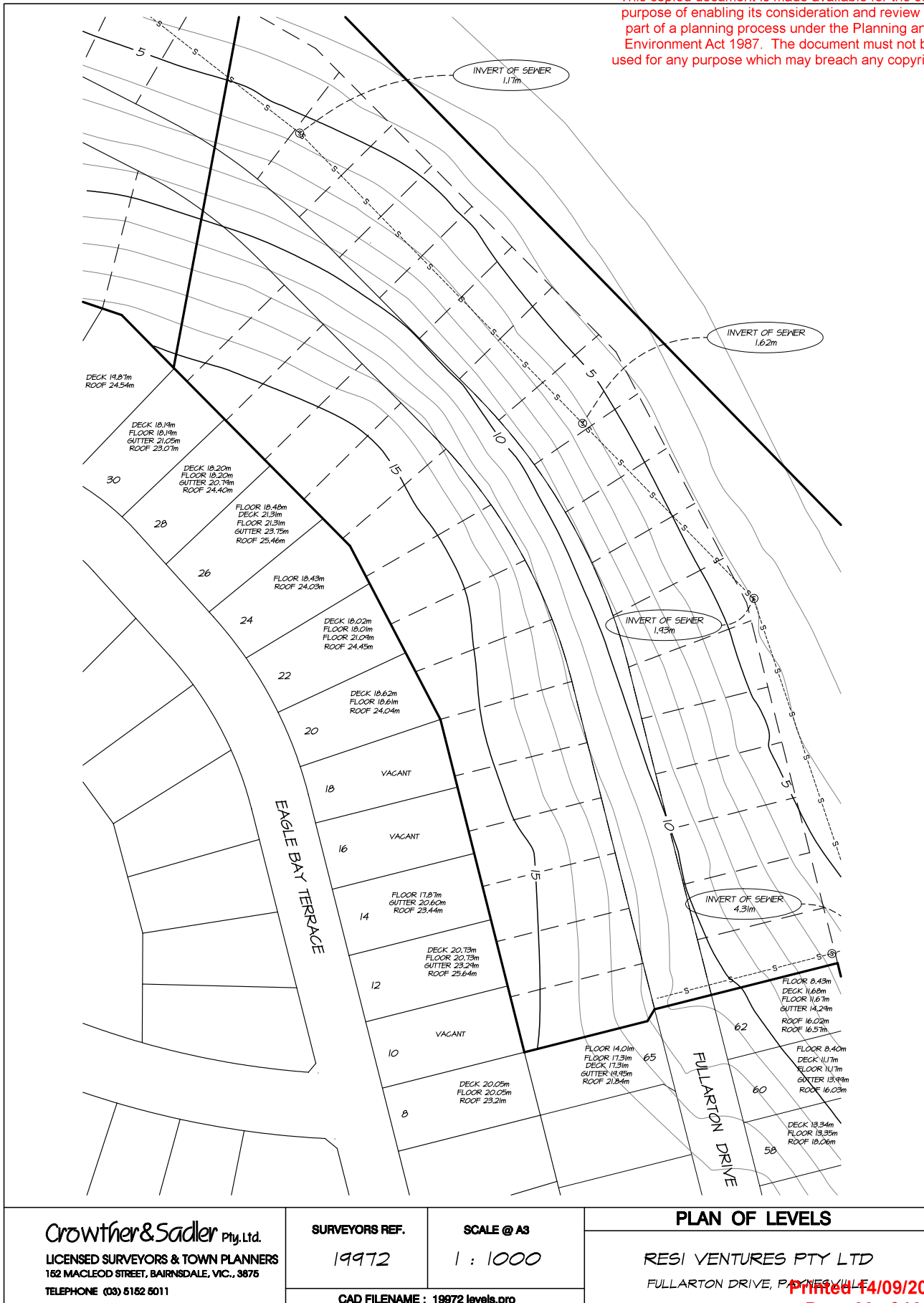


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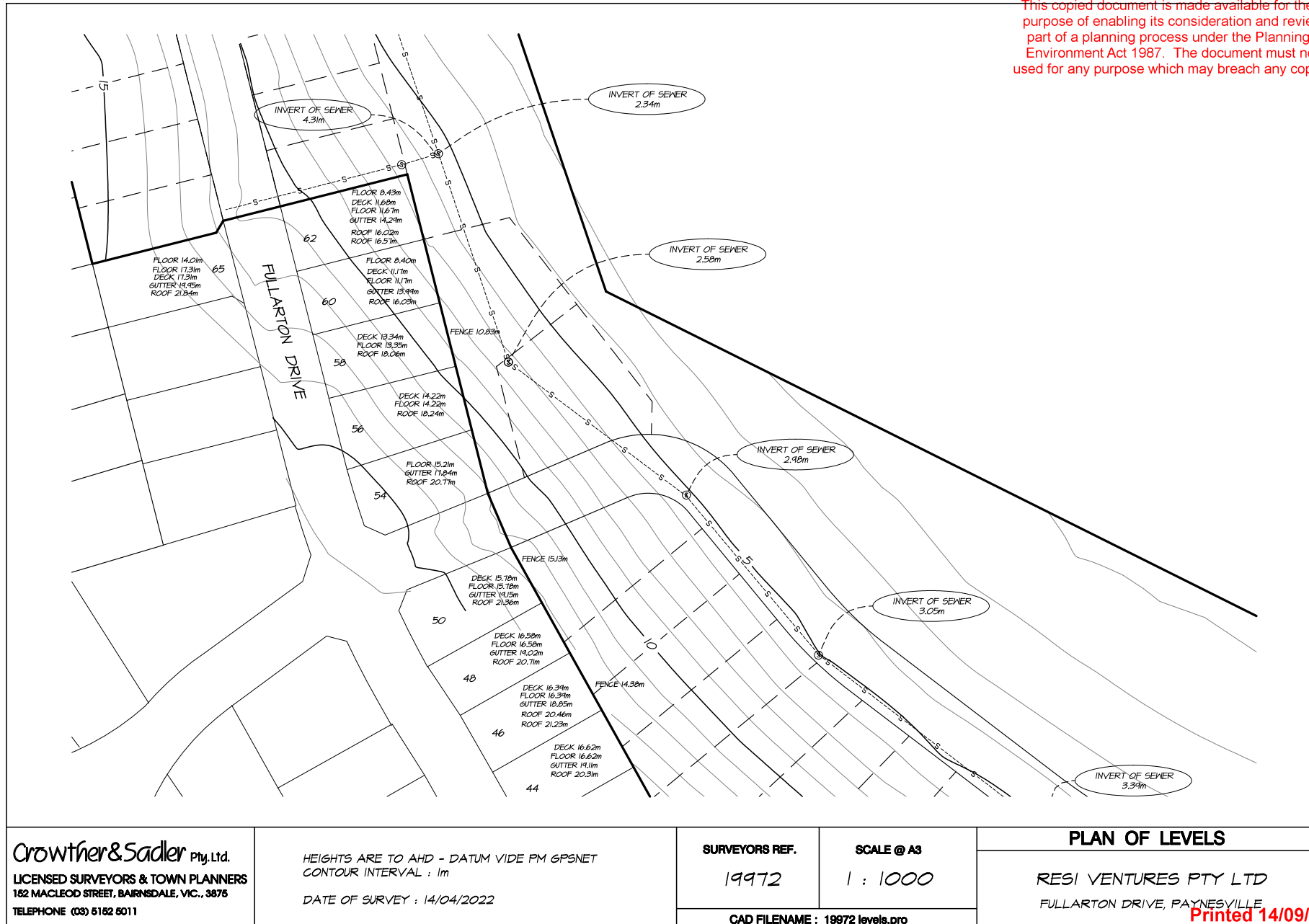
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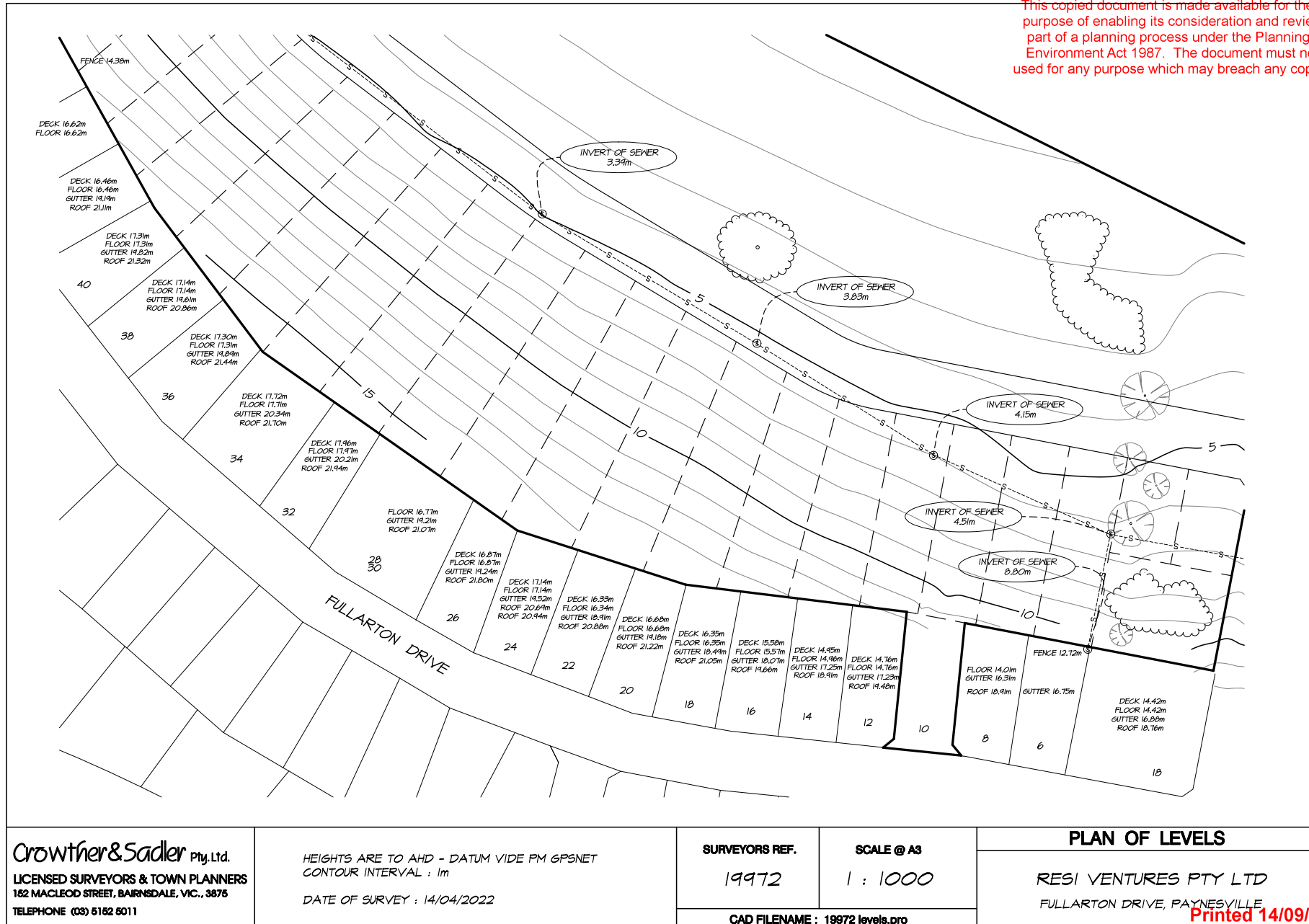


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Crowthier & Sadler Pty. Ltd.
 LICENSED SURVEYORS & TOWN PLANNERS
 182 MACLEOD STREET, BAIRNSDALE, VIC., 3875
 TELEPHONE (03) 5182 8011

HEIGHTS ARE TO AHD - DATUM VIDE PM GPSNET
 CONTOUR INTERVAL : 1m
 DATE OF SURVEY : 14/04/2022

SURVEYORS REF.

19972

SCALE @ A3

1 : 1000

PLAN OF LEVELS

RESI VENTURES PTY LTD

FULLARTON DRIVE, PAYNESVILLE

CAD FILENAME : 19972 levels.pro

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 Page 101 of 163

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Crossco Consulting Pty Ltd
 ABN: 88 135 548 110

154 Macleod St	Tel: (03) 51526298
P.O. Box 858	Fax: (03) 51527222
Bairnsdale Vic 3875	Email: consult@crossco.com.au

FULLARTON DRIVE, PAYNESVILLE
SITE DRAINAGE PLAN - SHEET 1 OF 2
SITE & EXTERNAL CATCHMENT PLAN

2635/004-E

FREEHOLD
TITLE



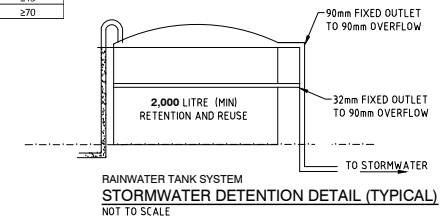
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Barnsley VIC 3875
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Fax (03) 51527222
Email: consult@crossco.com.au

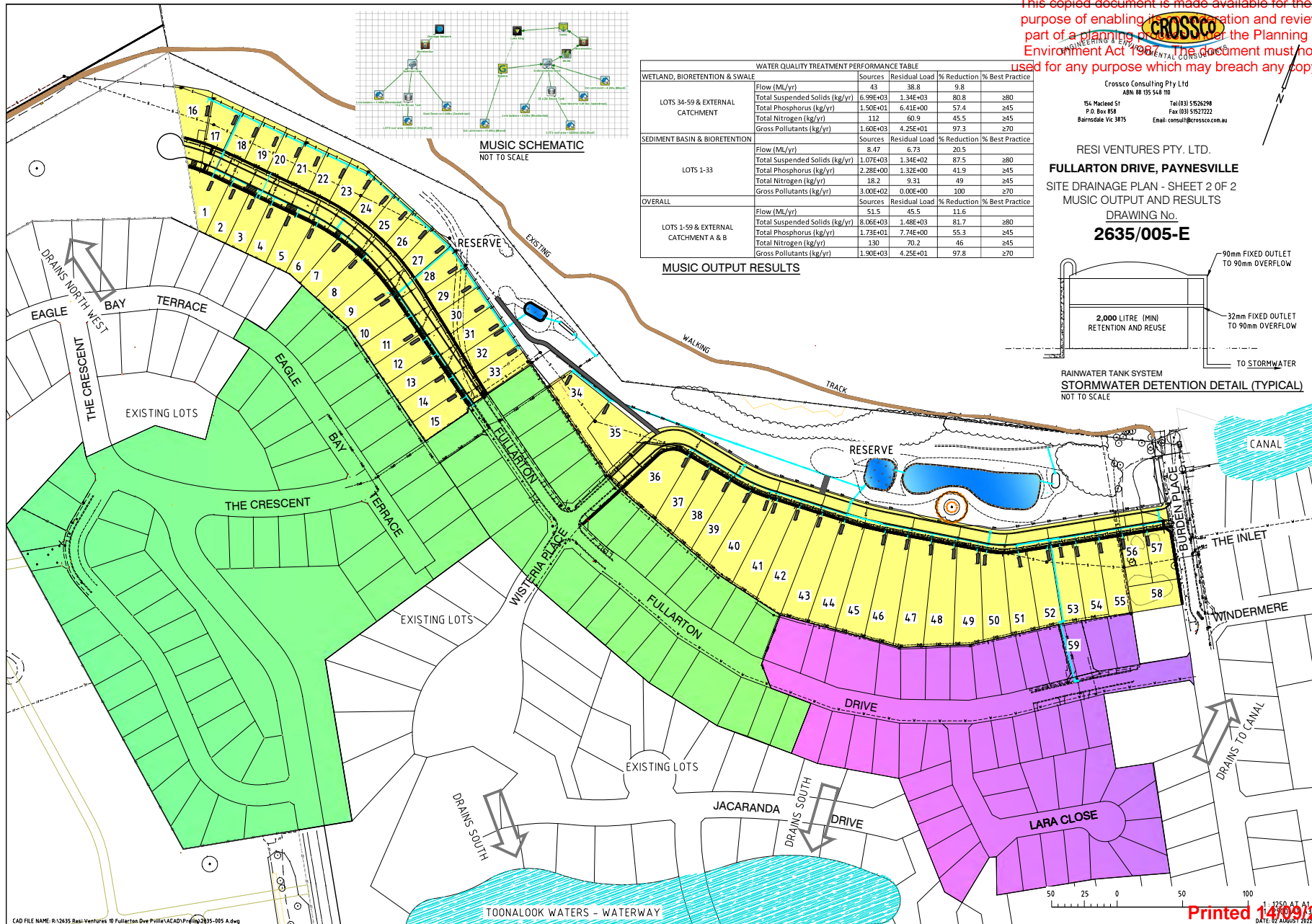
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FULLARTON DRIVE, PAYNESVILLE
SITE DRAINAGE PLAN - SHEET 2 OF 2
MUSIC OUTPUT AND RESULTS

DRAWING No.
2635/005-E



WATER QUALITY TREATMENT PERFORMANCE TABLE					
WETLAND, BIORETENTION & SWALE					
LOTS 34-59 & EXTERNAL CATCHMENT	Flow (ML/yr)	43	38.8	9.8	% Best Practice
	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					
LOTS 1-33	Flow (ML/yr)	8.47	6.73	20.5	% Best Practice
	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					
LOTS 1-59 & EXTERNAL CATCHMENT A & B	Flow (ML/yr)	51.5	45.5	11.6	% Best Practice
	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



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Appendix 2 – Design Reviewer correspondence

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Neil M Craigie Pty Ltd

ACN 074 582 282 ABN 29 074 582 282

Waterway Management Consultants

5 August 2022

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 2635-001-006 E Site drainage Plans (2 August 2022);
- MUSIC model: 2635 Fullarton Drive.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

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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 42.5% 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

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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,



Neil M Craigie

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ACN 074 582 282 ABN 29 074 582 282

Waterway Management Consultants

5 August 2022

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Resi Ventures P/L
(By Email)

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Fullarton Drive, Paynesville, Stormwater Management

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Fullarton Drive, Paynesville, Stormwater Management

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Traffix Group

Traffic Impact Assessment

Proposed Residential Subdivision
10 Fullarton Drive, Paynesville

Prepared for
Resi Ventures

Level 28, 459 Collins St
Melbourne Victoria 3000

T: 03 9822 2888
admin@traffixgroup.com.au

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ABN: 32 100 481 570

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Traffic Impact Assessment

10 Fullarton Drive, Paynesville

Proposed Residential Subdivision**10 Fullarton Drive, Paynesville****Document Control****Our Reference: G31597R-01B**

Issue No.	Type	Date	Prepared By	Approved By
A	Draft	02/08/22	A. Montgomerie	W. de Waard
B	Final	05/08/22	A. Montgomerie	W. de Waard

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Traffic Impact Assessment

10 Fullarton Drive, Paynesville

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Traffic Impact Assessment

10 Fullarton Drive, Paynesville

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Traffic Impact Assessment

10 Fullarton Drive, Paynesville

Appendix D SIDRA Intersection Modelling Results

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Traffic Impact Assessment

10 Fullarton Drive, Paynesville

1. Introduction

Traffic Group has been engaged by Resi Ventures to undertake a traffic impact assessment for the proposed residential subdivision at 10 Fullarton Drive, Paynesville.

This report provides a detailed traffic engineering assessment of the internal road layout, access arrangements and likely traffic impacts of the proposed development on the surrounding road network.

2. Proposal

The proposal is to subdivide the 10.7 hectare parcel of land to create a total of 59 residential lots ranging in size from 560m² to 1,660m² at 10 Fullarton Drive, Paynesville.

An extract of the proposed subdivision plan is shown below in Figure 1.

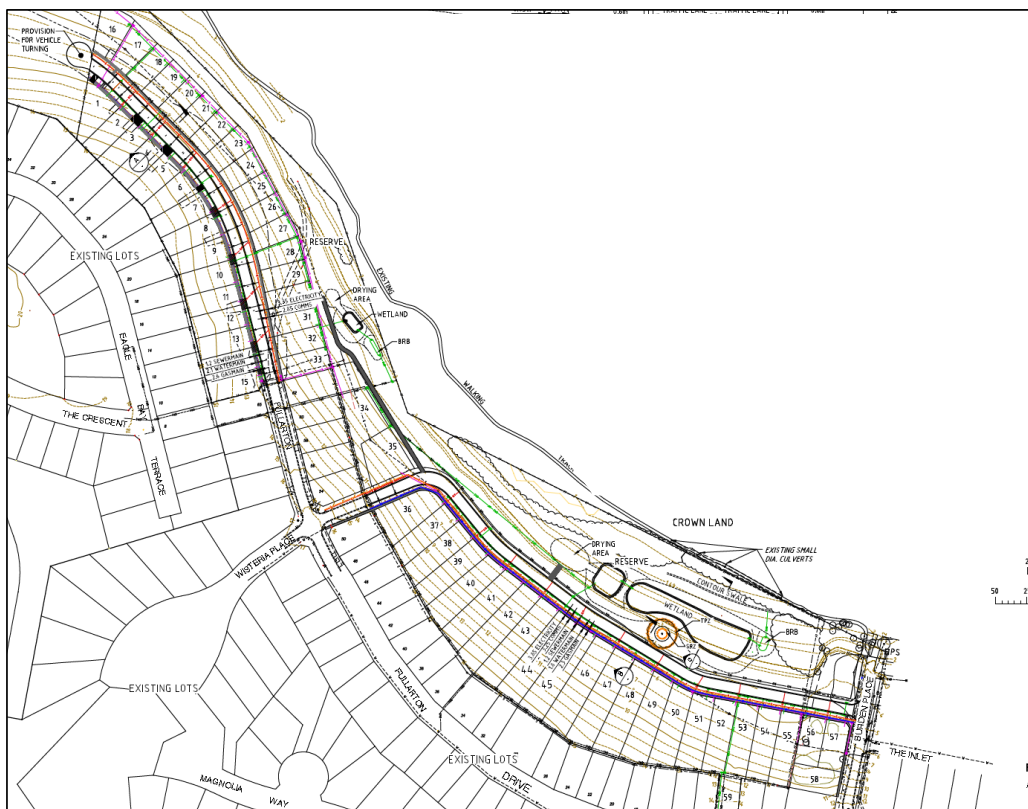


Figure 1: 10 Fullarton Drive, Paynesville – Proposed Residential Subdivision

Vehicle access to the subject site from the existing road network is proposed via three (3) locations, as follows:

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Traffic Impact Assessment

10 Fullarton Drive, Paynesville

- The extension of Fullarton Drive through the site to the northwest,
- The extension of Molly Drive, at the intersection of Fullarton Drive / Wisteria Place, and
- Burden Place, just north of The Inlet (connecting through to Molly Drive).

The extension of Fullarton Drive is proposed to terminate with a dead end and a temporary court bowl is to be provided to allow the Council waste vehicle to turnaround.

All lots will be provided with direct access to either the extension of Fullarton Drive or Molly Drive with the exception of Lot 58 with access to Burden Place and Lot 59 that is located at 10 Fullarton Drive that will access the existing road.

A copy of the proposed subdivision development plans prepared by Crossco Consulting is attached at Appendix A.

3. Background Information

3.1. Paynesville Growth Area Structure Plan

The Paynesville Growth Area Structure Plan includes guidelines and requirements for the future development of the growth area.

The subject site partially abuts the eastern boundary of the Paynesville Growth Area Structure Plan area as shown in Figure 2 below.

The Structure Plan indicates that Fullarton Drive is to be extended through the subject site and continue through to a new Connector Road that will ultimately provide an alternate connection to Paynesville Road.

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Traffic Impact Assessment

10 Fullarton Drive, Paynesville

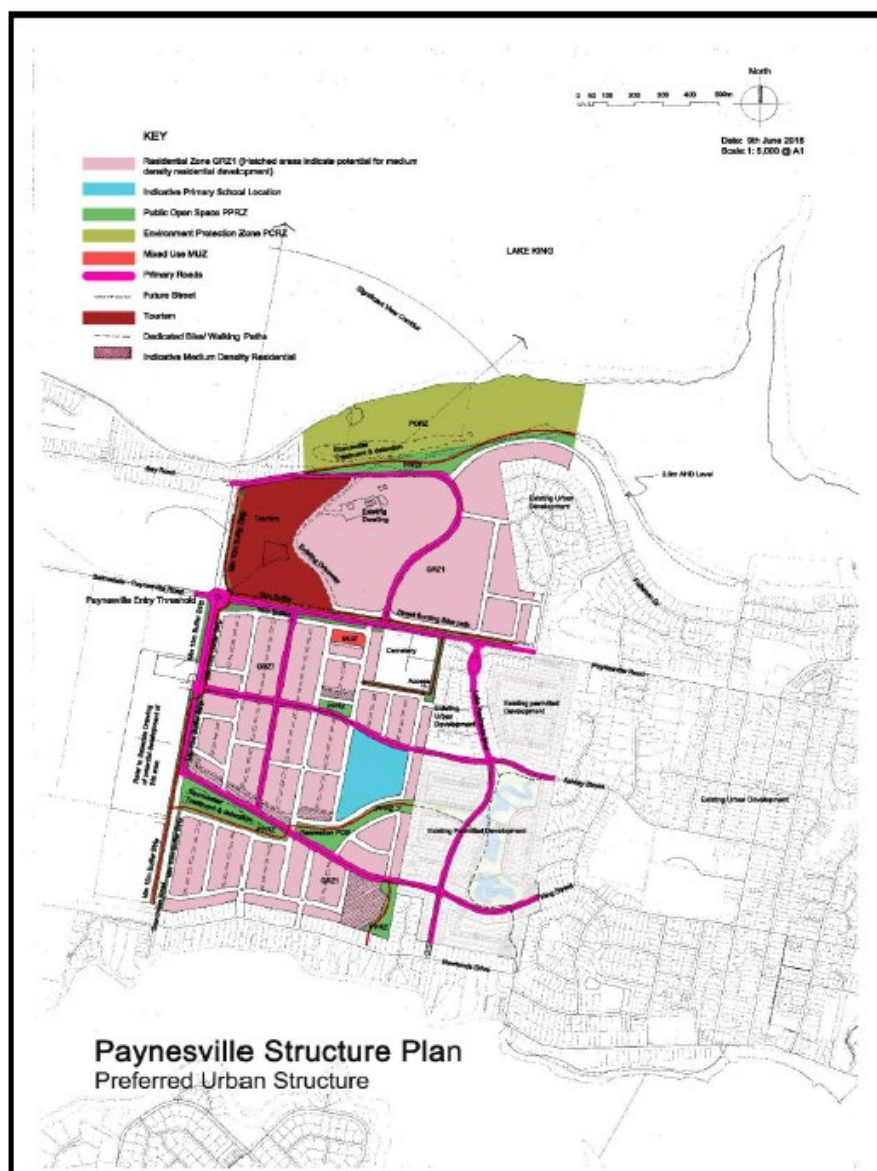


Figure 2: Paynesville Structure Plan

3.2. Paynesville Precinct Structure Plan – Traffic Assessment Report

The Paynesville Precinct Structure Plan – Traffic Assessment Report was prepared to support the future development of the Paynesville growth area. The report included an assessment of

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Traffic Impact Assessment

10 Fullarton Drive, Paynesville

the future traffic likely to be generated by development of the growth area providing for an appropriate road network to support additional traffic movements in the area.

The assessment report considers the appropriate traffic generation rate for the area noting that empirical evidence indicates a traffic generation rate of 4-4.5 vehicles per day while the relevant IDM standard is 10 trips per day for residential dwellings.

The assessment report indicates that it conservatively adopted a rate of 7 vehicles per day for the traffic modelling completed, *'well in excess of the measured actual rate.'*

4. Existing Conditions

4.1. Subject Site

The subject site is located on the northeast side of Fullarton Drive and the west side of Burden Place. The subject site is irregular in shape and covers an area of approximately 10.7 hectares.

Land use surrounding the site is generally residential to the east and south, with largely vacant land to the west, and Eagle Point Bay/the Gippsland Lakes system to the north.

A locality plan and an aerial photograph are provided below at Figure 3 and Figure 4 respectively.

The subject site is currently zoned 'General Residential Zone' under the East Gippsland Planning Scheme, with a land use zoning map is provided at Figure 5.



Source: VicRoads Country Street Directory, Edition 9

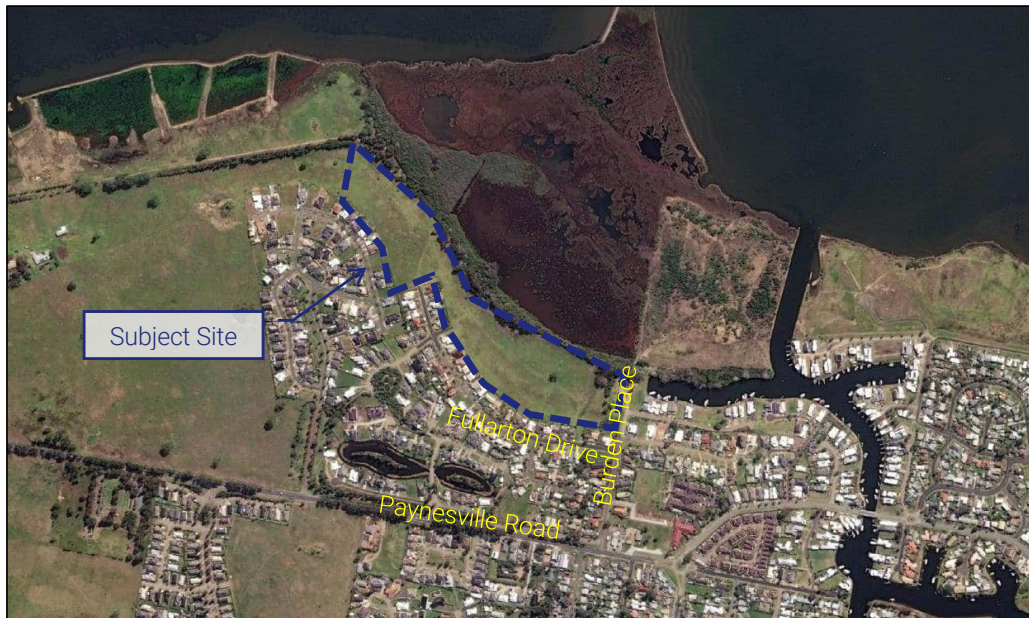
Figure 3: Locality Plan

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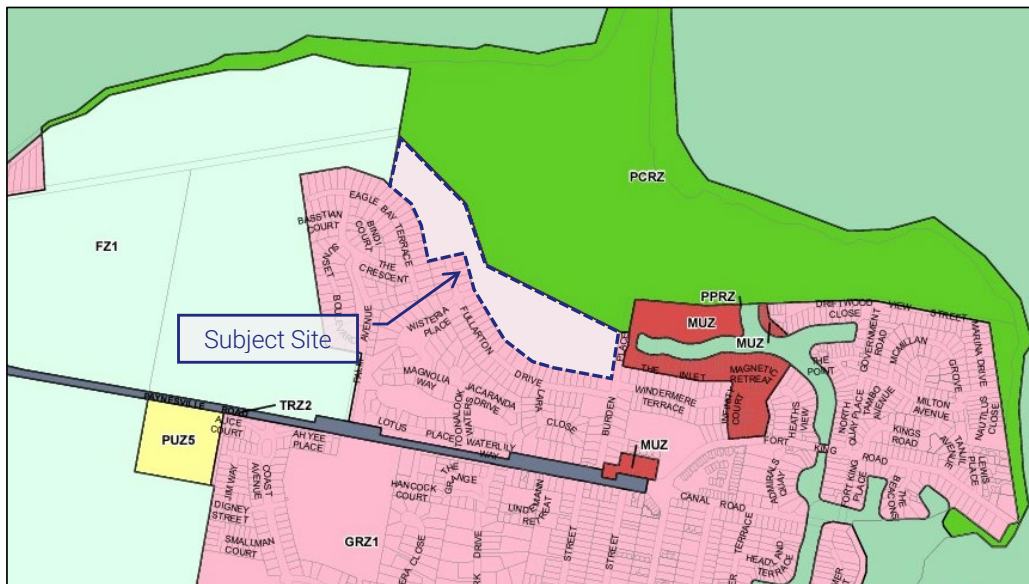
Traffic Impact Assessment

10 Fullarton Drive, Paynesville



Source: Nearmap

Figure 4: Aerial Photograph



Source: www.planning.vic.gov.au

Figure 5: Land Use Zoning – East Gippsland Planning Scheme

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10 Fullarton Drive, Paynesville

4.2. Road Network

Fullarton Drive is classified as an 'Urban Access' Road under the East Gippsland Public Road Register and extends from Burden Place to 100m northwest of Wisteria Place. In the vicinity of the subject, site Fullarton Drive provides an 8.6m wide carriageway that allows for parking on both sides of the road and one lane traffic flow, or parking on one side with two way traffic flow. The road reserve for Fullarton Drive is approximately 18m wide.

Fullarton Drive is subject to a default urban speed limit of 50km/h.

No parking restrictions apply to Fullarton Drive, and a 1.5m wide pedestrian footpath is currently provided along the north side of the road.

Photographs of Fullarton Drive are provided in Figure 6 to Figure 9.

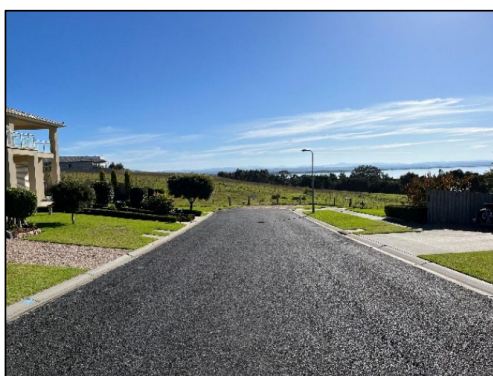


Figure 6: Fullarton Drive – View North-west



Figure 7: Fullarton Drive – View South-east

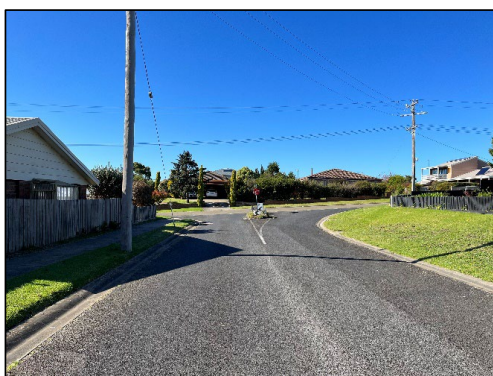


Figure 8: Fullarton Drive – View South-east (approach to Burden Place)



Figure 9: Fullarton Drive – View North-west

Molly Drive is classified as an 'Urban Access' Road under the East Gippsland Public Road Register and extends north-east of Fullarton Drive for approximately 40m, opposite Wisteria Place. Molly

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Drive provides an 8.0m carriageway that allows for two-way traffic flow. The road reserve for Molly Drive is approximately 18m wide.

Molly Drive is subject to a default urban speed limit of 50km/h.

No parking restrictions apply to Molly Drive.

Photographs of Molly Drive are provided in Figure 10 and Figure 11 .

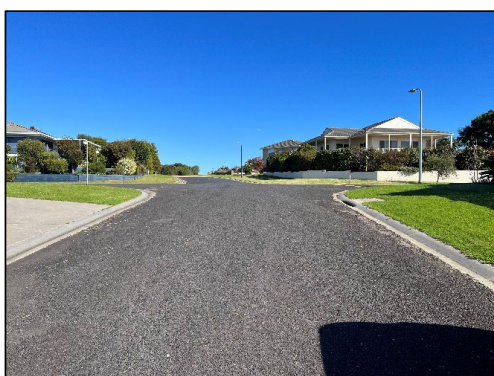


Figure 10: Molly Drive – View South-west (approach to Fullarton Drive/Wisteria Place Intersection)

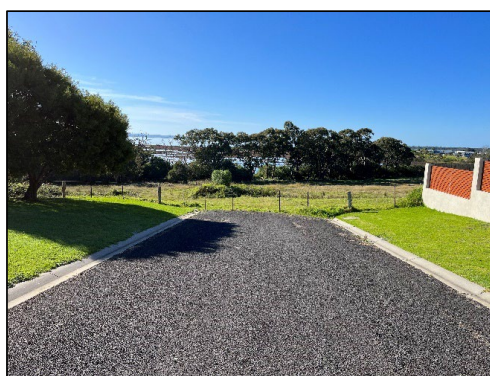


Figure 11: Molly Drive – View North-east

Burden Place is classified as an 'Urban Access' Road under the East Gippsland Public Road Register and extends north-south between Paynesville Road and 50m north of The Inlet.

In the vicinity of the subject site, Burden Place provides an 6.9m wide carriageway that allows for parking on both sides of the road and one lane traffic flow, or parking on one side with two way traffic flow. The road reserve for Burden Place is approximately 20m wide.

No parking restrictions apply to Burden Place, and a 1.5m wide pedestrian footpath is currently provided along the east side of the road, south of The Inlet.

Photographs of Burden Place, north of Windermere Terrace are provided in Figure 12 and Figure 13 below.

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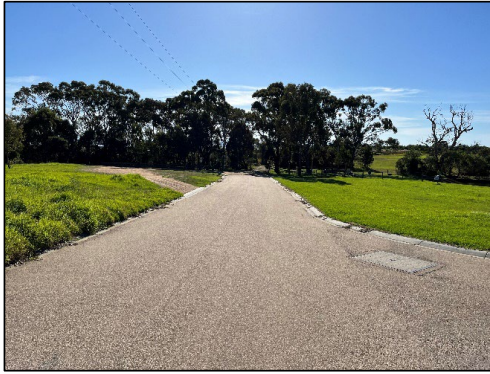


Figure 12: Burden Place – View North

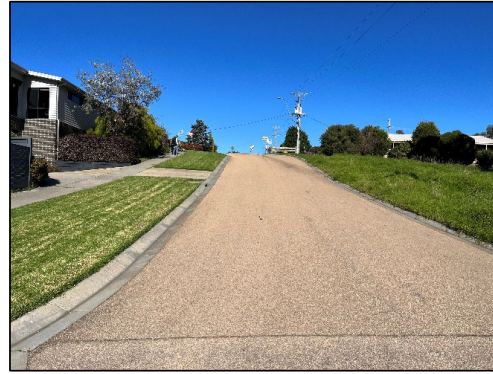


Figure 13: Burden Place – View South

Burden Place in the vicinity of the intersection of Paynesville Road Burden Place provides a 11.4m wide carriageway that allows for two way traffic flow with parking on both sides of the road.

Burden Place is subject to a default urban speed limit of 50km/h.

No parking restrictions apply to Burden Place

Photographs of Burden Place in the vicinity Paynesville Road are provided in Figure 14 and Figure 15



Figure 14: Burden Place – View South



Figure 15: Burden Place – View North

Paynesville Road is classified as an 'Arterial Road' under VicRoads control and extends between Princes Highway, Bairnsdale in the northwest and Main Road, Paynesville in the southeast. In the vicinity of Burden Place, Paynesville Road provides an 11.5m carriageway, which provides for a single traffic lane in each direction.

A 5.6m wide two-way sealed service road is located on the north side of Paynesville Road between Burden Place and Lindmann Retreat intersection.

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10 Fullarton Drive, Paynesville

Paynesville Road is subject to a posted speed limit of 60km/h.

Photographs of the Paynesville Road, intersection with Burden Place are provided at Figure 16 to Figure 19.



Figure 16: Burden Place – View South (approach to Paynesville Road)



Figure 17: Paynesville Road – View East (from Burden Place)



Figure 18: Paynesville Road – View West (from Burden Place)



Figure 19: Paynesville Road – View West (towards Burden Place)

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4.3. Traffic Conditions

4.3.1. Paynesville Road

Traffic surveys were conducted on Paynesville Road to the west of Burden Place. The survey was undertaken over seven (7) days between the 28th of April and 4th May 2022. The results are summarised in Table 1.

Table 1: Paynesville Road – Traffic Counts

Period	Daily Volumes			AM Peak			PM Peak		
	W	E	Total	W	E	Total	W	E	Total
Average Weekday	2,499	2,662	5,161	208 (11am)	221 (11am)	429 (11am)	184 (4pm)	265 (4pm)	450 (4pm)
Saturday	2,133	2,221	4,354	248 (11am)	267 (11am)	515 (11am)	162 (12pm)	262 (12pm)	424 (12pm)
Sunday	1,810	1,829	3,639	198 (10am)	186 (10am)	406 (10am)	193 (12pm)	213 (12pm)	406 (12pm)

4.3.2. Burden Place

Traffic surveys were conducted on Burden Place to the north of Paynesville Road. The survey was undertaken over seven (7) days between the 28th of April and 4th May 2022. The results are summarised in Table 2.

Table 2: Burden Place – Traffic Counts

Period	Daily Volumes			AM Peak			PM Peak		
	N	S	Total	N	S	Total	N	S	Total
Average Weekday	329	327	656	29 (11am)	31 (11am)	60 (11am)	36 (3pm)	27 (3pm)	62 (3pm)
Saturday	229	225	454	20 (9am)	29 (9am)	49 (9am)	22 (2pm)	23 (2pm)	45 (2pm)
Sunday	195	200	395	20 (11am)	25 (11am)	45 (11am)	30 (3pm)	20 (3pm)	50 (3pm)

Detailed traffic survey data is provided at Appendix B.

4.3.3. Paynesville Road / Burden Place

Intersection turning movement counts were undertaken for the Paynesville Road / Burden Place intersection on Thursday, 28th April 2022 between 7-10am and 3-6pm. An analysis of the turning

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movement data indicated that the AM and PM peak hours at the intersection are 8:30am to 9:30am and 3:45pm to 4:45pm, respectively.

The turning movement volumes for the AM and PM peak hours at the intersection of Paynesville Road / Burden Place are shown below in Figure 20.

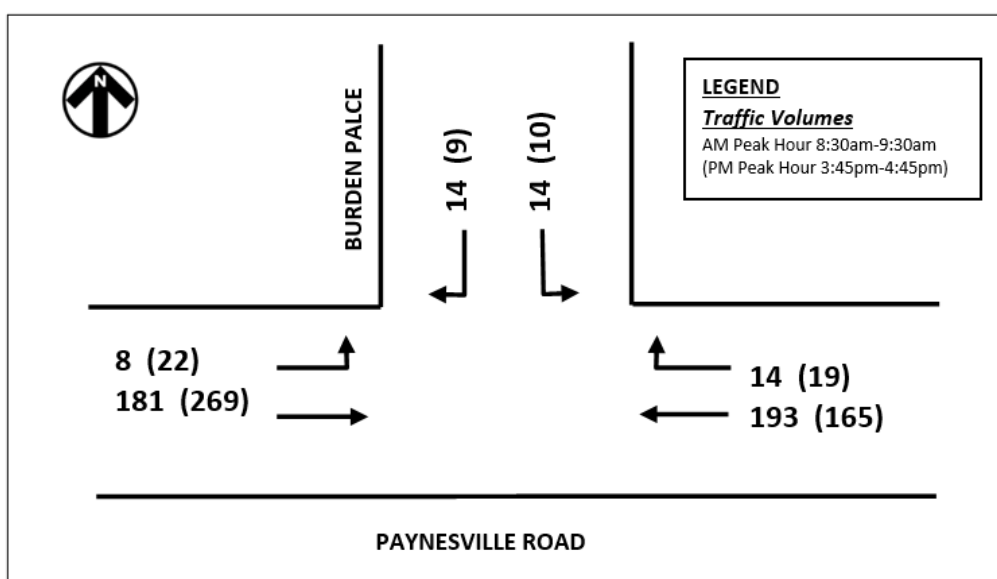


Figure 20: Turning Movement Volumes - Paynesville Road / Burden Place

Detailed turning movement count data is provided at Appendix C.

4.4. Road Safety Review

A review of the most recent CrashStats data provided by VicRoads, for the period between 4th January 2006 and April 31st 2020, revealed no casualty crashes were recorded on Fullarton Drive, Burden Place or the intersection of Paynesville Road / Burden Place.

4.5. Public Transport

The nearest public transport facility to the subject site is the bus stop for bus route 13 located on Paynesville Road, 100m west of Burden Place.

Bus Route 13 provides a service between Raymond Island Ferry Terminal and Bairnsdale Railway Station. Bus Route 13 towards Bairnsdale operates five (5) services between 9:15am and 5:15pm Monday to Friday and only one (1) service during the weekend period on a Saturday at 9:30am. There are no services operating on Sunday.

Bus Route 13 towards Paynesville from Bairnsdale operates five (5) services between 10:15am and 5:40pm Monday to Friday and only one (1) service during the weekend period on a Saturday at 11:25am. There are no services operating on Sunday.

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10 Fullarton Drive, Paynesville

The route map for Bus Route 13 is provided in Figure 21 below.

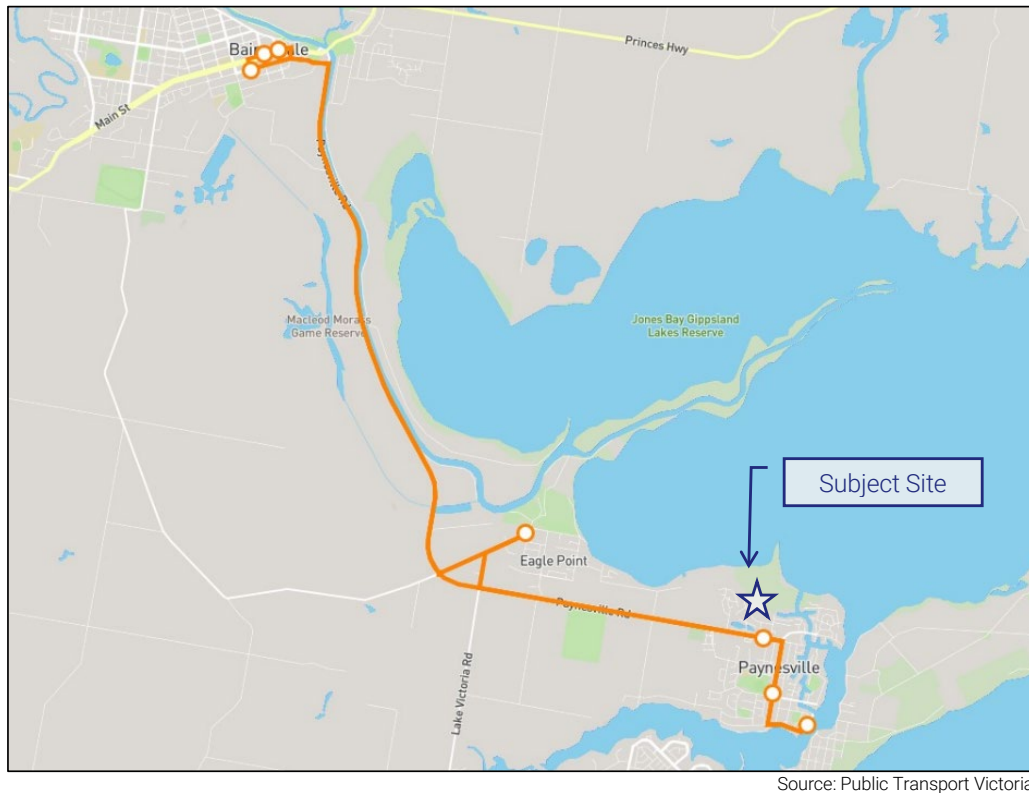


Figure 21: Bus Route 13 Map

4.6. Pedestrian and Cycling Network

The Eagle Point – Paynesville Foreshore walking track extends along the northern boundary of the site and the foreshore between Burden Place, Paynesville to the east and Bay Road, Eagle Point to the west as shown in Figure 22 below. The track is a gravel walking track that is gated to prevent vehicle access.

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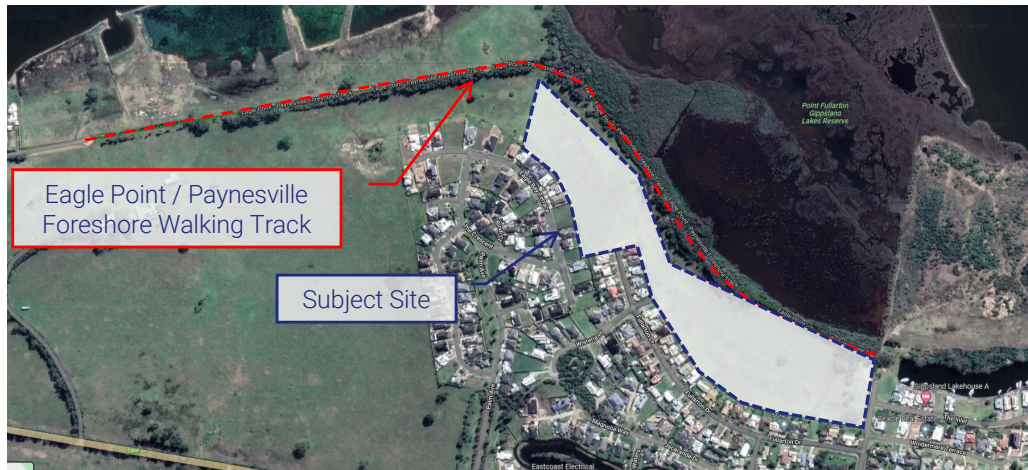


Figure 22: Eagle Point / Paynesville Foreshore Track

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10 Fullarton Drive, Paynesville

5. Traffic Engineering Assessment

The following traffic engineering assessment of the subdivision proposal has been undertaken with regard to the Paynesville Precinct Structure Plan, the Infrastructure Design Manual, Schedule 6 to Clause 43.04 of the East Gippsland Planning Scheme and good engineering practice.

5.1. Traffic Generation

As outlined in Section 3.2, the Paynesville Precinct Structure Plan – Traffic Assessment Report conservatively adopted a rate of 7 vehicles per day for the traffic modelling completed. The assessment acknowledged that the adopted rate is 'well in excess of the measured actual rate' for the area that is 4-4.5 vehicles per day.

For the purpose of this assessment, we have adopted the conservative rate of 7 vehicle trips per day per lot (0.7 trips in the peak hour).

Based on the recent traffic surveys, outlined in Section 4.3, the following directional splits have been adopted.

- AM Peak Hour Direction of Travel – 'In' Trips = 30%, 'Out' Trips = 70%
- PM Peak Hour Direction of Travel – 'In' Trips = 60%, 'Out' Trips = 40%

As outlined previously, the proposed subdivision includes 59 residential lots with a summary of the likely residential traffic generation for the overall subdivision is presented in Table 3 below.

Table 3: Expected Traffic Generation

No. of Lots	Daily Traffic Generation Rate	Peak Hour Traffic Generation Rate	Daily Trips	Peak Hour Trips
59	7 trips per dwelling	0.7 trips per dwelling	413 trips	41 trips

5.2. Traffic Distribution

Following full development of the site, there will be three (3) connections to the road network as follows:

- A local street connection to Burden Place,
- A local street connection to Fullarton Drive via the extension of Molly Drive, and
- A connection to Fullarton Drive via its extension through the site.

It is noted that one (1) property, Lot 58, will also directly access the existing section of Fullarton Drive.

Due to the configuration of the existing road network, all vehicles must ultimately utilise Burden Place to access the external road network (Paynesville Road). It is assumed that all trips generated by the proposed development will be to/from external destinations with no 'internal' trips.

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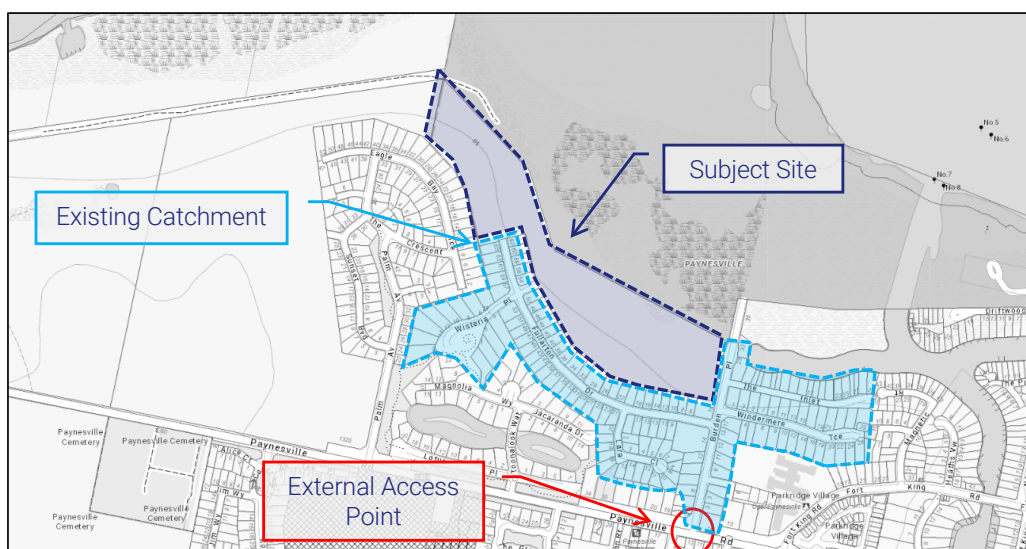


Figure 23: Traffic Distribution

An analysis of the existing turning movements at the intersection of Paynesville Road / Burden Place (see Section 4.3.3) has been undertaken to determine the existing directional split for the existing dwellings as summarised in Table 4 below.

Table 4: Existing Traffic Distribution

Direction	AM Peak (8:30am to 9:30am)	PM Peak (3:45pm to 4:45pm)
Northwest (Bairnsdale / Melbourne)	50%	53%
East (Paynesville)	50%	47%

The traffic distribution for the traffic generated by the proposed development has been applied based on the existing distribution presented above.

The additional turning movements, generated by the proposal, at the intersection of Burden Place / Paynesville Road is presented in Figure 24 below. The 'post development' turning volumes, determined by adding the additional turning movements to the existing turning movements (detailed in Section 4.3.3) is presented in Figure 25 below.

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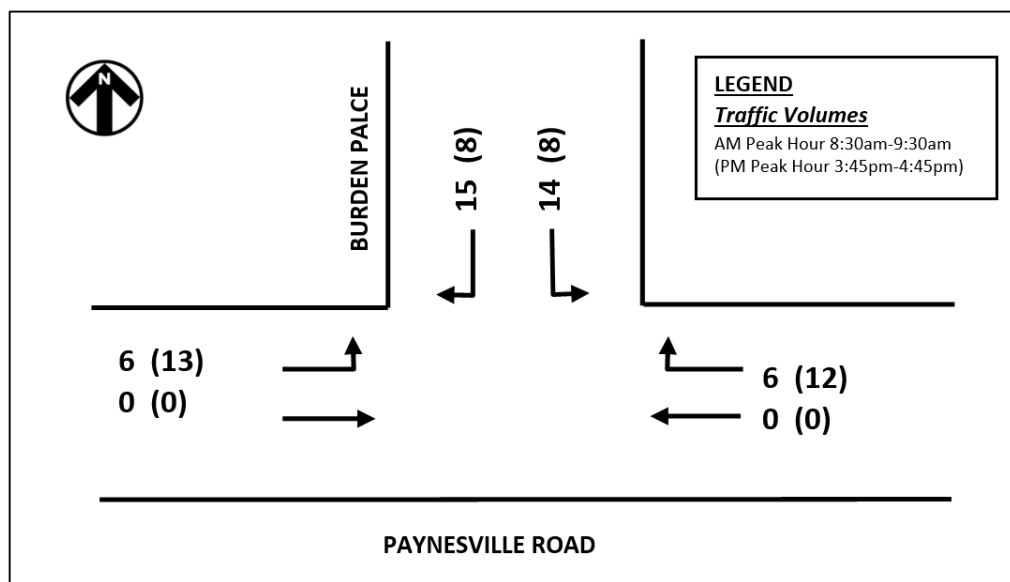


Figure 24: Development Traffic – Turning Movement Volumes at Burden Place / Paynesville Road

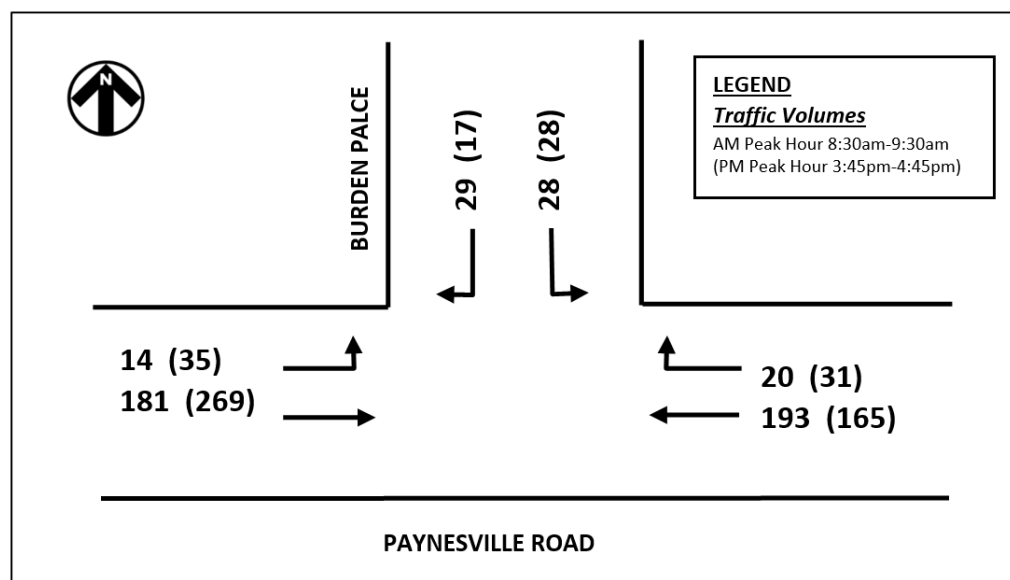


Figure 25: Post Development Traffic – Turning Movement Volumes at Burden Place / Paynesville Road

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10 Fullarton Drive, Paynesville

5.3. Anticipated Traffic Volumes and Road Hierarchy

All of the roads within the subdivision, will operate as local streets with two (2) different cross-sections. These are broadly defined as 'Access Street' under the Infrastructure Design Manual, and an 'Access Street' is defined in the Clause 56.06 of the Planning Scheme as:

'A street provided local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated.'

The Infrastructure Design Manual and Clause 56.06 of the Planning Scheme both provide target daily traffic volumes for various road types as shown below in Table 5.

Table 5: Road Hierarchy – Daily Traffic Volumes

Road Type	Infrastructure Design Manual	Planning Scheme (Clause 56.06)
Local Access Street - Level 1	0 – 2,500	1,000 – 2,000
Local Access Street – Level 2		2,000 – 3,000
Connector Street – Level 1	2,500 – 6,000	3,000
Connector Street - Level 2	6,000 – 12,000	3,000 – 7,000

Figure 26 below shows the anticipated daily traffic volumes for the internal road network based on the traffic generation developed previously in Section 5.1.

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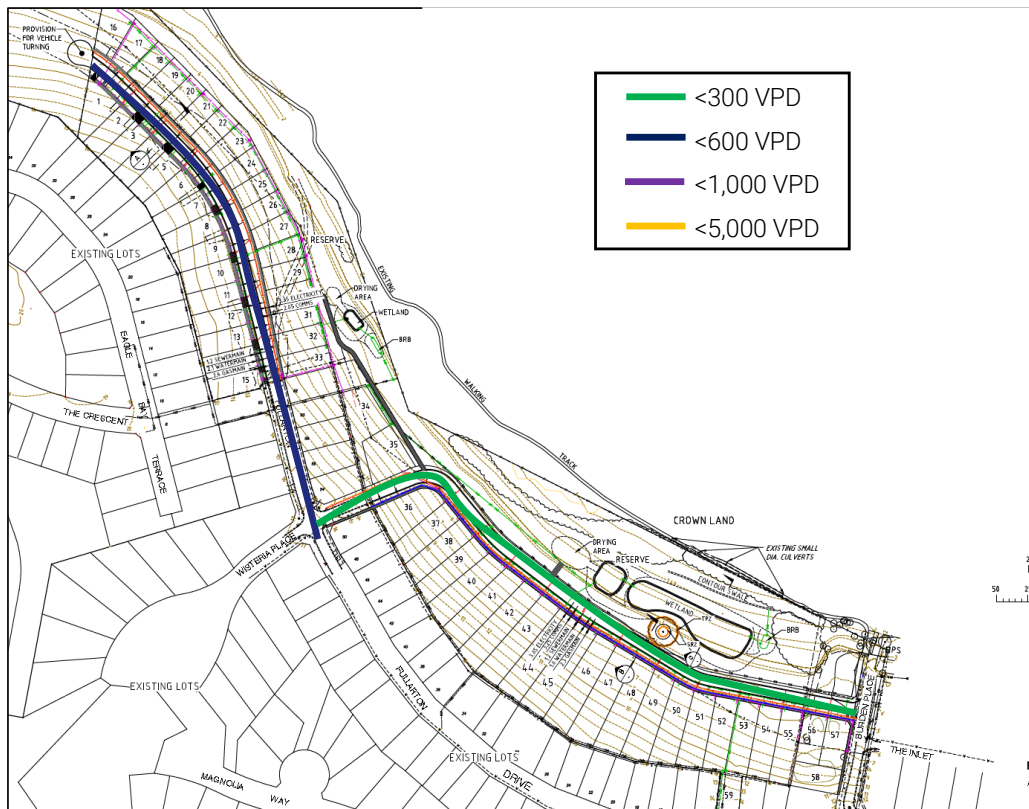


Figure 26: Anticipated Daily Traffic Volumes

In view of the above, all roads within the development can be suitably defined as 'Local Access Streets'.

5.4. Subdivision Cross Sections

Road cross sections have been developed for both internal roads within the residential subdivision in conjunction with the cross-sections found within the Infrastructure Design Manual and Table C1 of Clause 56 of the Planning Scheme.

5.4.1. Local Access Street

Both roads within the subdivision fall into the category of a Local Access Street, with expected traffic volumes less than 1,000 vpd. The typical road reserve width for Local Access Streets is 16m. The subdivision provides for more generous road reserve widths of 18 to 22m. The cross sections adopted are provided in Figure 27 and Figure 28 below.

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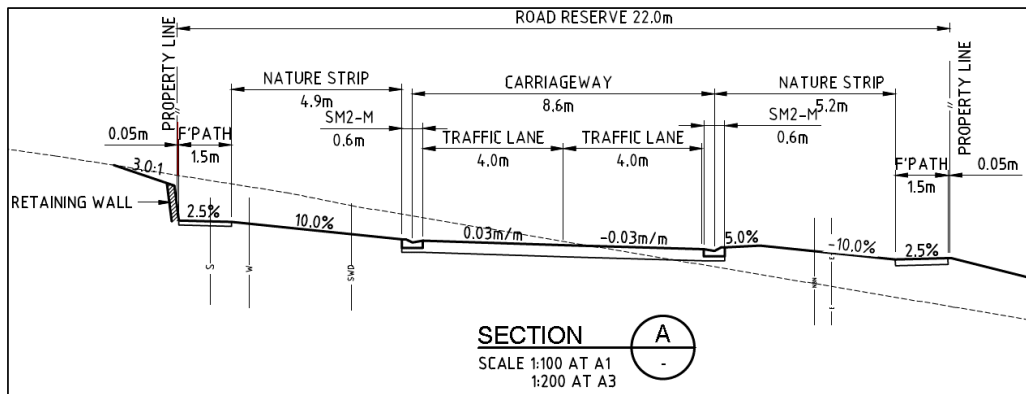


Figure 27: Proposed Cross Section - Extension of Fullarton Drive

The cross section is summarised as follows:

- 8.6m wide trafficable width,
- 1.5m wide footpath (each side),
- 6.4m wide verge (west side), and
- 6.7m wide verge (east side).

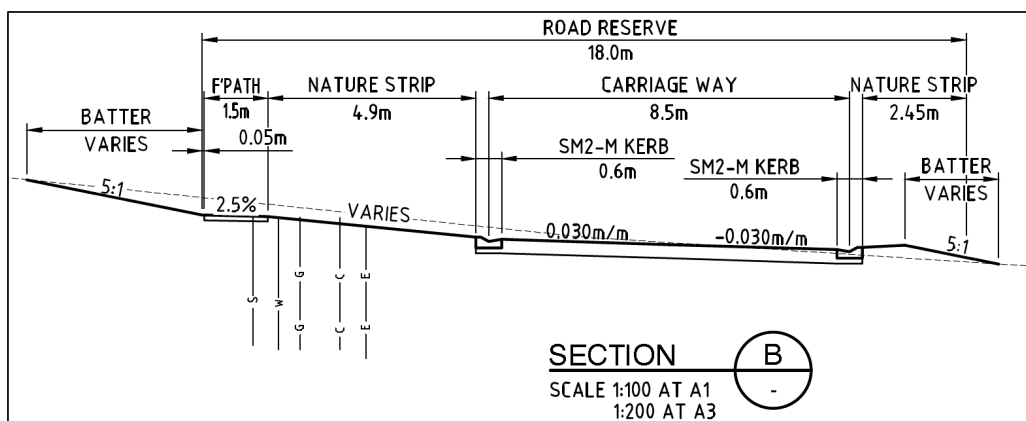


Figure 28: Proposed Cross Section - Extension of Molly Drive

The cross section is summarised as follows:

- 8.5m wide trafficable width,
- 1.5m wide footpath (south side),
- 5.4m wide verge (south side), and
- 2.45m wide verge (north side).

We note that the proposed cross section for Molly Drive includes a reduced verge width on the north side, with no footpath provision (on the north side). Given this road will front a wetland /

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10 Fullarton Drive, Paynesville

Reserve, with no residential properties on its northern side, we are comfortable with this arrangement.

We are satisfied that the proposed local access street cross-sections comply with the requirements of the Infrastructure Design Manual and Clause 56.06.

5.5. Internal Road Network

The internal road layout is generally provided in accordance with the principles outlined in Clause 56 of the East Gippsland Planning Scheme.

A permeable road network has been provided which allows for multiple vehicle access routes within the local area. This permeability will be further enhanced once land to the west is further developed.

The key features of the internal road layout are detailed below.

5.5.1. Intersection Controls

The subdivision has generally been developed around local street T-intersections which provide for capacity and safety throughout the road network.

On this basis, we are satisfied that the proposed intersections will perform adequately as unsignalised intersections and no additional intersection control is required.

5.5.2. Traffic Management

Under Standard C17 of Clause 56 of the East Gippsland Planning Scheme, the development plan requires an appropriate level of traffic management to provide for the safety and convenience of all road users.

Under Standard C20 the design of streets and roads should provide street blocks that are generally between 120 to 240m in length and generally between 50m to 120m in width to facilitate pedestrian movement and control traffic speed.

We note that the proposed layout provides street block lengths that exceeds these desirable lengths. We are satisfied that there are a range of potential traffic management treatments that could provide an adequate traffic management outcome in the streets.

5.5.3. Access for Service and Waste Collection Vehicles

The 8.5-8.6m wide carriageways adopted for the local access streets will adequately facilitate the relevant service and emergency vehicles and is consistent with the typical CFA requirements.

Council's waste collection vehicles will be able to access all local access streets and appropriately manoeuvre through all intersections. It is noted that a temporary turnaround area will be provided at the northern end of the extension of Fullarton Drive, which will need to include a turning / court bowl arrangement of 10m radius. This is only required until land development to the northwest extends the relevant roads.

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10 Fullarton Drive, Paynesville

5.5.4. Pedestrian and Cyclist Facilities

Given that the roads within the proposed subdivision are of a local street classification, all bicycle movements internally within the subdivision will occur on the carriageway. The extension of Fullarton Drive will also provide footpaths along both sides of the road, with the extension of Molly Drive providing a footpath along its southern side. These footpaths will connect with the existing footpath on the north side of Fullarton Drive

5.6. Access Arrangements and Traffic Impacts

The proposed subdivision will ultimately have three (3) vehicle access points to the local road network, with one (1) access point to the external road network as discussed previously in Section 5.2.

These are summarised in Figure 29 below.

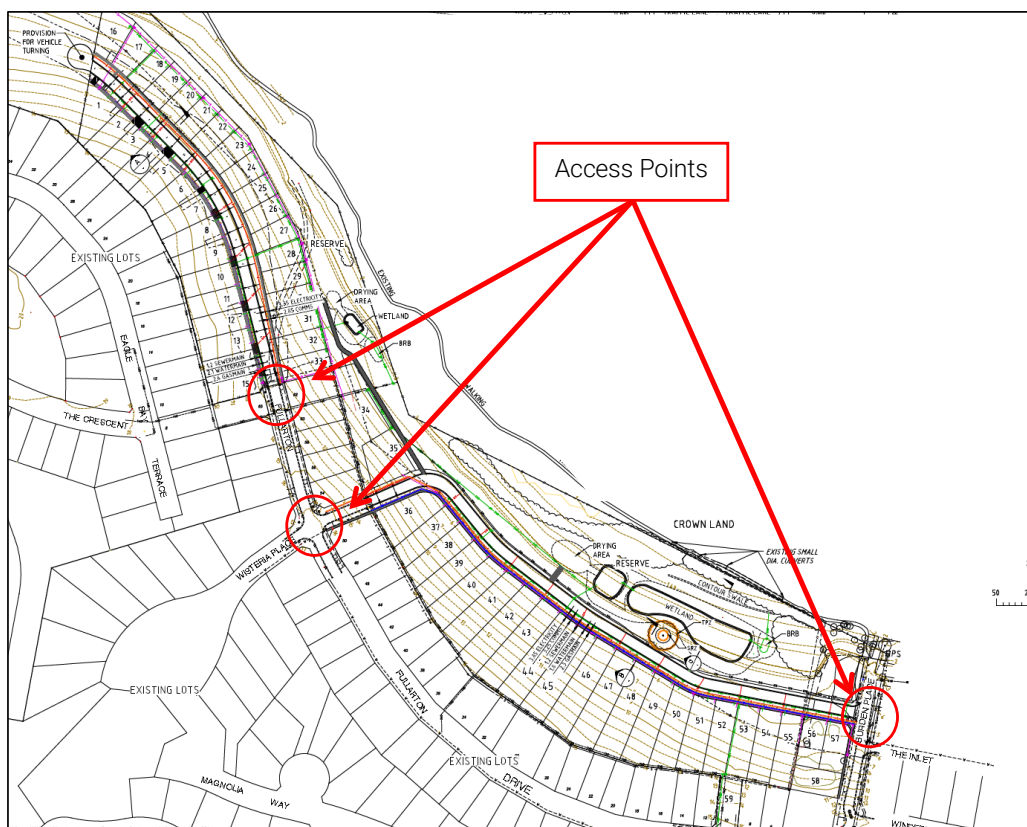


Figure 29: Vehicle Access Points

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5.6.1. Fullarton Drive

Fullarton Drive provides a key route through the proposed subdivision, with the majority of the 59 lots utilising Fullarton Drive to gain access.

As such, Fullarton Drive is expected to carry in the order of an additional 250 vehicles per day. A review of the local catchment indicates that Fullarton Drive could be ultimately expected to carry approximately 600 vehicles per day. Given the classification of Fullarton Drive as an Urban Access road under the East Gippsland Road Management Act and the existing 8.5m carriageway width, the street could be best described as an Access Place – Level 2 in Table C1 of Clause 56.06-8. This indicates that an appropriate traffic volume for this type of road is 2,000 to 3,000 vehicles per day. We are satisfied that this level of additional traffic can be readily accommodated by Fullarton Drive.

5.6.2. Burden Place

All 59 lots within the subdivision will be required to utilise Burden Place to access the external road network, i.e. Paynesville Road.

As such, Burden Place is expected to carry in the order of an additional 413 vehicles per day following the proposed development of the subject site. The existing traffic volumes on Burden Place, outlined previously in Section 4.3.2 previous, indicates that Burden Place could be ultimately expected to carry approximately 1,070 vehicles per day. Given the classification of Burden Place as an Urban Access road under the East Gippsland Road Management Act and the existing 12.0m carriageway width, the street could be best described as an Access Place – Level 2 in Table C1 of Clause 56.06-8. This indicates that an appropriate traffic volume for this type of road is 2,000 to 3,000 vehicles per day. We are satisfied that this level of additional traffic can be readily accommodated by Burden Place.

5.6.3. Burden Place / Paynesville Road

As previously outlined in Section 4.3.3, the development will result in a number of additional turning movements at this intersection, with the post development turning movement volumes presented in Figure 25.

A review of the intersection's existing and post development performance has been undertaken using SIDRA intersection 9.

The SIDRA Intersection 9.0 software package provides several key indicators to measure intersection performance. These include:

- Degree of Saturation (DOS),
- Average Delay (in seconds),
- Maximum Queue Length (in metres), and
- Level of Service (LOS).

The LOS Criteria for intersections found in the RMS Guide to Traffic Generating Developments is shown in Table 6 below.

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Table 6: Level of Service Criteria (RMS)

Level of Service	Average Delay (seconds per vehicle)
A	Less than 14
B	15 to 28
C	29 to 42
D	43 to 56
E	57 to 70
F	Greater than 71

Table 7 provides a summary of the SIDRA intersection analysis results for the intersection, with the full results provided at Appendix D.

Table 7: Burden Place / Paynesville Road - SIDRA Results

Approach	Degree of Saturation	Average Delay (seconds)	95 th Percentile Queue (metres)
Existing Conditions			
AM Peak Hour			
Burden Place (N)	0.04	6.8	1
Paynesville Road (E)	0.12	0.5	1
Paynesville Road (W)	0.11	0.3	0
PM Peak Hour			
Burden Place (N)	0.02	7.1	1
Paynesville Road (E)	0.11	0.8	1
Paynesville Road (W)	0.17	0.4	0
Post Development Conditions			
AM Peak Hour			
Burden Place (N)	0.06	6.8	1
Paynesville Road (E)	0.12	0.7	1
Paynesville Road (W)	0.11	0.4	0

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Approach	Degree of Saturation	Average Delay (seconds)	95 th Percentile Queue (metres)
PM Peak Hour			
Burden Place (N)	0.05	7.0	1
Paynesville Road (E)	0.12	1.3	2
Paynesville Road (W)	0.17	0.7	0

As shown in Table 7, the intersection currently operates well, with minimal to no delay for turning vehicles during both the AM and PM peaks. The additional traffic volumes generated by the proposed development result in negligible change to the intersection's performance, with ample intersection capacity remaining.

6. Conclusions

Having undertaken a detailed traffic engineering assessment of the proposed residential subdivision at 10 Fullarton Drive, Paynesville, we are of the opinion that:

- The full development of the site is likely to generate approximately 413 vehicle trips per day, with 41 to occur in each peak hour,
- The internal road layout, cross sections and intersection arrangements are appropriate and generally in accordance with the Infrastructure Design Manual, Clause 56 of the East Gippsland Planning Scheme and best practice,
- Traffic management treatments can be incorporated within the design to achieve a low speed environment throughout the subject site if required by Council,
- The surrounding road network, including the key access routes of Fullarton Drive and Burden Place can readily accommodate the additional traffic volumes generated by the proposed development,
- The intersection of Paynesville Road and Burden Place will continue to operate well following full development of the subject site, and
- Overall, there are no traffic engineering reasons why a permit for this residential subdivision should not be granted, subject to appropriate conditions.

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Appendix A

Development Plans

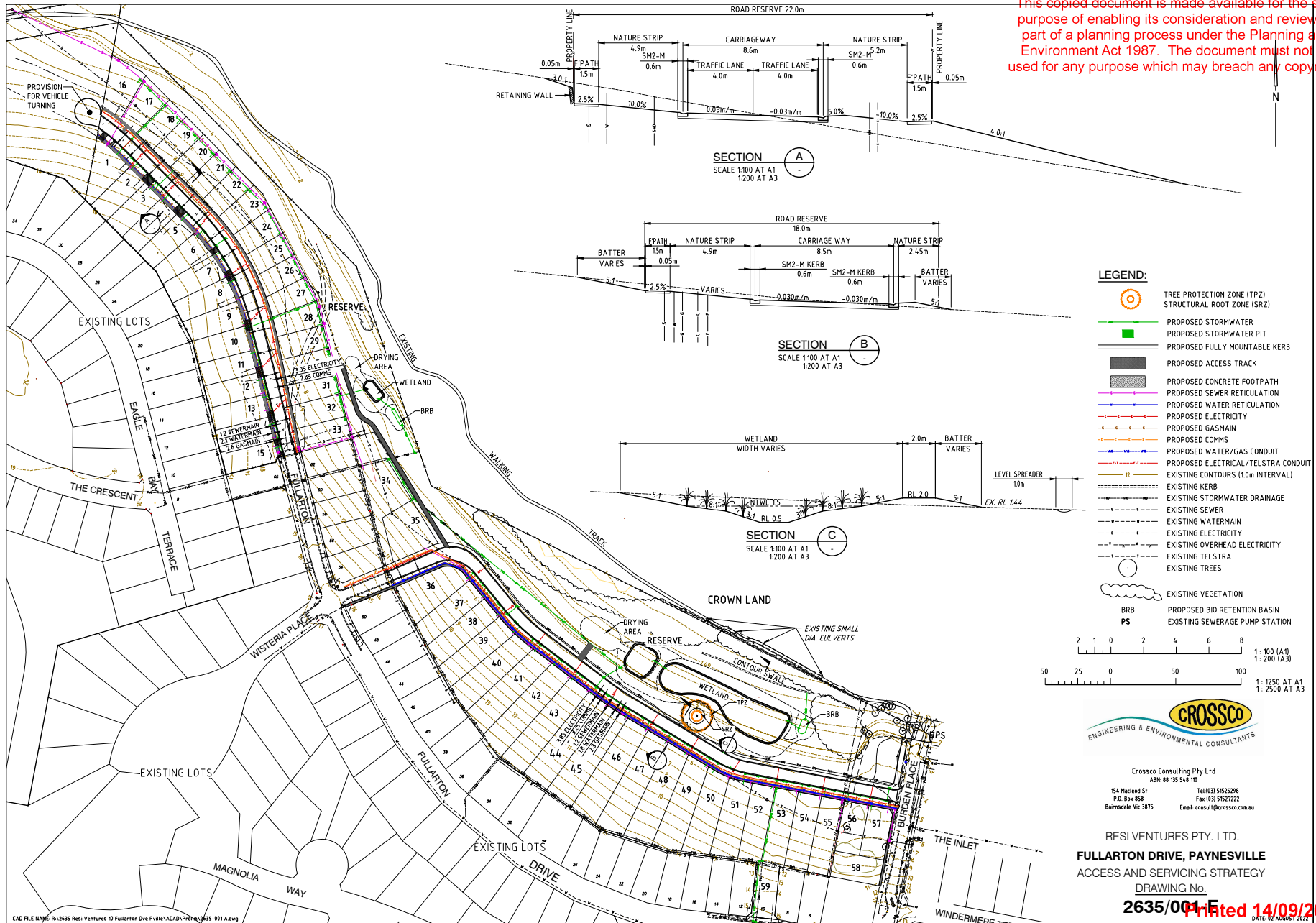
Traffix Group

G31597R-01B

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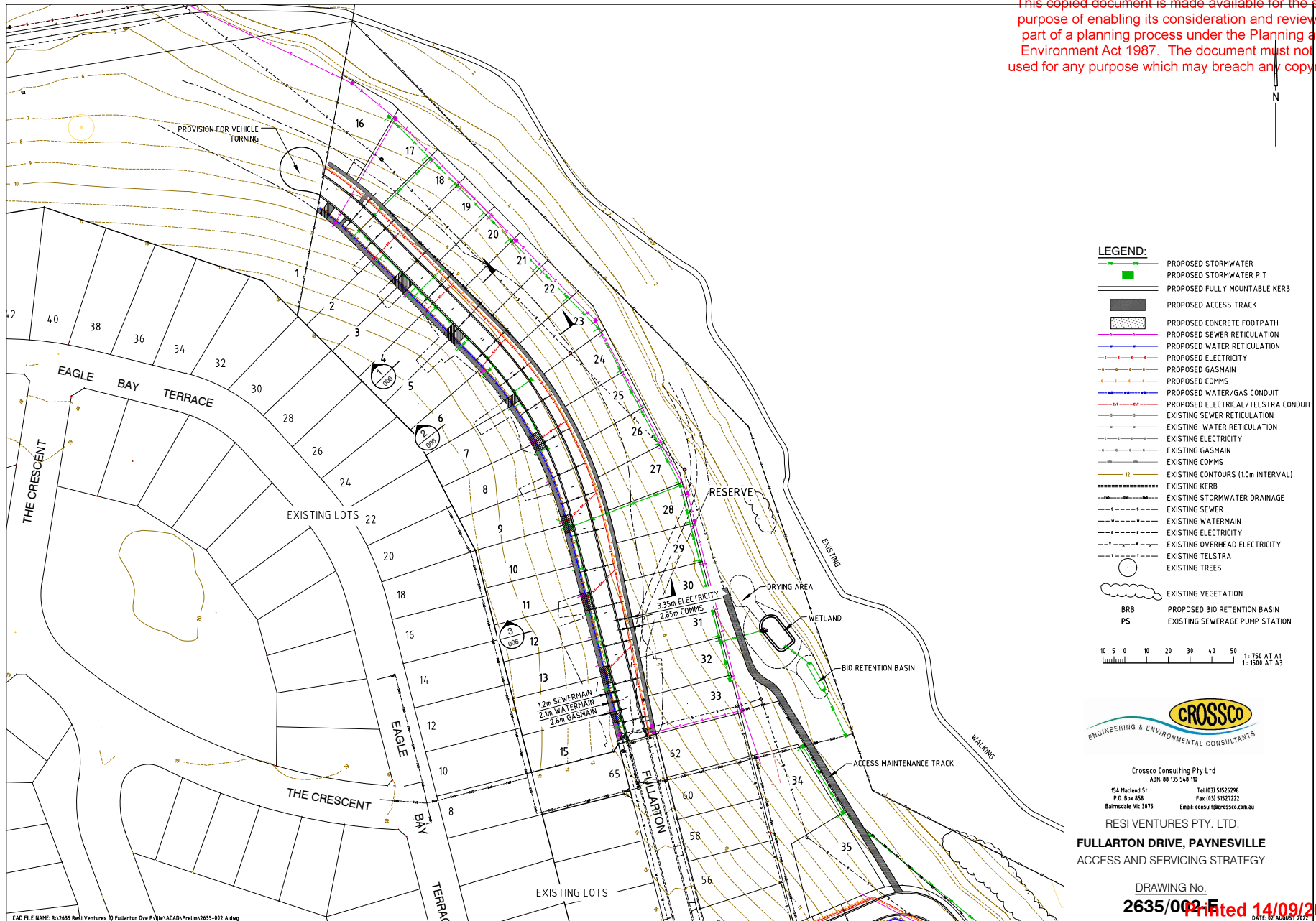
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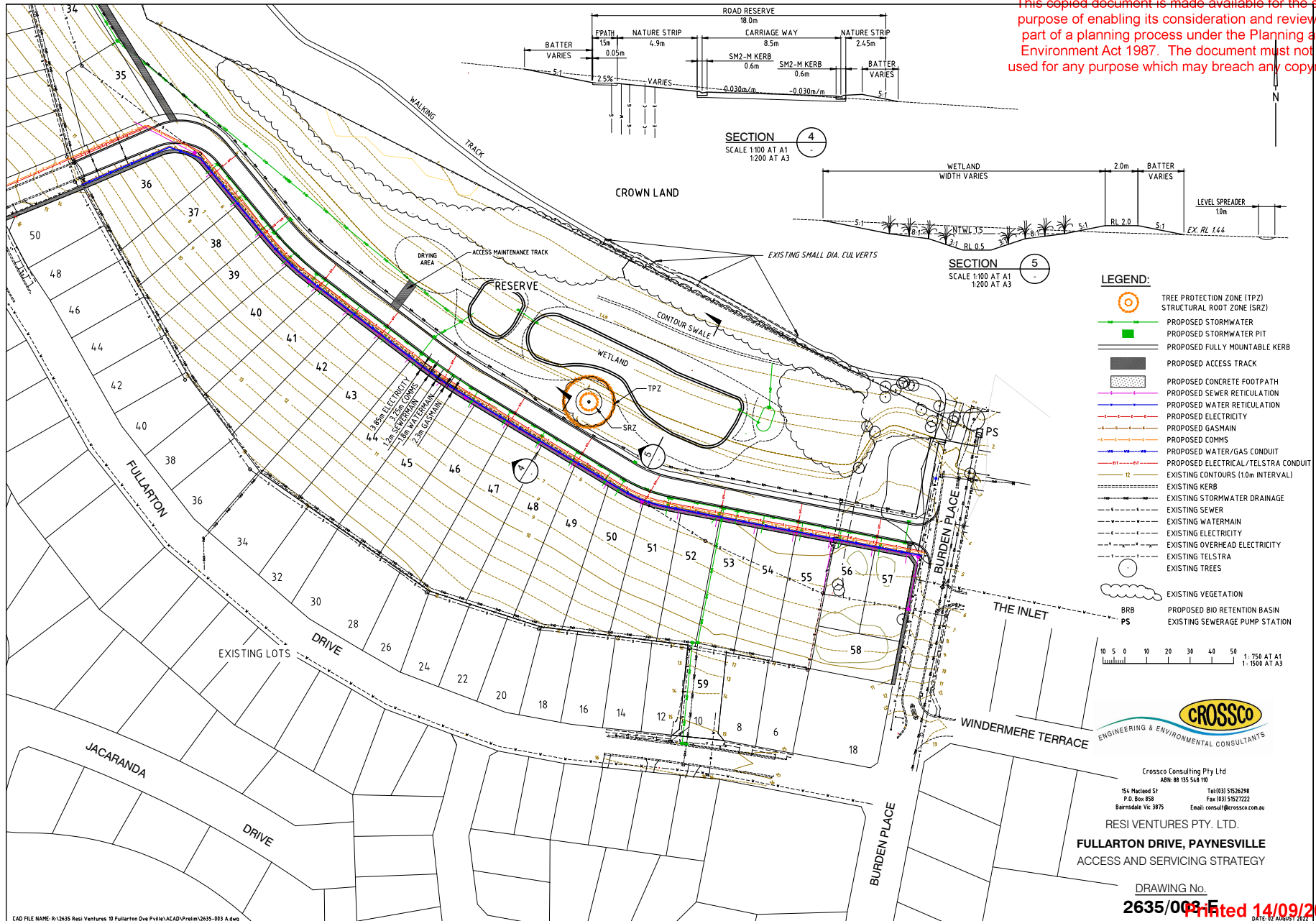
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Crossco Consulting Pty Ltd
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Bairnsdale Vic 3875 Email: consult@crossco.com.au

FULLARTON DRIVE, PAYNESVILLE
SITE DRAINAGE PLAN - SHEET 1 OF 2
SITE & EXTERNAL CATCHMENT PLAN

2635/004-E

FREEHOLD
TITLE



Diagram illustrating a Rainwater Tank System. The tank is labeled "2,000 LITRE (MIN) RETENTION AND REUSE". It features a "90mm FIXED OUTLET TO 90mm OVERFLOW" and a "32mm FIXED OUTLET TO 90mm OVERFLOW". The system is labeled "RAINWATER TANK SYSTEM" and "STORMWATER DETENTION DETAIL (TYPICAL)". The diagram is "NOT TO SCALE".

WATER QUALITY TREATMENT PERFORMANCE TABLE						US
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	280	
	Total Phosphorus (kg/yr)	1.50E+01	6.41E+00	57.4	245	
	Total Nitrogen (kg/yr)	112	60.9	45.5	245	
	Gross Pollutants (kg/yr)	1.60E+03	4.25E+01	97.3	270	
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	280	
	Total Phosphorus (kg/yr)	2.28E+00	1.32E+00	41.9	245	
	Total Nitrogen (kg/yr)	18.2	9.31	49	245	
	Gross Pollutants (kg/yr)	3.00E+02	0.00E+00	100	270	
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	280	
	Total Phosphorus (kg/yr)	1.73E+01	7.74E+00	55.3	245	
	Total Nitrogen (kg/yr)	130	70.2	46	245	
	Gross Pollutants (kg/yr)	1.90E+03	4.25E+01	97.8	270	

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Email: consult@crossco.com.au

RESI VENTURES PTY. LTD.
FULLARTON DRIVE, PAYNESVILLE
SITE DRAINAGE PLAN - SHEET 2 OF 2
MUSIC OUTPUT AND RESULTS
DRAWING No.
2635/005-E

WATER QUALITY TREATMENT PERFORMANCE TABLE

WETLAND, BIORETENTION & SWALE	Flow (ML/yr)	Residual Load	% Reduction	% Best Practice
LOTS 34-59 & EXTERNAL CATCHMENT	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	Flow (ML/yr)	Residual Load	% Reduction	% Best Practice
LOTS 1-33	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	Flow (ML/yr)	Residual Load	% Reduction	% Best Practice
LOTS 1-59 & EXTERNAL CATCHMENT A & B	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

RAINWATER TANK SYSTEM
STORMWATER DETENTION DETAIL (TYPICAL)
NOT TO SCALE

90mm FIXED OUTLET TO 90mm OVERFLOW
32mm FIXED OUTLET TO 90mm OVERFLOW
TO STORMWATER

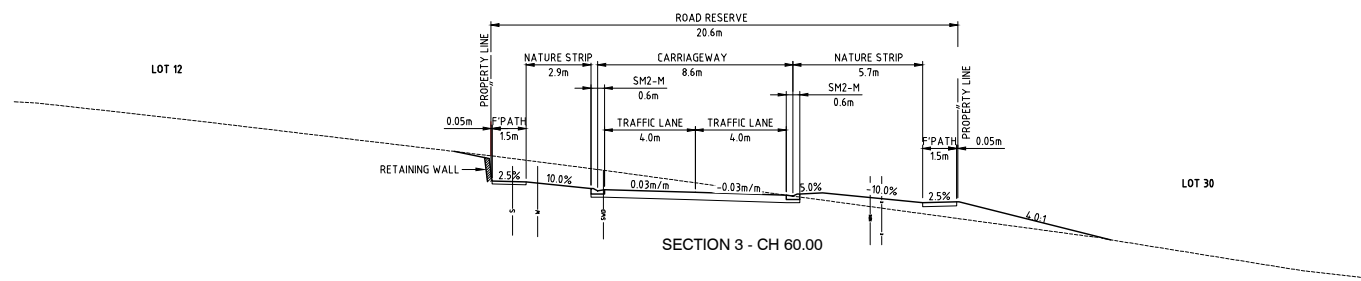
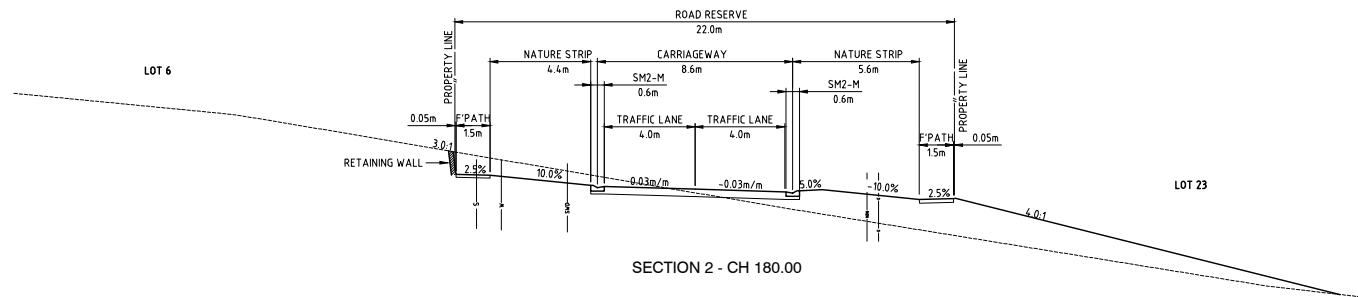
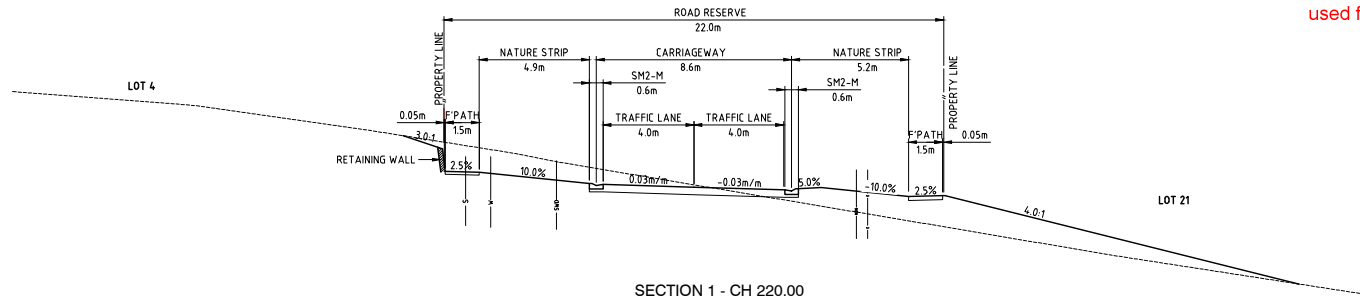
2,000 LITRE (MIN) RETENTION AND REUSE

TOONALOOK WATERS - WATERWAY

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CAD FILE NAME: R:\2635 Resi Ventures 10 Fullarton Drive Pullen\ACAD\Prelin\2635-006 A - Cross sections.dwg



Crossco Consulting Pty Ltd

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RESI VENTURES PTY. LTD.

FULLARTON DRIVE, PAYNESVILLE

TYPICAL SECTIONS

DRAWING No.

2635/006-E

DATE: 02 AUGUST 2022

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Appendix B

Traffic Count Data

Traffix Group

G31597R-01B

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TRANS TRAFFIC SURVEY

trafficsurvey.com.au

T. 1300 82 88 82 - F. 1300 83 88 83 - E. traffic@trafficsurvey.com.au - W. www.trafficsurvey.com.au


AUTOMATIC COUNT SUMMARY

Street Name :	Paynesville Rd	Location :	West of Vaughan St
Suburb :	Paynesville	Start Date :	00:00 Thu 28/April/2022
Machine ID:	K354KXNE	Finish Date :	00:00 Thu 05/May/2022
Site ID:	13331	Speed Zone :	60 km/h
Prepared By :	Vo Son Binh	Email:	binh@trafficsurvey.com.au

GPS information Lat 37° 54' 25.58 South		Direction of Travel		
Long 147° 43' 4.23 East		Both directions	Westbound	Eastbound
Traffic Volume : (Vehicles/Day)	Weekdays Average	5,161	2,499	2,662
	7 Day Average	4,832	2,351	2,481
Weekday AM	11:00	429	208	221
Peak hour start PM	16:00	450	184	265
Speeds : (Km/Hr)	85th Percentile	60.1	59.8	60.4
	Average	54.5	53.8	55.1
Classification % :	Light Vehicles up to 5.5m	87.2%	86.9%	87.5%

Location

GPS Information	Load Google Map (internet required)
(Latitude, Longitude)	-37.907105, 147.717843



Speed Data [Speed Graph](#) [Speed Bin](#)
Volume Data [Volume Graph](#) [Classification](#)



QUALITY ASSURED COMPANY BY ISO 9001:2015
OH&S SYSTEM CERTIFIED TO ISO 4801:2001
ENVIRONMENT MANAGEMENT SYSTEM CERTIFIED TO ISO14001:2015

Status of movement – Covid 19

"Traffic behaviour is not the same as pre-pandemic (traditional morning/afternoon peak is much less pronounced and school start/finish times are much more pronounced), the current patterns are close enough to what probably is going to be a 'COVID normal' situation for at least the next year or two. Workplaces are currently not all yet open. These results should be used for indicative assessment only."

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Site Paynesville Rd

Direction Both directions ▼

[Back to Site Summary Page](#)

Day Date	Monday 2/05/2022	Tuesday 3/05/2022	Wednesday 4/05/2022	Thursday 28/04/2022	Friday 29/04/2022	Saturday 30/04/2022	Sunday 1/05/2022	7 days		Weekday		Weekend	
								Total	Average	Total	Average	Total	Average
AM Peak 08:00	08:00	11:00	11:00	11:00	10:00	11:00	10:00	N/A	11:00	N/A	11:00	N/A	11:00
PM Peak 15:00	15:00	16:00	16:00	15:00	12:00	12:00	12:00	N/A	12:00	N/A	16:00	N/A	12:00
00:00	3	9	6	5	9	10	17	59	8	32	6	27	14
01:00	4	2	5	0	2	17	2	32	5	13	3	19	10
02:00	4	4	0	1	3	7	1	20	3	12	2	8	4
03:00	6	5	3	3	4	5	3	29	4	21	4	8	4
04:00	15	16	17	16	17	7	4	92	13	81	16	11	6
05:00	31	36	37	40	52	21	14	231	33	196	39	35	18
06:00	122	143	125	117	132	47	50	736	105	639	128	97	49
07:00	300	297	275	263	278	97	88	1598	228	1413	283	185	93
08:00	415	418	411	368	395	195	148	2350	336	2007	401	343	172
09:00	377	403	411	399	450	338	243	2621	374	2040	408	581	291
10:00	403	412	384	419	514	419	406	2957	422	2132	426	825	413
11:00	404	419	415	424	485	515	395	3057	437	2147	429	910	455
12:00	387	407	389	411	496	424	406	2920	417	2090	418	830	415
13:00	409	393	367	398	445	422	354	2788	398	2012	402	776	388
14:00	379	433	410	410	445	406	359	2842	406	2077	415	765	383
15:00	414	427	454	476	466	337	339	2913	416	2237	447	676	338
16:00	412	450	465	467	455	346	286	2881	412	2249	450	632	316
17:00	343	403	399	384	392	292	214	2427	347	1921	384	506	253
18:00	162	205	184	266	238	169	116	1340	191	1055	211	285	143
19:00	79	137	94	116	117	93	79	715	102	543	109	172	86
20:00	57	79	70	87	92	64	64	513	73	385	77	128	64
21:00	38	57	78	63	70	66	32	404	58	306	61	98	49
22:00	12	21	25	26	49	37	13	183	26	133	27	50	25
23:00	13	19	14	11	21	20	6	104	15	78	16	26	13
Total	4789	5195	5038	5170	5627	4354	3639	33812	4829	25819	5162	7993	4002
% Heavy	15.24%	13.84%	12.70%	13.25%	12.65%	10.79%	10.25%	12.80%		13.50%		10.55%	

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TRANS TRAFFIC SURVEY

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T. 1300 82 88 82 - F. 1300 83 88 83 - E. traffic@trafficsurvey.com.au - W. www.trafficsurvey.com.au


AUTOMATIC COUNT SUMMARY

Street Name :	Burden Pl	Location :	North of Paynesville Rd
Suburb :	Paynesville	Start Date :	00:00 Thu 28/April/2022
Machine ID:	L779CFYS	Finish Date :	00:00 Thu 05/May/2022
Site ID:	13333	Speed Zone :	50 km/h
Prepared By :	Vo Son Binh	Email:	binh@trafficsurvey.com.au


GPS information	Lat 37° 54' 24.31 South Long 147° 43' 6.99 East	Direction of Travel			
		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Both directions</th> <th>Northbound</th> <th>Southbound</th> </tr> </table>	Both directions	Northbound	Southbound
Both directions	Northbound	Southbound			
Traffic Volume : (Vehicles/Day)	Weekdays Average	656			
	7 Day Average	588			
Weekday AM	11:00	60			
Peak hour starts PM	15:00	62			
Speeds : (Km/Hr)	85th Percentile	44.3			
	Average	39.6			
Classification % :	Light Vehicles up to 5.5m	97.3%			

Location


GPS Information [Load Google Map \(internet required\)](#)
(Latitude, Longitude) -37.906754, 147.718608




[Speed Data](#) [Speed Graph](#) [Speed Bin](#)
[Volume Data](#) [Volume Graph](#) [Classification](#)



QUALITY SYSTEM CERTIFICATION
DNV-GL
ISO 9001



SAFETY SYSTEM CERTIFICATION
DNV-GL
AS/NZS 4801



ENVIRONMENTAL SYSTEM CERTIFICATION
DNV-GL
ISO 14001

QUALITY ASSURED COMPANY BY ISO 9001:2015
OH&S SYSTEM CERTIFIED TO ISO 4801:2001
ENVIRONMENT MANAGEMENT SYSTEM CERTIFIED TO ISO14001:2015

Status of movement – Covid 19
"Traffic behaviour is not the same as pre-pandemic (traditional morning/afternoon peak is much less pronounced and school start/finish times are much more pronounced), the current patterns are close enough to what probably is going to be a 'COVID normal' situation for at least the next year or two. Workplaces are currently not all yet open. These results should be used for indicative assessment only."

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Site Burden PI

Direction Both directions ▼

[Back to Site Summary Page](#)

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	7 days		Weekday		Weekend	
Date	2/05/2022	3/05/2022	4/05/2022	28/04/2022	29/04/2022	30/04/2022	1/05/2022	Total	Average	Total	Average	Total	Average
AM Peak	09:00	09:00	11:00	08:00	11:00	09:00	11:00	N/A	11:00	N/A	11:00	N/A	11:00
PM Peak	15:00	14:00	13:00	15:00	12:00	14:00	15:00	N/A	15:00	N/A	15:00	N/A	15:00
00:00	0	2	0	0	1	0	0	3	0	3	1	0	0
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00	0	0	0	0	1	0	0	1	0	1	0	0	0
03:00	0	1	0	0	0	0	0	1	0	1	0	0	0
04:00	0	0	0	0	1	1	0	2	0	1	0	1	1
05:00	2	3	1	3	5	0	1	15	2	14	3	1	1
06:00	4	10	11	10	4	3	4	46	7	39	8	7	4
07:00	38	32	43	32	23	12	11	191	27	168	34	23	12
08:00	46	57	62	62	59	20	19	325	46	286	57	39	20
09:00	60	64	55	50	49	49	34	361	52	278	56	83	42
10:00	48	47	54	58	60	36	25	328	47	267	53	61	31
11:00	49	61	63	57	70	47	45	392	56	300	60	92	46
12:00	62	43	54	51	61	35	46	352	50	271	54	81	41
13:00	39	57	64	47	39	42	37	325	46	246	49	79	40
14:00	45	58	64	51	48	45	31	342	49	266	53	76	38
15:00	79	54	59	63	57	42	50	404	58	312	62	92	46
16:00	61	51	59	57	48	45	41	362	52	276	55	86	43
17:00	44	51	58	48	58	30	26	315	45	259	52	56	28
18:00	20	29	27	34	36	22	19	187	27	146	29	41	21
19:00	13	8	10	19	15	10	2	77	11	65	13	12	6
20:00	7	7	6	9	6	5	3	43	6	35	7	8	4
21:00	3	7	10	4	12	4	0	40	6	36	7	4	2
22:00	0	3	1	4	3	4	0	15	2	11	2	4	2
23:00	0	1	1	0	2	2	1	7	1	4	1	3	2
Total	620	646	702	659	658	454	395	4134	590	3285	656	849	430
% Heavy	3.06%	3.25%	3.56%	3.03%	3.19%	1.10%	2.03%	2.88%		3.23%		1.53%	

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Appendix C

Turning Movement Count Data

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G31597R-01B

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TRANS TRAFFIC SURVEY
TURNING MOVEMENT SURVEY
Intersection of Paynesville Rd and Burden Pl, Paynesville

GPS: -37.907136, 147.718624

Date: Thu 28/04/22
Weather: Fine
Suburban: Paynesville
Customer: Traffic

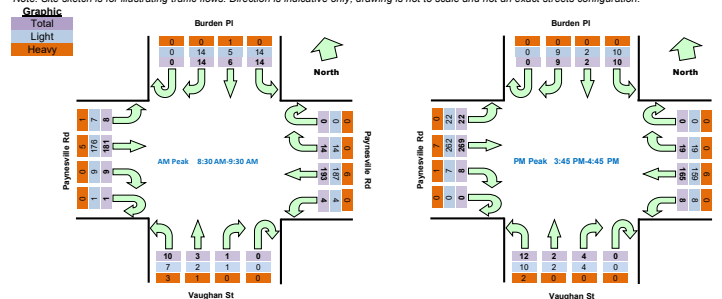
North: Burden Pl
East: Paynesville Rd
South: Vaughan St
West: Paynesville Rd

Survey AM: 7:00 AM-10:00 AM
PM: 3:00 PM-6:00 PM
Traffic AM: 8:30 AM-9:30 AM
Peak PM: 3:45 PM-4:45 PM

Time		North Approach Burden Pl				East Approach Paynesville Rd				South Approach Vaughan St				West Approach Paynesville Rd				Hourly Total	
Period Start	Period End	U	R	SB	L	U	R	WB	L	U	R	NB	L	U	R	EB	L	Hour	Peak
7:00	7:15	0	1	0	1	0	2	20	1	0	3	0	0	0	1	18	2	283	
7:15	7:30	0	2	0	2	0	0	28	0	0	1	2	2	0	2	19	1	323	
7:30	7:45	0	6	1	2	0	2	42	0	0	0	0	3	0	0	27	2	357	
7:45	8:00	0	5	0	0	0	0	53	2	0	1	0	5	0	0	23	1	382	
8:00	8:15	0	6	1	4	0	3	43	1	0	0	0	3	0	1	26	1	405	
8:15	8:30	0	7	0	5	0	1	49	1	0	0	1	3	0	0	24	2	433	
8:30	8:45	0	4	2	2	0	4	50	1	0	0	0	7	0	5	35	0	458	Peak
8:45	9:00	0	8	3	5	0	0	43	2	0	1	1	1	1	3	43	2	445	
9:00	9:15	0	0	1	4	0	6	48	1	0	0	2	0	0	1	51	3	438	
9:15	9:30	0	2	0	3	0	4	52	0	0	0	0	2	0	0	52	3		
9:30	9:45	0	3	0	2	0	0	53	3	0	1	0	1	0	2	31	1		
9:45	10:00	0	5	0	8	0	2	49	2	0	0	0	3	0	0	36	1		
15:00	15:15	0	3	0	4	0	2	52	1	0	0	1	1	0	3	50	5	516	
15:15	15:30	0	2	1	3	0	4	53	0	1	0	0	1	0	3	56	4	512	
15:30	15:45	0	3	1	3	0	2	35	3	0	1	1	3	0	5	54	6	517	
15:45	16:00	0	4	1	3	0	3	40	3	0	0	2	3	0	2	83	5	530	Peak
16:00	16:15	0	0	0	2	0	4	36	1	0	0	0	5	0	0	67	3	509	
16:15	16:30	0	3	1	4	0	5	44	3	0	1	0	2	0	3	61	6	511	
16:30	16:45	0	2	0	1	0	7	45	1	0	3	0	2	0	3	58	8	471	
16:45	17:00	0	1	1	4	0	3	42	1	0	0	0	0	0	2	72	2	447	
17:00	17:15	0	1	0	3	0	3	44	1	0	1	0	2	0	1	59	5	421	
17:15	17:30	0	0	0	6	0	2	30	1	0	1	0	2	0	3	46	2		
17:30	17:45	0	2	0	3	0	1	31	1	0	1	2	2	0	2	56	5		
17:45	18:00	0	1	0	3	0	6	27	2	0	0	0	0	0	2	58	3		

Peak Time		North Approach Burden Pl				East Approach Paynesville Rd				South Approach Vaughan St				West Approach Paynesville Rd				Peak total	
Period Start	Period End	U	R	SB	L	U	R	WB	L	U	R	NB	L	U	R	EB	L		
8:30	9:30	0	14	6	14	0	14	193	4	0	1	3	10	1	9	181	8	458	
15:45	16:45	0	9	2	10	0	19	165	8	0	4	2	12	0	8	269	22	530	

Note: Site sketch is for illustrating traffic flows. Direction is indicative only, drawing is not to scale and not an exact streets configuration.



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Light Vehicles

Time		North Approach Burden PI				East Approach Paynesville Rd				South Approach Vaughan St				West Approach Paynesville Rd			
Period Start	Period End	U	R	SB	L	U	R	WB	L	U	R	NB	L	U	R	EB	L
7:00	7:15	0	1	0	1	0	2	19	1	0	3	0	0	0	1	17	2
7:15	7:30	0	2	0	2	0	0	27	0	0	1	1	2	0	2	18	1
7:30	7:45	0	6	1	2	0	2	42	0	0	0	0	3	0	0	27	1
7:45	8:00	0	5	0	0	0	0	51	2	0	1	0	5	0	0	20	1
8:00	8:15	0	6	1	4	0	3	40	1	0	0	0	3	0	0	24	1
8:15	8:30	0	6	0	4	0	1	47	0	0	0	1	2	0	0	23	2
8:30	8:45	0	4	1	2	0	4	49	1	0	0	0	4	0	5	35	0
8:45	9:00	0	8	3	5	0	0	43	2	0	1	0	1	1	3	40	2
9:00	9:15	0	0	1	4	0	6	46	1	0	0	2	0	0	1	51	2
9:15	9:30	0	2	0	3	0	4	49	0	0	0	2	0	0	0	50	3
9:30	9:45	0	3	0	2	0	0	52	2	0	1	0	1	0	2	31	1
9:45	10:00	0	4	0	8	0	2	48	2	0	0	0	2	0	0	34	1
10:00	10:15	0	3	0	4	0	2	48	1	0	0	0	1	0	3	50	5
10:15	10:30	0	2	1	3	0	4	52	0	1	0	0	1	0	3	56	4
10:30	10:45	0	2	1	3	0	2	33	3	0	1	1	3	0	5	52	6
10:45	11:00	0	4	1	3	0	3	36	3	0	0	2	2	0	2	79	5
11:00	11:15	0	0	0	2	0	4	35	1	0	0	0	5	0	0	66	3
11:15	11:30	0	3	1	4	0	5	43	3	0	1	0	2	0	3	60	6
11:30	11:45	0	2	0	1	0	7	45	1	0	3	0	1	0	2	57	8
11:45	12:00	0	1	1	4	0	3	40	1	0	0	0	0	0	2	70	2
12:00	12:15	0	1	0	3	0	3	44	1	0	1	0	2	0	1	59	5
12:15	12:30	0	0	0	6	0	2	29	1	0	1	0	2	0	3	46	2
12:30	12:45	0	2	0	3	0	1	31	1	0	1	2	2	0	2	56	5
12:45	13:00	0	1	0	3	0	6	27	2	0	0	0	0	0	2	58	3

Peak Time		North Approach Burden PI				East Approach Paynesville Rd				South Approach Vaughan St				West Approach Paynesville Rd				Peak total
Period Start	Period End	U	R	SB	L	U	R	WB	L	U	R	NB	L	U	R	EB	L	
8:30	9:30	0	14	5	14	0	14	187	4	0	1	2	7	1	9	176	7	441
15:45	16:45	0	9	2	10	0	19	159	8	0	4	2	10	0	7	262	22	514

Heavy Vehicles

Time		North Approach Burden PI				East Approach Paynesville Rd				South Approach Vaughan St				West Approach Paynesville Rd			
Period Start	Period End	U	R	SB	L	U	R	WB	L	U	R	NB	L	U	R	EB	L
7:00	7:15	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0
7:15	7:30	0	0	0	0	0	0	1	0	0	0	1	0	0	0	1	0
7:30	7:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
7:45	8:00	0	0	0	0	0	0	2	0	0	0	0	0	0	0	3	0
8:00	8:15	0	0	0	0	0	0	3	0	0	0	0	0	0	1	2	0
8:15	8:30	0	1	0	1	0	0	2	1	0	0	0	1	0	0	1	0
8:30	8:45	0	0	1	0	0	0	1	0	0	0	0	3	0	0	0	0
8:45	9:00	0	0	0	0	0	0	0	0	0	1	0	0	0	0	3	0
9:00	9:15	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	1
9:15	9:30	0	0	0	0	0	0	3	0	0	0	0	0	0	0	2	0
9:30	9:45	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0
9:45	10:00	0	1	0	0	0	0	1	0	0	0	0	1	0	0	2	0
10:00	10:15	0	0	0	0	0	0	4	0	0	0	1	0	0	0	0	0
10:15	10:30	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
10:30	10:45	0	1	0	0	0	0	2	0	0	0	0	0	0	0	2	0
10:45	11:00	0	0	0	0	0	0	4	0	0	0	0	1	0	0	4	0
11:00	11:15	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0
11:15	11:30	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0
11:30	11:45	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1	0
11:45	12:00	0	0	0	0	0	0	2	0	0	0	0	0	0	0	2	0
12:00	12:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15	12:30	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
12:30	12:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45	13:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Peak Time		North Approach Burden PI				East Approach Paynesville Rd				South Approach Vaughan St				West Approach Paynesville Rd				Peak total
Period Start	Period End	U	R	SB	L	U	R	WB	L	U	R	NB	L	U	R	EB	L	
8:30	9:30	0	0	1	0	0	0	6	0	0	0	1	3	0	0	5	1	17
15:45	16:45	0	0	0	0	0	0	6	0	0	0	0	2	0	1	7	0	16

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Appendix D

SIDRA Intersection Modelling Results

Traffix Group

G31597R-01B

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USER REPORT FOR SITE

All Movement Classes

 Project: G31597-01

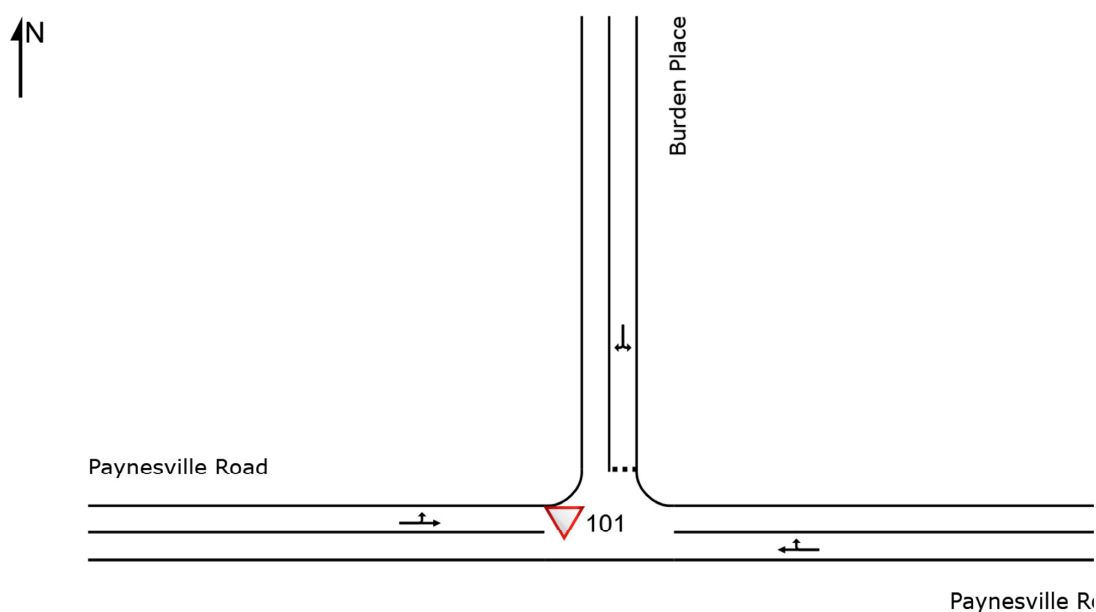
Template: Traffix Group
Template - VIC Unsignalised (4
Legs)

 Site: 101 [Burden Pl / Paynesville Rd - Existing Conditions - AM Peak (Site Folder: General)]

New Site
Site Category: (None)
Give-Way (Two-Way)

Site Layout

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Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg. Satn	Aver. Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[Total veh/h	HV] veh/h	[Total veh/h	HV] %				[Veh. veh	Dist] m				
East: Paynesville Road														
5	T1	197	6	207	3.0	0.119	0.1	LOS A	0.1	0.8	0.05	0.04	0.05	59.2
6	R2	14	0	15	0.0	0.119	6.2	LOS A	0.1	0.8	0.05	0.04	0.05	56.1
Approach		211	6	222	2.8	0.119	0.5	NA	0.1	0.8	0.05	0.04	0.05	58.9
North: Burden Place														
7	L2	14	0	15	0.0	0.036	6.1	LOS A	0.1	0.9	0.33	0.61	0.33	50.0
9	R2	20	1	21	5.0	0.036	7.3	LOS A	0.1	0.9	0.33	0.61	0.33	51.9
Approach		34	1	36	2.9	0.036	6.8	LOS A	0.1	0.9	0.33	0.61	0.33	51.3
West: Paynesville Road														
10	L2	8	1	8	12.5	0.109	5.7	LOS A	0.0	0.0	0.00	0.02	0.00	57.5
11	T1	190	5	200	2.6	0.109	0.0	LOS A	0.0	0.0	0.00	0.02	0.00	59.7
Approach		198	6	208	3.0	0.109	0.3	NA	0.0	0.0	0.00	0.02	0.00	59.5
All Vehicles		443	13	466	2.9	0.119	0.9	NA	0.1	0.9	0.05	0.08	0.05	58.4

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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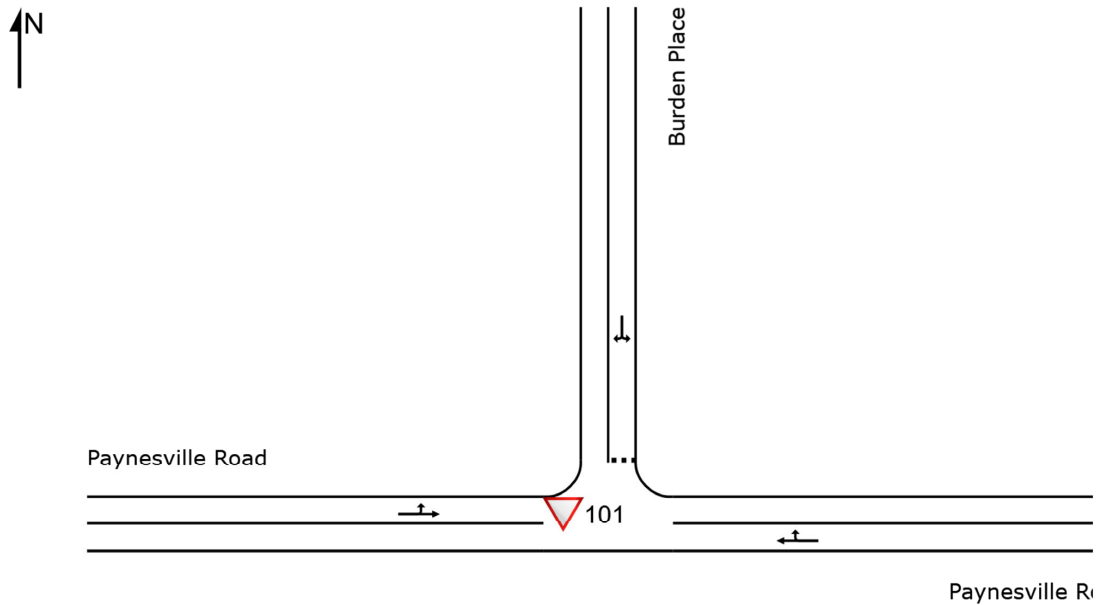
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▽ Site: 101 [Burden Pl / Paynesville Rd - Existing Conditions - PM Peak (Site Folder: General)]

New Site
Site Category: (None)
Give-Way (Two-Way)

Site Layout

Layout pictures are schematic functional drawings reflecting input data. They are not design drawings.



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Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg. Satn	Aver. Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[Total veh/h	HV] veh/h	[Total veh/h	HV] %				[Veh. veh	Dist] m				
East: Paynesville Road														
5	T1	173	6	182	3.5	0.111	0.2	LOS A	0.2	1.2	0.10	0.06	0.10	58.6
6	R2	19	0	20	0.0	0.111	6.6	LOS A	0.2	1.2	0.10	0.06	0.10	55.6
Approach		192	6	202	3.1	0.111	0.8	NA	0.2	1.2	0.10	0.06	0.10	58.3
North: Burden Place														
7	L2	10	0	11	0.0	0.023	6.5	LOS A	0.1	0.5	0.38	0.62	0.38	49.8
9	R2	11	0	12	0.0	0.023	7.6	LOS A	0.1	0.5	0.38	0.62	0.38	51.9
Approach		21	0	22	0.0	0.023	7.1	LOS A	0.1	0.5	0.38	0.62	0.38	51.1
West: Paynesville Road														
10	L2	22	0	23	0.0	0.165	5.6	LOS A	0.0	0.0	0.00	0.04	0.00	57.9
11	T1	277	8	292	2.9	0.165	0.0	LOS A	0.0	0.0	0.00	0.04	0.00	59.3
Approach		299	8	315	2.7	0.165	0.4	NA	0.0	0.0	0.00	0.04	0.00	59.2
All Vehicles		512	14	539	2.7	0.165	0.9	NA	0.2	1.2	0.05	0.07	0.05	58.4

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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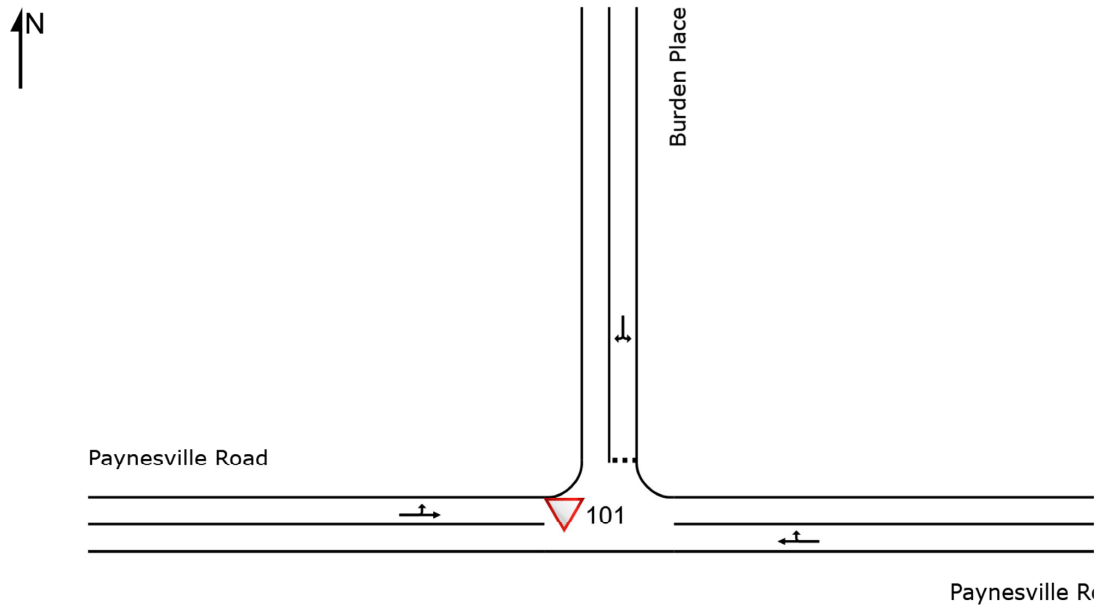
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▽ Site: 101 [Burden Pl / Paynesville Rd - Post Development Conditions - AM Peak (Site Folder: General)]

New Site
Site Category: (None)
Give-Way (Two-Way)

Site Layout

Layout pictures are schematic functional drawings reflecting input data. They are not design drawings.



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Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg. Satn	Aver. Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[Total veh/h	HV] veh/h	[Total veh/h	HV] %				[Veh. veh	Dist] m				
East: Paynesville Road														
5	T1	197	6	207	3.0	0.123	0.1	LOS A	0.2	1.1	0.07	0.06	0.07	58.8
6	R2	20	0	21	0.0	0.123	6.2	LOS A	0.2	1.1	0.07	0.06	0.07	55.8
Approach		217	6	228	2.8	0.123	0.7	NA	0.2	1.1	0.07	0.06	0.07	58.5
North: Burden Place														
7	L2	28	0	29	0.0	0.058	6.2	LOS A	0.2	1.4	0.33	0.61	0.33	50.1
9	R2	29	1	31	3.4	0.058	7.4	LOS A	0.2	1.4	0.33	0.61	0.33	52.0
Approach		57	1	60	1.8	0.058	6.8	LOS A	0.2	1.4	0.33	0.61	0.33	51.2
West: Paynesville Road														
10	L2	14	1	15	7.1	0.113	5.6	LOS A	0.0	0.0	0.00	0.04	0.00	57.6
11	T1	190	5	200	2.6	0.113	0.0	LOS A	0.0	0.0	0.00	0.04	0.00	59.4
Approach		204	6	215	2.9	0.113	0.4	NA	0.0	0.0	0.00	0.04	0.00	59.3
All Vehicles		478	13	503	2.7	0.123	1.3	NA	0.2	1.4	0.07	0.12	0.07	57.7

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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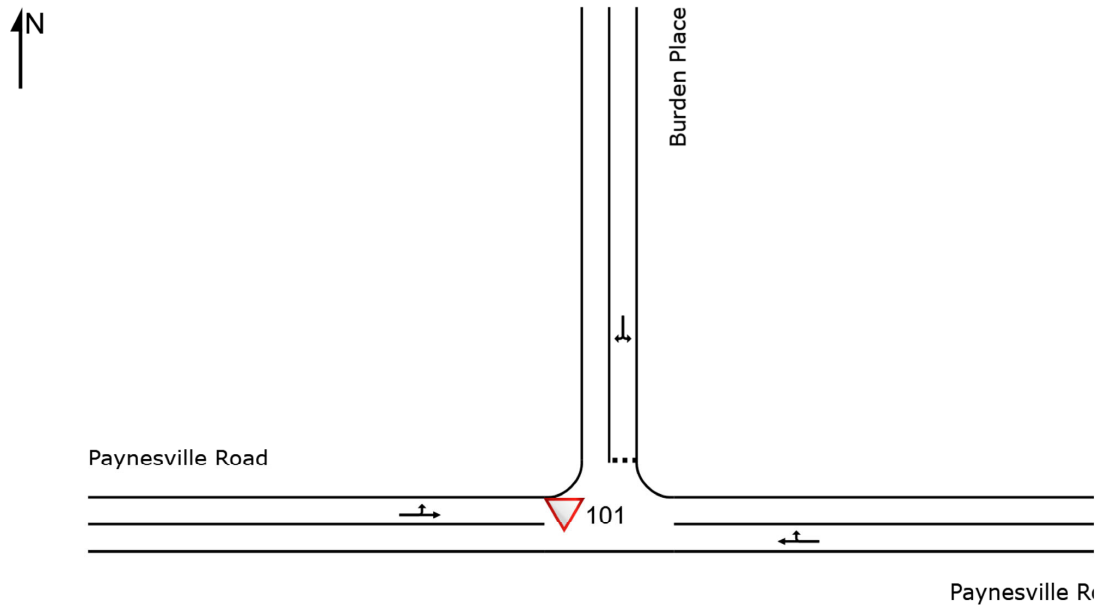
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▽ Site: 101 [Burden Pl / Paynesville Rd - Post Development Conditions - PM Peak (Site Folder: General)]

New Site
Site Category: (None)
Give-Way (Two-Way)

Site Layout

Layout pictures are schematic functional drawings reflecting input data. They are not design drawings.



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Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg. Satn	Aver. Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[Total veh/h]	[HV] veh/h]	[Total veh/h]	[HV] %				[Veh. veh]	[Dist] m]				
East: Paynesville Road														
5	T1	173	6	182	3.5	0.121	0.3	LOS A	0.3	1.9	0.15	0.10	0.15	57.9
6	R2	31	0	33	0.0	0.121	6.7	LOS A	0.3	1.9	0.15	0.10	0.15	55.0
Approach		204	6	215	2.9	0.121	1.3	NA	0.3	1.9	0.15	0.10	0.15	57.5
North: Burden Place														
7	L2	28	0	29	0.0	0.047	6.5	LOS A	0.2	1.2	0.38	0.63	0.38	49.8
9	R2	17	0	18	0.0	0.047	7.8	LOS A	0.2	1.2	0.38	0.63	0.38	52.0
Approach		45	0	47	0.0	0.047	7.0	LOS A	0.2	1.2	0.38	0.63	0.38	50.8
West: Paynesville Road														
10	L2	35	0	37	0.0	0.172	5.6	LOS A	0.0	0.0	0.00	0.07	0.00	57.7
11	T1	277	8	292	2.9	0.172	0.0	LOS A	0.0	0.0	0.00	0.07	0.00	59.0
Approach		312	8	328	2.6	0.172	0.7	NA	0.0	0.0	0.00	0.07	0.00	58.8
All Vehicles		561	14	591	2.5	0.172	1.4	NA	0.3	1.9	0.09	0.12	0.09	57.5

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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>

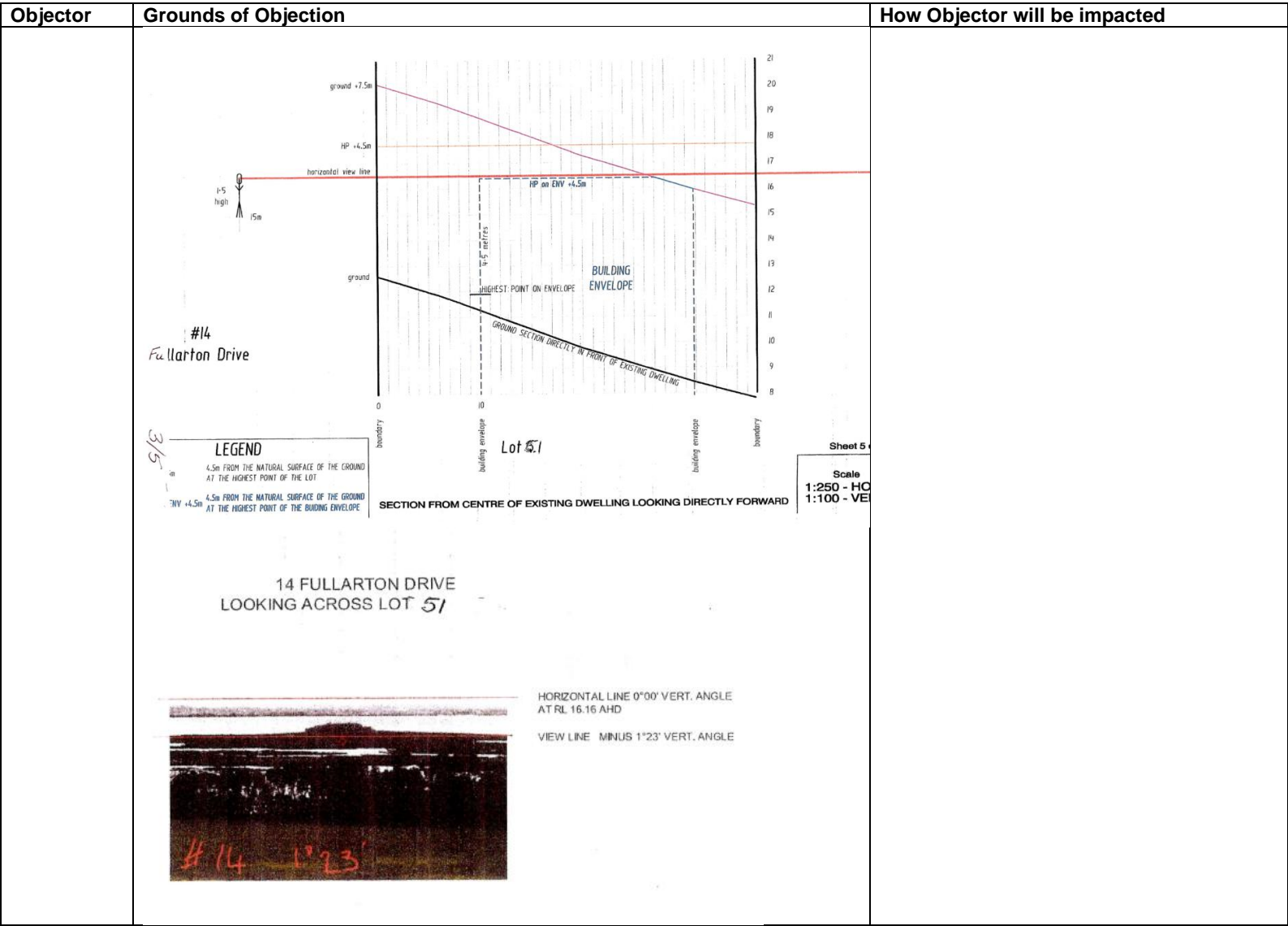
Objector	Grounds of Objection	How Objector will be impacted
5	<p>Concern regarding the significant increase in traffic along Fullarton Drive and impact of increased number of cars entering Burden Place and onto the Paynesville Road</p> <p>Our view will be significantly impacted. With the 1.5m height 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>

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	<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>



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	<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>

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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>

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	<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>	

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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>

Objector	Grounds of Objection	How Objector will be impacted
		<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>

Objector	Grounds of Objection	How Objector will be impacted
		<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 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>
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>

Objector	Grounds of Objection	How Objector will be impacted
	<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 affected 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>
17	<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</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</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"> Traffic increase in Fullarton Drive <ol style="list-style-type: none"> Narrow Street Footpath on only one side Traffic noise Increased danger for residents entering and exiting driveways Holiday time and children on bikes Traffic fumes Traffic increase in Burden Place <ol style="list-style-type: none"> Access from Fullarton Drive into Burden Place lessened Access from Burden Place into Paynesville Road lessened 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) Vegetation Loss <ol style="list-style-type: none"> Mandy birds and animals in danger of habitat loss Bees, water birds, bats, insects, many Native birds Hopefully sea level rise is on the agenda! 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>	Reduced quality of life, impact on mental health, considerable financial hardship resulting in possible moving away from the area.
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>	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

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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>	 

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	<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>	

Objector	Grounds of Objection	How Objector will be impacted
	<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>	



Objector	Grounds of Objection	How Objector will be impacted
	<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>	

Objector	Grounds of Objection	How Objector will be impacted
	<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>


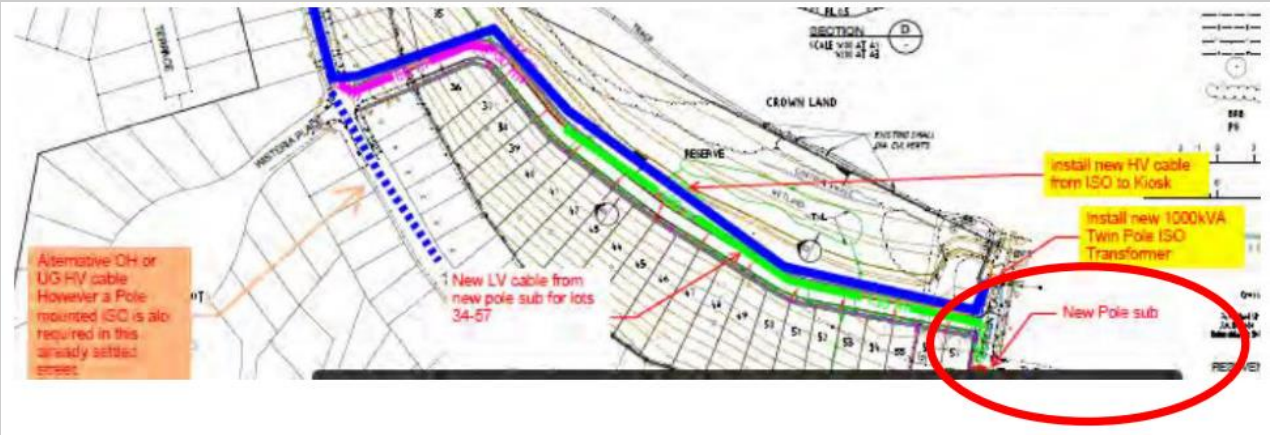
Objector	Grounds of Objection	How Objector will be impacted
	adjoining blocks to the south. Or to quote the application “ the maximum height will not exceed the standing eye level of the immediately adjacent dwelling”. This means that a person standing in a current house with the new house built to its 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.	
29	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.	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.
30	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	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

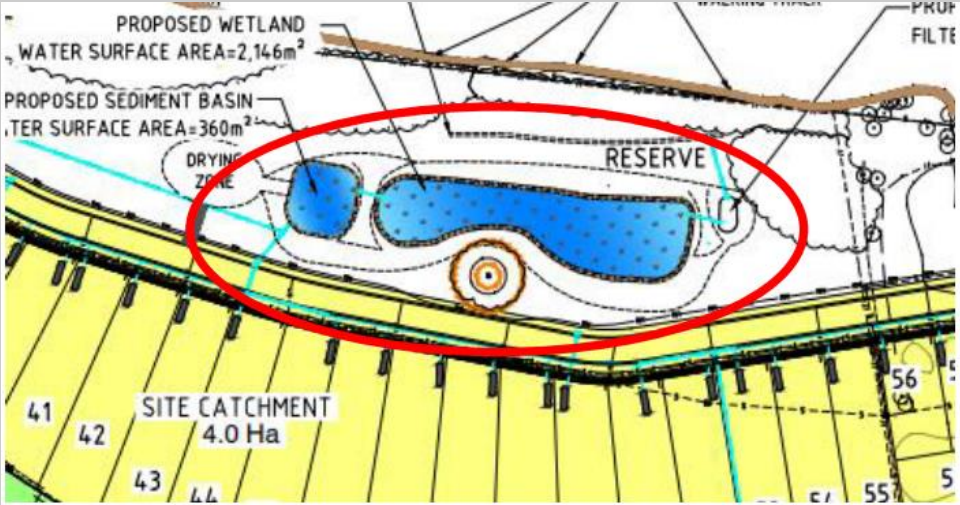
Objector	Grounds of Objection	How Objector will be impacted
	are also close to previous Flood water levels - photos taken a day or so after the June 2007 flood peak show the waters nearing proposed Lots 34 and 35. The area of land proposed to be occupied by Lots 34 and 35 does not appear to be suitable 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>	

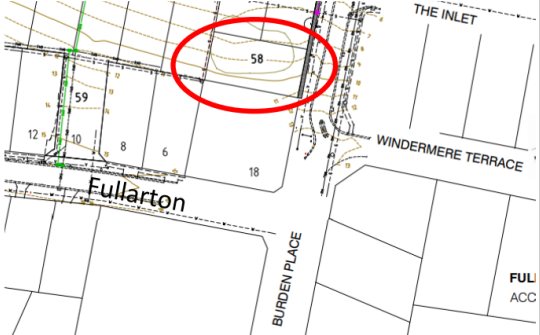

Objector	Grounds of Objection	How Objector will be impacted
	<p data-bbox="499 260 797 284">An ACCIDENT will happen!</p>  <p data-bbox="499 608 1211 687">Road surface in Burden Place since recent new housing projects in The Inlet & Windermere Dr. caused by extremely heavy cartage trucks in the last 3 years</p>  <p data-bbox="499 1289 1883 1342">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>	



Objector	Grounds of Objection	How Objector will be impacted
	 <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>	

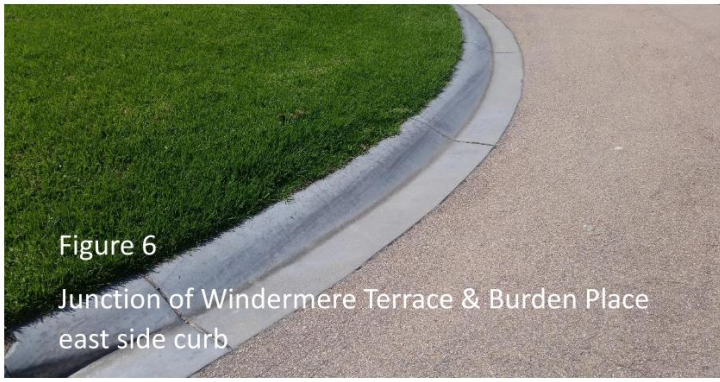
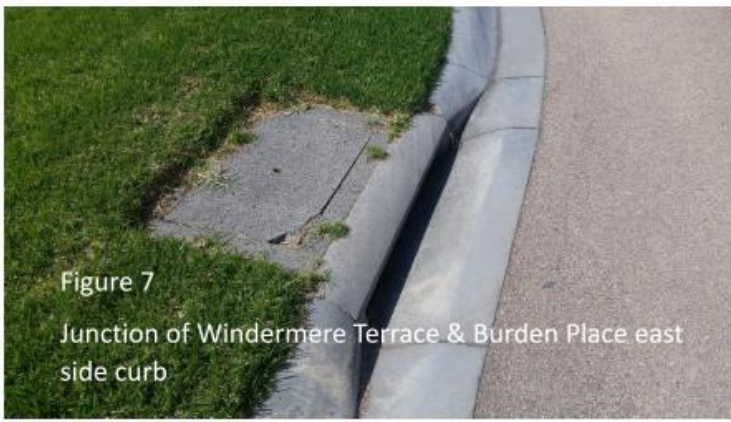
Objector	Grounds of Objection	How Objector will be impacted
	<div></div> <p>4. We object to the "Alternative" shown on the "mark up" to install a pole mounted ISO in proximity to 51 Fullarton Drive, as the required pole mounted infrastructure would be visually obtrusive to the properties in direct line 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> <div></div>	

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="499 236 1720 260">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="499 644 1787 668">Figure 3 the view travelling south on Burden place towards the Windermere junction, note the narrowing lane conditions.</p>  <p data-bbox="521 874 1106 994">Figure 3 Junction of Windermere Terrace & Burden Place South Facing</p> <p data-bbox="499 1051 1738 1075">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 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>Figure 7 Junction of Windermere Terrace & Burden Place east side curb</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>	

Objector	Grounds of Objection	How Objector will be impacted
	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>

Objector	Grounds of Objection	How Objector will be impacted
	<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>

Objector	Grounds of Objection	How Objector will be impacted
	<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></p> <p>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>

Objector	Grounds of Objection	How Objector will be impacted
	<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>	

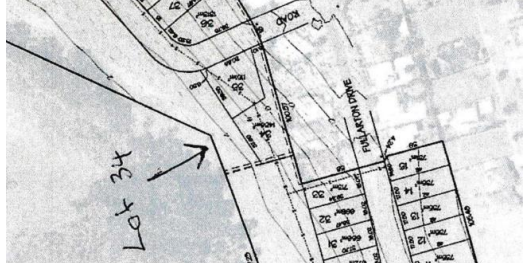
1 <https://www.dcceew.gov.au/environment/biodiversity/conservation/light-pollution>; <https://www.foreground.com.au/agriculture-environment/the-perils-of-light-pollution/>

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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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>	

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	<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>	

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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.dcceew.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.dcceew.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.

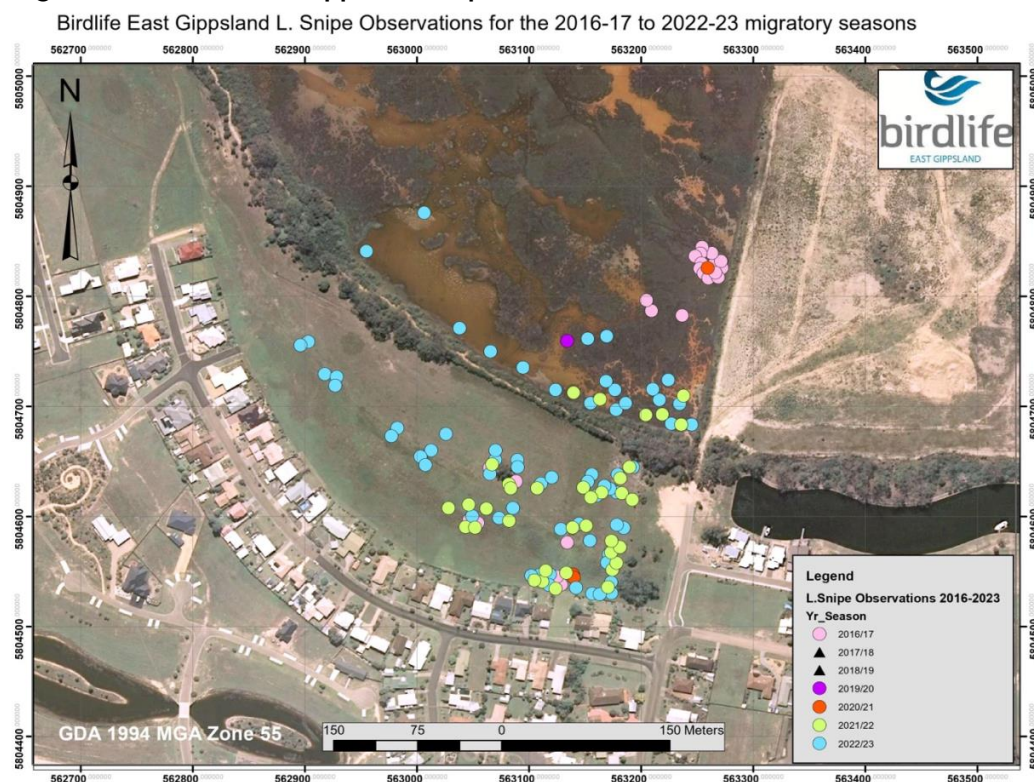
We believe three areas require action before any development could proceed: The Latham's Snipe, adequate buffers and compliance with the new Marine & Coastal Act's policies and strategies in relation to climate change adaptation.

<i>East Gippsland Planning Scheme - Relevant clauses</i>	
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;

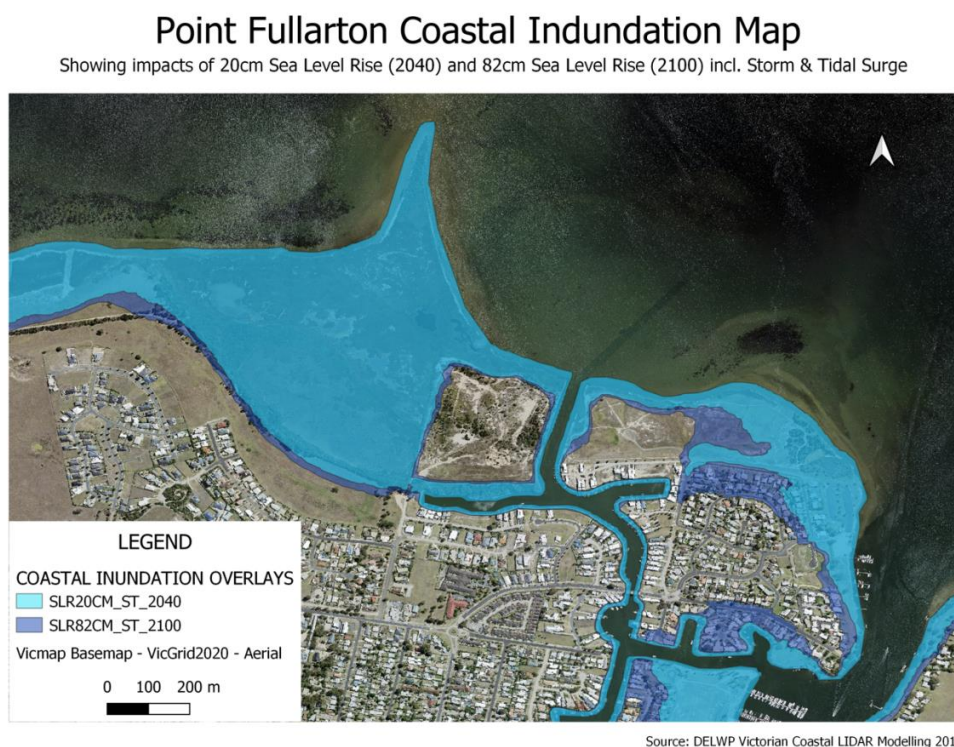
1. to protect and enhance the marine and coastal environment, especially Ramsar-listed wetlands.
2. to promote the resilience of marine and coastal ecosystems, communities and assets to climate change
3. to respect natural processes in planning for and managing current and future risks to people and 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>

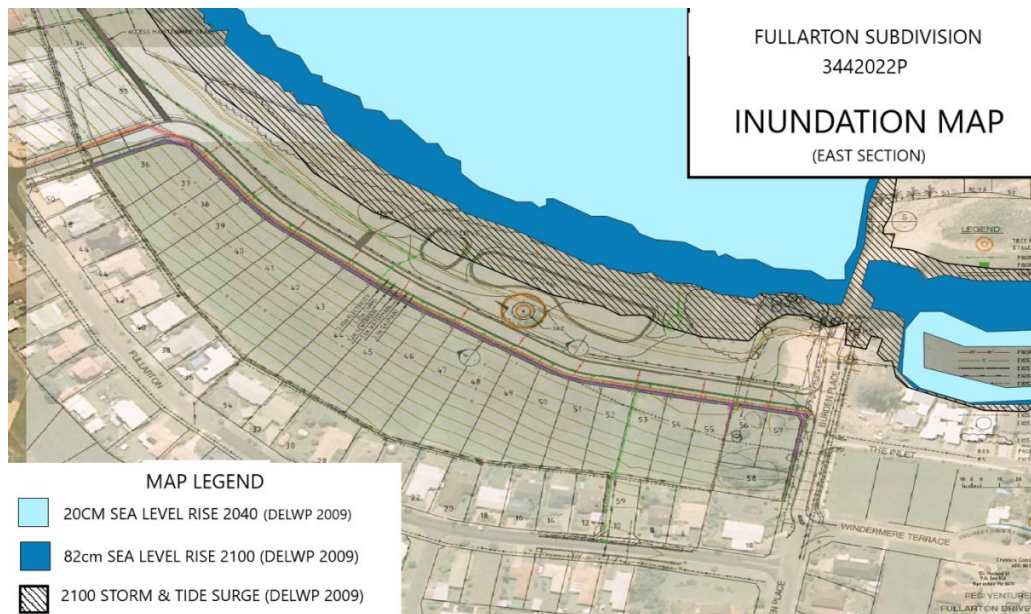
treatment proposal fails to adequately integrate planning and management of Fullarton's wetlands and vulnerable migratory species like Latham's Snipe across land tenures. The proposed subdivision's stormwater infrastructure for instance, will be partially submerged by projected sea level rise and storm 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:

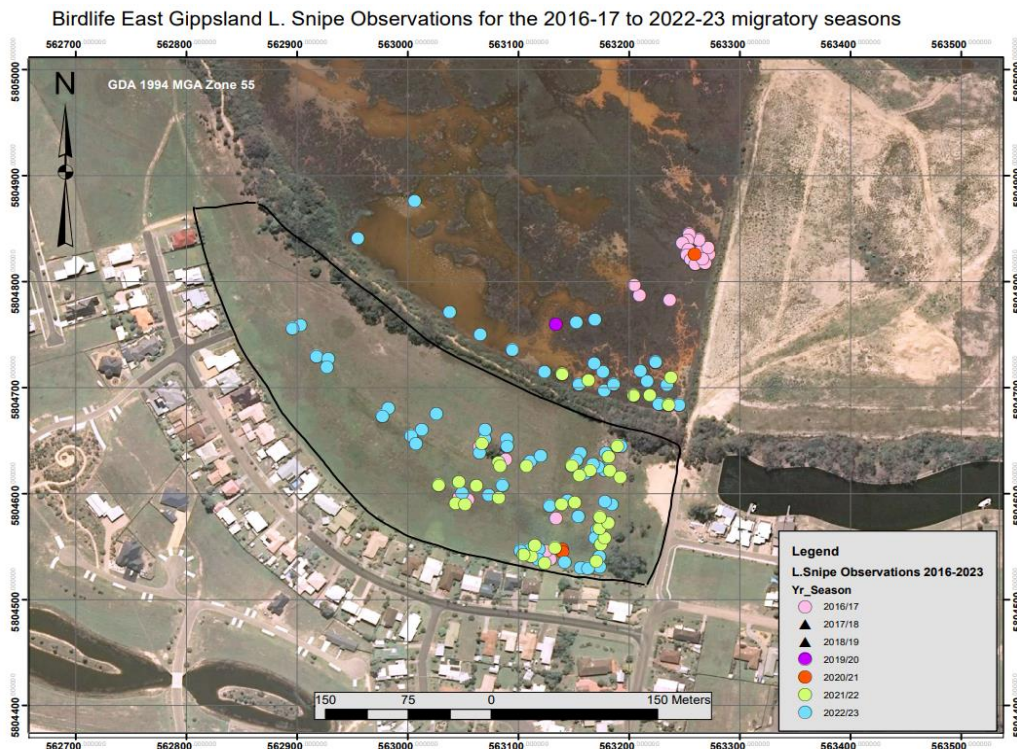
"Buffer widths up to 150 metres may be required to buffer against more extreme disturbances or as buffers for more sensitive species not observed by their study."

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

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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,



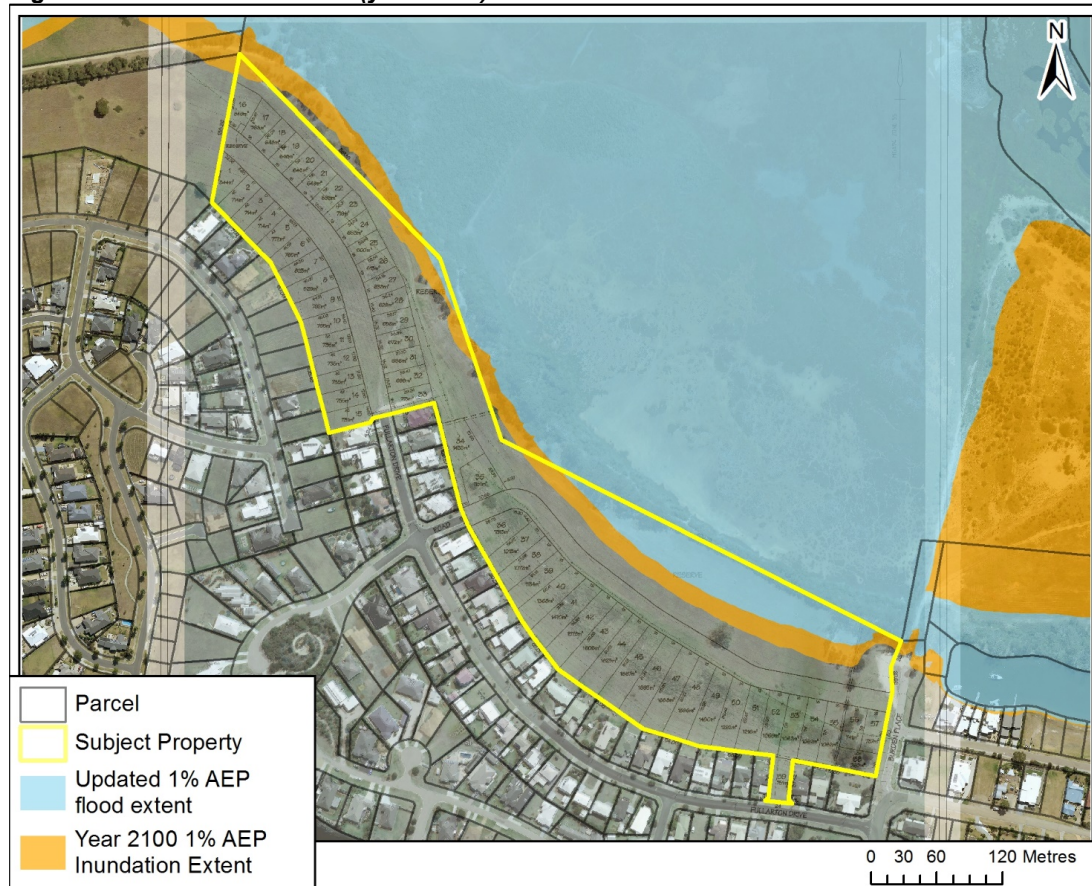
Adam Dunn
Gippsland Floodplain Officer

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

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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

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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

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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:
 - 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.
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.

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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

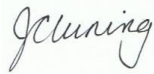
Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it 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



133 Macleod Street, PO Box 52, Bairnsdale Victoria 3875
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Email: egw@egwater.vic.gov.au Web: www.egwater.vic.gov.au

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.

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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:

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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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Report to:	Resi Ventures Pty Ltd
Prepared by:	Joshua Orchard and Jonathan Botha
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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	



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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

10 Fullarton Drive, Paynesville | Mammal Management Plan | 24 March 2023



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



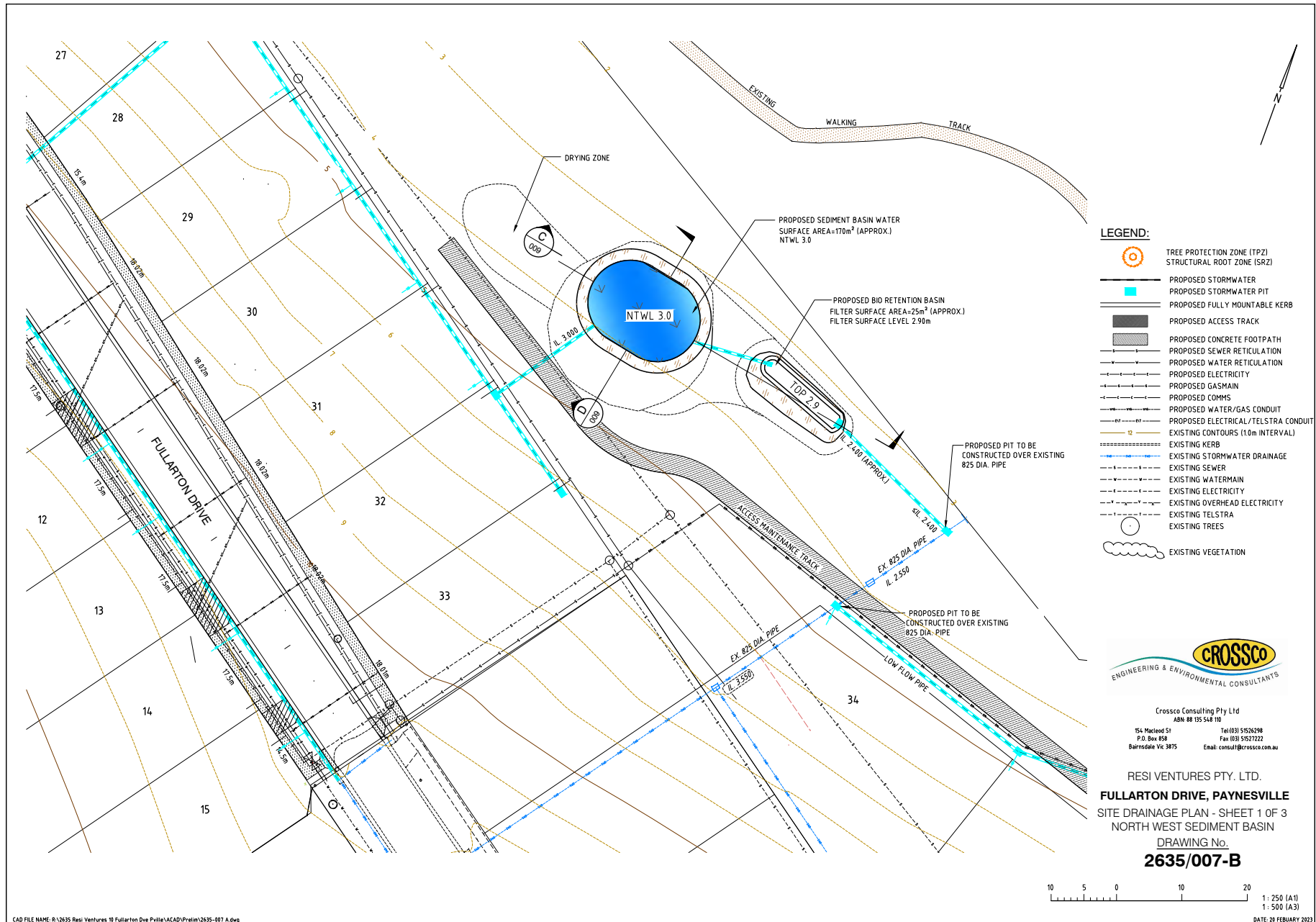
Contact

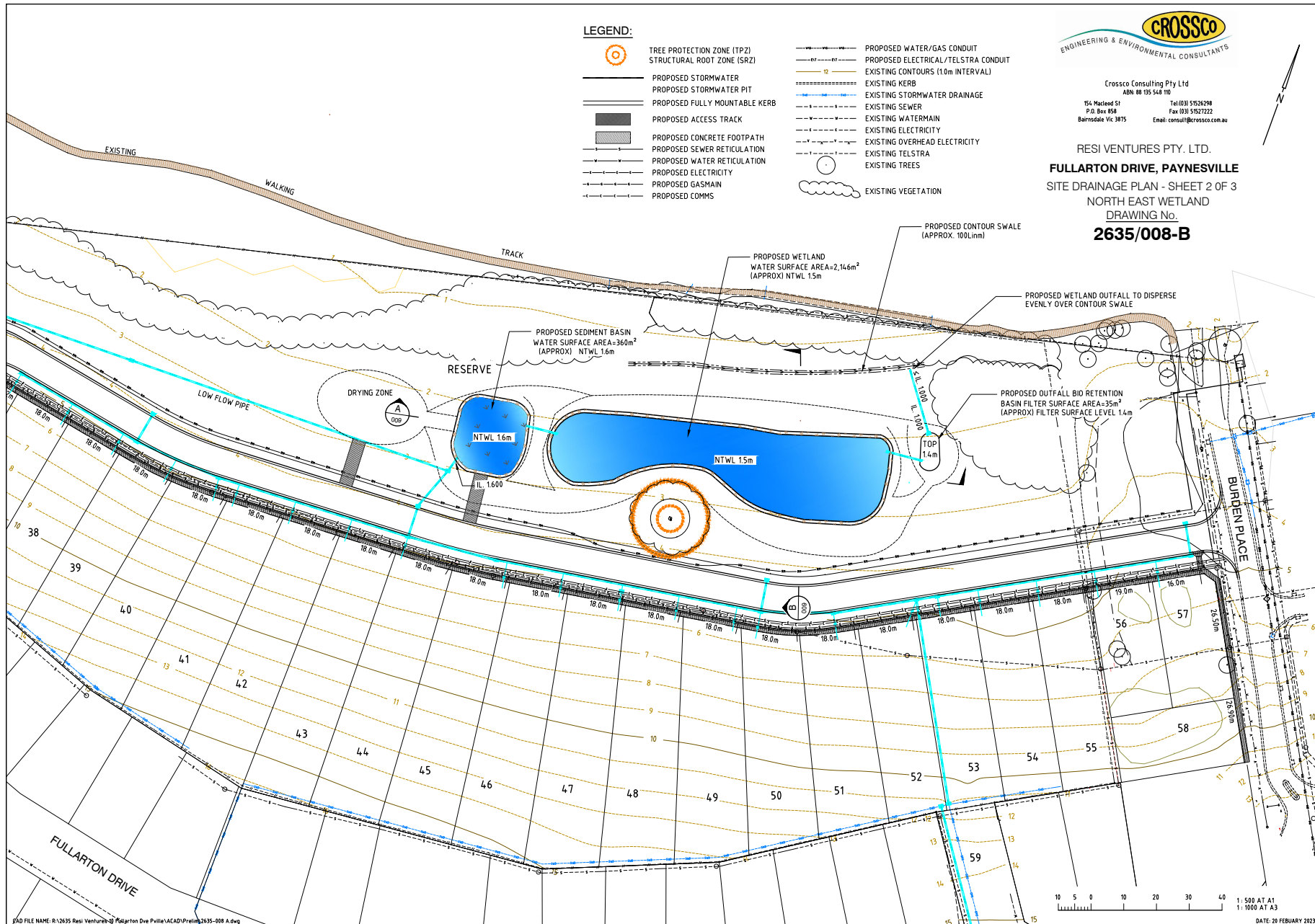
Dr Jonathan Botha

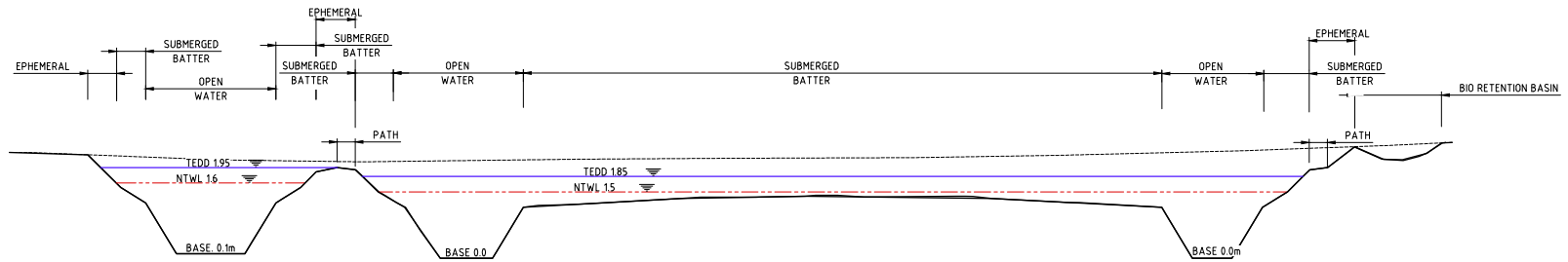
Senior Zoologist

jbotha@biosis.com.au

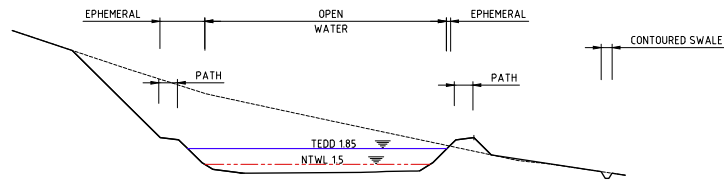
+61 427 458 051



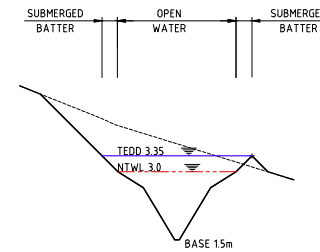




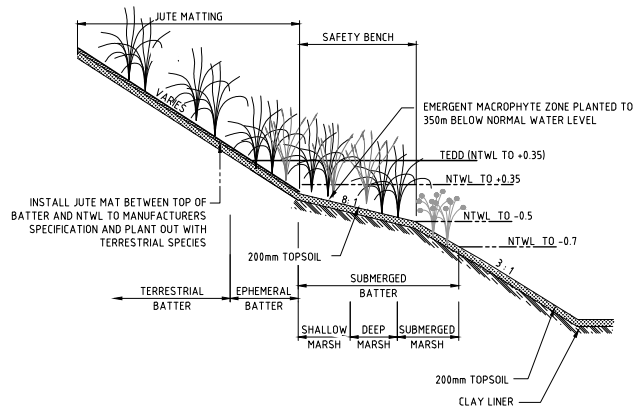
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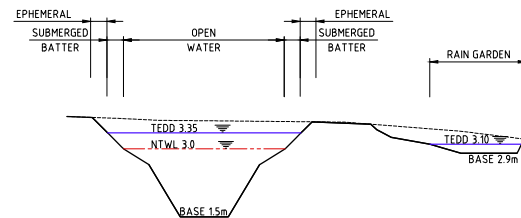
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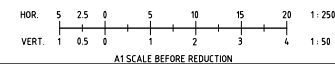
SECTION D - D
H - 1:250 V - 150



TYPICAL VEGETATED EDGE WITH SAFETY BENCH DETAIL
NOT TO SCALE



SECTION C - C
H - 1:250 V - 150



Crossco Consulting Pty Ltd
ABN: 88 155 548 110
154 Macleod St
P.O. Box 858
Bairnsdale Vic 3875
Tel: (03) 51526298
Fax: (03) 51527222
Email: consult@crossco.com.au

RESI VENTURES PTY. LTD.
FULLARTON DRIVE, PAYNESVILLE
SITE DRAINAGE PLAN - SHEET 3 OF 3
TYPICAL SECTIONS
DRAWING No.
2635/009-B

DATE: 20 FEBRUARY 2023

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: nmcraigie@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, slightly slanted 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 >
 Crowther & Sadler > Kate Young -
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@cs.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:

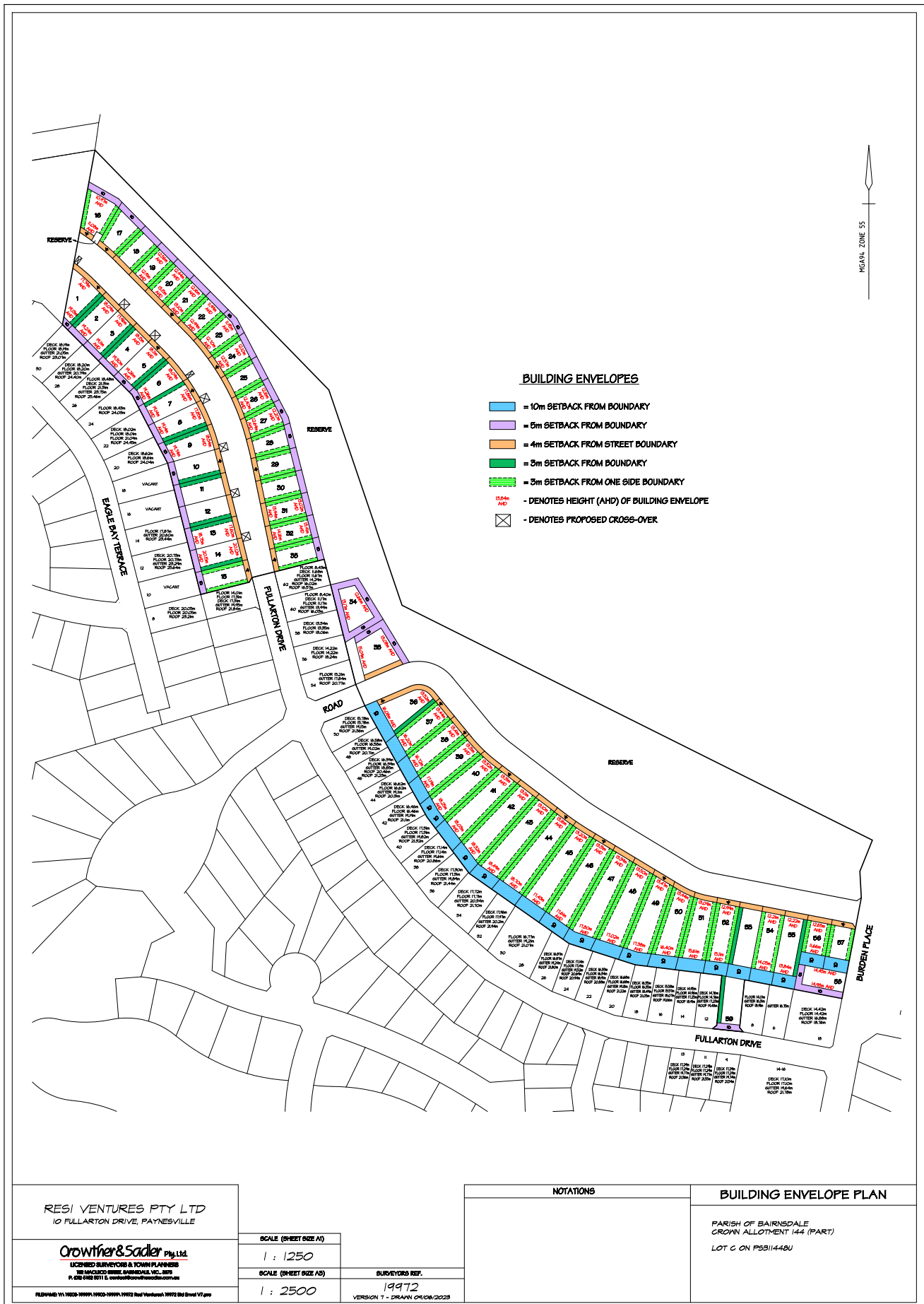
- Cross Section Diagrams – this shows the oblique view line of existing development in the context of the proposed building envelopes.
- Cross Section Key Sheet – this shows a planometric view of the proposed view lines, and should be referenced when reviewing the Cross Section Diagrams.
- Building Envelope Plan (Version 7) – this has been amended from that previously submitted to amend the maximum building heights, informed by the oblique view line analysis.

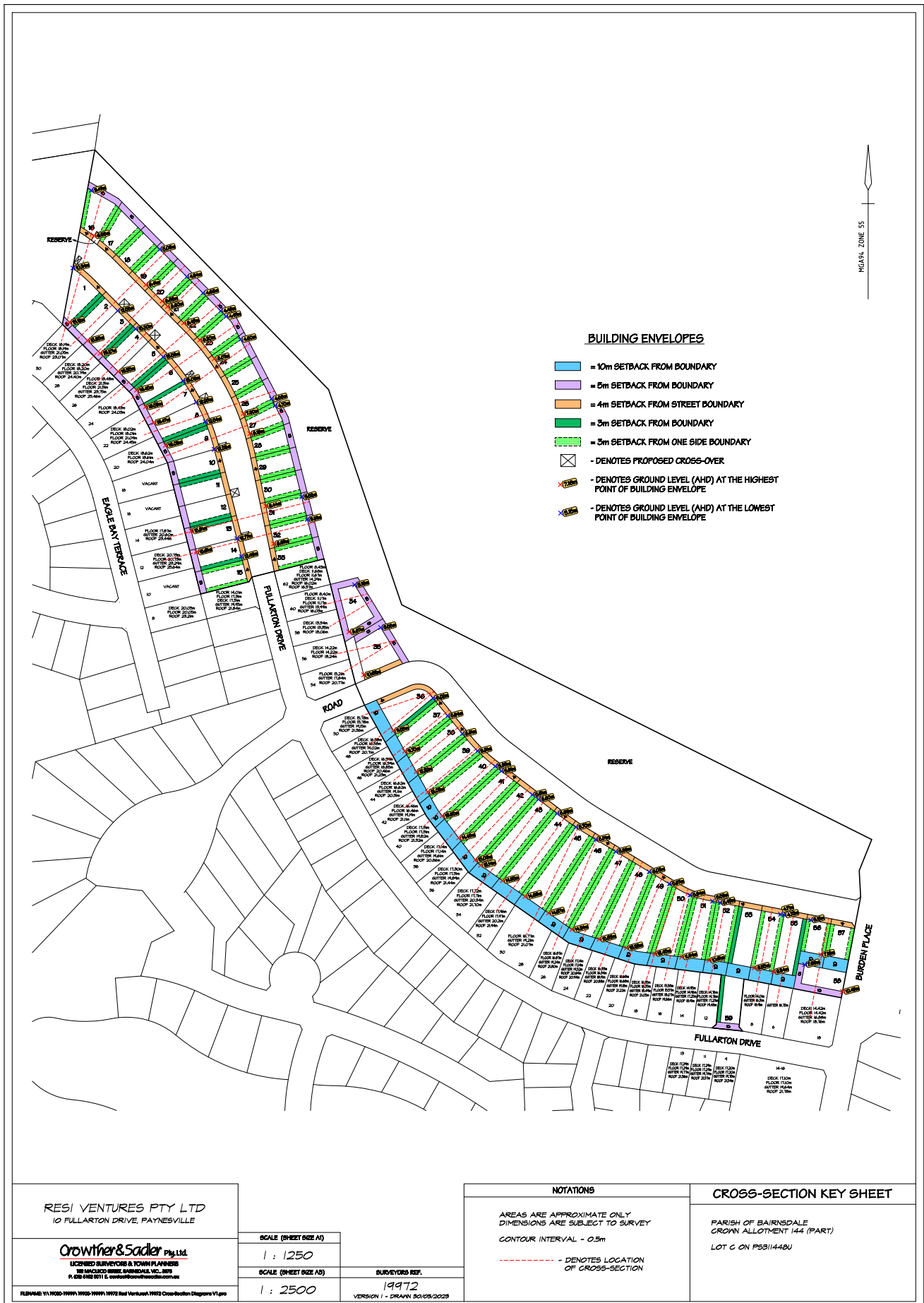
We believe these adjustments provide further demonstration that our proposal achieves a sound planning outcome that provides for the reasonable sharing of views.

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.

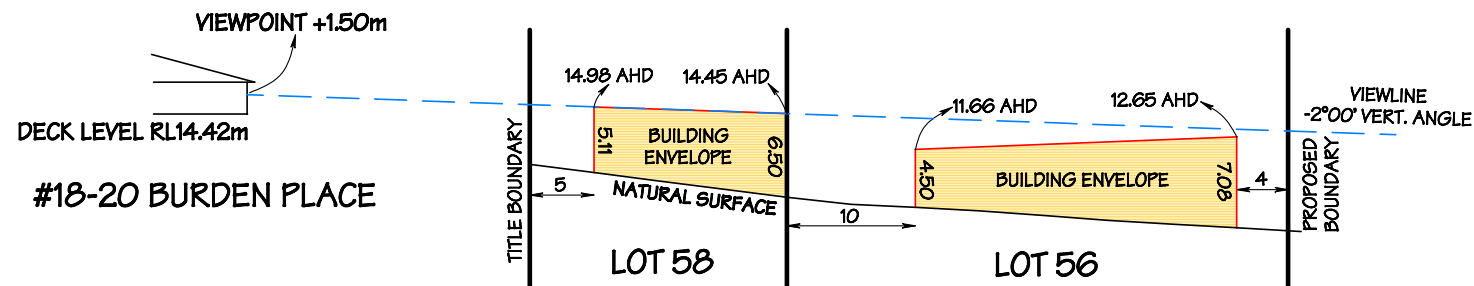
Regards,

KATE YOUNG
Town Planner





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)

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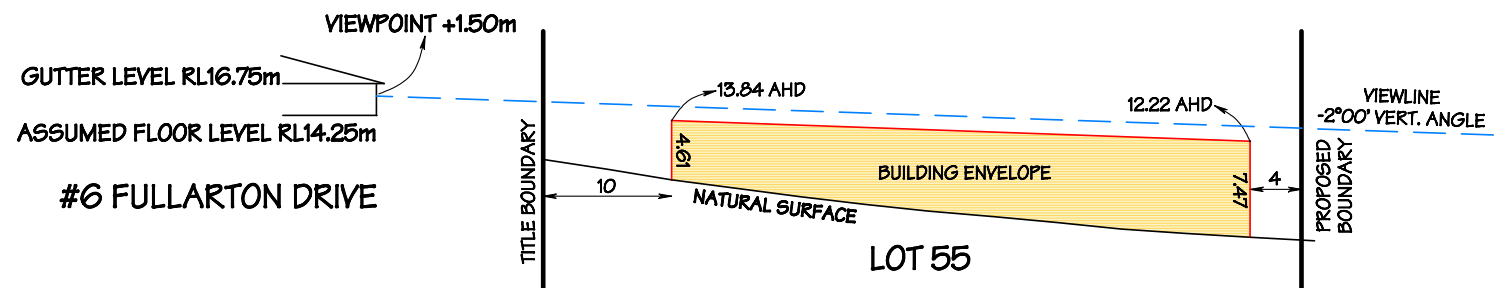
SURVEYORS REF.

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

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SCALE (SHEET SIZE A4)

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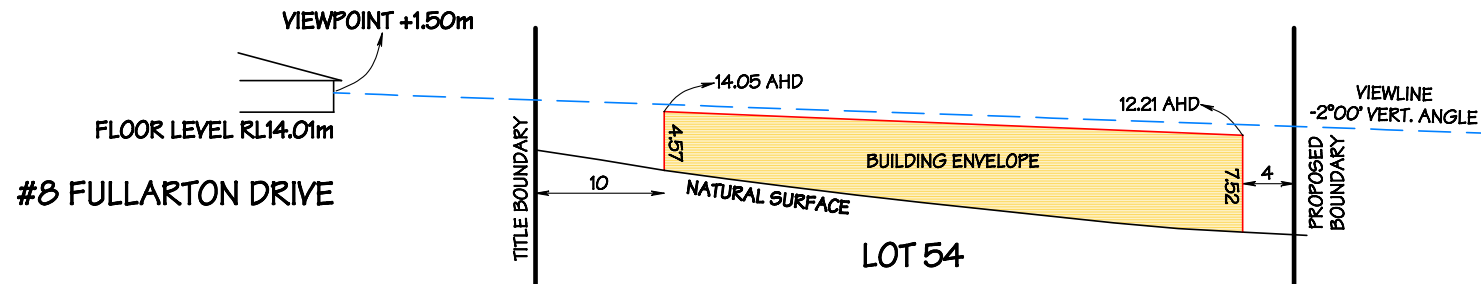
SURVEYORS REF.

19972

VERSION 1 - DRAWN 30/05/2023

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

Crowther & Sadler Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS
162 MACLEOD STREET, BAIRNSDALE, VIC., 3875
P. (03) 5152 5011 E. contact@crowthersadler.com.au

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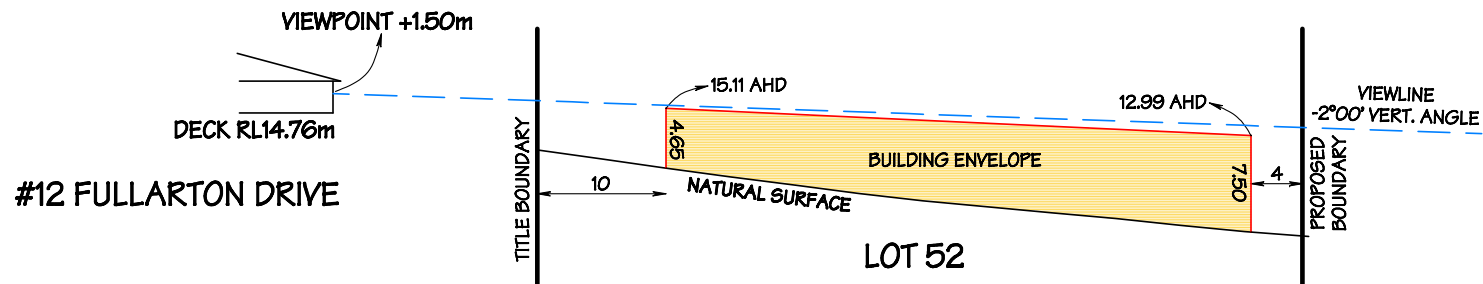
SURVEYORS REF.

19972

VERSION 1 - DRAWN 30/05/2023

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

Crowther & Sadler Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS
162 MACLEOD STREET, BAIRNSDALE, VIC., 3875
P. (03) 5152 5011 E. contact@crowthersadler.com.au

FILENAME: 19972 Cross-Section Diagrams V1.pro

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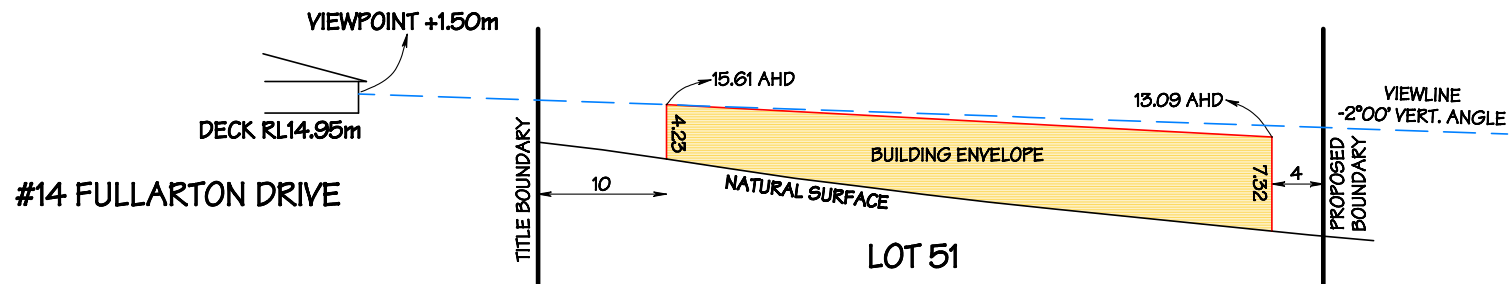
SURVEYORS REF.

19972

VERSION 1 - DRAWN 30/05/2023

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

Crowther & Sadler Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS
162 MACLEOD STREET, BAIRNSDALE, VIC., 3875
P. (03) 5162 5011 E. contact@crowthersadler.com.au

FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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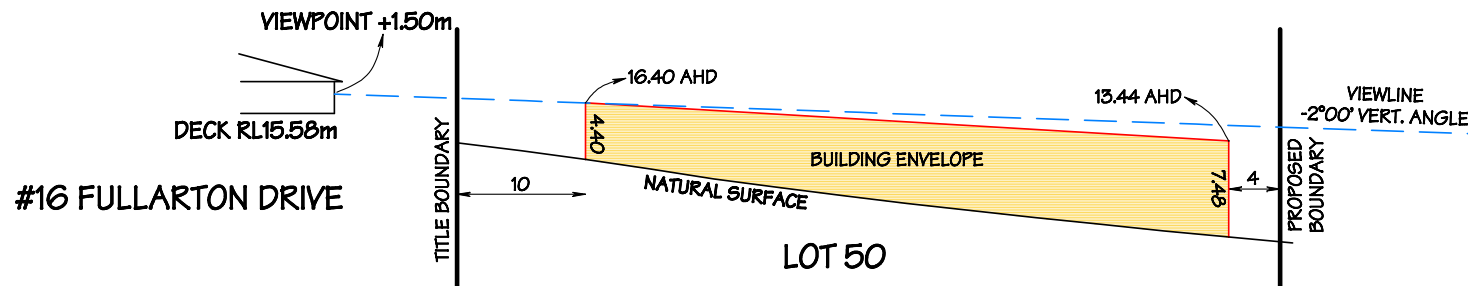
SURVEYORS REF.

19972

VERSION 1 - DRAWN 30/05/2023

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

Crowther & Sadler Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS
162 MACLEOD STREET, BAIRNSDALE, VIC., 3875
P. (03) 5152 5011 E. contact@crowthersadler.com.au

FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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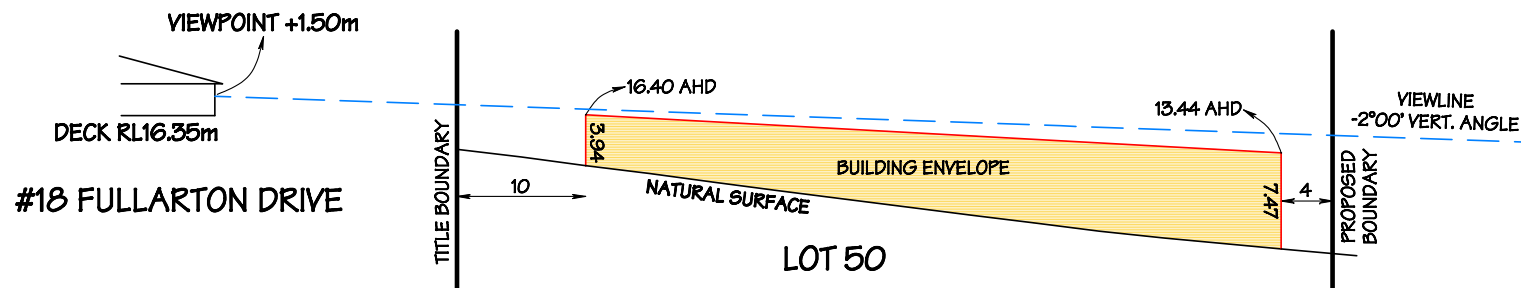
SURVEYORS REF.

19972

VERSION 1 - DRAWN 30/05/2023

RESI VENTURES PTY LTD
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

Crowther & Sadler Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS
162 MACLEOD STREET, BAIRNSDALE, VIC., 3875
P. (03) 5152 5011 E. contact@crowthersadler.com.au

FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

1 : 500

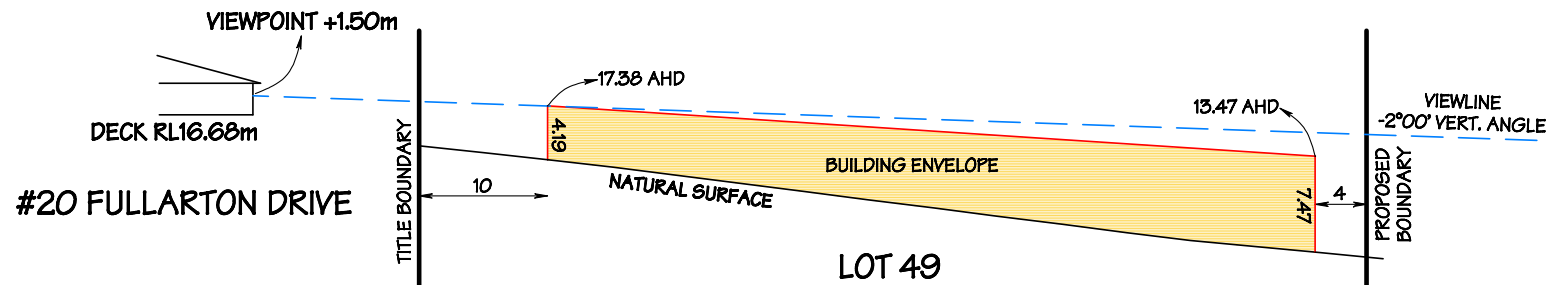
SURVEYORS REF.

19972

VERSION 1 - DRAWN 30/05/2023

RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #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
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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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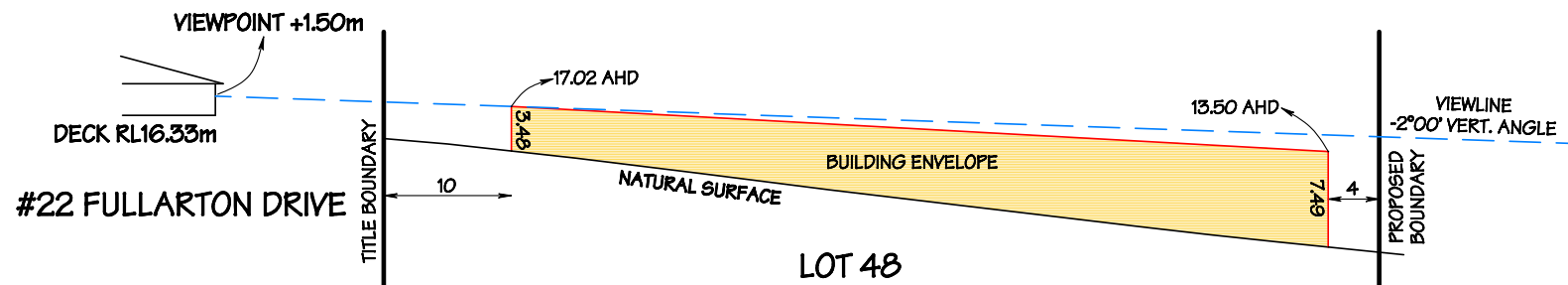
SURVEYORS REF.

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VERSION 1 - DRAWN 30/05/2023

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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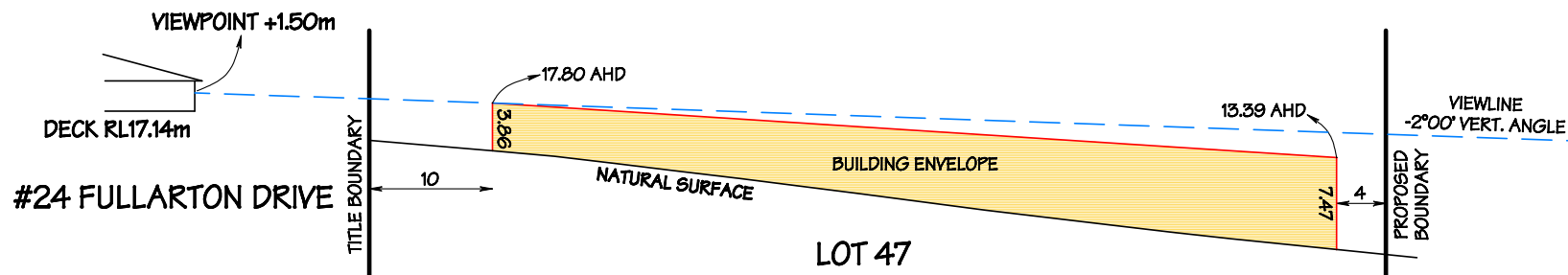
SURVEYORS REF.

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VERSION 1 - DRAWN 30/05/2023

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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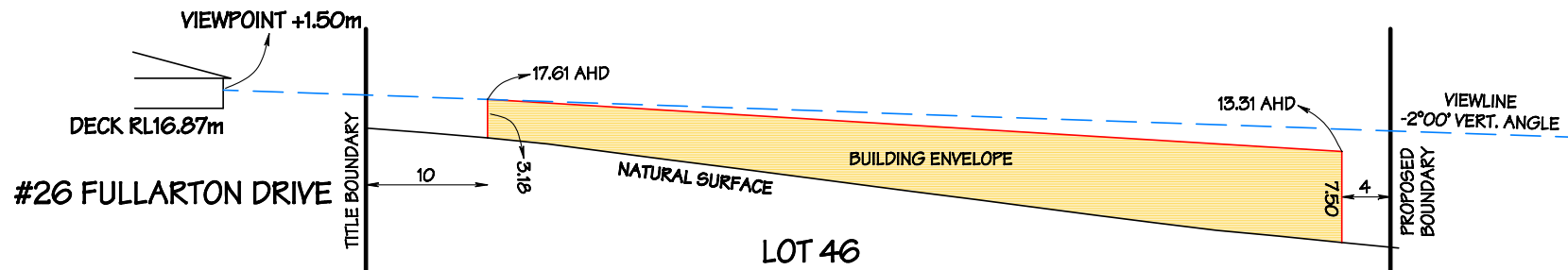
SURVEYORS REF.

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VERSION 1 - DRAWN 30/05/2023

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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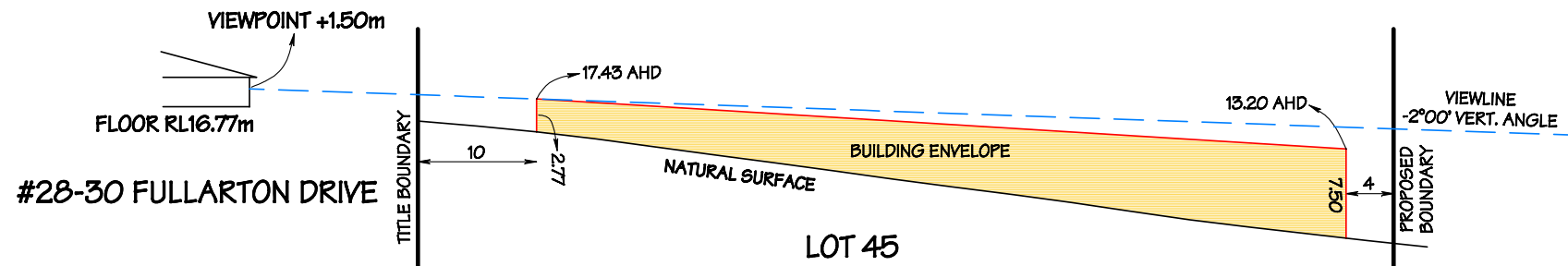
SURVEYORS REF.

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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

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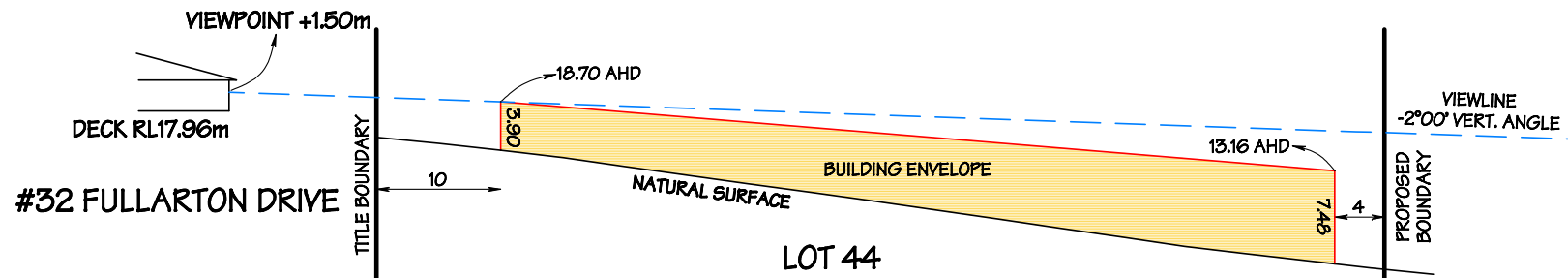
SURVEYORS REF.

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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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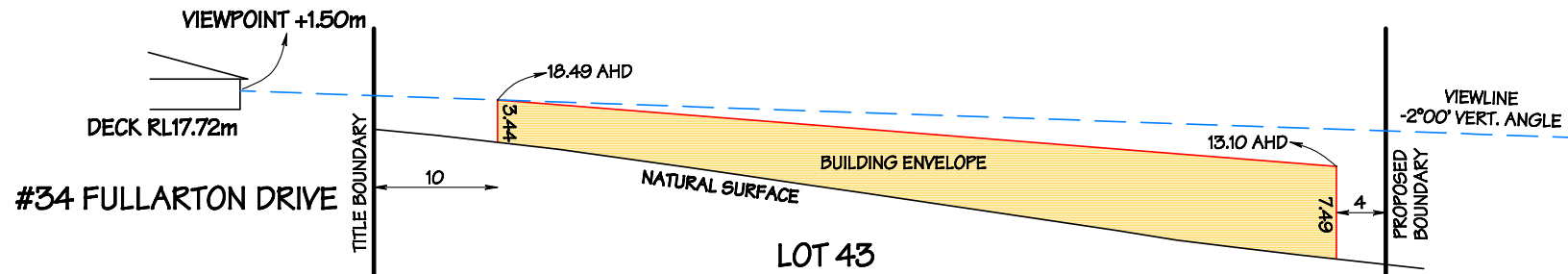
SURVEYORS REF.

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VERSION 1 - DRAWN 30/05/2023

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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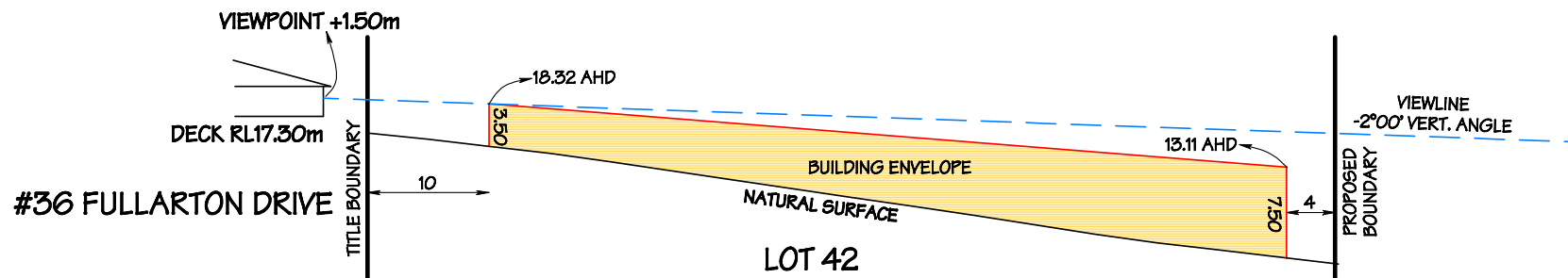
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VERSION 1 - DRAWN 30/05/2023

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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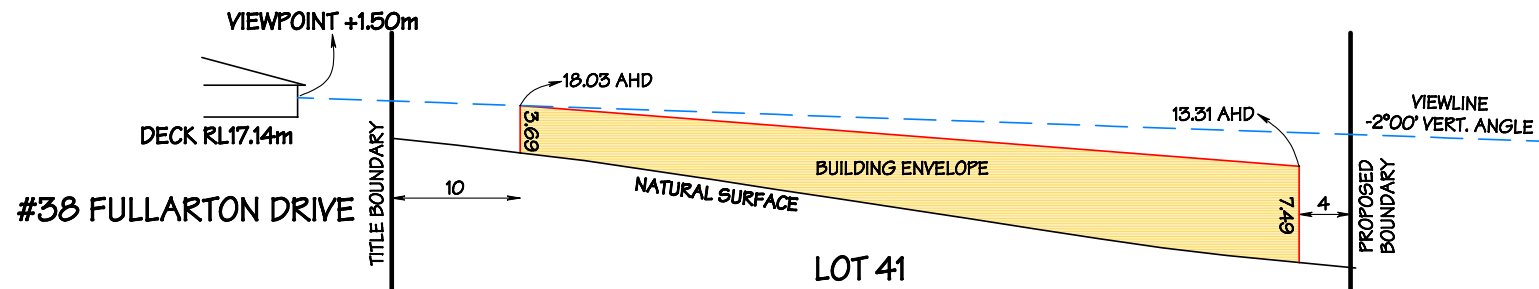
SURVEYORS REF.

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VERSION 1 - DRAWN 30/05/2023

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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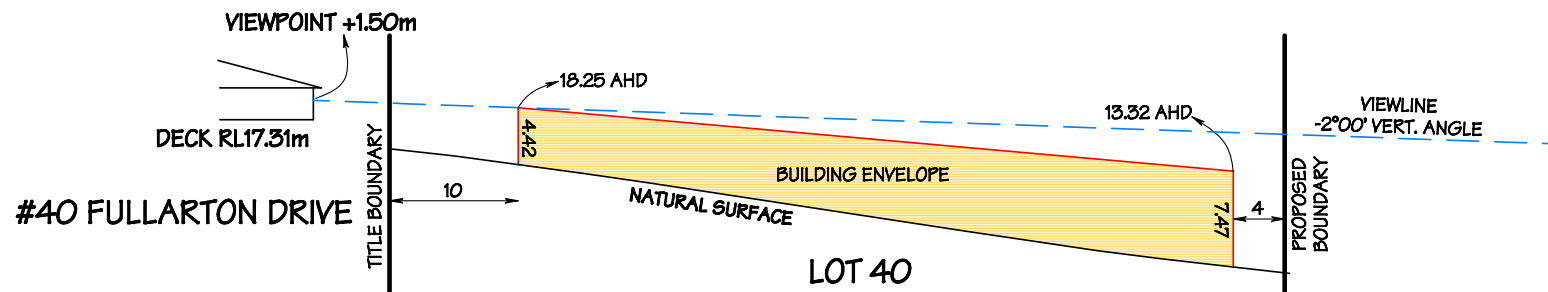
SURVEYORS REF.

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VERSION 1 - DRAWN 30/05/2023

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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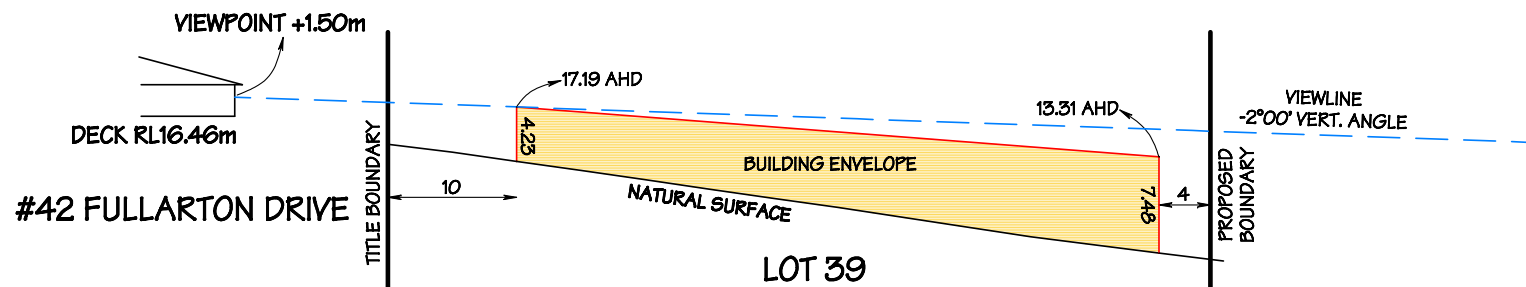
SURVEYORS REF.

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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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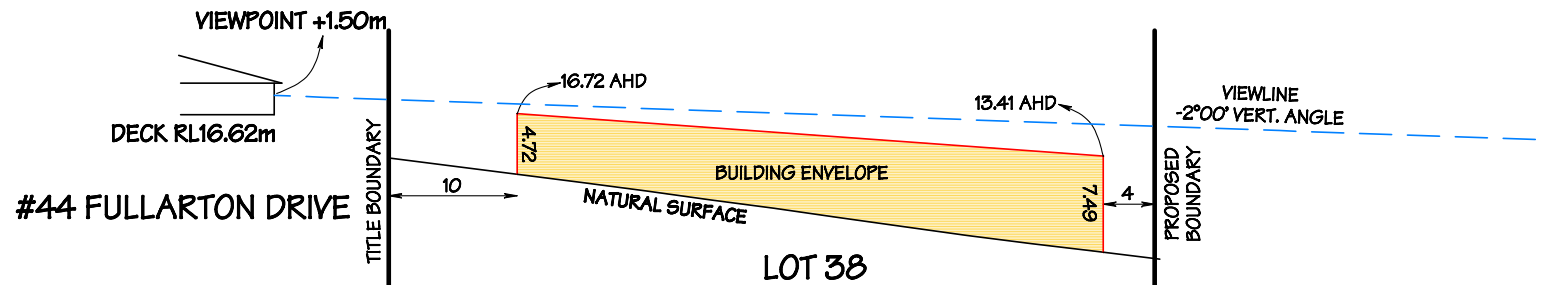
SURVEYORS REF.

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VERSION 1 - DRAWN 30/05/2023

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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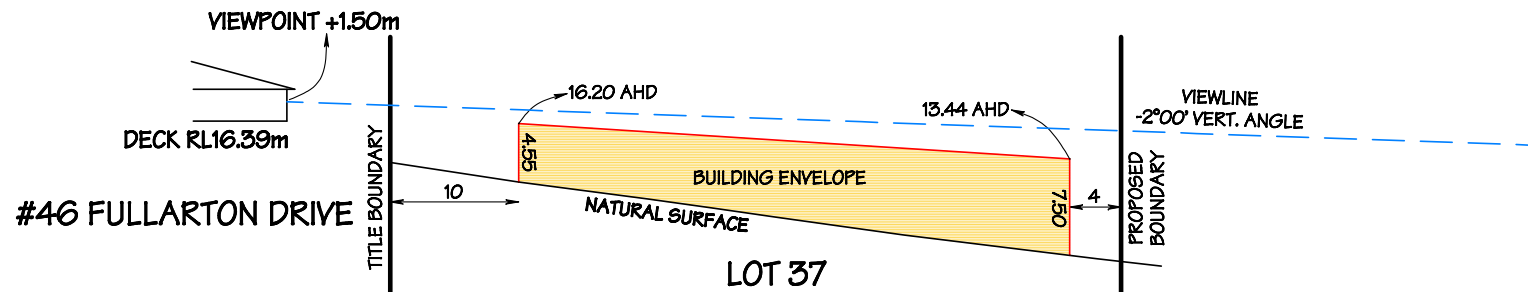
SURVEYORS REF.

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VERSION 1 - DRAWN 30/05/2023

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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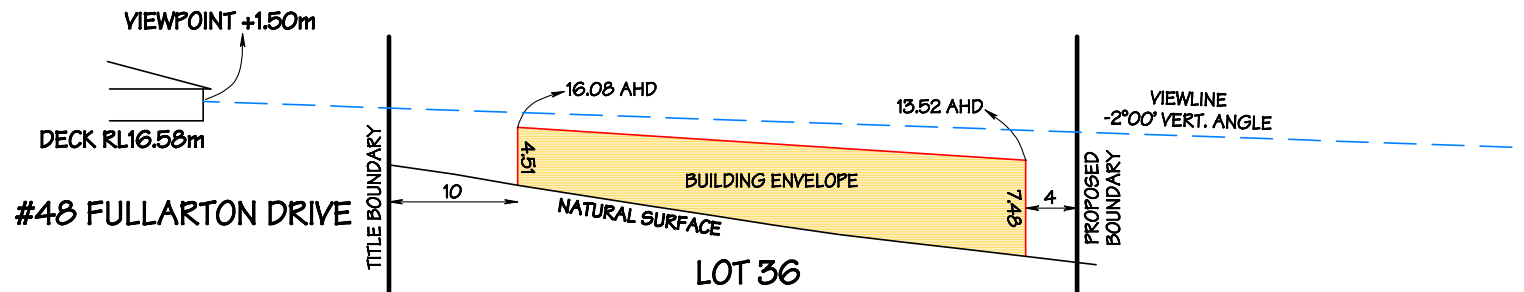
SURVEYORS REF.

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VERSION 1 - DRAWN 30/05/2023

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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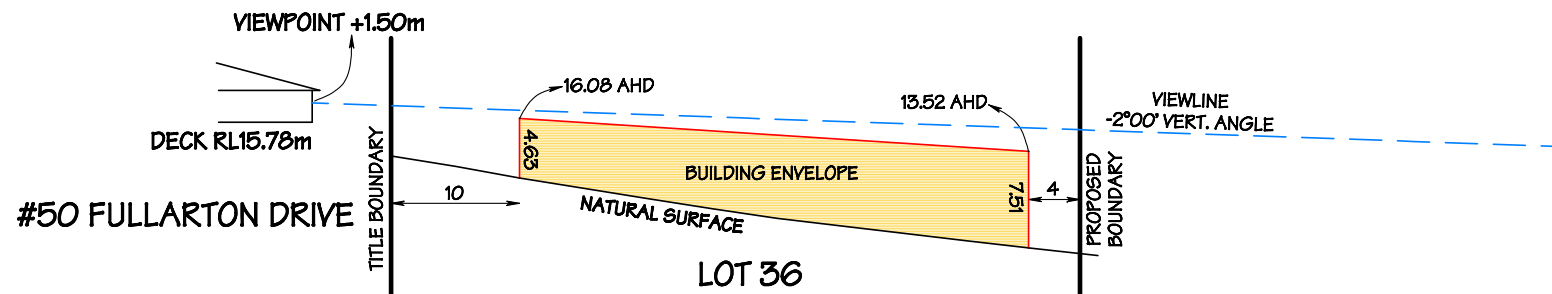
SURVEYORS REF.

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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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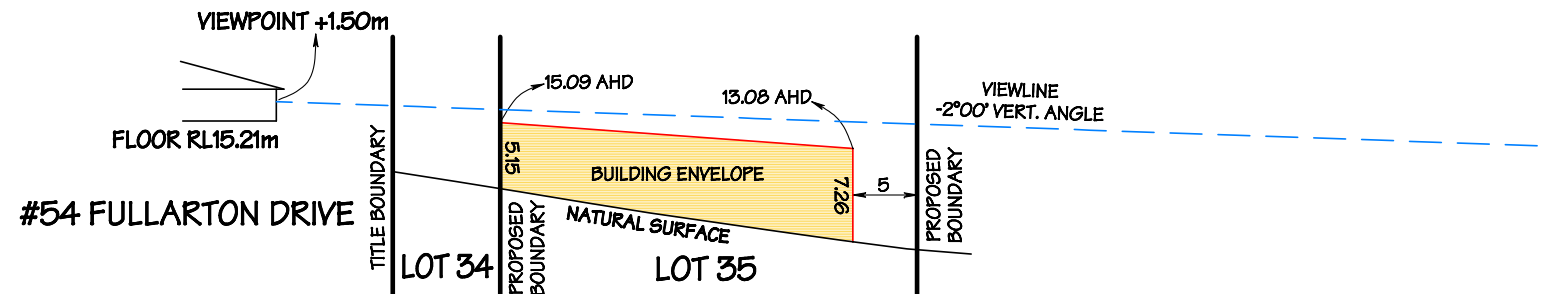
SURVEYORS REF.

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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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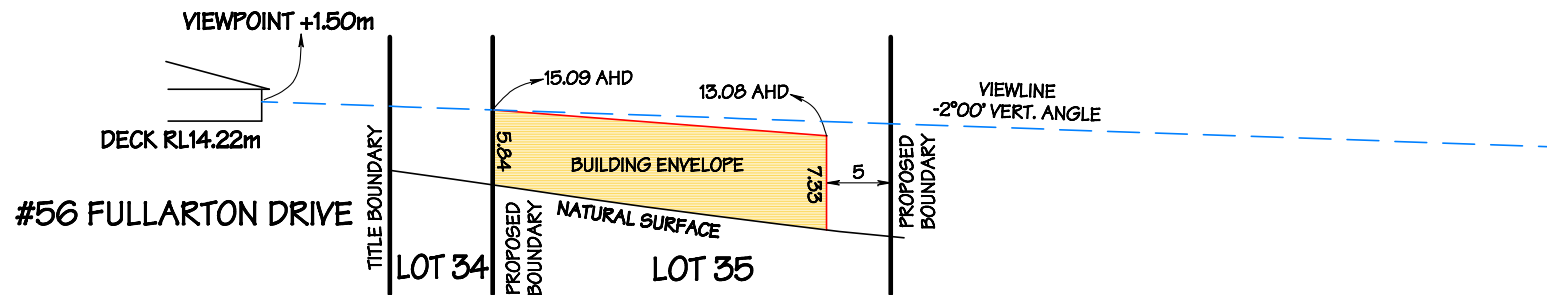
SURVEYORS REF.

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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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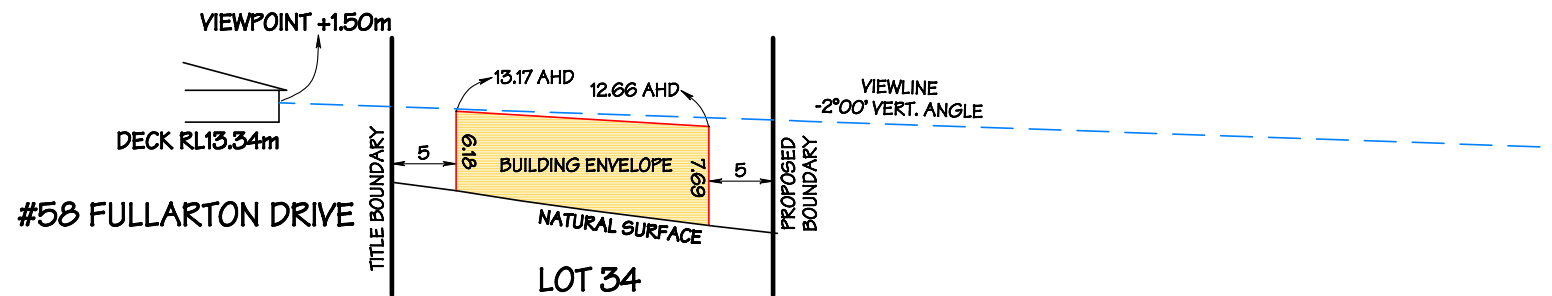
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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

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
UNLESS OTHERWISE DICTATED BY OBLIQUE VIEWLINE

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FILENAME: 19972 Cross-Section Diagrams V1.pro

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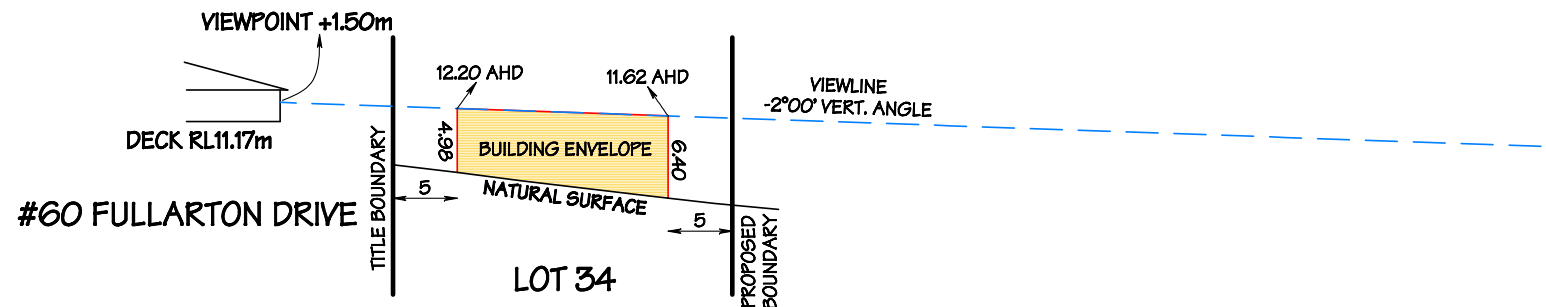
SURVEYORS REF.

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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #60 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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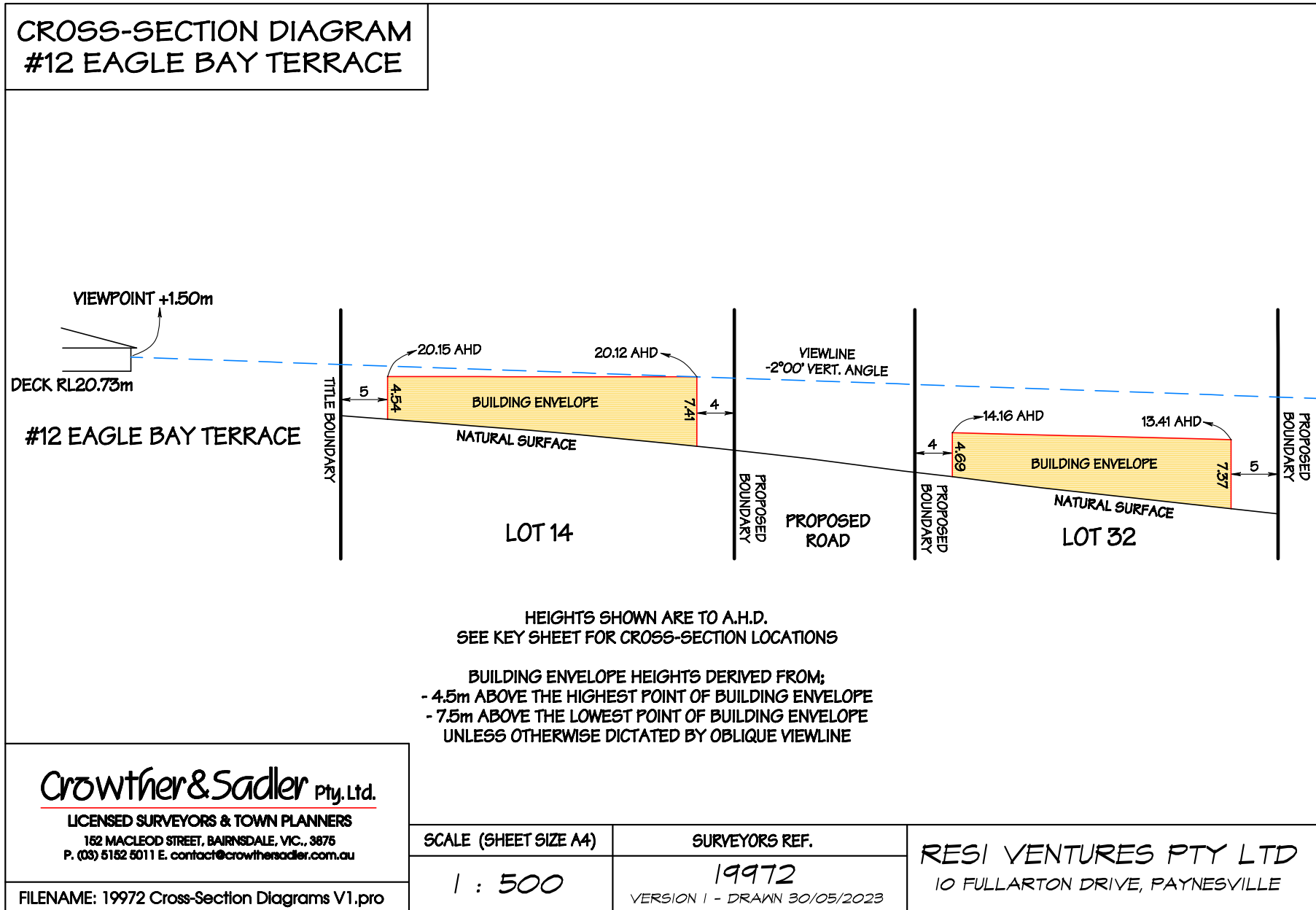
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SURVEYORS REF.

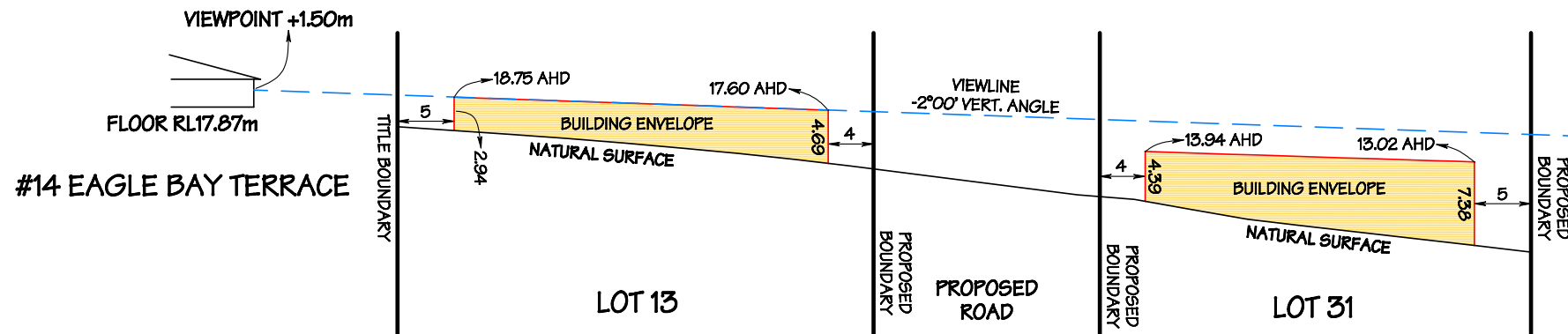
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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE



CROSS-SECTION DIAGRAM #14 EAGLE BAY TERRACE



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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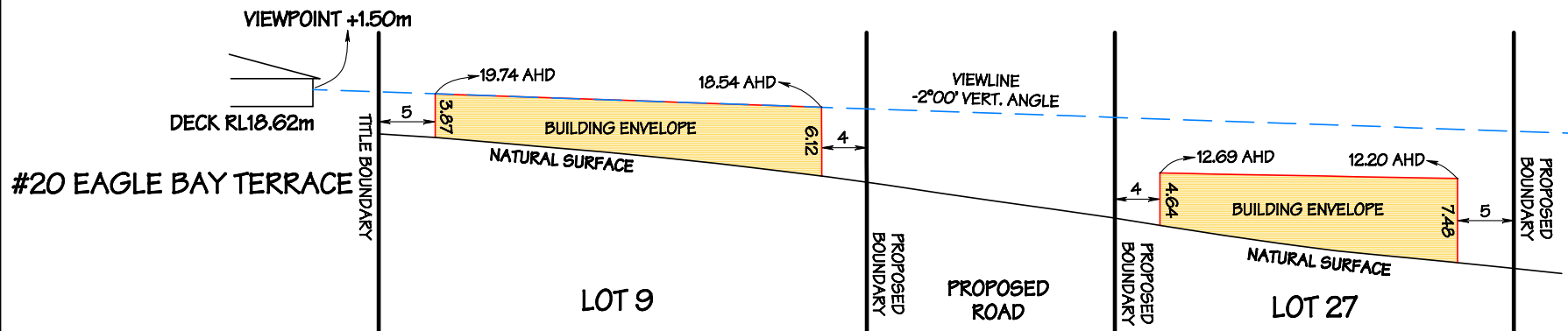
SURVEYORS REF.

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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #20 EAGLE BAY TERRACE



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)

1 : 500

SURVEYORS REF.

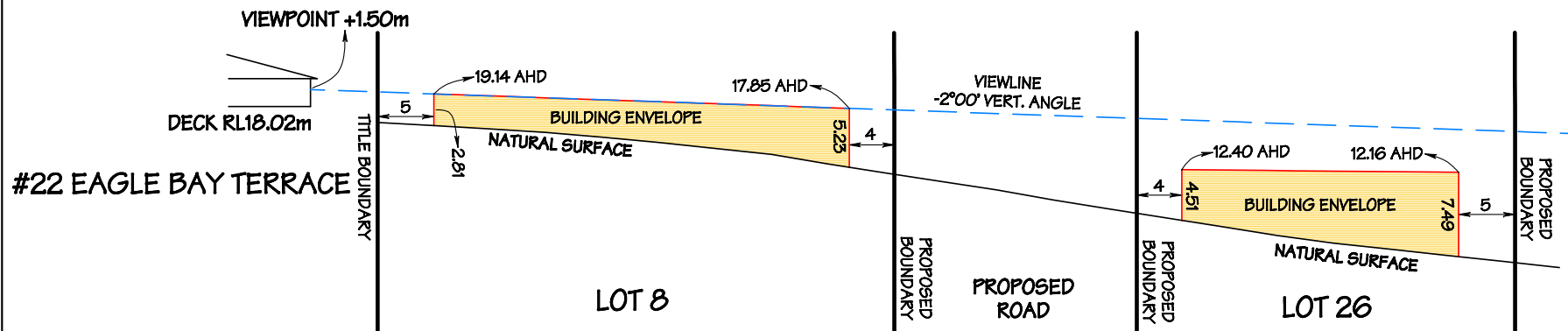
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VERSION 1 - DRAWN 30/05/2023

RESI VENTURES PTY LTD
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

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.

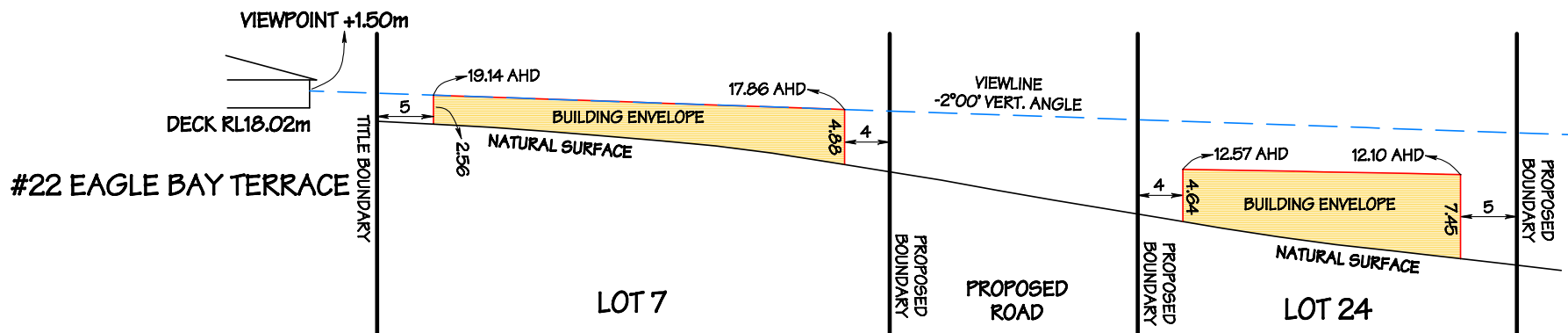
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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #22 EAGLE BAY TERRACE

DIAGRAM 2 OF 2



HEIGHTS SHOWN ARE TO A.H.D.
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SURVEYORS REF.

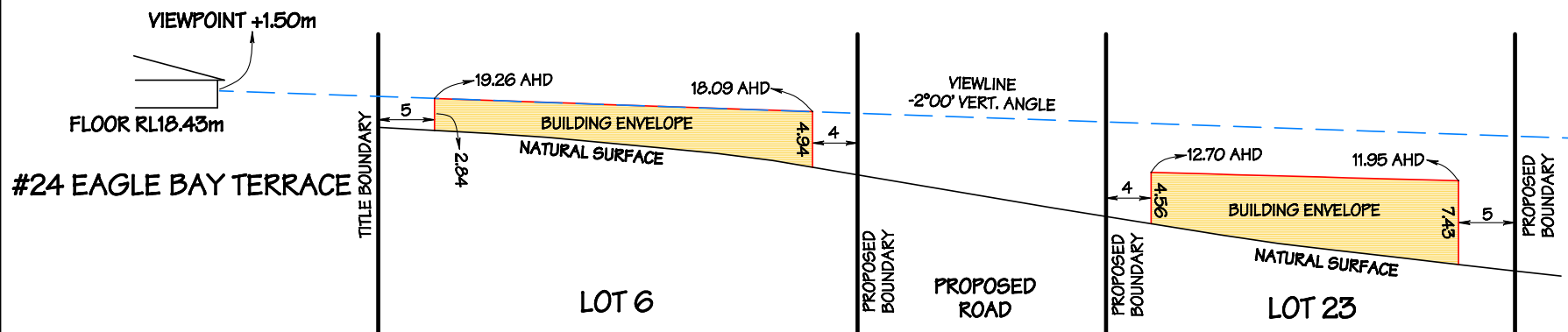
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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #24 EAGLE BAY TERRACE

DIAGRAM 1 OF 2



HEIGHTS SHOWN ARE TO A.H.D.
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BUILDING ENVELOPE HEIGHTS DERIVED FROM;
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SCALE (SHEET SIZE A4)

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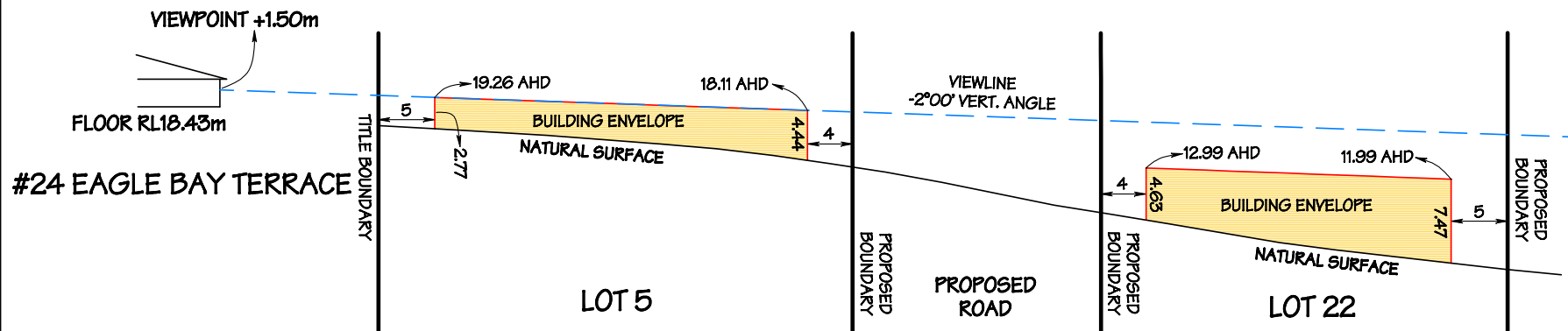
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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #24 EAGLE BAY TERRACE

DIAGRAM 2 OF 2



HEIGHTS SHOWN ARE TO A.H.D.
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SCALE (SHEET SIZE A4)

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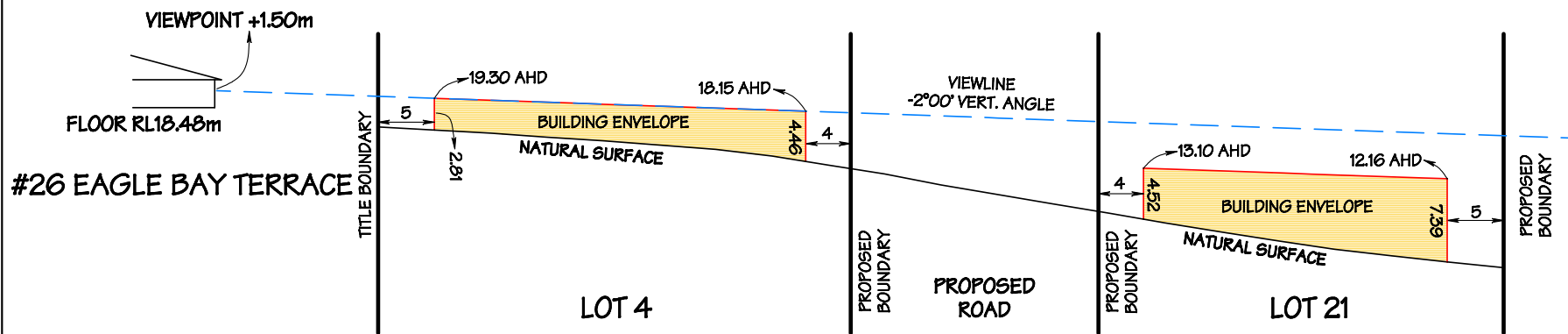
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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #26 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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FILENAME: 19972 Cross-Section Diagrams V1.pro

SCALE (SHEET SIZE A4)

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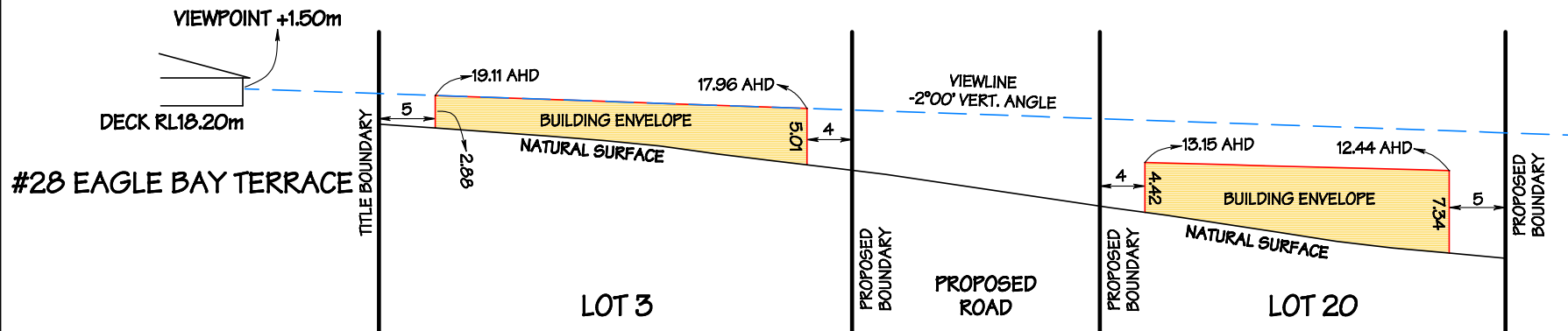
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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #28 EAGLE BAY TERRACE



HEIGHTS SHOWN ARE TO A.H.D.
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SCALE (SHEET SIZE A4)

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SURVEYORS REF.

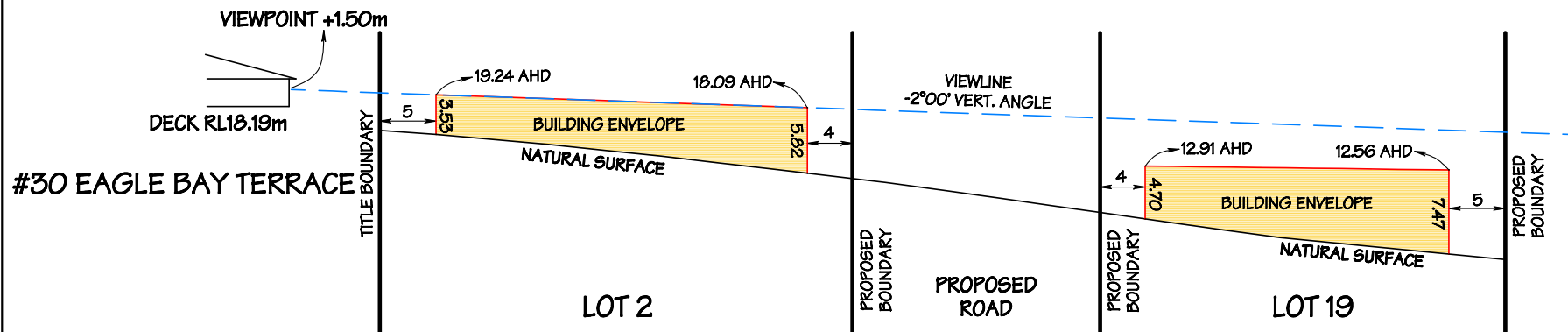
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VERSION 1 - DRAWN 30/05/2023

RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #30 EAGLE BAY TERRACE

DIAGRAM 1 OF 2



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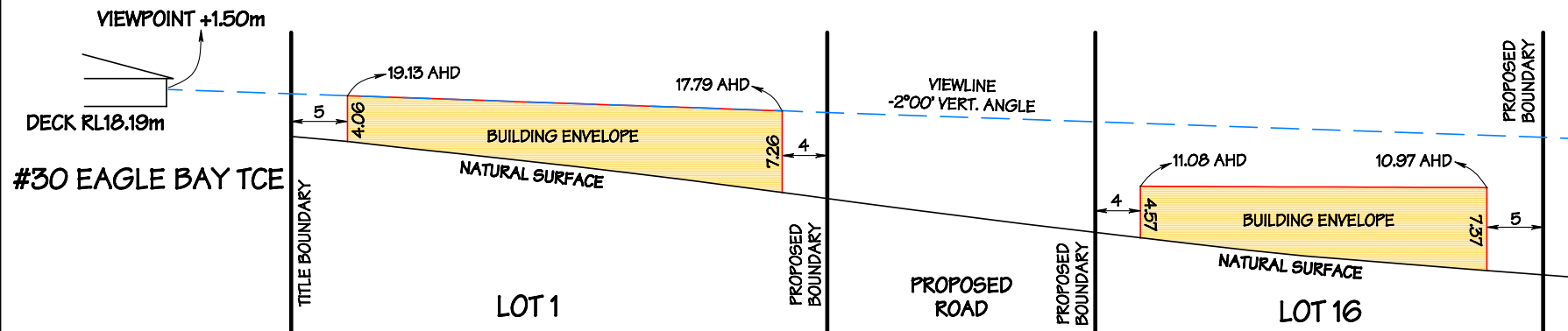
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RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

CROSS-SECTION DIAGRAM #30 EAGLE BAY TERRACE

DIAGRAM 2 OF 2



HEIGHTS SHOWN ARE TO A.H.D.
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BUILDING ENVELOPE HEIGHTS DERIVED FROM;
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VERSION 1 - DRAWN 30/05/2023

RESI VENTURES PTY LTD
10 FULLARTON DRIVE, PAYNESVILLE

Relevant planning scheme considerations

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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.

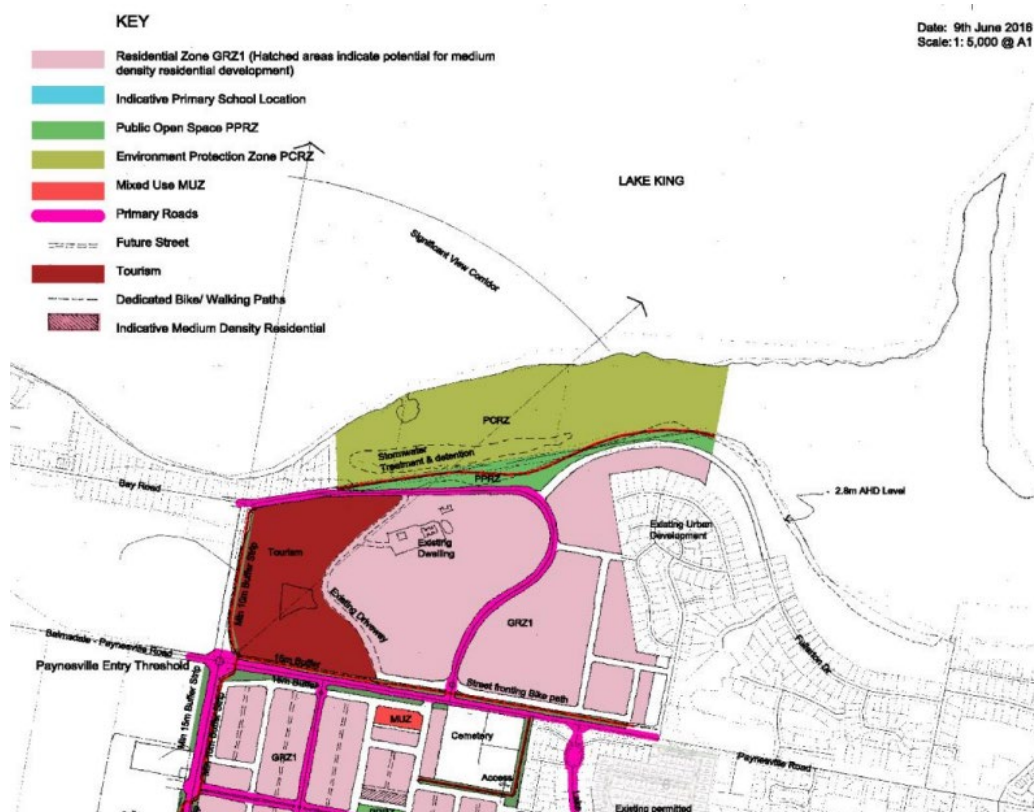


Figure 1 – Extract of Figure 2: Paynesville Growth Area – Preferred Urban Structure (PGASP August 2016)

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

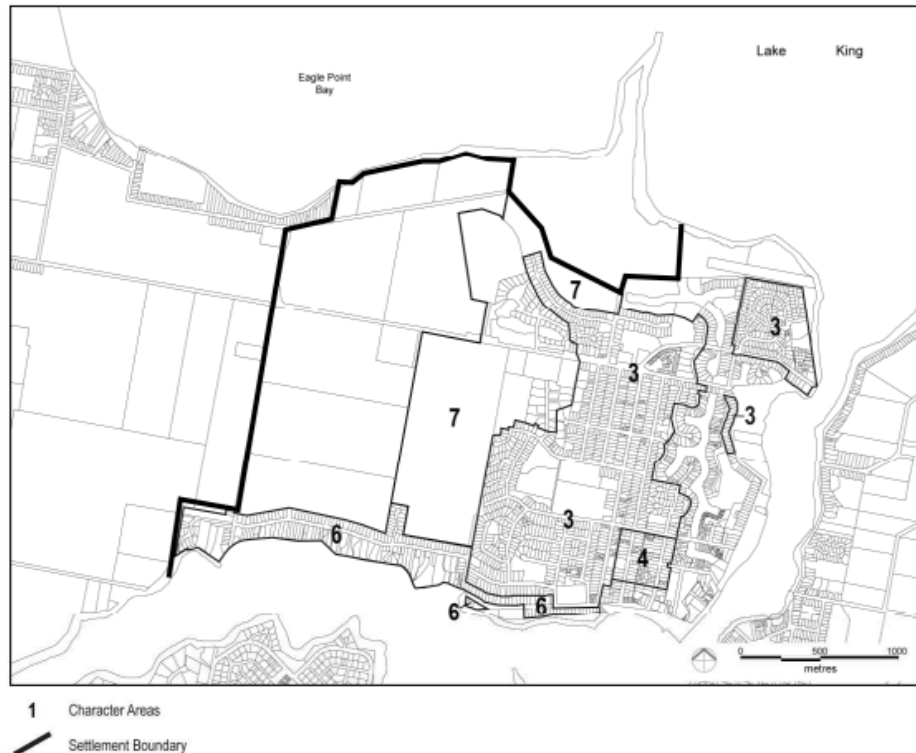
- The design objectives of this schedule.
- The vision statements, objectives and strategies at Clause 21.06-2, Strategies for Sub-regions, Towns and Localities (Lakes & Coastal).
- Any relevant siting and design guidelines prepared by the Victorian Coastal Council or the Gippsland Coastal Board.
- Any 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	<p>Subdivision should increase visibility and surveillance by:</p> <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. 	<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>	<p>Complies</p> <p>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.</p>
56.04-5 Common Area	<p>To identify common areas and the purpose for which the area is commonly held.</p> <p>To ensure the provision of common area is appropriate and that necessary management arrangements are in place</p> <p>To maintain direct public access</p>	<p>To subdivide land that creates common land must be accompanied by a plan and report identifying:</p> <ul style="list-style-type: none"> 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 	<p>There are no areas of Common Property nominated.</p>	<p>Not applicable</p> <p>No common property is proposed</p>

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
		systems, utilities and planting of trees. <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 seweraged and no provision has been made for the land to be seweraged, 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.

4 Councillor and Delegate Reports

5 Officer Reports

5.1 Chief Executive Officer

5.1.1 Proposed amendment to Rural Councils Victoria Rules of Incorporation

Authorised by Chief Executive Officer

Conflict of Interest

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

Executive Summary

This report presents a proposal for Council's consideration to seek a Special Resolution at the next Rural Councils Victoria Inc (RCV) Annual General Meeting to amend the Incorporated Rules (the Rules) on the length of term for regional representatives.

RCV is the peak body for rural Councils and has successfully advocated on a range of issues that impact on rural Councils such as housing policy, funding for rural communities, community engagement principles and practice, climate change adaption and responsibilities and other issues.

Councillors discussed the length of appointment to RCV following their annual review of external groups and committees' representation.

The recommendation is presented for Councils consideration. Further options are available as outlined in the report.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. authorises the Chief Executive Officer to prepare and submit a Special Resolution to the forthcoming Rural Councils Victoria Annual General Meeting seeking to change the term of appointment of regional representatives from four years to two years; and***
- 3. requests the Chief Executive Officer formally advise the Chair of Rural Councils Victoria, the other Gippsland Council members being Wellington Shire Council and South Gippsland Shire Council and the Rural Councils Victoria Secretariat of Councils intention as soon as possible.***

Background

Our records indicate that East Gippsland Shire has been a member of RCV since 2006.

During this time a number of representatives have been on the Committee and Council has supported a range of initiatives and projects led by RCV.

The business of RCV is managed by, or under the direction of, a Committee that is made up of six Councillors and six Chief Executive Officers elected from six regional groupings.

East Gippsland Shire Council sits in the Rural Southeast Region, along with South Gippsland and Wellington Shire Councils. Current RCV representatives of this region are Cr Sonia Buckley (East Gippsland) and the CEO of Wellington Shire Council.

Committee members are elected in accordance with the RCV's Rules. It commences within 10 weeks after a Council election, with representatives being elected through votes cast by RCV member Councils in the region from which representatives have been nominated. Rules 51 and 52 detail the mechanics of elections (**refer Attachment 1**).

The business of RCV is managed by, or under the direction of, the Committee with the following composition:

- Chair;
- Deputy Chair;
- Ordinary Committee members;
- Secretary; and
- Treasurer.

Committee members serve four-year terms. There is no cap on the number of consecutive terms a Committee member can serve. Currently the Rules are silent on the number of terms either a (re-elected) Councillor or CEO Committee member can serve with RCV.

To propose a change to the Rules, a member Council is required to provide written notification to RCV that it intends to propose a special resolution to a general meeting. The notification must state the full special resolution and be received by RCV in time for it to be included in the business papers and circulated to members 21 days ahead of the date of the general meeting. To succeed, the special resolution would need to be supported by 75% of the member delegates voting at the general meeting.

It is understood that RCV's Annual General Meeting will be held in September.

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

Council Policy

This report is consistent with the requirements of the Council Representation Policy.

Options

Representative terms

These include reducing terms of appointment from four years to either one or two years.

Shorter terms have the potential to deliver a range of positive outcomes, including:

- more Councillors would have an opportunity to contribute to the work of RCV over their four-year Council term;
- new members may bring fresh ideas and a different perspective;
- members may feel a heightened sense of urgency to get things done;
- Councillors would have more capacity to experience other representative roles across their term;
- It is easier for a Councillor member to leave the Committee if they have experienced, or are anticipating a significant increase in workload (e.g. election as Mayor of their Council), or their capacity changes for other reasons; and
- it is easier to replace a member who is no longer fully engaged or who no longer wishes to serve on the Committee for any reason.

It is recognised that shorter terms may have some disbenefits as well, including:

- potential loss of experience and Committee history;
- more time being spent on inductions and new Committee members 'getting up to speed'; and
- more frequent elections, which will mean an increased administrative burden.

For comparison, two-year terms would be consistent with Board terms at other entities with a Local Government focus, including the Municipal Association of Victoria (MAV) and Victorian Local Governance Association (VLGA).

Consecutive representative terms

Council may also want to consider the number of consecutive terms a committee member can be the RCV representative. Direction would be sort from Council as to the preferred cap if any.

This too would be consistent with what happens in other forums. For example, in 2022 the Municipal Association of Victoria amended its Rules of Association to (among other things) cap the number of consecutive terms Board Members can serve to four (a maximum of eight years) unless otherwise resolved by its State Council.

The benefits and disbenefits are not dissimilar to those outlined above.

No change

Council may determine that no change is required to the current four-year Committee member terms.

Resourcing

Financial

There are no financial resourcing implications for this report. The annual membership fee is budgeted. The annual membership fee for 2022/23 was \$4,400 (Incl. GST).

Plant and equipment

Not applicable.

Human Resources

Not applicable.

Risk

There are no risks associated with this report.

Economic

Not applicable to this report.

Social

Not applicable to 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

This matter has been discussed with and between Councillors.

Attachments

1. Extract_-_ Rural Councils Victoria Rules of Incorporation [5.1.1.1 - 1 page]

Extract

Rural Councils Victoria Rules of Incorporation

Rule 51

Committee member elections

1. Within 10 weeks after each Election Day, the Committee must call for members to nominate eligible persons for election as CEO and Councillor Committee members.
2. Each member may only nominate CEOs and Councillors who hold an office of that member.
3. On the date 10 business days after the date on which nominations are called for in accordance with subrule (1), the time during which members may nominate persons for election as CEO and Councillor Committee members closes.
4. If, after the nominations close, there is only 1 CEO and 1 Councillor nominated for a Region, those persons are elected to the relevant position on the Committee.
5. If the number of CEOs and/or Councillors nominated for a particular Region is greater than 1, a ballot must be conducted for that Region, in accordance with rule 52.

Rule 52

Ballot

1. If a ballot is required for the election for a CEO or Councillor Committee member position in a particular Region, the Committee, within 3 business days of nominations closing, must send to each of the members listed under that Region an electronic ballot form.
2. The electronic ballot form must list each of the nominated persons for the relevant Committee position in that Region.
3. Each member provided with an electronic ballot form must within 10 business days, select the single person for whom it wishes to vote, and submit the electronic ballot form to the Association.
4. Electronic ballot forms that do not comply with subrule (3) are not to be counted. (5) Each electronic ballot form on which the name of a candidate has been selected counts as 1 vote for that candidate.
5. The Committee must declare elected the candidate who received the most votes.
6. If the returning officer is unable to declare the result of an election under subrule (6) because 2 or more candidates received the same number of votes, the Committee must decide by lot which of them is to be declared elected.

5.2 Assets and Environment

5.2.1 CON2023 1548 Buchan Main Street and Linkages Project

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 construction of civil and landscaping works associated with main street redevelopment, Main Road, Buchan will deliver an improved pedestrian network within the township by:

- making the connection between the shops easier for pedestrians to navigate;
- increasing vehicle and pedestrian movement to the existing playground and BBQ area;
- increasing car parking;
- improving the traffic movements within the town; and
- providing an extension to the footpath network and formalising the current turnaround area which also provides further parking infrastructure.

The above works will complete the final stage of the overall project with the pedestrian linkage from the township to the cave reserve now complete. The design is detailed in **Attachment 3**.

The purpose of this procurement is to secure a contract with an experienced contractor to reconfigure the main road and service roads that act as the main street for Buchan. The project will optimise parking while enhancing the visual appeal of the streetscape located at Buchan – Road Reserve. This project will boost the tourist economy by improving access to and enhancing the appeal of the town centre encouraging people to stop, stay and spend. This follows the economic impact of bushfires in Buchan followed by COVID19 impacting the effects of the economy with expenditure down by 68% in December/January 2020 and the visitation plummeted.

The project has included comprehensive community engagement throughout the design process including the use of a Community Project Reference Group.

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 of the Tender Evaluation Panel (TEP) to award the contract. A Probity Report is provided at **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 _____ for CON2023 1548 Buchan Main Street and Linkages Project 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 Confidential Attachment 1 and all discussions regarding this attachment remain confidential.***

Background

The township of Buchan was fire affected by the Black Summer Bush fires and had fires on three fronts, almost surrounding the town for much of January 2020. The district lost many properties and tragically one life. The economic impact of bushfires resulted in a decrease of expenditure by 68% and visitation plummeted. Visitors to the Buchan Caves Reserve decreased by 58%. This event was closely followed by COVID19 which compounded an already catastrophic economic impact.

The proposed project originates from the Buchan Streetscape Place Activation Plan which went through extensive community consultation and multiple on-site feedback sessions. The plan identified improved pedestrian access within the township, parking, activation, and beautification of the town as key priorities.

The main road and service roads that act as the main street will be reconfigured to optimise parking while enhancing the visual appeal of the streetscape. The area will be landscaped, and provision made for informal gatherings through providing street furniture and adding to the attractiveness and aesthetic appeal of the area.

Shared path links have been completed as a previous stage of these works. They have provided a pedestrian link to the Buchan Caves campsite which will help facilitate tourist movement between the popular tourist destination and the town proper, to encourage campers and glampers to walk or cycle to town. A shared path link to the recreational reserve has also been completed to further improve the cohesiveness to the town and create a pedestrian accessible overflow parking area.

The construction of civil and landscaping works associated with Main Street Redevelopment, Main Road, Buchan is the subject of this tender and report and it is designed to achieve the following:

- Additional parking on the south service road;
- Road realignments with one-way street access on the North and South service roads, this will allow intersections to be realigned and safe treatments used;
- Relocation of existing historical displays (so additional parking can be constructed);
- Planting;
- Outdoor dining spaces;
- Upgraded/construct new footpaths;
- Upgraded/construct new picnic areas; and
- Improved pedestrian safety and ability to walk.

These physical works are anticipated to generate an uplift in property values; new investment into Buchan; and an extension of visitor time and spend in Buchan. Improvements to the public realm and streetscape amenity will encourage more locals and visitors to stopover, dwell and spend which will have benefits to residents, visitors, and the retail and commercial businesses in the town centre.

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 report has not been prepared in collaboration with another local government or agency given the remote location and bespoke design.

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.

Community Engagement has been undertaken in accordance with Council's Community Engagement Policy.

Options

Tenders received have been assessed by a TEP. The TEP Report, provided at **Confidential Attachment 1**, details the assessment of options for the selection of a contractor for the project.

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

Resourcing

Financial

The project is funded by the State Government's Local Economic Recovery Program – Bushfire Recovery Regional Economic Stimulus and Resilience Grant Fund and with additional Council funds.

Further detailed financial information is contained 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 Council human resources are required to manage this project.

Risk

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

Economic

As per Council's Procurement Policy, the tender evaluation process used for this tender considered local content as an assessable criterion with a 5% weighting. This considers factors such as local purchasing, employment, and any subcontracted services locally. More broadly this project is considered to support the local Buchan economy, encouraging visitors to move through the main street and support local businesses.

Buchan is a rural town that supports a small but resilient farming community and the Buchan Caves. The Caves are a well-recognised and iconic tourist attraction in East Gippsland and the region's most visited attraction. This project is designed to draw more of the visitor economy into the Buchan town, by improving access to and enhancing the appeal of the town centre, encouraging people to stop, stay and spend. This will not only benefit the business owners but also the community by potentially providing further access to employment.

Social

The Buchan main street and Linkages project will deliver additional parking, road safety improvements and improved pedestrian facilities, long sought by the local community.

Gender Impact Statement

The construction of civil and landscaping works associated with main street Redevelopment Main Road; Buchan Project has considered the *Gender Equality Act 2020* in its preparation. The Project has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

As per 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 origins of the project are drawn from the Buchan and District Community Plan 2011 -16 which identified the development of walking and cycling paths that link our visitor attractions and improve connectivity for local people as being a priority. This was further reinforced in the Draft Community Recovery Plan 2023 – 2028 which has as a priority to Develop a vibrant main street through utilisation of the pending upgraded infrastructure to further enhance the appearance of the Buchan township.

Council has undertaken comprehensive engagement with the Buchan community and individual stakeholder groups from the project concept stage through to detailed design. This relationship will continue throughout the duration of the construction.

Initial community consultation was conducted with an external consultant - Village Well and the Street Activation Plan, which was well attended by the local community. On-site community consultation sessions for the proposed design of the main street were undertaken on the following dates:

- 25 May 2022;
- 12 June 2022;
- 27 July 2022;
- 17 October 2022; and
- 18 October 2022.

Council conducted a mail out to seek feedback on options provided at the concept stage of this project. A survey was also conducted at this stage to gain an understanding on what the community wanted within their town.

Ongoing engagement has continued with the Project Reference Group and key stakeholders with representatives from the quarry, local traders, community members and other government agencies; to ensure development proposals meet the community's needs. This project reference group has provided advice to Council on the design throughout the project, including, most recently, a minor rescope of the project to ensure the design and budget were compatible.

A YourSay page was created on 31 May 2021 and published for community to access information and provide feedback. 343 people have visited the YourSay page, with 195 people using a search engine to find the project online. Twelve project updates have been provided to the community through the YourSay page, and a newsletter was emailed to project followers on 18 May 2023 to advise the newly constructed footpath link is open for public use.

An internal Project Supervisor for the works will be responsible for coordinating information and engagement with the community and stakeholders regarding the construction works, staging and timing. As part of the construction methodology, the contractor will be responsible for ongoing communication with any affected residents in terms of property access during the works.

Engagement activities targeting the broader community promoting the project and any potential impacts throughout its implementation will be initiated following the award of the contract.

Attachments

1. CONFIDENTIAL - CON2023 1548 Tender Evaluation Report [5.2.1.1 - 10 pages]
2. CON2023 1548 Probity Review Report [5.2.1.2 - 2 pages]
3. Revised Design Layout Plan [5.2.1.3 - 1 page]



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28 August 2023

Ms Cheryl Nicholson
 Procurement Co-Ordinator
 East Gippsland Shire Council
 PO Box 1618
 BAIRNSDALE VIC 3875

Dear Cheryl,

Probity Review – CON2023 1548 – Buchan Main Street & Linkages Project

You have sought probity services in relation to the CON2023 1548 – Buchan Main Street & Linkages Project. 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;
- The tender opening was undertaken in accordance with the procurement requirements, and

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- Applicants were evaluated in accordance with the documented evaluation criteria and weightings; and
- The report to Council reflects the outcome of the evaluation process.

Review Conclusion

From the procedures we have undertaken 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

CROWE AUDIT AUSTRALIA

G. Robertson

GORDON ROBERTSON
Partner

BUCHAN STREETSCAPE & LINKAGES PROJECT
STREETSCAPE LAYOUT PLAN



5.2.2

Raymond Island Ferry - Service Charter Refresh

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

In 2020, Council engaged the services of an external consultant to review the Raymond Island Ferry Service and to develop a recommendation document for the operation of the Ferry. This document covered the provision of services made available during operation, unplanned and planned outages.

This review included consultations with the Raymond Island and Paynesville residents and community, business owners, emergency service providers and frequent users of the Ferry. The review document was then presented to Council for consideration in May 2020 and was then condensed into the Raymond Island Ferry Service Charter, which was made available to the public on Council's website prior to the scheduled 2021 out of water survey (slipping).

The original Service Charter document was prepared in accordance with the Raymond Island Ferry Operations contract as the contractor was responsible for providing numerous services pertained within the contract specifications which included providing services during unplanned and planned outages.

In October 2021, one week post the slipping, the Raymond Island Ferry Operations contract was terminated before its scheduled contract ending date by mutual agreement and the Raymond Island Ferry operation was brought in-house.

Since the operation has been with the in-house model, it has provided Council Officers the opportunity to review documents associated with the Ferry and make necessary amendments to reflect the actual operation and services provided. The amendments reflect what is current practice and it is therefore not considered necessary to undertake further consultation on the Service Charter at this time.

There is now a need to align the Service Charter with the in-house model of Ferry operation, as the Charter refers to the contractor in several sections.

Though the documents informing the Raymond Island Ferry Service Charter were adopted by Council, the Service Charter in its finalised form was not. Given the minor refresh of the Service Charter that was required, it was also seen as an opportune time to have the Service Charter itself adopted by Council.

The revised Raymond Island Ferry Service Charter is presented as **Attachment 1**, with the tracked changes version provided as **Attachment 2** so the changes are easily identified. The changes have also been reviewed by members of the original Community Reference Group used to establish the Service Level and the Raymond Island Community Association. Additional minor changes have been made based on this feedback.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. approves the modified Raymond Island Ferry Service Charter provided at Attachment 1; and***
- 3. authorises the Chief Executive Officer or delegate to make further changes to the Raymond Island Ferry Service Charter when required, where these changes are of an administrative nature and do not make a material change to the service.***

Background

The Raymond Island Ferry Operations is now an in-house service and all staff involved in operating the Ferry are direct Council employees with the exception of the Hydraulics, Electrical and Maintenance Coordination contracts. Council has assumed the responsibility of providing assorted services during both unplanned and planned outages.

In consultation with the Ferry Operations Supervisor, the Ferry Service Charter has been reviewed and modified to accurately reflect the services and commitment provided by Council, whilst removing any previous reference to the contractor and their obligations. This review also prompted officers to include some additional essential information relating to the Level of Service provided.

As this Charter is prepared to define the service standards provided by Council for transport connectivity between Paynesville and Raymond Island, it is to be considered guiding but not legally binding, therefore allowing Council to reserve the right to review and modify the Service Charter as required from time to time.

The Service Charter is derived from a report on the operations of the Raymond Island Ferry adopted by Council in May 2020. As the Service Charter has not been adopted in its current form, it was considered appropriate to bring the Service Charter to Council for formal consideration.

The changes proposed in the Service Charter are of an administrative nature or are changes of clarification as shown in the tracked changes provided as **Attachment 2**. Therefore, broader consultation on the changes is not considered appropriate.

Legislation

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

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

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

As this Service Charter is prepared to define the service standards provided by Council for transport connectivity between Paynesville and Raymond Island, it is to be considered guiding but not legally binding, therefore allowing Council to reserve the right to review and modify as required.

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

This report and recommendations are in accordance with the East Gippsland Shire Council Customer Experience Strategy.

Options

Council has the option of:

- noting and endorsing that the proposed changes to the Service Charter as these are of an administrative nature only and do not change the way the Ferry is currently operated (preferred); or
- considering that there is no requirement for Council to adopt the Service Charter as it reflects current operating practices; or
- requests further changes to the Service Charter prior to adoption.

Resourcing

Financial

Not applicable.

Plant and equipment

Not applicable.

Human Resources

Not applicable.

Risk

The risks of this proposal have been considered and the changes to the Service Charter are considered to mitigate the risk of having an out-of-date service charter.

Economic

The Service Charter gives businesses and service providers attending Raymond Island with surety about the service availability and therefore the ability to plan the delivery of service accurately.

Social

Raymond Island Ferry is a critical piece of Public Transport and the only form of Public Transport which links Raymond Island to the mainland of Paynesville. The Ferry averages more than 43,000 trips annually accommodating over 500,000 passengers annually which consists of tourists, emergency services and residents of Raymond Island commuting.

Gender Impact Statement

Not applicable.

Environmental

There are no identified environmental impacts in relation to this report.

Climate change

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

Engagement

In 2018-19, an extensive engagement with Raymond Islanders and other Ferry Service users was undertaken. This included the use of a Service Reference Group, surveys, and broader whole of island engagement. The information gleaned in this extensive consultation and agreed to by the community reference group has been used to guide and generate the Service Charter for the Raymond Island Ferry.

As the proposed changes are either to clarify points of ambiguity or remove references to the former external Ferry operator, the changes are not considered to require further public consultation.

However, the Raymond Island Community Association and members of the original members of the 2020 Community and Users Reference Group were contacted and provided with a copy of the proposed changes. Minor changes were made to the final version of the Service Charter presented to Council, based on this consultation.

Attachments

1. Raymond Island Ferry Service Charter June 2023 Final (clean) [5.2.2.1 - 9 pages]
2. Raymond Island Ferry Service Charter June 2023 Final (tracked changes) [5.2.2.2 - 10 pages]

East Gippsland Shire Council

Service Charter

Raymond Island Ferry

East Gippsland Shire Council (Council) operates a vehicle and passenger Ferry service between Raymond Island and Paynesville. As part of Council's commitment to provide quality service, Council has developed a Service Charter or 'level of service' commitment for the operation of the Ferry, including the provision of services during Ferry outages.

Purpose

This Charter is a statement of Council intent to more clearly define service standards for transport connectivity between Paynesville and Raymond Island. . The Charter provides overarching, principles-based policy guidance, as well as procedural guidance on specific operational issues. The Charter is a guiding but not legally binding instrument. The Charter is based on recommendations endorsed by Council at its meeting on 5 May 2020 and Council reserves the right to review and modify this Charter as required. Major changes to the Charter will be undertaken in consultation with service users.

The purpose of this Charter is to:

- Provide a set of guiding principles to be used to guide the operations of the Ferry,
- Provide a statement outlining service levels for transport connectivity and related services between Paynesville and Raymond Island;
- Provide clarity of service provision for Ferry patrons, emergency services agencies, utilities providers and other service providers;
- Serve as a basis for developing future contracts for the operation of the Raymond Island Ferry service;
- Contribute to increased certainty of service levels and associated costs; and
- Provide improved customer service through increased consistency, communication and understanding of service standards and arrangements.

Scope

This Service Charter covers:

- Guiding principles for operation of the service
- Scheduling of the service including operating times and emergency management.

East Gippsland Shire Council - Service Charter - Raymond Island Ferry Version 2 June 2023 Page 1

- Ferry Passes
- Arrangements for Ferry outages (planned and unplanned)

The Service Charter does not cover user fees (other than in the Principles), which are set by Council as part of its annual budget process.

Principles guiding service delivery

The Raymond Island Ferry service is delivered in accordance with the following principles:

1. Provide a safe service;
2. Excellent customer service;
3. Provide a timely and reliable service;
4. Operate the service in accordance with all relevant acts and regulations;
5. Ongoing communication and co-operation with the Principal, Ferry patrons, emergency services and other relevant stakeholders;
6. Provide an environmentally friendly and responsible service; and
7. Enhancement of Council's image through the operation of the service.

Service Effectiveness

1. Transport connectivity to Raymond Island will always be constrained by the fact that it is an island with no direct road from the mainland.
2. The Ferry aims to provide reliable, efficient and effective access for persons, vehicles and services.
3. The Ferry provides a safe service that minimises the risk of harm to persons and property arising from its operations.
4. Council provides an alternative services during outages to provide a minimum level of access and minimise inconvenience caused by disruptions to the Ferry service.

Service Efficiency

1. Efficient use of resources including the Ferry itself, related infrastructure, operating and maintenance personnel, and alternate passenger and vehicle vessels.
2. Ongoing communication and co-operation between the Ferry Operator, Ferry patrons, emergency services and other relevant stakeholders.

Financial

1. In that the Raymond Island Ferry is a core service; ratepayers of East Gippsland should equitably share the cost of the service.

2. Residents of Raymond island should not incur a fee for access to their homes.

Community

1. The Ferry service will be managed and operated to address community needs and to ensure equity and access.
2. The unique character of the Ferry will be exploited to contribute to the amenity of the Raymond Island and Paynesville, visitors and the East Gippsland community.

Level of Service

Scheduling

1. Variations to Standard Operating Schedule

In the event of weather temperatures exceeding 32°C the Master of the Ferry has responsibility to ensure safety of the vessel and passengers. The master of the Ferry shall exercise absolute discretion on increasing the amount of Ferry trips against the advertised timetable as a continuous service to alleviate the risks to patrons being in vehicles for extended periods during extreme heat. This will continue until the Master is satisfied it is again safe to resume normal timetabled operations.

Alternatively, if adverse weather conditions present dangerous tidal systems in the MacMillan Strait or other unsafe operating conditions determined by the Master, the Master of the Ferry has responsibility to ensure safety of the vessel.

Accordingly, the Master shall exercise absolute discretion on reducing or ceasing the amount of Ferry trips against the advertised timetable until it is again safe to resume normal timetabled operations.

Ferry Passes

Council issues a variety of different Ferry passes, with a requirement that:

1. All drivers with a valid annual Raymond Island Ferry pass must display this pass at all times or pay the appropriate fee for travel.
2. Passes must not be copied or duplicated;
3. Transferable Passes are for the use of persons usually resident in the address to which the pass has been issued.
4. Those not abiding by the conditions of use and payment for the Ferry Service are subject to penalties described in the East Gippsland Shire Council General Local Law Part 8.

Ferry operating times

Council commits to develop and publicise a Ferry Timetable that will be readily available to passengers via Council's website and / or fixed signage at both the Raymond Island and Paynesville waiting areas. Council will where possible also use electronic signage to advise of any temporary changes to the timetable.

The Ferry operators will make every effort to follow the published timetable, other than in emergency events or other events beyond the Ferry operators' control.

1. Seasonal Peak Periods:

East Gippsland Shire Council - Service Charter - Raymond Island Ferry Version 2 June 2023 Page 4

A continuous service will operate during peak periods. This will be at the discretion of the Ferry Master.

During Winter school and public holidays, an immediate return trip will only operate when the Ferry is full. This will be at the discretion of the Ferry Master.

An additional operator shall be provided to provide greater efficiency and manage risk during these seasonal peak times with approval given by the Superintendent.

2. Emergency evacuation

The Ferry service will be available 24 hours a day for evacuation in the event of major emergencies.

Transportation during an emergency will include emergency service responding vehicles and walk-on passengers only. Emergency service vehicles will always have priority.

Depending on the nature of the emergency, and the emergency management command and control protocols operating at the time, the Ferry Master may be required to act on direction of another authority. However, the Ferry Master will retain absolute control over the physical operation and safe passage of the Ferry itself.

3. Suspending of the Ferry service

The Master may suspend the service at any time, without notice, if the Master determines that continuing the service may expose the operators or passengers to unacceptable risk. Such situations include, but are not limited to, passengers adversely affected by alcohol or drugs, displaying agitated behaviour, exhibiting a dangerous weapon, or not following the operator's directions to the extent that safety is compromised. In such events, the service will be suspended, and Police will be called. Subject to Police advice, the operator will determine when it is safe to resume normal service.

Abuse or threatening behaviour towards Operators and/or other passengers will not be tolerated.

Ferry outages

1. Definition of services to be provided during Ferry outages:

Council's Raymond Island Ferry Operations team will aim to provide a range of alternate services when the Ferry is not able to operate. This will dependant on current weather conditions and availability of extra resources.

These service disruptions are described generally as an “outage”, either planned or unplanned. During an outage the services that replace the Ferry and other associated arrangements are generally described as “outage services”.

Planned outages generally relate to an outage requiring minor or major maintenance in which the Ferry is deemed unsafe for use. Council will provide advanced notice of a planned outage allowing for residents and other commuters to appropriately prepare. Unplanned outages generally occur without notice where the Ferry required immediate maintenance. Therefore appropriate advanced notification is not possible.

The expected duration of the outage will influence which outage services are activated. An outage up to 24 hours will only activate the water taxi and standby barge. An outage exceeding 24 hours may result in additional services being provided.

Council will seek to reduce the frequency of “out of water” survey and maintenance interventions for the Raymond Island Ferry to achieve a balance between risk and Ferry maintenance requirements.

Water Taxi

A Water Taxi will be provided for outages up to 24 hours or longer. When in operation, the following measures for the use and operation of the Water Taxi apply:

- The Master of the water taxi is responsible for the safety of the vessel and passengers. The Master shall exercise absolute discretion on all matters of vessel and passenger safety.
- Emergency response will take priority over all other water taxi services.
- The water taxi will operate from a single landing point on Raymond Island (Public Jetty to the north of the Ferry terminal or the Raymond Island boat ramp Jetty (depending on weather conditions) and a single landing point in Paynesville - this maybe the boardwalk near the Ferry shelter or the Gippsland Lakes Yacht Club boat ramp jetty.
- The water taxi service will be provided for the same hours of operation as the Ferry when the Ferry is in normal service.
- An emergency stand-by service will be provided for emergency services.
- The water taxi will be free to all passengers during normal Ferry operating hours.
- Shelter will be provided at the Paynesville water taxi landing for the comfort of passengers where possible.

- The Master will attempt to accommodate mobility aids and patrons with special needs to the extent of the vessel's design and safety parameters.
- The configuration of water taxi landing platforms will aim to provide all-ability access.
- Operators of mobility scooters must display adequate competence in the operation of the mobility aid in the conditions prevailing for boarding and disembarking from the water taxi. (i.e. a floating platform subject to movement from sea state and wind).
- Passengers with pets or bicycles will be conveyed subject to the discretion of the Master as to loading arrangements and compatibility with other passengers, luggage, and animals either waiting or being conveyed. [Patrons with pets or bicycles, other than bicycle commuters/school children should seek to avoid times of peak demand (0700-0900 and 1500-1700) to minimise being required to wait until passenger only demand has been met].
- Dogs will be limited to those belonging to one family per trip with a maximum of two dogs. A dog may be refused boarding at the discretion of the vessel Master for safety reasons.
- Pets must be accompanied by a person capable of exercising effective control and must be on a suitable control lead or caged. All pets must always travel and remain at the rear (stern) of the water taxi.
- No more than two bicycles will be transported at the same time as the vessel is conveying passengers, other than at the Master's discretion.
- Dangerous goods and flammable liquids in small quantities and in suitable approved containers may be carried on the outside of the water taxi and at the absolute discretion of the Master. Gas cylinders are not permitted to be carried on the water taxi.
- Local schools and A'Beckett Park will be notified of these arrangements in advance of planned outages.

Barge

A Barge shall be made available for outages expected to exceed 24 hours, with the following measures for use applying:

- The Master of the barge has responsibility to ensure safety of the vessel and passengers and accordingly shall exercise absolute discretion on all matters of vessel and passenger safety.

- Emergency response will take priority over all other barge services.
- The barge is not available as a general commuter service..
- Access to the barge will only be available to:
 - Those vehicles (including vehicle and trailer combinations) that in the sole judgement of the Master can be conveyed safely. (this may vary from time to time depending upon sea state, wind and water levels). Caravans and small trailers will generally be unsuitable for carriage and will only be accepted where they meet all necessary safety requirements to the Master's satisfaction.).
 - Trade services and utilities providers providing urgent repair / maintenance to Raymond Island properties and infrastructure that for safety or similar compelling reasons cannot reasonably be postponed until the Ferry returns to service.
 - Trades service providers (registered businesses normally based on Raymond island) with vehicles that are specifically "tool of trade" vehicles that the service provider requires to be available on the mainland in order to perform their normal trade services. (tool of trade vehicles should be interpreted to include utilities, trucks, vans, tool trailers with specialised trade equipment and/or materials. Passenger vehicles operated by trades people are not included in this category).
 - Injured wildlife transport.
 - Mobility scooters that cannot be safely conveyed on the Water Taxi but can be safely conveyed on the Barge.
 - Vehicles delivering goods / products that the recipient could not have reasonably foreseen as being required and/ or cannot reasonably be expected to await a delay in delivery. (i.e. the recipient would suffer significant financial or other loss or damage). Inconvenience does not fall within this category nor do non-essential goods deliveries.
 - Vehicles conveying essential service providers and their equipment (visiting health/medical or home help services) for service provision that cannot reasonably be delayed, or the service provider cannot reasonably be expected to use the Water Taxi, or, it is unreasonable for the recipient to attend service provision on the mainland via the Water Taxi.
- Fee for service trips will be available to customers who do not meet the criteria for free passage at a fee determined by Council.

Temporary Car Parking

For outages exceeding 24 hours:

- Council will aim to ensure that temporary car parking is designated on public land within Paynesville during extended outages.
- Public safety lighting may be provided in designated car park area/s where practicable to do so.
- Normal parking restrictions will be monitored and enforced in areas outside of the designated temporary car parks to ensure parking is available for visitors.
- Additional disabled parking bays will be made available adjacent to the water taxi landing where practical and possible to do so.

Communication

The arrangements applicable for Ferry outages will be communicated to customers and other stakeholders through:

- the East Gippsland Shire Council Website and social media pages.
- Raymond Island Community Association.
- Normal SMS and dynamic signage arrangements.
- Printed notices on the Ferry and at the Paynesville Service Centre.
- Mail-out to Raymond Island Residents and other known users of the Ferry service (for scheduled, extended outages only).

Courtesy Bus

A courtesy bus will be made available during planned outages by Council but not operated by Council.

The operation of bus service is not an obligation of Council. Operation of the bus is dependent on the Raymond Island community's voluntary operation of the bus.

The bus service will operate during the hours the Ferry would normally operate and will travel a defined route determined by the bus service operator.

On-demand deviation from the prescribed bus service route will be accommodated where possible, where the service is pre-booked via mobile phone and SMS notification.

Dangerous goods and flammable liquids are not to be carried on the bus.

Animals, other than assistance dogs, are not permitted on the bus.

East Gippsland Shire Council

Service Charter

Raymond Island Ferry

East Gippsland Shire Council (Council) operates a vehicle and passenger ~~ferry~~Ferry service between Raymond Island and Paynesville. As part of Council's commitment to provide quality service, Council has developed a Service Charter or 'level of service' commitment for the operation of ~~this service~~the Ferry, including the provision of services during ~~F~~ferry outages.

Purpose

This Charter is a statement of Council intent to more clearly define service standards for transport connectivity between Paynesville and Raymond Island. The Charter provides overarching, principles-based policy guidance, as well as procedural guidance on specific operational issues. The Charter is a guiding but not legally binding instrument. The Charter is based on recommendations endorsed by Council at its meeting on 5 May 2020 and Council reserves the right to review and modify this Charter as required. Major changes to the Charter will be undertaken in consultation with service users.

The purpose of this Charter is to:

- Provide a set of guiding principles to be used to guide the operations of the Ferry.
- Provide a statement outlining service levels for transport connectivity and related services between Paynesville and Raymond Island;
- Provide clarity of service provision for ~~ferry~~Ferry patrons, emergency services agencies, utilities providers and other service providers;
- Serve as a basis for developing future contracts for the operation of the Raymond Island ~~ferry~~Ferry service;
- Contribute to increased certainty of service levels and associated costs; and
- Provide improved customer service through increased consistency, communication and understanding of service standards and arrangements.

Scope

This Service Charter covers:

- Guiding pPPrinciples for operation of the service
- Scheduling of the service including operating times and emergency management.

East Gippsland Shire Council - Service Charter - Raymond Island Ferry Version 2 June 2023 Page 1

- [Ferry Passes](#)
- Arrangements for ~~ferry~~Ferry outages ([planned and unplanned](#))

The Service Charter does not ~~include cover user~~ fees (other than in the Principles), which are set by Council as part of its annual budget process.

Principles guiding service delivery

The Raymond Island Ferry service is delivered in accordance with the following principles ~~and in accordance with the Operating Contract:~~

1. Provide a safe service;
2. Excellent customer service;
3. Provide a timely and reliable service;
4. Operate the service in accordance with all relevant acts and regulations;
5. Ongoing communication and co-operation with the Principal, ~~ferry~~Ferry patrons, emergency services and other relevant stakeholders;
6. Provide an environmentally friendly and responsible service; and
7. Enhancement of ~~Council's~~ [the Principal's](#) image through the operation of the service.

Service Effectiveness

1. Transport connectivity to Raymond Island ~~will be always be~~ [will always be](#) constrained by the fact that it is an island ~~with no direct road from the mainland.~~
2. ~~Provision of The Ferry aims to provide~~ reliable, efficient and effective access for persons, vehicles and services.
3. ~~Provide The Ferry provides~~ a safe service that minimises the risk of harm to persons and property arising from ~~the operation of the ferry service its operations.~~
4. ~~Provide Council provides an~~ alternative services during outages to provide a minimum level of access and minimise inconvenience caused by disruptions to the ~~ferry~~Ferry service.

Service Efficiency

1. ~~Maximise the E~~-efficient use of resources including the ~~ferry~~Ferry itself, related infrastructure, operating and maintenance personnel, and alternate passenger and vehicle vessels.
2. Ongoing communication and co-operation between the ~~Principal~~Ferry Operator, ~~ferry~~Ferry patrons, emergency services and other relevant stakeholders.

Financial

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In that the Raymond Island Ferry is a core service; ratepayers of East Gippsland should equitably share the cost of the service.

- 1.
 2. Residents of Raymond island should not incur a fee for access to their homes.
1. ~~All persons in possession of a valid annual Raymond Island Ferry pass must have this pass affixed to right hand bottom of the vehicles windscreen for easy identification or pay the appropriate fee for travel. Residents of Raymond island should not incur a fee for access to their homes.~~

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Community

1. The Fferry service will be managed and operated to address community needs and to ensure equity and access.
2. ~~Exploit T~~the unique character of the Fferry ~~will be exploited~~ to contribute to the amenity of the Raymond Island ~~and~~ /Paynesville ~~_and~~ visitors and the East Gippsland community.

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Level of Service

Scheduling

1. **Variations to Standard Operating Schedule**

In the event of weather temperatures exceeding 32°C, the Master of the Ferry has responsibility to ensure safety of the vessel and passengers. The master of the Ferry accordingly shall exercise absolute discretion on increasing/reducing the amount of Ferry trips against the advertised timetable as a continuous service to alleviate the risks to patrons being in vehicles for extended periods during extreme heat. This will continue until the Master is satisfied it is again safe to resume normal timetabled operations.

Alternatively, if adverse weather conditions present dangerous tidal systems in the MacMillan Strait or other unsafe operating conditions determined by the Master, the Master of the Ferry has responsibility to ensure safety of the vessel. Accordingly, the Master and accordingly shall exercise absolute discretion on reducing or ceasing the amount of Ferry trips against the advertised timetable until it is again safe to resume normal timetabled operations.

Ferry Passes

Council issues a variety of different Ferry passes, with a requirement that:

1. All drivers with a valid annual Raymond Island Ferry pass must display this pass at all times or pay the appropriate fee for travel.
2. Passes must not be copied or duplicated;
3. Transferable Passes are for the use of persons usually resident in the address to which the pass has been issued.
4. Those not abiding by the conditions of use and payment for the Ferry Service are subject to penalties described in the East Gippsland Shire Council General Local Law Part 8.

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Ferry operating times

Council commits to develop and publicise a Ferry Timetable that will be readily available to passengers via Council's website and for / or fixed signage at both the Raymond Island and Paynesville waiting areas. Council will where possible also use electronic signage to advise of any temporary changes to the timetable.

The Ferry operators will make every effort to contractor is expected to follow the published timetable, other than in emergency events or other events beyond the Ferry operators' control.

1. Seasonal Peak Periods:

A continuous service ~~(immediate return trip)~~ will operate during peak periods, will operate when the ferry is full during seasonal peaks. This will be at the discretion of the Ferry Master.

During Winter school and public holidays, an immediate return trip will only operate when the Ferry is full. This will be at the discretion of the Ferry Master.

An additional operator shall be provided to provide greater efficiency and manage risk during these seasonal peak times with approval given by the Superintendent.

2. Emergency evacuation

The ~~ferry~~Ferry service will be available 24 hours a day for evacuation in the event of ~~bushfire or other~~ major emergencies.

Transportation during an emergency will include emergency service responding vehicles and walk-on passengers only. Emergency service vehicles will always have priority.

Depending on the nature of the emergency, and the emergency management command and control protocols operating at the time, the Ferry Master may be required to act on direction of another authority. However, the Ferry Master will retain absolute control over the physical operation and safe passage of the Ferry itself.

3. Suspending of the Ferry service

The Master may suspend the service at any time, without notice, if the Master determines that continuing the service may expose the operators or passengers to unacceptable risk. Such situations include, but are not limited to, passengers adversely affected by alcohol or drugs, displaying agitated behaviour, exhibiting a dangerous weapon, or not following the operator's directions to the extent that safety is compromised. In such events, the service will be suspended, and Police will be called. Subject to Police advice, the operator will determine when it is safe to resume normal service.

Abuse or threatening behaviour towards Operators and/or other passengers will not be tolerated.

Ferry outages**1. Definition of services to be provided during Ferry outages:**

Council's Raymond Island Ferry Operations team will aim to provide The current Raymond Island Ferry Service Operation and Minor Maintenance Contract

stipulates within the specifications, a range of ~~alternate services to be provided by the Contractor~~ when the Ferry is not able to operate ~~for whatever reason~~. ~~This will dependant on current weather conditions and availability of extra resources.~~

~~These~~ service disruptions ~~are~~ is described generally ~~in the Contract~~ as an "outage", either planned or unplanned. ~~During an outage~~ and the services that replace the Ferry and other associated arrangements are generally described as "outage services".

Planned outages generally relate to an outage requiring ~~minor or major~~ or ~~minor~~ maintenance in which the Ferry is deemed unsafe for use ~~during such times~~. ~~Council EGSC and the Contractor~~ will generally provide advanced notice of a planned outage allowing for residents and other commuters to appropriately prepare. Unplanned outages generally occur without notice ~~where the Ferry required requiring~~ immediate maintenance. ~~I~~ therefore appropriate advanced notification is not ~~feasible~~ possible.

The expected duration of the outage will influence which outage services are activated. An outage up to 24 hours will only activate the water taxi and standby barge. An outage exceeding 24 hours may result in ~~additional~~ services being ~~provided~~ activated.

Council will seek to reduce the frequency of "out of water" survey and maintenance interventions for the Raymond Island Ferry to achieve a balance between risk and ~~ferry~~ Ferry maintenance requirements.

Water Taxi

A Water Taxi will be provided for outages up to 24 hours or longer. When in operation, the following measures for the use and operation of the Water Taxi apply:

- The Master of the water taxi ~~is~~ has ~~responsibil~~ responsible ~~ity to ensure for the~~ safety of the vessel and passengers. ~~The Master~~ and accordingly shall exercise absolute discretion on all matters of vessel and passenger safety.
- Emergency response will take priority over all other water taxi services.
- The water taxi will operate from a single landing point on Raymond Island (Public Jetty to the north of the Ferry terminal ~~or the Raymond Island boat ramp Jetty (depending on weather conditions)~~ and a single landing point in ~~Paynesville~~ Paynesville - ~~(this maybe the~~ boardwalk near the Ferry shelter ~~or the Gippsland Lakes Yacht Club boat ramp i~~ Jetty).
- The water taxi service will be provided for the same hours of operation as the Ferry when the Ferry is in normal service.

- An emergency stand-by service will be provided for emergency services.
- The water taxi will be free to all passengers during normal ferry operating hours.
- Shelter will be provided at the Paynesville water taxi landing for the comfort of passengers where possible.
- The Master will attempt to accommodate mobility aids and patrons with special needs to the extent of the vessel's design and safety parameters.
- The configuration of water taxi landing platforms will aim to provide all-ability access.
- Operators of mobility scooters must display adequate competence in the operation of the mobility aid in the conditions prevailing for boarding and disembarking from the water taxi (i.e. a floating platform subject to movement from sea state and wind).
- ~~Patrons~~ Passengers with pets or bicycles will be conveyed subject to the discretion of the Master as to loading arrangements and compatibility with other passengers, luggage, and animals either waiting or being conveyed. [Patrons with pets or bicycles, other than bicycle commuters/school children should seek to avoid times of peak demand (0700-0900 and 1500-1700) to minimise being required to wait until passenger only demand has been moved met].
- Dogs will be limited to those belonging to one family per trip with a maximum of two dogs. A dog maybe refused boarding at the discretion of the vessel Master for safety reasons.
- ~~PA~~ Any pets must be accompanied by a person capable of exercising effective control and ~~must~~ be on a suitable control lead or caged ~~and~~ All pets must always travel and remain at the rear (stern) of the water taxi.
- No more than two bicycles will be ~~conveyed~~ transported at the same time as the vessel is conveying passengers, other than at the Master's discretion.
- Dangerous goods and flammable liquids in small quantities and in suitable approved containers may be carried on the outside of the water taxi and at the absolute discretion of the Master. Gas cylinders are not permitted to be carried on the ~~water~~ Water ~~T~~ Taxi.
- Local schools and A'Beckett Park will be notified of these arrangements in advance of planned outages.

Barge

A Barge shall be made available for outages expected to exceed 24 hours, with the following measures for use applying:

- The Master of the barge has responsibility to ensure safety of the vessel and passengers and accordingly shall exercise absolute discretion on all matters of vessel and passenger safety.
- Emergency response will take priority over all other barge services.
- The barge is not available as a general commuter service ~~or for those who fail to plan and prepare appropriately for planned outages.~~
- Access to the barge will only be available to:
 - ~~Only~~ those vehicles (including ~~tow~~ vehicle and trailer combinations) that in the sole judgement of the ~~vessel~~ Master can be conveyed safely. (this may vary from time to time depending upon sea state, wind and water levels). Caravans and small trailers will generally be unsuitable for carriage and will only be accepted where they meet all necessary safety requirements to the Master's satisfaction. ~~are excluded from barge access~~).
 - Trade services and utilities providers providing urgent repair / maintenance to Raymond Island properties and infrastructure that for safety or similar compelling reasons cannot reasonably be postponed until the Ferry returns to service.
 - Trades service providers (registered businesses normally based on Raymond island) with vehicles that are specifically "tool of trade" vehicles that the service provider requires to be available on the mainland in order to perform their normal trade services. (tool of trade vehicles should be interpreted to include utilities, trucks, vans, tool trailers with specialised trade equipment and/or materials. Passenger vehicles operated by trades people are not included in ~~the scope of t~~his category).
 - Injured wildlife transport.
 - Mobility scooters that cannot be safely conveyed on the Water Taxi but can be safely conveyed on the Barge.
 - Vehicles delivering goods / products that the recipient could not have reasonably foreseen as being required and/ or cannot reasonably be expected to await a delay in delivery. (i.e. the recipient would suffer significant financial or other loss or damage). Inconvenience does not fall within this category nor do grocery or other "on-line" non-essential goods deliveries.

- Vehicles conveying essential service providers and their equipment (visiting health/medical or home help services) for service provision that cannot reasonably be delayed, or the service provider cannot reasonably be expected to use the Water Taxi, or, it ~~is unreasonable for cannot reasonably be expected~~ that the recipient ~~to attends~~ service provision on the mainland via the Water Taxi.

- Fee for service trips will be available to ~~patrons-customers~~ who do not meet the criteria for free passage at a fee determined by Council.

Temporary Car Parking

For outages ~~exceeding~~ 24 hours ~~or longer~~:

- Council will aim to ensure that temporary car parking is designated on public land ~~within Paynesville~~ during extended outages.
- Public safety lighting may be provided in designated car park area/s where practicable to do so.
- Normal parking restrictions will be monitored and enforced in areas outside of the designated temporary car parks to ensure parking is available for visitors.
- Additional disabled parking bays will be made available adjacent to the water taxi landing where practical and possible to do so.

Communication

The arrangements applicable for Ferry outages will be communicated to ~~patrons~~ ~~customers~~ and other stakeholders through:

- the East Gippsland Shire Council Website and social media pages.
- Raymond Island Community Association.
- Normal SMS and dynamic signage arrangements.
- Printed notices on the Ferry and at the Paynesville Service Centre.
- Mail-out to Raymond Island Residents and other known users of the Ferry service (for scheduled, extended outages only).

Courtesy Bus

A courtesy bus will be made available during planned outages by ~~the Ferry Contractor~~ Council but not operated by Council.

The operation of bus service is not an obligation of ~~Council~~ the ferry contractor, and ~~the~~ operation of the bus is ~~dependant~~ dependent on the Raymond Island community's voluntary operation of the bus.

The bus service will operate during the hours the Ferry would normally operate and will travel a defined route determined by the bus service operator.

On-demand deviation from the prescribed bus service route will be accommodated where possible, where the service is pre-booked via mobile phone and SMS notification.

Dangerous goods and flammable liquids are not to be carried on the bus.

Animals, other than assistance dogs, are not permitted on the bus.

5.2.3 Addition of Roads to Council's Register of Public Roads

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 presented for Councillor's consideration of the inclusion of additional roads to Council's Register of Public Roads (ROPR) and the removal of one Council managed road, as part of Council's responsibilities under the *Road Management Act 2004* (the Act).

The Act establishes a statutory requirement for road authorities to maintain a ROPR. Road authorities have a duty to inspect, maintain and repair roads that have been determined as public roads. Council's Road Management Plan establishes the standards that shall be met when discharging these duties to inspect, maintain and repair public roads.

Council staff have received a number of requests from members of the community seeking maintenance on roads that are not currently included in the ROPR and consequently, are not currently inspected, repaired, or maintained by Council, in addition to identifying omissions through an internal review.

This report considers the suggested classifications of five roads following requests from community members for consideration, being:

- Lakeview Drive – Broadlands – 0.378km (recommended for inclusion);
- Lees Road (not recommended for inclusion);
- Laneway – 167-169 Nicholson Street (not recommended for inclusion);
- Old Man Hill Road (not recommended for inclusion); and
- Hollonds Road (not recommended for inclusion).

Additionally, 38 roads currently classified as Rural Fire Access Roads are recommended to have their classification amended to Rural Limited Access Roads to ensure that the roads continue to meet the definition of the road type able to be considered for Natural Disaster Recovery Funding in the future.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. declares the section of road listed below as a Public Road and be added to Council's Register of Public Roads under the classifications shown in Table 1;***

Table 1

Road Name	Locality	Land Tenure	Principle Places of Residence	Approx. length	Classification
Lakeview Drive	Broadlands	Road Reserve	2	0.378km	Rural Access

- (3) declares the re-classification of existing roads already listed on the Register of Public Roads changed classification from Rural Fire Access Roads to Rural Limited Access Roads as per Table 2;***

Table 2

Site Number	Road Name	Current Classification	New Classification
SITE102973	Barbers Lane	Rural Fire Access	Rural Limited Access
SITE100074	Baudinetts Road	Rural Fire Access	Rural Limited Access
SITE101142	Bullock Hill Road	Rural Fire Access	Rural Limited Access
SITE100202	Bung Lane	Rural Fire Access	Rural Limited Access
SITE100253	Chettles Road	Rural Fire Access	Rural Limited Access
SITE102976	Delegate Hill Track	Rural Fire Access	Rural Limited Access
SITE100382	Doyles Road	Rural Fire Access	Rural Limited Access
SITE100392	Dyer Access Road	Rural Fire Access	Rural Limited Access
SITE101660	Elm Track	Rural Fire Access	Rural Limited Access
SITE102975	Hamilton Street	Rural Fire Access	Rural Limited Access
SITE100579	High Forest Road	Rural Fire Access	Rural Limited Access
SITE102833	Hines Road	Rural Fire Access	Rural Limited Access
SITE100589	Hobbs Road	Rural Fire Access	Rural Limited Access
SITE100596	Holes Road	Rural Fire Access	Rural Limited Access
SITE100599	Hollands Road	Rural Fire Access	Rural Limited Access
SITE100692	Kemptions Road	Rural Fire Access	Rural Limited Access
SITE101773	Leathams Road	Rural Fire Access	Rural Limited Access
SITE100830	Man Deans Road	Rural Fire Access	Rural Limited Access
SITE100835	Margetts Street	Rural Fire Access	Rural Limited Access
SITE100868	McArthurs Road	Rural Fire Access	Rural Limited Access
SITE100881	McKenzies Road	Rural Fire Access	Rural Limited Access
SITE101148	O'Briens Road	Rural Fire Access	Rural Limited Access
SITE102994	Off Parkers lane	Rural Fire Access	Rural Limited Access
SITE100109	Old Coach Road (North)	Rural Fire Access	Rural Limited Access
SITE102977	Old McLeinster Road	Rural Fire Access	Rural Limited Access
SITE101078	Parish Boundary Lane	Rural Fire Access	Rural Limited Access

SITE101096	Pearce Street	Rural Fire Access	Rural Limited Access
SITE103007	Power Station Road	Rural Fire Access	Rural Limited Access
SITE101182	Resides Road	Rural Fire Access	Rural Limited Access
SITE102433	Ringside Crn Fernbank Trk	Rural Fire Access	Rural Limited Access
SITE101210	Rogers Street	Rural Fire Access	Rural Limited Access
SITE101257	Scotts Road	Rural Fire Access	Rural Limited Access
SITE101306	Spring Gully Road	Rural Fire Access	Rural Limited Access
SITE101024	Stone Cottage Lane	Rural Fire Access	Rural Limited Access
SITE101337	Suding Road	Rural Fire Access	Rural Limited Access
SITE101416	Turners Road	Rural Fire Access	Rural Limited Access
SITE101512	Willis Road	Rural Fire Access	Rural Limited Access
SITE102292	Wisharts Road	Rural Fire Access	Rural Limited Access

- (4) determines the sections of roads listed as Table 3 should not be added to Register of Public Roads until they meet the requirements of a Principal Place of Residence and the required upgrading / construction works have been completed by the benefitting owners to Council's satisfaction; and**

Table 3

Road Name	Locality	Land Tenure	Principle Places of Residence	Approx. length	Classification
Lees Road	Sarsfield	Crown Land – Agricultural Lease	0	1.650km	Rural Limited Access
Laneway – 167-169 Nicholson Street	Bairnsdale	Road Reserve	0	0.031km	Urban Limited Access
Old Man Hill Road	Sarsfield	Crown Land – Parks Victoria	1	0.391km	Rural Limited Access
Hollonds Road	Benambra	Crown Land – Agricultural Lease	0	0.988km	Rural Limited Access

- (5) authorise the Chief Executive Officer or delegate to update Council's Register of Public Roads to reflect Recommendations 1 and 2 as required by the Road Management Act 2004.**

Background

Council Officers periodically receive requests to add roads to the ROPR. In accordance with the Act, Council can make alterations to its ROPR to include any new roads it considers to be public roads.

Council must record on its ROPR any road in respect of which it is the responsible authority and where it has made a decision that the road is reasonably required for general public use, in accordance with Section 17(3) of the Act.

While there is no statutory definition for what circumstances constitute what is reasonably required for general public use, the following is guiding criteria that has been used historically by Council when assessing whether a road fits this definition and therefore should be added to the ROPR:

- the road provides access to a principal place of residence (PPR);
- the road in question provides a single closest point of access to a rateable property holding;
- the road is located on suitable land, in a road reserve or Crown land where Council has relevant authority to lawfully have a road; and
- the road is not maintained by another authority.

The road also needs to be of an appropriate constructed standard, with only nominal works required to maintain an acceptable standard through routine maintenance operational activities.

The guiding principles outlined above aim to provide a property access service level whereby private land that has been developed to include a principal place of residence, adjacent to a connected network of roads, has an access point to a roadway listed on the ROPR which is inspected, repaired, and maintained by Council.

Unused road reserves requiring full construction of a physical road to provide access to properties are not usually considered under this process. Such works would have to be undertaken by the landholder(s) to a satisfactory standard before consideration of their addition to the ROPR would occur.

This report considers the suggested classifications of five roads following requests from community members for consideration. Of these five, only one is recommended for consideration being a portion of Lakeview Drive, Broadlands. A further four roads are not recommended for inclusion on the ROPR as they do not meet the criteria by which roads are assessed and added.

Road Name	Locality	Land Tenure	Principle Places of Residence	Approx. length	Recommendation
Lakeview Drive	Broadlands	Road Reserve	2	0.378km	Recommended to be listed and classified as Rural Access
Lees Road	Sarsfield	Crown Land – Agricultural Lease	0	1.650km	Not recommended for listing
Laneway – 167-169 Nicholson Street	Bairnsdale	Road Reserve	0	0.031km	Not recommended for listing
Old Man Hill Road	Sarsfield	Crown Land – Parks Victoria	1	0.391km	Not recommended for listing
Hollonds Road	Benambra	Crown Land – Agricultural Lease	0	0.988km	Not recommended for listing

Lakeview Drive, Broadlands provides access to two principal places of residence. The road is considered to generally have alignments within road reserves and are constructed to an acceptable standard for addition to the ROPR.

The other four roads are not recommended for inclusion in the ROPR as only one serves as the access point for a principal place of residence and this road is Crown Land under Parks Victoria management. The remaining roads do not fulfill the requirements of being either a principal place of residence or of suitable construction standard for Council to take on the road management responsibility for these roads.

The road recommended for inclusion in the ROPR in this report totals 0.378 kilometres in length. A map of each of the roads considered is provided at **Attachment 1**.

Road Reclassifications

Somewhat unusually, this report also recommends the reclassification of 38 roads that are already on the ROPR from Rural Fire Access to Rural Limited Access. The reason for this being Council have been recently advised by the State Government that Rural Fire Access Roads will no longer be eligible for National Disaster Recovery Funding, should they be damaged in a natural disaster event. The change in classification will therefore allow these roads to be captured under any possible disaster relief funding that may be available after an event or declared disaster.

The proposed changes do not affect the level of maintenance and or inspection frequencies on these identified roads.

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 procedures and recommended actions within this report are consistent with the requirements of the *Road Management Act 2004* and Council's Road Management Plan.

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 with other Councils or agencies as the report relates directly to Council's individual road management responsibilities.

Council Plan

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

Strategic Objective 1:1.1 Council strives to provide equitable access to their services, support, and facilities; and

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

This report is prepared in accordance with the Council's Road Management Plan.

Options

Council has the option of accepting or proposing an alternative to the recommendations made in this report.

Resourcing

Financial

It is estimated that the annual routine maintenance costs for the recommended roads would be approximately \$1,980 per annum.

Should the recommendation be adopted, Council Officers will manage the additional costs within the existing annual road maintenance and capital works budgets as adjusted each financial year.

Plant and equipment

Not applicable.

Human Resources

Roads that are added to the ROPR as a result of this report will be maintained utilising the resources currently available through Council's two road maintenance contracts.

Risk

The risks of this proposal have been considered and adding this road to the ROPR and maintenance will not pose any further risk to Council.

Economic

Not applicable.

Social

Provision of roads on the ROPR will ensure that the roads are maintained to the standard defined in the Road Management Plan, potentially enhancing access and reliability of access to places of residence.

Gender Impact Statement

Not applicable.

Environmental

There are no environmental impacts associated with implementing this report.

Climate change

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

Engagement

Community engagement is primarily through receipt of customer or resident requests that the proposed roads be added to the ROPR.

Attachments

1. Maps of Additions of Roads to Council's Register of Public Roads [5.2.3.1 - 3 pages]

Attachment 1

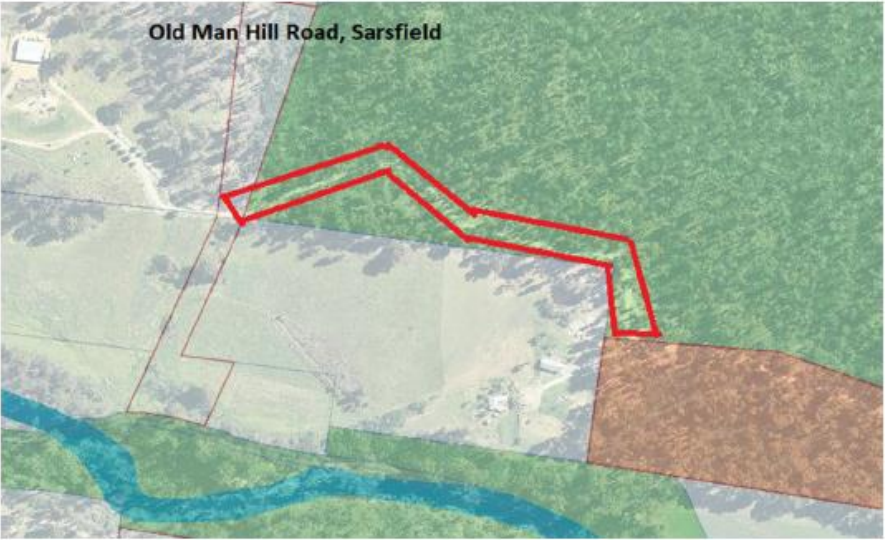
Lakeview Drive, Broadlands (0.378 km)



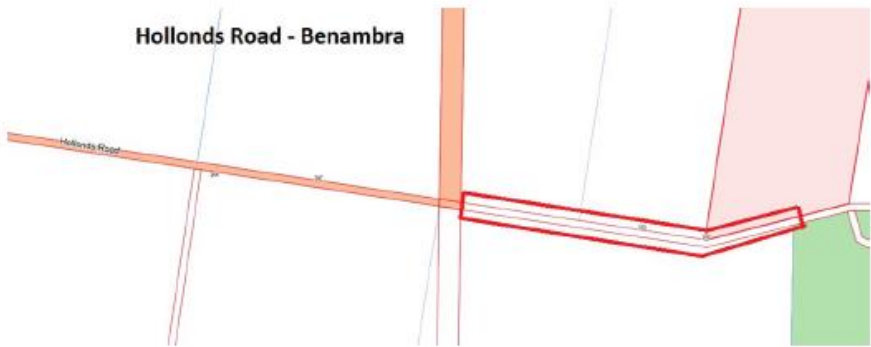
Lees Road, Mossiface (1.650 km)



Old Man Hill Road, Sarsfield (0.391 km)



Hollands Road, Benambra (0.988 km)



167 – 169 Laneway Nicholson St Bairnsdale



6 Urgent Business

7 Confidential Business

Council will close the meeting to the public in accordance with the provision of section 66(2) of the *Local Government Act 2020* to consider the following list of items:

7.1 **Bogong High Plains Road**

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

8 Close of Meeting