



# Council Meeting Agenda

**Tuesday 19 March 2024 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](https://youtube.com/c/EastGippyTV)) to enhance the accessibility of its meetings to the broader East Gippsland community.

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

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

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

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



## Councillors

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

## Executive Leadership Team

Fiona Weigall Acting Chief Executive Officer  
Wayne Richards Acting General Manager Assets and Environment  
Sarah Johnston General Manager Business Excellence  
Stuart McConnell General Manager Place and Community

## Purpose of Council meetings

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

## Governance Rules

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

## Councillors pledge

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

## Vision

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

## Our Strategic Objectives

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



# Index

<b>1 Procedural</b>	<b>7</b>
1.1 Recognition of Traditional Custodians	7
1.2 Apologies	7
1.3 Declaration of Conflict of Interest	7
1.4 Confirmation of Minutes	7
1.5 Next Meeting	7
1.6 Requests for Leave of Absence	7
1.7 Open Forum	8
1.7.1 Petitions	8
1.7.1.1 Urgent Upgrade to Chilas Road, Wy Yung	8
1.7.2 Questions of Council	9
1.7.3 Public Submissions	9
1.8 Items for Noting	9
<b>2 Notices of Motion</b>	<b>9</b>
<b>3 Deferred Business</b>	<b>9</b>
<b>4 Councillor and Delegate Reports</b>	<b>9</b>
<b>5 Officer Reports</b>	<b>10</b>
5.1 Place and Community	10
5.1.1 Planning Permit Application 5.2022.498.1 - 105 Mathiesons Road, Eagle Point	10
5.2 Assets and Environment	209
5.2.1 East Gippsland Shire Road Safety Strategy	209
5.2.2 CON2024 1661 Construction of Bairnsdale Recycling Centre Shed	242
5.2.3 CON2024 1638 Bairnsdale Recycling Centre Civil Works	250
5.2.4 CON2024 1621 Maintenance and Repair Services for Mobile Plant	258
5.2.5 CON2024 1535 Sealed Roads - Major Rehabilitation Capital Works	262
5.3 Business Excellence	269
5.3.1 S11A Instrument of Appointment and Authorisation under the Planning and Environment Act 1987	269

5.3.2 Municipal Association of Victoria Sub Delegate Nomination - Councillor Representation Register .....	274
5.3.3 Municipal Association of Victoria May 2024 State Council Meeting Motions....	277
5.3.4 Australian Local Government Association National General Assembly 2024 – Notices of Motion .....	290
<b>6 Urgent Business .....</b>	<b>299</b>
<b>7 Confidential Business .....</b>	<b>299</b>
7.1 Economic Development Advisory Committee - Member Appointment .....	299
<b>8 Close of Meeting .....</b>	<b>299</b>



# 1 Procedural

## 1.1 Recognition of Traditional Custodians

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

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

## 1.2 Apologies

## 1.3 Declaration of Conflict of Interest

## 1.4 Confirmation of Minutes

That the minutes of the Council Meeting held Tuesday 27 February 2024 be confirmed.

## 1.5 Next Meeting

The next Council Meeting is scheduled to be held on Tuesday 9 April 2024 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**

#### **1.7.1.1 Urgent Upgrade to Chilas Road, Wy Yung**

Authorised by      General Manager Business Excellence

---

#### **Conflict of Interest**

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

#### **Executive Summary**

This report informs Council of a petition submitted by Ms Ceildidh Eadie from Wy Yung seeking an upgrade to Chilas Road, Wy Yung. The petition was received in hard copy on 28 February 2024. The petition states:

*“We, the residents, and farming families of Chilas Road in Wy Yung, wish to petition East Gippsland Shire for an urgent upgrade to our road”.*

The petition has been received and presented in accordance with Governance Rule 8.7. The petition included 16 signatures, all of which met the governance requirements.\*

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

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

*\* 16 petitioners engaged in this petition in the hard copy format. Of those, all met Governance Rule 8.7 (1)(e). Governance Rule 8.7 (1)(e) states for a signature to comply in hard copy format, petitions must include the names, addresses and original signatures of all petitioners. For example: John Doe, 1 Smith Street, Bairnsdale, Signature.*

#### **Officer Recommendation**

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

- 1. receives and notes this report;***
- 2. receives the petition lodged by Ms Ceildidh Eadie requesting “We, the residents, and farming families of Chilas Road in Wy Yung, wish to petition East Gippsland Shire for an urgent upgrade to our road”;***
- 3. refers the petition to Acting General Manager Assets and Environment for consideration and response; and***
- 4. notes that the Chief Executive Officer will arrange for Council Officers to write to the head petitioner advising them of these actions.***



1.7.2 *Questions of Council*

1.7.3 *Public Submissions*

**1.8 Items for Noting**

## **2 Notices of Motion**

## **3 Deferred Business**

## **4 Councillor and Delegate Reports**

## 5 Officer Reports

### 5.1 Place and Community

#### 5.1.1 Planning Permit Application 5.2022.498.1 - 105 Mathiesons Road, Eagle Point

Authorised by General Manager Place and Community

---

#### Conflict of Interest

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

#### Executive Summary

The purpose of this report is to present to Council a recommendation to approve an application for use of the land for accommodation, event and function centre, liquor licence and car parking dispensation at 105 Mathiesons Road, Eagle Point.

The recommendation is premised upon the inclusion of conditions in the Notice of Decision to Grant a Permit included at **Attachment 1**.

The application documents are at **Attachment 2**.

The Applicant has responded to a range of issues associated with traffic management including capacity of existing road infrastructure to accommodate additional traffic, patron management (including a limit to a maximum of 100 patrons on site), and car parking dispensation.

The proposal on balance is found to be consistent with the relevant provisions of the East Gippsland Planning Scheme and will achieve an outcome which provides for a unique tourism and hospitality opportunity for Eagle Point. It will seek to create an innovative tourism experience as well as encourage the development of accommodation and function centre.

Objector concerns relate to issues such as increased traffic, patron management to limit the adverse impact on the surrounding properties, hours of operation, noise management and car parking dispensation.

The conditions include a requirement for a revised Business Management Plan indicating the location of proposed car parking, indicative location of portable toilets in case of large events, restricting the hours of operation for consumption of liquor and live entertainment on site, and general amenity conditions.

The application was referred to the Department of Transport and Planning and the response from the department in relation to traffic issues was no objection. The response is provided at **Attachment 3**.

The application has been the subject of written objections and letters of support, and these are included at **Attachment 4** and **Attachment 5**.

The application has been the subject of a Planning Consultation Meeting on 1 June 2023. A copy of the Summary notes from the transcript is attached at **Attachment 6**.

---



## Officer Recommendation

### *That Council:*

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. being the Responsible Authority and having considered all the relevant planning matters, determines that planning application 5.2022.498.1 at 105 Mathiesons Road, Eagle Point for Use of accommodation, function and events centre, car parking dispensation and liquor licence is consistent with the requirements and objectives of the East Gippsland Planning Scheme and therefore resolves to issue a Notice of Decision to Grant a Planning Permit in accordance with the conditions at Attachment 1.***

## Background

The matter currently before Council is a planning permit application 5.2022.498 for Use of accommodation, function and events centre, car parking dispensation and liquor licence.

The affected property is known as 105 Mathiesons Road which has an area of approximately 1.654 hectares. The subject site comprises of two lots. The larger allotment being the northern portion of the site is approximately 1.654 hectares in area, irregular in shape and contains an existing dwelling and associated facilities. The dwelling is run as an accommodation facility identified as La Riva. The details of the planning permit application are at **Attachment 2**.

## Subject Site and surrounds

The smaller allotment forms the southern portion of the site, is approximately 8499m<sup>2</sup> in area and is irregular in shape. This allotment has a 100.58 metre frontage to Mathiesons Road along the southern boundary and currently contains a dwelling being the manager's residence and a gazebo. The allotments are delineated with post and wire fencing along the northern, eastern and western boundaries and the southern boundary is a combination of timber post and rail and post and wire fencing.

The land adjoining the subject site to the east and west contain existing residential dwellings and associated facilities.

Access to both allotments is provided from Mathiesons Road and an unmade Government Road reserve that connects directly to Mathiesons Road and adjoins the western boundary of the subject site. This road reserve is leased by the owners of the subject site and is used and maintained with the property. The second access point is via a sealed bitumen crossover and driveway in the eastern portion of the southern boundary directly to Mathiesons Road.

## ***Details of the proposal***

This application seeks approval for the use of accommodation, function and events centre, car parking dispensation and a liquor licence.

## Accommodation

The application seeks approval for use of accommodation for up to 10 persons with 25 visitors. The accommodation component will be contained within the existing dwelling on Lot 1 being the northern portion of the site.

## Function Centre

In addition to accommodation, the existing dwelling and grounds are proposed to be used for functions (weddings, catered events, etc.). The facility will host up to a maximum of 100 people.



Figure 1 – Subject site – 105 Mathiesons Road, Eagle Point.



Figure 2 – Site and Surrounds – Mathiesons Road, Eagle Point.

## Hours of operation

Given the nature of the proposed events the operation hours will vary depending on the type of event or function being hosted. The hours proposed for the liquor licence will be 10.00 am to 11.00 pm seven days per week.

## Car Parking

The subject site contains a 6-car garage and carport that meets the requirements of the accommodation component of the proposal. As per the supported documentation, it is indicated that grass and driveway areas will be clearly marked with parking instructions however parking will be informal. The areas identified as suitable for parking includes two areas that each can accommodate 20 spaces. One area is within Lot 1 in the western portion of the site. This is a large, cleared grass area that would have access via the existing driveway. The second area is within the leased Government Road Reserve adjoining the western boundary.

It is proposed to provide transport as an option for many of the events. The owners have an 11-seater concierge van that will be actively used to transport guests as requested. The owners will promote both the concierge van and request larger transport buses to move people within East Gippsland to reduce the need for parking onsite in addition to providing a luxury and fully accommodating service.

## Services

Both allotments are currently connected to all available services including (but not limited to) reticulated water, electricity, telecommunications, and the existing road network. The subject site contains an existing septic tank which can support the accommodation component of the business and the small to medium functions. For larger events, additional portable toilets will be commissioned as and when required.

## Business Management Plan

To manage impacts on the surrounding area the use will limit larger events with up to 100 guests to 10 per annum. The type of event will determine the hours and length of stay. As per the submitted documentation, all larger events and celebrations will be finished by 11 pm.

The number of events/functions will be limited relative to the number of patron/attendees.

Number of Patrons	Number of events per annum
Up to 10	No limit
Up to 30	25
Up to 60	12
Up to 100	10

## Liquor Licence Hours

The requested hours for the liquor licence are from 9.00 am to 11.00 pm.



## Noise and Light Management

The homestead has internal and external lighting, including spotlights around the exterior and pool area. Some areas of the garden are also lit by solar and powered lights. Some outsourced lighting may be required for certain events, and lighting will be managed to minimise impacts on neighbouring properties. All lighting will be kept to standard residential lighting after 11 pm.

The terms of stay include all noise is to be reduced by 11 pm.

All outside music is to be completely shut down by 10 pm, and event closure by 11 pm. The 10pm limit on noise from music is consistent with EPA requirements for residential areas.

## Car Parking

### *Accommodation*

A carport and a 6-car garage both adjoin the existing homestead will continue to provide adequate car parking for the residential component of the subject site.

### *Events*

- Parking areas will be clearly marked on the grassed and driveway areas responsive to each event – including instructions to ensure event organisation.
- Larger events may include traffic management and parking attendants to direct vehicles to ensure that no guests park on Mathiesons Road - avoiding any disruption for surrounding properties.
- La Riva has an 11-seater Concierge Van that will be used to transport guests as requested. La Riva will also ensure both the Concierge Van and, if required, larger transport buses will be provided to transport people to and from the site to reduce the traffic and parking demand.

## Waste Management

- Accommodation: Multiple bins (recyclables and general rubbish) are located both inside the homestead and outside and removed by council collections. Any excess waste is taken to the appropriate Council waste transfer station or contracted to be removed commercially.
- Events: Multiple bins (recyclables and general rubbish) inside the homestead and outside as required.
- Waste disposal will all be undertaken during daylight hours to ensure minimal disturbance.
- The existing septic tank can support both the accommodation component and events up to 100 people. The dwelling has four toilets. Private events with 100 guests or less would require 2-3 toilets. With food and drink supply as part of any function, the fourth toilet satisfies any additional requirements.

## Onsite Management

- All events will be managed by La Riva and will include a minimum of one staff member onsite to ensure requirements are met.
- La Riva will only be accessible by advanced bookings with agreed patron numbers ensuring La Riva stipulate the noise, licencing, and entertainment restrictions applicable.
- To maintain the safety of the patrons and the neighbourhood, the maximum number of patrons i.e. 100 will be permitted on the premises and will be limited to the safe and amenable operating capacity of the premises. All operations will be undertaken in accordance with the Liquor Licence requirements.
- Management will use their best endeavours to ensure that patrons leaving the premises at the end of events, disperse in a quiet and orderly manner and that no patrons congregate in surrounding areas. Transport information will be provided to all guests offering various transport options including the Concierge Van.
- In the event of any issues, concerns or a complaint, a direct contact to La Riva Management will be provided. La Riva will also ensure that staff are adequately trained to manage any concerns that may arise.

## **Traffic Management Plan**

In addition to above, the applicant has also submitted a Traffic Management Plan prepared by Quantum Traffic Pty Ltd to address concerns raised by the objectors in relation to existing capacity of the Paynesville Road/Mathiesons Road intersection and its suitability to manage the additional traffic volumes generated by the proposed function centre on subject site.

A series of 7-day traffic count were undertaken on Mathiesons Road and Paynesville Road in July 2023. The peak hours observed from the surveys data are as follows:

- Weekday AM Peak – Wednesday 19th July 2023: 8 am-9 am
- Weekday PM Peak – Wednesday 19th July 2023: 3 pm-4 pm
- Weekend Peak – Saturday 22nd July 2023: 12 pm-1 pm

Maximum capacity events of 100 people would likely generate 30 arrival movements and 30 departure movements (based on the applicable car parking rate of 0.3 cars per patron outlined in Clause 52.06 of the Planning Scheme). These movements would typically occur over time given that large events typically occur over multiple hours. On this basis, the traffic volumes for the key peak hours have been allocated as follows:

- Weekday AM Peak (8 am-9 am) – 30 Entry Movements
- Weekday PM Peak (3 pm-4 pm) – 30 Exit Movements
- Weekend Peak (12 pm-1 pm) – 30 Exit Movements

*“The performance of the Paynesville Road / Mathiesons Road intersection has been assessed using the SIDRA Intersection 9 software package. The SIDRA software quantifies intersection performance using the following four (4) measures:*

- *Degree of Saturation (DOS), which represents the ratio of traffic demands to theoretical intersection capacity,*
- *Average delay, in seconds, experienced by vehicles at the intersection,*
- *Level of Service (LOS), which converts average delay to a letter grade, and*
- *95th percentile queue length, in metres, which reflects the length of queueing that has a 5% chance of being exceeded.*

*The generally accepted maximum practical DOS for an unsignalized intersection is 0.80. Beyond these values, traffic flows can become unstable, with minor flow disruptions likely to cause long delays and queue lengths.*

*“SIDRA capacity modelling of the Paynesville Road / Mathieson Road intersection has been presented in this report for the three critical peak period (weekday AM, weekday PM and weekend). The SIDRA modelling shows that Paynesville Road / Mathiesons Road intersection will operate with a DOS of 0.16-0.20 during the key peak periods. Average delays will range from 10-15s, with the critical movements being the right turns out of Mathiesons Road. On this basis, the Paynesville Road / Mathiesons Road intersection is predicted to operate well below capacity in the post development scenario.”*

## **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*.

The proposal has been assessed in accordance with the provisions of the *Planning and Environment Act 1987*.

## **East Gippsland Planning Scheme**

### **Planning Policy Framework (PPF)**

The assessment of the application before Council requires assessment against Planning Policy Framework. The clauses that have an influence upon the assessment of this application include:

- 11 – Settlement
- 13 – Environmental risk and amenity
- 17 – Economic Development

Clause 11 relating to Settlement seeks to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. The relevant strategies focus on developing sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure, and community facilities, supporting a network of diverse coastal settlements that provide for a broad range of housing types, economic opportunities and services as well as develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.

Clause 13 focusses on identification, prevention and minimising the risk of harm to the environment, human health, and amenity through:

- Land use and development compatibility.
- Effective controls to prevent or mitigate significant impacts.

The relevant strategies include identification and management the potential for the environment and environmental changes to impact on the economic, environmental, or social wellbeing of society.

Clause 13.05-1S deals with management of noise effects on sensitive land uses. The relevant strategies seek to ensure that development is not prejudiced, and community amenity and human health is not adversely impacted by noise emissions. Clause 13.07-1S focusses upon protecting community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. Clause 13.07-3S seeks to implement measures to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses. The relevant strategies focus upon ensure that use or development of land is compatible with adjoining and nearby land uses as well as avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.

Clause 17.04-1S seeks to encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination. The relevant strategies seek to encourage the development of a range of well-designed and sited tourist facilities, seek to ensure that tourism facilities have access to suitable transport, promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions, create innovative tourism experiences as well as encourage investment that meets demand and supports growth in tourism.

The proposed use of the site for accommodation and function centre is considered appropriate in this instance. It is noted that there is an existing septic tank which will be able to cope with the effluent disposal of the existing dwelling and smaller events. For larger events, additional portable toilets will be provided on site as and when required. The concerns regarding protecting community amenity can be managed through appropriate conditions such as restricting live music etc on site after 11 pm. The car parking requirements are considered to be met as there is adequate on-site parking for accommodation purposes as well as events.

For the larger events, the applicant has also provided Business Management Plan which will ensure the patrons for events are restricted and there will be an identified staff member to make sure onsite requirements in terms of liquor licensing as well as live music are adhered to. The applicant has also provided a detailed "Traffic Assessment Report" which clearly indicates the Paynesville Road/ Mathiesons Road intersection will be able to operate well below capacity even between the peak events for the larger events. The proposed use will ensure a unique tourist facility is able to operate encouraging investment as well as support local tourism.

The proposed use of the site for accommodation, function centre and car parking dispensation is considered an appropriate outcome in terms of the Planning Policy Framework.

## **Low Density Residential Zone**

The purpose of the Low-Density Residential Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

### **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.

Clause 32.03-1 of the Low-Density Residential Zone provides a permit is required for a section 2 use. The use of the land for accommodation and function centre is a section 2 use. As such a permit is required under the provisions of the Low-Density Residential Zone. As detailed above, the proposed use can be managed in an appropriate way, subject to specific conditions including conditions pertaining to restriction of live music, limiting the number of patrons for a given event on site, managing the lighting arrangements to ensure that there are no adverse impacts of the surrounding properties.

In terms of retaining and treating the wastewater disposal on site, the applicant has indicated that existing septic tank on site dwelling will be able to cater for the effluent disposal for the accommodation aspect as well as smaller events. For the larger events, the applicant has advised there will be portable toilets on site depending upon the maximum number of patrons for a given event/ function. As per the Australian standards, a minimum of 3 portable toilets is required for a maximum of 240 patrons (50 percent male, 50 percent female).

A condition is imposed that requires the maximum patrons on site at any time to 100, in accordance with the Business Management Plan. An amended plans condition pertaining to the Business Management Plan is proposed to ensure the portable toilets and other temporary buildings, structures or works are suitably located to decrease amenity impacts on neighbouring properties.

The proposed use is considered an appropriate outcome in terms of Zoning provisions and should be supported in this instance.

### **Clause 52.06 – Car Parking**

Clause 52.06 contains the following purpose:

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.



The use for accommodation/group accommodation is not a specified use in the table of uses and as such a permit is required for Car Parking.

Table 1 provides the requirements for place of assembly are:

Use	Rate Column A	Rate Column B	Car parking measures Column C
Place of Assembly	0.3	0.3	To each patron permitted

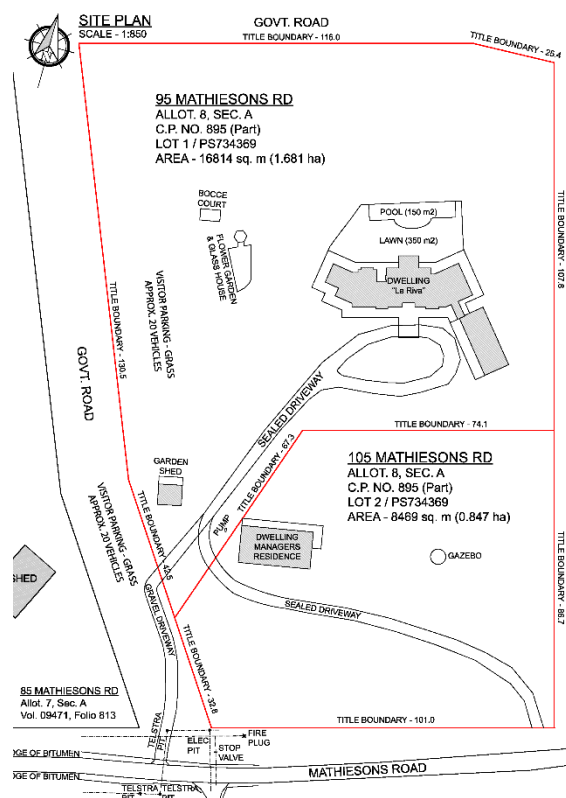
### Decision Guidelines

Before deciding that a plan prepared under Clause 52.06-8 is satisfactory the responsible authority must consider, as appropriate:

- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area.
- The provision of parking facilities for cyclists and disabled people.
- The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.
- The type and size of vehicle likely to use the parking area.
- Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.
- The need for the required car parking spaces to adjoin the premises used by the occupier/s, if the land is used by more than one occupier.
- Whether the layout of car spaces and accessways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).

For the application, the use of the land for a Place of Assembly, which includes a function centre provides a rate of 0.3 spaces per patron permitted. As the maximum number of patrons on site will be 100, resulting in a requirement to provide 30 car parking spaces for the function centre. The proposal seeks a car parking dispensation to enable parking on the current site conditions without creating a formal car parking area.

It is noted that the existing dwelling contains a 6-car garage and carport will meet the requirements of the proposed use for accommodation. The subject site has adequate areas to accommodate the required car parking space of 30 but the property the owners are seeking to use informal parking areas considering the nature of the proposed use.



The applicant has also indicated that the use of existing concierge van will assist to further limit the demand for onsite parking. In addition to above, the applicant has indicated that temporary direction signage will be provided to direct the patrons to the parking area. For larger events, (as per the Business Management Plan) a designated parking attendant will be available on site to direct traffic to ensure no informal parking occurs along Mathieson Road. Access is existing and will remain unchanged directly from Mathiesons Road.

The proposal was referred to Council's Senior Technical Officer who has provided support to the proposal, subject to conditions. It is considered that the proposal will be an appropriate outcome in terms of car parking provisions.

### Clause 52.27 – Licensed Premises

The purpose of Clause 52.27 is:

- To ensure that licensed premises are situated in appropriate locations.
- To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

These provisions apply to premises licensed, or to be licensed, under the Liquor Control Reform Act 1998. A permit is required to use land to sell or consume liquor if a licence is required under the Liquor Control Reform Act 1998.

## 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.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

This application is seeking approval for a general liquor licence for the consumption of liquor on the premises and does not fall within any of the exemptions available under this clause and therefore a permit is required. It is noted that the proposed hours for consumption of liquor will be restricted to 10.00 am to 11.00 pm and patron capacity will be 100. The number of events/functions will be limited relative to the number of patron/attendees.

Number of Patrons	Number of events per annum
Up to 10	No limit
Up to 30	25
Up to 60	12
Up to 100	10

All events will be managed by a minimum of one staff member onsite to ensure the Business Management Plan is adhered to at all given times. It is noted that bookings for the proposed use will only be accessible by advanced bookings with agreed patron numbers ensuring compliance pertaining to noise, consumption of liquor on site as well as live entertainment conditions.

There will be a direct point of contact in the event of any issues, concerns or a complaint. There will also be adequate training of the management staff to manage any concerns that may arise.

Conditions pertaining to the maximum number of patrons, proposed hours of operation as well as restriction of live music as well as endorsement of the Patron Management Plan will ensure the proposal will be an appropriate outcome in terms of Clause 52.27 - Licensed Premises.

## 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**

Given the significant nature of the proposed use and declared conflict by a sitting Councillor, the matter is reported to Council for consideration and determination pursuant to Council's Planning Delegations Policy

## **Options**

The matter must be determined by Council. The options available include:

1. Approval, subject to conditions.
2. Refusal, subject to specific grounds for refusal.
3. Modify the recommendation to include additional or amended conditions, if considered necessary to address any outstanding concerns.

Council officers recommend approval of the application based on the further information provided including the Traffic Impact Assessment report and Business Management Plan proposal and its consistency with the zoning, Planning Policy Framework and Decision Guidelines.

## **Resourcing**

### *Financial*

The assessment of the planning permit application is subject to standard statutory fees which contribute to cost recovery.

### *Plant and equipment*

Nil resources required outside standard working equipment.

### *Human Resources*

The application assessment is undertaken by staff in the planning team.

### *Risk*

The risks of this proposal have been considered and there is limited organizational assessed risk outside the typical planning assessment process

## **Economic**

The proposal will provide tourism and hospitality opportunities and diversity to the local economy.

## **Social**

Despite the proposal receiving 8 objections, it is argued that because of the further information provided and inclusion of specific conditions there will be limited adverse impact on the amount of traffic, noise, and the creation of related amenity impacts on the surrounding neighbourhood as mentioned.

## *Gender Impact Statement*

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

## **Environmental**

### *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.

## **Engagement**

Following public notice, the application received 8 objections provided at **Attachment 4** and 3 letters of support provided at **Attachment 5**. The contents of the objections have shared themes. The summarised grounds of objection are listed below with officer comments.

The issues/concerns presented by the objectors are outlined below:

- i. Significant increase in traffic movements as a result of proposed use.
- ii. Significant increase pertaining to bushfire risk as a result of proposed use.
- iii. Concerns in terms of capacity of the existing road to accommodate additional onsite traffic.
- iv. Road safety concerns as a result of proposed use.
- v. Noise generated by the proposed use and its effect on the surrounding properties.
- vi. Privacy concerns
- vii. Amenity concerns as a result of consumption of alcohol on site.
- viii. Parking concerns including parking on nature strip
- ix. Concerns pertaining to Patron Management on site
- x. Indoor area insufficient for accommodating a larger event.
- xi. Lack of clarity pertaining to existing septic tank system as well as second dwelling on site.
- xii. Measures pertaining to on-site patron management.
- xiii. Use of the site for Helicopter landing.
- xiv. Adverse impact on the wildlife as a consequence of the proposed use.

**Significant increase in traffic movements as a result of proposed use.**  
**Concerns in terms of capacity of the existing road to accommodate additional onsite traffic.**  
**Road safety concerns as a result of proposed use.**

The above concerns were raised by all the objectors and were also noted by the Council Officers. To alleviate the above, the applicant has submitted a detailed "Traffic Impact Assessment" report undertaken by Quantum Traffic Pty Ltd. As per the report *"Traffic generation for the proposed development is expected to peak during large events that can cater for up to 100 patrons. Maximum capacity events of 100 people would likely generate 30 arrival movements and 30 departure movements (based on a statutory car parking rate of 0.3 cars per patron outlined in Clause 52.06 of the Planning Scheme). These movements would typically occur in separate hours, given that large events typically occur over multiple hours. On this basis, we have allocated the development volumes to the key peak hours as follows:*

- *Weekday AM Peak (8am-9am) – 30 Entry Movements*
- *Weekday PM Peak (3pm-4pm) – 30 Exit Movements*
- *Weekend Peak (12pm-1pm) – 30 Exit Movements*

*The SIDRA modelling shows that Paynesville Road / Mathiesons Road intersection will operate with a DOS of 0.16-0.20 during the key peak periods. Average delays range from 10-15s, with the critical movements being the right turns out of Mathiesons Road. Unsignalised intersection can operate with a DOS of up to 0.8. On this basis, the Paynesville Road / Mathiesons Road intersection is predicted to operate well below capacity in the post development scenario."*

It is noted that this report was referred to Council's Senior Technical Officer as well as DTP and both have provided consent to the proposal, subject to conditions. It is considered that the above matters have been appropriately addressed by the applicant.

### **Significant increase to risk pertaining to Bushfire as a result of the proposed use**

It is noted that the subject site is not affected by Bushfire Management Overlay though it is listed as a Bushfire Prone Area. Therefore, a revised Business Management Plan to ensure appropriate risk minimisation measures are undertaken in case of Bushfires so that the risks are kept to a minimum including cancellation of the proposed events on days where the Declared Fire Danger is Extreme (take action to protect life and property) or Catastrophic (for survival, leave bushfire risk areas).

**Noise generated by the proposed use and its effect on the surrounding properties.**  
**Amenity concerns as a result of consumption of alcohol on site.**  
**Parking concerns including parking on nature strip**  
**Concerns pertaining to Patron Management on site**

A Business Management Plan has been submitted by the applicant, which states that music will cease by 10pm and all events will conclude at 11pm. This is consistent with the EPA requirements for music in residential areas and allows time for patrons to leave the premises by 11pm. La Riva Management will employ a dedicated staff member to ensure that patrons leave the premises at the end of events, disperse in a quiet and orderly manner and that no patrons congregate in surrounding areas. It is also noted that the use of Concierge Vehicles is an option to be provided to drop off patrons will also be provided.

To specifically address the parking concerns in relation to the proposed use, a condition ensuring the vehicles on the subject site will be lawfully parked at all times, to the satisfaction of the Responsible Authority will be added.

To further manage adverse impact on the surrounding area the Business Management Plan has indicated the larger events with up to 100 guests will be limited to 10 per annum. Events such as weddings, engagement parties or larger celebrations will be limited to 60 people. The type of event will determine the hours and length of stay. As per the submitted documentation, all larger events and celebrations will be finished by 11 pm.

### **Privacy Concerns**

The appearance of any temporary buildings and works will be controlled via the Business Management Plan submitted by the applicant. While the privacy concerns are acknowledged, it falls behind the scope of the application to address these matters.

### **Indoor area insufficient for accommodating a larger event**

As per the supporting documentation, the events will be undertaken both inside the existing buildings as well as outside depending upon the nature of the proposed events.

For the larger events there will be appropriate waste management measures including provision of multiple bins (General as well as recyclable) as well as commercial garbage collection arrangement as and when required.

It is also noted that the existing septic tank would be capable of accommodating the existing bed and breakfast component of the site while for the larger events, portable toilets will be provided on site as when required. As per the standards quoted in the Business Management Plan, a minimum of three portable toilets will be required for up to 240 people (taking 50 percent male, 50 percent female ratio). To provide further certainty, Condition 1 plan will be requested to provide an indicative location of the portable toilets as well as ensure they are taken off site or stored appropriately so as to ensure the amenity of the surrounding residents in terms of the odour or visual appearance is not affected.

### **Use of the Site for Helicopter Landing**

The objectors have also indicated that the site is being used for private helicopter landing. As per Clause 52.15-1, a permit is required to use the site for a helicopter landing site even if it is ancillary to another use on the land. The applicant has not indicated that they intend to use the site for helicopter landing therefore it is beyond the scope of the application under consideration.

### **Lack of clarity pertaining to existing septic tank system as well as second dwelling on site.**

The second dwelling at the subject site was a part of the Planning Permit process and a permit was granted by VCAT for "Use and development of the land for a second dwelling, two lot subdivision and vegetation removal". It is noted that no Building Permit has been registered for the second dwelling on site and this matter has been raised with the applicant.

For large events, the applicant will be using portable toilets to ensure there is no additional effluent disposal exceeding the capacity of existing septic system.

It is noted that the application was referred to the Council's Environmental Health Department, and the authorised officer has provided consent to the proposal.



## **Attachments**

1. Proposed Conditions [**5.1.1.1** - 2 pages]
2. Application & Supporting documentation [**5.1.1.2** - 65 pages]
3. DTP Referral response [**5.1.1.3** - 1 page]
4. Redacted objections [**5.1.1.4** - 94 pages]
5. Redacted letters of support [**5.1.1.5** - 4 pages]
6. PCM meeting summary [**5.1.1.6** - 16 pages]

**PROPOSED CONDITIONS**

**Application:** 5.2022.498.1  
**Proposal:** Use of accommodation, function and events centre, car parking dispensation and liquor licence  
**Property Address:** 105 Mathiesons Road EAGLE POINT 3878  
**Property Title** CA: 8 Sec: A, Lot: 1 PS: 734369, Lot: 2 PS: 734369

**THE PERMIT WILL ALLOW:**

<b>Planning Scheme Clause no.</b>	<b>Description of what the permit allows, in accordance with the endorsed plans</b>
32.02-1	Use of land for accommodation and function centre.
52.06-3	Reduce the number of car parking spaces required to zero from 30
52.27	Use land to sell or consume liquor

**THE FOLLOWING CONDITIONS WILL APPLY TO THIS PERMIT:**

1. Before the use starts, plans must be approved and endorsed by the responsible authority. The plans must, to the satisfaction of the responsible authority, be generally in accordance with the plans submitted, but amended to show the following details:
  - a) A Revised Business Management Plan to indicate the following details:
    - i. providing indicative location of portable toilets and any other temporary buildings, works and structures, where such are required for an event.
    - ii. The following wording in relation to natural hazards (bushfire prone area) must be added "Any events must not be held on a day where the declared Fire Danger Rating is Extreme or Catastrophic, to the satisfaction of the Responsible Authority".

The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority and must at all times be carried out in accordance with the endorsed Business Management Plan.

No more than 100 patrons may be present on the land at any time.

Unless with the written consent of the Responsible Authority, the use of the premises for the sale of alcohol hereby permitted must only take place on any given day between the hours of:

9am to 11pm.

Unless with the written consent of the Responsible Authority any form of live entertainment or amplified music must cease by 10pm to the satisfaction of the Responsible Authority.

Waste management and collection must be carried out in accordance with the requirements of the approved and endorsed Business Management Plan, to the satisfaction of the Responsible Authority.

The car-parking area within the subject site must be maintained in a safe, serviceable and appropriate condition to the satisfaction of the responsible authority, including ensuring any drainage is directed to an appropriate point of discharge that prevents concentrated storm water being directed to any neighbouring property.

All the vehicles for the proposed use must be parked legally at all times and not within Mathiesons Road Reserve to the satisfaction of the Responsible Authority.

**Time Limit condition**

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

This permit as it relates to use including sale and consumption of alcohol will expire if the use does not start within 2 years after the issue date of this permit.

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 period referred to in this condition.

## East Gippsland Shire Council

273 Main Street (PO Box 1618)  
Bairnsdale Vic 3875  
Website [www.eastgippsland.vic.gov.au](http://www.eastgippsland.vic.gov.au)  
Email [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)  
Follow us on Twitter @egsc



Telephone: (03) 5153 9500  
Fax: (03) 5153 9576  
National Relay Service: 133 677  
Residents' Information Line: 1300 555 886  
ABN: 81 957 967 765

## Planning Permit Application

### Applicant Details:

Name: ANDREA BROWN & DAVID VISSER			
Business trading name: (if applicable) C/- DEVELOPMENT SOLOUTIONS VICTORIA			
Email address: ADMIN@DEVSOLVIC.COM.AU			
Postal address: 48 BAILEY STREET, BAIRNSDALE			
			Postcode 3 8 7 5
Phone number: Home:	Work: 03 5152 4858	Mobile:	

### Owners Details: (if not the applicant)

Name: ANDREA LOIS BROWN & DAVID LEON VISSER			
Business trading name: (if applicable) C/- DEVELOPMENT SOLOUTIONS VICTORIA			
Email address: ADMIN@DEVSOLVIC.COM.AU			
Postal address: 48 BAILEY STREET, BAIRNSDALE			
			Postcode 3 8 7 5
Phone number: Home:	Work: 03 5152 4858	Mobile:	

### Description of the Land:

Street number: 105		Street name: MATHIESONS ROAD	
Town: EAGLE POINT			Postcode 3 8 7 8
Legal Description:			
Lot Number: 1 & 2	<input type="checkbox"/> Lodged plan	<input type="checkbox"/> Title plan	<input checked="" type="checkbox"/> Plan of Subdivision
			Number: 734369F
Crown Allotment Number:		Section Number:	
Parish/Township Name:			
Has there been a pre-application meeting: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Officers name:	
Your reference number: 22138			

#### Privacy Statement

The East Gippsland Shire Council asks for details about you to collect rates, approve permits and licences, and run a range of community services. The information you give to us on this form is used only for the reasons set out in the form and is not given to anybody else. Sometimes we may supply details about you to someone else, but only if we are allowed by law, or to protect someone or property.

When submitting documents to Council you are confirming that you have authority to use those documents. In the event that the giving of notice is required pursuant to Section 52 of the Planning and Environment Act 1987, you permit documents submitted as part of this application, including your full contact information to be made available for public viewing on Council's website

When information is given out, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act 2014*. You may ask for more information about Council's Privacy Policy by contacting our Information Privacy Officer on 03 5153 9500 or e-mail [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)

Aug 19

## East Gippsland Shire Council

273 Main Street (PO Box 1618)  
Bairnsdale Vic 3875  
Website [www.eastgippsland.vic.gov.au](http://www.eastgippsland.vic.gov.au)  
Email [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)  
Follow us on Twitter @egsc



Telephone: (03) 5153 9500  
Fax: (03) 5153 9576  
National Relay Service: 133 677  
Residents' Information Line: 1300 555 886  
ABN: 61 957 967 765

Is there any encumbrance on the Title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the proposal result in a breach of a registered covenant restriction or agreement?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Description of proposal:</b> Describe the use, development or other matter which needs a permit: USE OF ACCOMODATION, FUNCTION, AND EVENTS CENTRE, CARPARKING DISPENSATION AND LIQUOR LICENCE     	
<b>Existing conditions:</b> Describe how the land is used and developed currently: 2 EXISTING DWELLINGS AND ASSOCIATED FACILITIES      	
Estimated cost of development: Note: You may be required to verify this estimate	\$ N/A

If you need more space or have more information, please attach with this form.

Please make sure that:

- ☐ Form is filled in fully and signed
- ☐ The correct fee is paid or payment enclosed
- ☐ Attached any supporting information or documents
  - **Required** - Title (must have been generated within the past 30 days)
  - Covenants or Section 173 agreements
  - Site plan/floor - plan/elevations
  - Planning report
  - Supporting information/reports (e.g. – Land Capability Assessment, Bushfire Management Statement, Geotechnical report/waiver)

### Privacy Statement

The East Gippsland Shire Council asks for details about you to collect rates, approve permits and licences, and run a range of community services. The information you give to us on this form is used only for the reasons set out in the form and is not given to anybody else. Sometimes we may supply details about you to someone else, but only if we are allowed by law, or to protect someone or property.

When submitting documents to Council you are confirming that you have authority to use those documents. In the event that the giving of notice is required pursuant to Section 52 of the Planning and Environment Act 1987, you permit documents submitted as part of this application, including your full contact information to be made available for public viewing on Council's website

When information is given out, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act 2014*. You may ask for more information about Council's Privacy Policy by contacting our Information Privacy Officer on 03 5153 9500 or e-mail [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)

Aug 19

## East Gippsland Shire Council

273 Main Street (PO Box 1618)  
Bairnsdale Vic 3875  
Website [www.eastgippsland.vic.gov.au](http://www.eastgippsland.vic.gov.au)  
Email [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)  
Follow us on Twitter @egsc



Telephone: (03) 5153 9500  
Fax: (03) 5153 9576  
National Relay Service: 133 677  
Residents' Information Line: 1300 555 886  
ABN: 81 957 967 765

### Declaration:

I declare that I am the applicant and that all the information in this application is true and correct and the owner (if not myself) has been notified of the permit application.

I confirm that I have authority to use the relevant documents.

In the event that the giving of notice is required pursuant to Section 52 of the Planning and Environment Act 1987, I permit documents submitted as part of this application, including my full contact information, to be made available for public viewing on Council's website.

Applicant signature:

Name: ANDREA BROWN & DAVID VISSER

Date: 11 / 11 / 2022

### Office Use Only:

Reference Number: AP/D/PP/\_\_\_\_\_ Method of Payment: ☐ Cash ☐ Cheque ☐ Credit Card ☐ Eftpos

Amount Paid: \$\_\_\_\_\_ Receipt Number: \_\_\_\_\_ Receipt Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

### Submitting your application:

#### Electronic

Fax to 03 5153 9576

Email to [planning@egipps.vic.gov.au](mailto:planning@egipps.vic.gov.au)

#### Mail

Post the signed, completed form together with any applicable fees or copies of any documentation to:  
PO Box 1618  
BAIRNSDALE VIC 3875.

#### In Person

Bring the completed form and supporting documents to any of the following locations;

Service Centre Opening Hours:  
8:30am to 5:00pm.  
Monday to Friday.

Bairnsdale Corporate Centre: 273 Main Street.  
Lakes Entrance Service Centre: 18 Mechanics Street.  
Omeo Service Centre: 179 Day Avenue.  
Orbost Service Centre: 1 Ruskin Street.  
Paynesville Service Centre: 55 The Esplanade.

Mallacoota Service Centre Opening Hours:  
Monday and Tuesday 10.00am to 2.00pm  
Wednesday, Thursday, Friday 2.00pm to 5.00pm

Mallacoota Service Centre: 70 Maurice Avenue

### Privacy Statement

The East Gippsland Shire Council asks for details about you to collect rates, approve permits and licences, and run a range of community services. The information you give to us on this form is used only for the reasons set out in the form and is not given to anybody else. Sometimes we may supply details about you to someone else, but only if we are allowed by law, or to protect someone or property.

When submitting documents to Council you are confirming that you have authority to use those documents. In the event that the giving of notice is required pursuant to Section 52 of the Planning and Environment Act 1987, you permit documents submitted as part of this application, including your full contact information to be made available for public viewing on Council's website

When information is given out, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act 2014*. You may ask for more information about Council's Privacy Policy by contacting our Information Privacy Officer on 03 5153 9500 or e-mail [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)

Aug 19

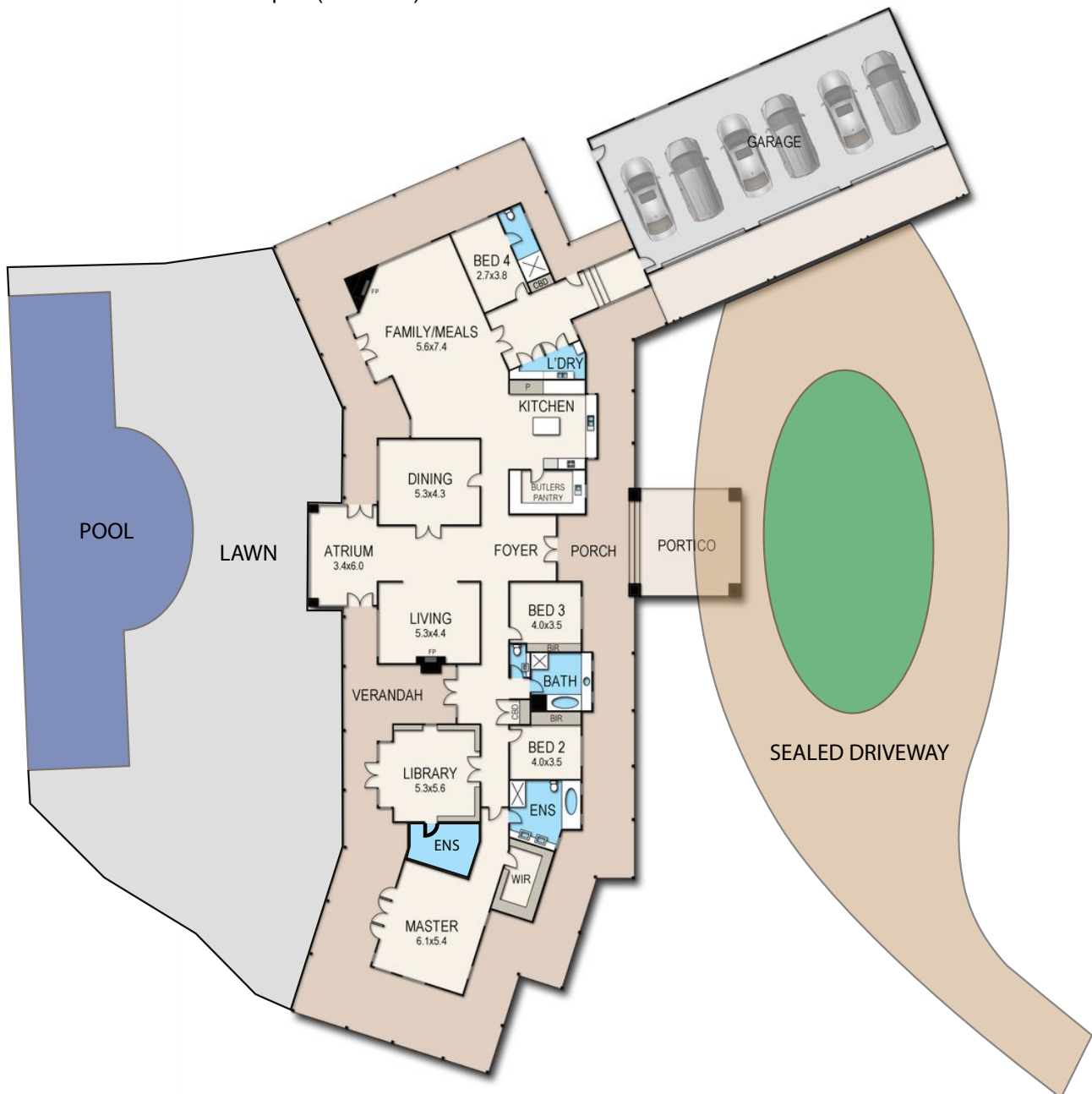
**95 MATHIESONS RD - FLOOR PLAN**

ALLOT. 8, SEC. A

C.P. NO. 895 (Part)

LOT 1 / PS734369

AREA - 16814 sq. m (1.681 ha)





**Birgit Neumeyer**

---

**From:** Kayla Stephenson <kayla@devsolvic.com.au>  
**Sent:** Thursday, 24 November 2022 4:11 PM  
**To:** Planning Unit Administration  
**Subject:** Application for a Planning Permit - 95 & 105 Mathiesons Road, Eagle Point  
**Attachments:** APPENDIX B Development Plan.pdf; APPENDIX C Business Management Plan.pdf; APPENDIX D Redline Plan.pdf; APPENDIX A Plan of Subdivision.PDF; Signed Planning Permit Application Form.pdf; 22138 Letter to Council .pdf; 22138 Planning Submission.pdf; APPENDIX A Copy of Title 2.PDF; APPENDIX A Copy of Title.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 afternoon,

**Re:     Application for a Planning Permit  
          95 & 105 Mathiesons Road, Eagle Point  
          Use of Accommodation, Function & Events Centre, Car Parking Dispensation & Liquor License**

Please see attached application for planning approval and supporting documentation.  
Please do not hesitate in contacting our office if anything further is required.

Kind Regards,



**Kayla Stephenson**  
Administration Assistant  
03 5152 4858 | 48 Bailey Street Bairnsdale Vic 3875  
kayla@devsolvic.com.au

PLAN | CONNECT | FACILITATE

[www.devsolvic.com.au](http://www.devsolvic.com.au)



Our Ref: 22138

24<sup>th</sup> November 2022

Robert Pringle  
East Gippsland Shire Council  
Statutory Planning Coordinator  
PO Box 1618  
Bairnsdale Vic 3875

Dear Robert,

**Re:    Application for a Planning Permit  
      95 & 105 Mathiesons Road, Eagle Point  
      Use of Accommodation, Function & Events Centre, Car Parking Dispensation & Liquor License**

Please find attached an application for planning permit with the following:

- Application for Planning Permit Form
- Planning Submission
- Proposed Plans
- Current Copy of Title
- Business Management Plan
- Redline Plan

Should you require any further information, please do not hesitate to contact 03 5152 4858.

Regards

A handwritten signature in black ink that reads 'Campbell'.

**Courtney Campbell**  
Development Solutions Victoria



Copyright State of Victoria. No part of this publication may be reproduced except as permitted by the Copyright Act 1968 (Cth), to comply with a statutory requirement or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. None of the State of Victoria, its agents or contractors, accepts responsibility for any subsequent publication or reproduction of the information.

The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

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

Page 1 of 1

VOLUME 12256 FOLIO 537

Security no : 124101665680E

Produced 08/11/2022 03:16 PM

### LAND DESCRIPTION

Lot 2 on Plan of Subdivision 734369F.  
PARENT TITLE Volume 09545 Folio 148  
Created by instrument PS734369F 19/10/2020

### REGISTERED PROPRIETOR

Estate Fee Simple

TENANTS IN COMMON

As to 1 of a total of 2 equal undivided shares

Sole Proprietor

ANDREA LOIS BROWN of 105 MATHIESONS ROAD EAGLE POINT VIC 3878

As to 1 of a total of 2 equal undivided shares

Sole Proprietor

DAVID LEON VISSER of 105 MATHIESONS ROAD EAGLE POINT VIC 3878

PS734369F 19/10/2020

### ENCUMBRANCES, CAVEATS AND NOTICES

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 PS734369F FOR FURTHER DETAILS AND BOUNDARIES

### ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 105 MATHIESONS ROAD EAGLE POINT VIC 3878

### ADMINISTRATIVE NOTICES

NIL

eCT Control 21210T WARREN GRAHAM AND MURPHY PTY LTD

Effective from 19/10/2020

DOCUMENT END



Copyright State of Victoria. No part of this publication may be reproduced except as permitted by the Copyright Act 1968 (Cth), to comply with a statutory requirement or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. None of the State of Victoria, its agents or contractors, accepts responsibility for any subsequent publication or reproduction of the information.

The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

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

Page 1 of 1

VOLUME 12256 FOLIO 536

Security no : 124101665678G

Produced 08/11/2022 03:16 PM

### LAND DESCRIPTION

Lot 1 on Plan of Subdivision 734369F.  
PARENT TITLE Volume 09545 Folio 148  
Created by instrument PS734369F 19/10/2020

### REGISTERED PROPRIETOR

Estate Fee Simple

TENANTS IN COMMON

As to 1 of a total of 2 equal undivided shares

Sole Proprietor

ANDREA LOIS BROWN of 105 MATHIESONS ROAD EAGLE POINT VIC 3878

As to 1 of a total of 2 equal undivided shares

Sole Proprietor

DAVID LEON VISSER of 105 MATHIESONS ROAD EAGLE POINT VIC 3878

PS734369F 19/10/2020

### ENCUMBRANCES, CAVEATS AND NOTICES

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 PS734369F FOR FURTHER DETAILS AND BOUNDARIES

### ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 105 MATHIESONS ROAD EAGLE POINT VIC 3878

### ADMINISTRATIVE NOTICES

NIL

eCT Control 21210T WARREN GRAHAM AND MURPHY PTY LTD

Effective from 19/10/2020

DOCUMENT END



## Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	<b>Plan</b>
Document Identification	<b>PS734369F</b>
Number of Pages (excluding this cover sheet)	<b>3</b>
Document Assembled	<b>08/11/2022 15:17</b>

**Copyright and disclaimer notice:**

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Secure Electronic Registries Victoria Pty Ltd (ABN 86 627 986 396) as trustee for the Secure Electronic Registries Victoria Trust (ABN 83 206 746 897) accept responsibility for any subsequent release, publication or reproduction of the information.

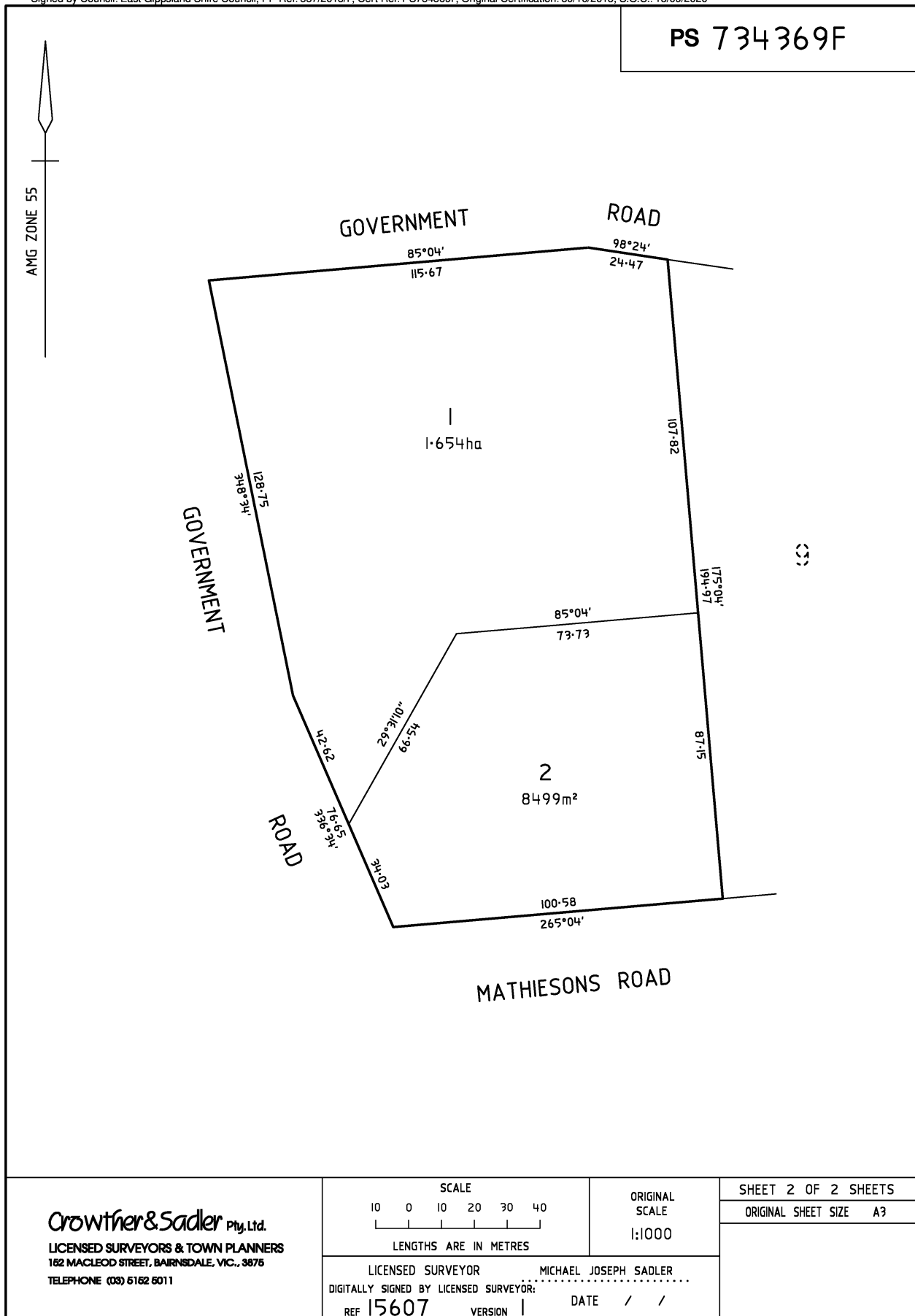
The document is invalid if this cover sheet is removed or altered.

Signed by Council: East Gippsland Shire Council, PP Ref: 357/2013/P, Cert Ref: PS734369F, Original Certification: 30/10/2015, S.O.C.: 15/09/2020

<b>PLAN OF SUBDIVISION</b>			LV USE ONLY <b>EDITION 1</b>	<b>PS 734369F</b>
<b>LOCATION OF LAND</b>  <b>PARISH :</b> BAIRNSDALE <b>TOWNSHIP :</b> _____ <b>SECTION :</b> A <b>CROWN ALLOTMENT :</b> 8 <b>CROWN PORTION :</b> _____  <b>TITLE REFERENCE :</b> VOL 9545 FOL 148  <b>LAST PLAN REFERENCE :</b> TP268528V  <b>POSTAL ADDRESS : (At time of subdivision)</b> 105 MATHIESONS ROAD, EAGLE POINT, 3878  <b>MGA94 Co-ordinates (of approx centre of land in plan)</b> E 558 735 ZONE: 55 N 5806 150 GDA 94			<b>COUNCIL CERTIFICATION AND ENDORSEMENT</b>  <b>COUNCIL NAME:</b> EAST GIPPSLAND SHIRE COUNCIL	
<b>VESTING OF ROADS AND/OR RESERVES</b>			<b>NOTATIONS</b>	
IDENTIFIER	COUNCIL/BODY/PERSON		DEPTH LIMITATION DOES NOT APPLY	
NIL	NIL		Survey: This plan is/ <del>is not</del> based on survey. To be completed where applicable. This survey has been connected to permanent marks no(s) In Proclaimed Survey Area No.	
			<b>STAGING</b> This <del>is</del> /is not a staged subdivision. Planning Permit No. 357/2013/P	
<b>EASEMENT INFORMATION</b>				
<b>LEGEND:</b> A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
<b>Crowthier &amp; Sadler</b> Pty. Ltd. <b>LICENSED SURVEYORS &amp; TOWN PLANNERS</b> 182 MACLEOD STREET, BAIRNSDALE, VIC., 3875 TELEPHONE (03) 6162 6011			LICENSED SURVEYOR ..... MICHAEL JOSEPH SADLER .....	
			DIGITALLY SIGNED BY LICENSED SURVEYOR: DATE / /	
			REF 15607 VERSION	
			SHEET 1 OF 2 SHEETS ORIGINAL SHEET SIZE A3 PLAN REGISTERED TIME: 12:17pm DATE: 19/10/2020 K. NGUYEN Assistant Registrar of Titles	

Digitally signed by: Michael Joseph Sadler, Licensed Surveyor, Surveyor's Plan Version (1) SPEAR Ref: S061259M 10/12/2014

Signed by Council: East Gippsland Shire Council, PP Ref: 357/2013/P, Cert Ref: PS734369F, Original Certification: 30/10/2015, S.O.C.: 15/09/2020







**Plan of Subdivision PS734369F**  
**Certification of plan by Council (Form 2)**

SUBDIVISION (PROCEDURES) REGULATIONS 2011

SPEAR Reference Number: S061259M  
Plan Number: PS734369F  
Responsible Authority Name: East Gippsland Shire Council  
Responsible Authority Permit Ref. No.: 357/2013/P  
Responsible Authority Certification Ref. No.: PS734369F  
Surveyor's Plan Version: 1

**Certification**

This plan is certified under section 6 of the Subdivision Act 1988

**Public Open Space**

A requirement for public open space under section 18 of the Subdivision Act 1988

has not been made at Certification

Digitally signed by Council Delegate: Sarah McLaughlin  
Organisation: East Gippsland Shire Council  
Date: 30/10/2015

Digitally signed by: Sarah Marie McLaughlin (East Gippsland Shire Council) 30/10/2015



APPLICATION FOR PLANNING PERMIT

USE OF ACCOMMODATION, FUNCTION AND  
EVENTS CENTRE, CAR PARKING DISPENSATION  
AND LIQUOR LICENCE

NOV  
20  
22

95 & 105 MATHIESONS ROAD, EAGLE POINT

ANDREA BROWN AND DAVID VISSER

REF: 22138

## CONTENTS

1. Executive Summary	3
2. Introduction	4
3. Site and Surrounds	4
4. Proposal	15
5. Planning Provisions	18
5.1. Planning Policy Framework	18
5.2. Municipal Planning Strategy	22
5.3. Zone and Overlays	27
5.4. Other Planning Considerations	30
6. Planning Assessment	37
6.1. Decision Guidelines of the Low Density Residential Zone	37
6.2. Decision Guidelines of Clause 52.06	38
6.3. Decision Guidelines of the Clause 52.17	41
6.4. Decision Guidelines of Clause 65	43
7. Conclusion	45

APPENDIX A Copy of Title

APPENDIX B Site Plan

APPENDIX C Business Management Plan

APPENDIX D Red line plan

Version	Initials	Date	Comments
1.0	DAC	11/11/2022	Draft for Review
1.1	CMC	14/11/2022	Reviewed
1.2	DAC	17/11/2022	Final for Submission

### Disclaimer:

This document has been prepared for planning permit application purposes only. The report has been made with careful consideration and with the best information available to Development Solutions Victoria Pty Ltd at the time.

No component of this document is to be reproduced for any purpose without prior written consent of Development Solutions Victoria Pty Ltd.

November 2022



## APPLICATION FOR PLANNING PERMIT 95 & 105 MATHIESONS ROAD, EAGLE POINT USE OF ACCOMMODATION, FUNCTION AND EVENTS CENTRE, CAR PARKING DISPENSATION AND LIQUOR LICENCE

### 1. EXECUTIVE SUMMARY

This planning submission is in support of a planning permit application for use of accommodation, function and events centre, car parking dispensation and liquor licence at 95 and 105 Mathiesons Road, Eagle Point currently operating as LaRiva.

The parcel at 95 Mathiesons Road is 1.654 hectares in area and the parcel at 105 Mathiesons Road is 8499m<sup>2</sup>. The two parcels are zoned Low Density Residential Zone and are affected by the Design and Development Overlay – Schedule 11, Erosion Management Overlay and the Environmental Significance Overlay – Schedule 1-38 under the provisions of the East Gippsland Planning Scheme.

A planning permit is required under the provisions of the Low Density Residential Zone. The requirements of the zone are addressed throughout the submission and within the supporting documentation.

The proposed use of accommodation, function and events centre, car parking dispensation and liquor licence is appropriate in this location and will be appropriately managed to ensure the amenity of the area is not detrimentally affected.

The following components of the East Gippsland Planning Scheme are addressed in response to the application as required:

- Clause 11 – Settlement
- Clause 12 – Environmental Landscape
- Clause 13 – Environmental Risks and Amenity
- Clause 15 – Built Environment Heritage
- Clause 17 – Economic Development
- Clause 21.02 –Municipal Planning Strategy
- Clause 21.03 – Settlement
- Clause 21.07 – Built Environment and Heritage
- Clause 21.09 – Economic Development
- Clause 21.12 – Strategies for Sub-Regions, Towns and Localities
- Clause 32.03 – Low Density Residential Zone
- Clause 52.06 – Car parking
- Clause 52.17 – Licenced Premises
- Clause 65 – Decision Guidelines

The information provided within this submission addresses the requirements of the East Gippsland Planning Scheme as outlined above and concludes that the proposal will result in a positive contribution to the Eagle Point area.

Ref: 22138



## 2. INTRODUCTION:

We act on behalf of Andrea Brown and David Visser the owners and operators of LaRiva being land at 95 and 105 Mathiesons Road, Eagle Point being the subject of this planning application.

This planning submission and supporting documentation has been prepared in support of the planning permit application for the proposed use of accommodation, function and events centre, car parking dispensation and liquor licence.

This submission addresses relevant provisions of the East Gippsland Planning Scheme to assist Council planning officers in considering the merit of the proposed development.

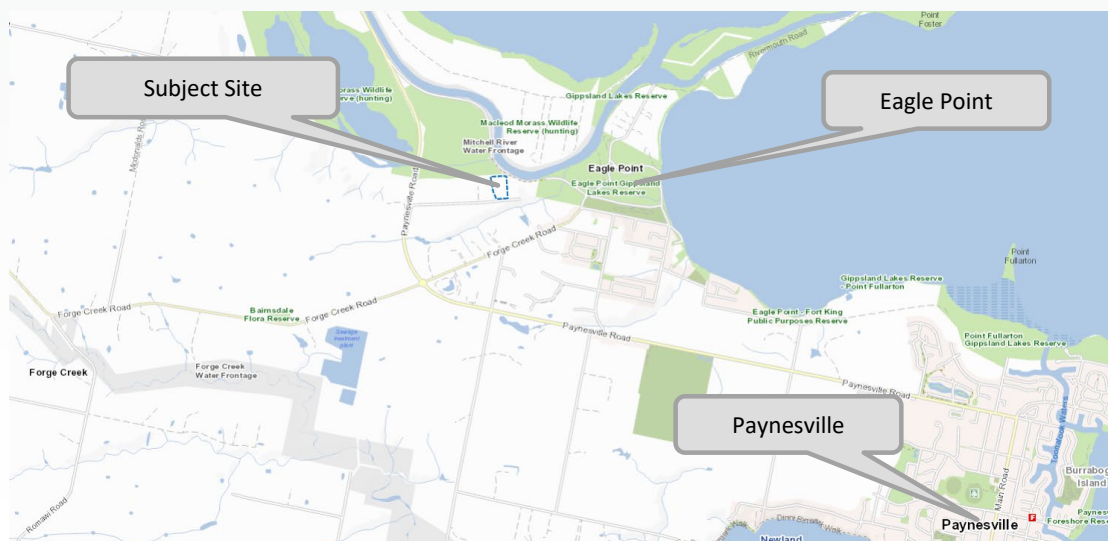
## 3. SITE AND SURROUNDS

The subject site is located at 95 and 105 Mathiesons Road, Eagle Point.

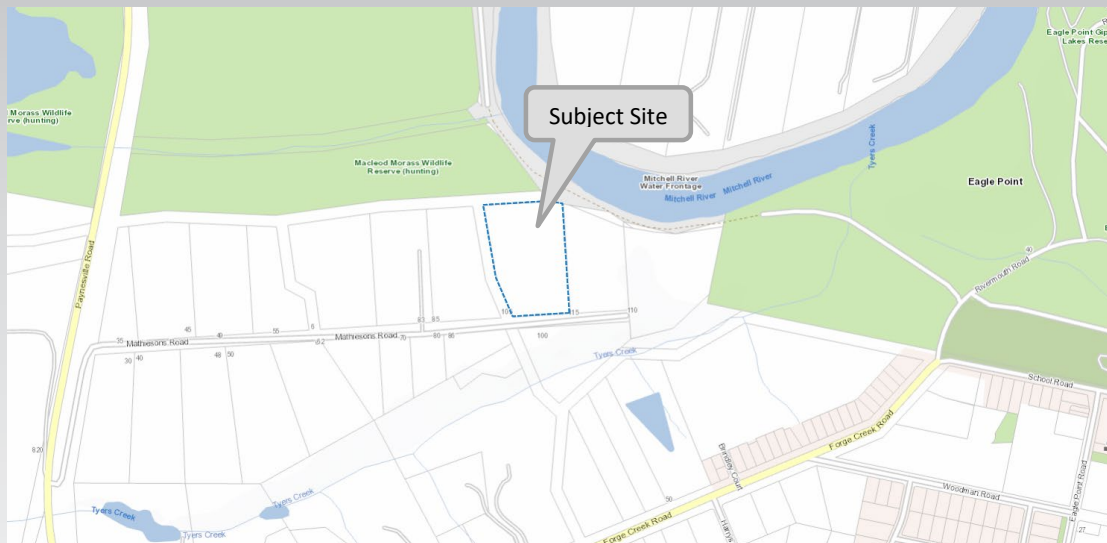
95 Mathiesons Road, Eagle Point is formally identified as lot 1 on Plan of Subdivision 734369F contained in Certificate of Title Vol 12256 Fol 536. A copy of the title and relevant plan is contained in **Appendix A**. There are no covenants or agreements registered on the title.

105 Mathiesons Road, Eagle Point is formally identified as lot 2 on Plan of Subdivision 734369F contained in Certificate of Title Vol 12256 Fol 537. A copy of the title and relevant plan is contained in **Appendix A**. There are no covenants or agreements registered on the title. A copy of the titles and plan of subdivision is contained in **Appendix A**.

The site is located within an existing Low Density Residential area within the locality of Eagle Point as shown in the locality plans below in **Figure 1** and **Figure 2**. Eagle Point is a small village on the Gippsland Lakes, located between Paynesville and Bairnsdale. Eagle Point has a limited level of community and commercial services and facilities however, a full range of services and facilities are available in Paynesville which is approximately 6.5km east and Bairnsdale approximately 11km north west of the subject site.



**Figure 1 – Locality Plan – 95 and 105 Mathiesons Road, Eagle Point (source: mapshare.vic.gov.au)**



**Figure 2 – Locality Plan 95 and 105 Mathiesons Road, Eagle Point (source: mapshare.vic.gov.au)**

The subject site is located on the Mitchell River and comprises two lots. The larger allotment being the northern portion of the site is approximately 1.654 hectares in area, irregular in shape and contains an existing dwelling and associated facilities. The dwelling on this lot is very large and contains an infinity edge pool and manicured gardens. The dwelling is run as an accommodation facility identified as LaRiva.

The smaller allotment forms the southern portion of the site, is approximately 8499m<sup>2</sup> in area and is irregular shaped. This allotment has a 100.58 metre frontage to Mathiesons Road along the southern boundary and contains a dwelling being the managers residence and a gazebo. The allotments are delineated with post and wire fencing along the northern, eastern and western boundaries and the southern boundary is a combination of timber post and rail and post and wire fencing. The boundary between the two lots is not defined.

The land adjoining the subject site to the east and west contain exiting residential dwellings and associated facilities, adjoining the northern boundary is the Mitchell River and adjoining the southern boundary is Mathiesons Road with residential development beyond.

Access to both allotments is provided along the southern boundary with one in the western portion of the southern boundary via an unmade Government Road reserve that connects directly to Mathiesons Road and adjoins the western boundary of the subject site. This road reserve is leased by the owners of the subject site and is used and maintained with the property. The second access point is via a sealed bitumen crossover and driveway in the eastern portion of the southern boundary directly to Mathiesons Road. Mathiesons Road is a fully constructed bitumen sealed road traversing in an east west direction and connecting to Paynesville Road approximately 1.1 kilometres west of the subject site and ceases approximately 100 metres east of the subject site.

The area comprises a variety of dwelling sizes and styles and has access to a range of services and infrastructure including electricity, water, telecommunications and a suitable road network.

A visual description of the subject site and surrounding land is outlined in the photographs below.





**Photograph 1** – Aerial Photograph of the subject site and surrounding land – 95 and 105 Mathiesons Road, Eagle Point. (source: dpi.vic.gov.au)



**Photograph 2** – Aerial Photograph of the subject site – 95 and 105 Mathiesons Road, Eagle Point. (source: dpi.vic.gov.au)

Ref: 22138





*Photograph 3 – Main access at 105 Mathiesons Road, Eagle Point.*



*Photograph 4 – Second access at 105 Mathiesons Road, Eagle Point.*





*Photograph 5 – Existing dwelling at 105 Mathiesons Road, Eagle Point facing north.*



*Photograph 6 – Driveway loop on the southern side of the existing dwelling.*





*Photograph 7 – Existing glass house and manicured gardens on subject site facing north west.*



*Photograph 8 – Existing dwelling facing north.*





*Photograph 9 – Garden area in the northern portion of the site facing east.*



*Photograph 10 – Dwelling (managers residence) in southern portion of subject site.*





**Photograph 11** –Government Road Reserve adjoining the western boundary facing north.



**Photograph 12** – Allotment adjoining the eastern boundary at 115 Mathiesons Road, Eagle Point.





**Photograph 13** – Existing dwelling opposite the subject site at 100 Mathiesons Road.



**Photograph 14** – Existing dwelling opposite the subject site at 85 Mathiesons Road.





*Photograph 15 – Opposite subject site to the south at 90 Mathiesons Road.*



*Photograph 16 – Mathiesons Road facing west.*





*Photograph 17 – Mathiesons Road facing east.*



#### 4. PROPOSAL:

This application seeks approval for the use of accommodation, function and events centre, car parking dispensation and a liquor license at 95 and 105 Mathiesons Road, Eagle Point.

The proposal will result in a new accommodation, function and events centre that will give customers a unique, attractive and luxurious option for accommodation and events. The owners of LaRiva collaborate with many other local businesses showcasing the East Gippsland Region.

A site plan is contained in **Appendix B**.

##### **Accommodation**

The application seeks approval for use of accommodation for up to 10 persons with 25 visitors. The accommodation component will be contained within the existing dwelling on Lot 1 being the northern portion of the site.

The Mediterranean style home has 5 bedrooms and provides a luxury retreat for group bookings.

##### **Events and Functions**

LaRiva is establishing as an event space that can be used for various events, meetings, celebrations such as birthdays and weddings, health and wellness retreats, community functions and others as outlined in the Business Management Plan contained in **Appendix C**.

The facility will host up to a maximum of 100 people.

##### **Hours of operation**

Given the nature of the proposed events the operation hours will be varied depending on the type of event or function being hosted.

The hours proposed for the liquor licence will be 9.00 am to 11.00 pm seven days per week.

##### **Car Parking**

The subject site contains a 6 car garage and carport that meets the requirements of the accommodation component of the proposal. For events, grass and driveway areas will be clearly marked with parking instructions however parking will be informal. The areas identified as suitable for parking are included on the proposed plan contained in **Appendix B** and include two areas that each can accommodate 20 spaces. One area is within Lot 1 in the western portion of the site. This is a large cleared grass area that would have access via the existing driveway. The second area is within the leased Government Road Reserve adjoining the western boundary.

It is proposed to provide transport as an option for many of the events. The owners have an 11 seater concierge van that will be actively used to transport guests as requested. The owners will promote both the concierge van and request larger transport buses to move people within East Gippsland to reduce the need for parking onsite in addition to providing a luxury and fully accommodating service.

##### **Services**

Both allotments are currently connected to all available services including (but not limited to) reticulated water, electricity, telecommunications and the existing road network. The subject site contains an existing septic tank which is capable of supporting the accommodation component of the business and the small to medium functions. For larger events, additional portable toilets will be commissioned.

### Access

Access is existing for both allotments directly from Mathiesons Road as indicated on the site plan contained in **Appendix B** and will remain unchanged.

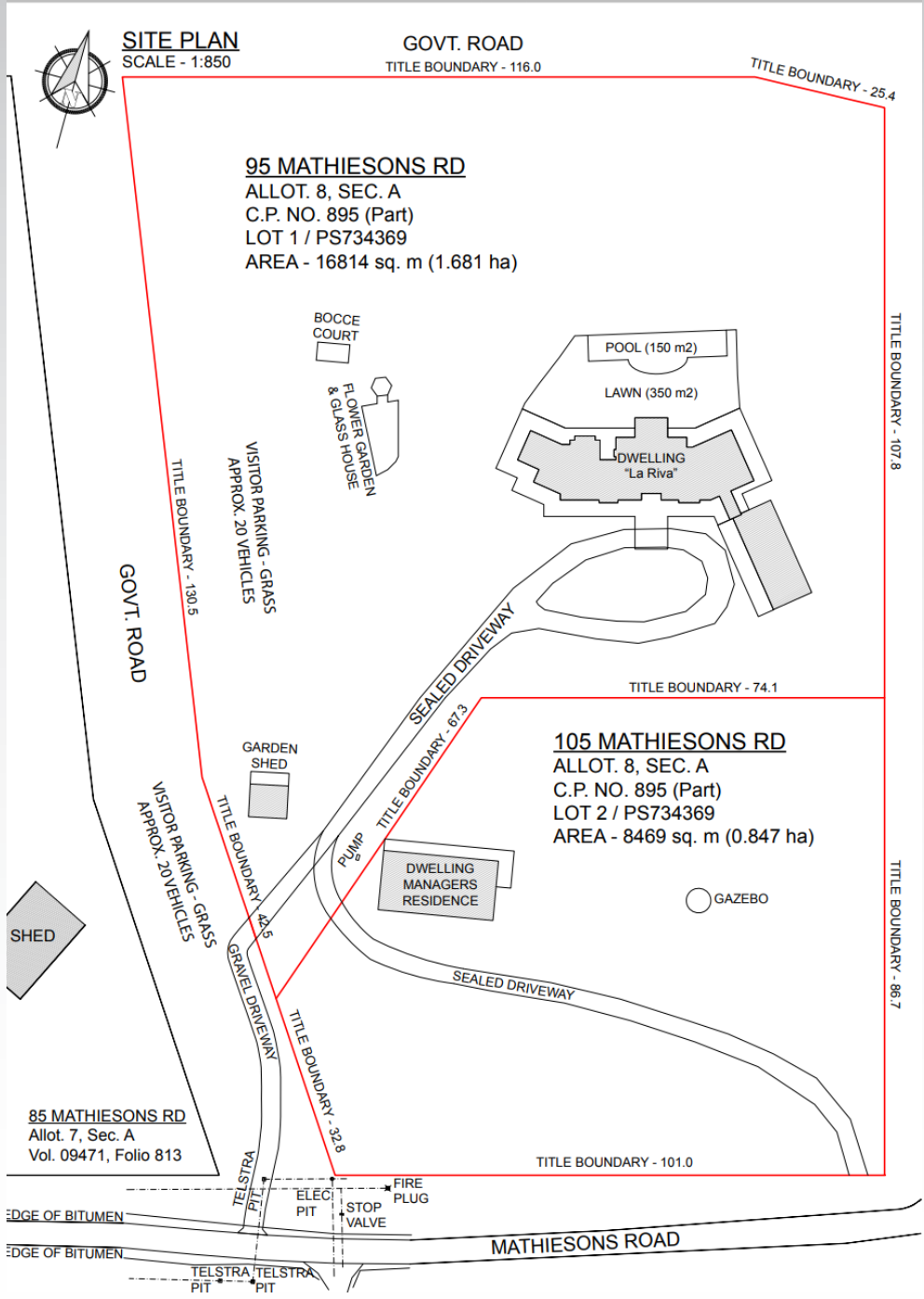
### Liquor License

The application seeks approval for a liquor licence to enable provision of alcohol at some functions and events.

The proposed liquor licence hours will be from 9:00 am to 11:00 pm.

The maximum capacity for patrons under the liquor license will be 100.

A red line plan outlining the extent of the area to be licenced is provided in **Appendix D** (and below) which shows the entire site as it is considered likely that some events will be undertaken in the garden areas.



Ref: 22138

## 5. PLANNING PROVISIONS

### 5.1. PLANNING POLICY FRAMEWORK

Clause 11 – Settlement provides:

*“Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.*

*Planning is to recognise the need for, and as far as practicable contribute towards:*

- *Health, wellbeing and safety.*
- *Diversity of choice.*
- *Adaptation in response to changing technology.*
- *Economic viability.*
- *A high standard of urban design and amenity.*
- *Energy efficiency.*
- *Prevention of pollution to land, water and air.*
- *Protection of environmentally sensitive areas and natural resources.*
- *Accessibility.*
- *Land use and transport integration.*

*Planning is to prevent environmental, human health and amenity problems created by siting incompatible land uses close together.*

*Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.”*

Clause 11.03-4S – Coastal settlement contains the following objective:

*“To plan for sustainable coastal development.”*

The following strategies are applicable:

*“Plan and manage coastal population growth and increased visitation so that impacts do not cause unsustainable use of coastal resources.*

*Support a network of diverse coastal settlements that provide for a broad range of housing types, economic opportunities and services.*

*Identify a clear settlement boundary around coastal settlements to ensure that growth in coastal areas is planned and coastal values are protected. Where no settlement boundary is identified, the extent of a settlement is defined by the extent of existing urban zoned land and any land identified on a plan in the planning scheme for future urban settlement.*

*Minimise linear urban sprawl along the coastal edge and ribbon development in rural landscapes.*

*Protect areas between settlements for non-urban use.*

*Limit development in identified coastal hazard areas, on ridgelines, primary coastal dune systems, shorelines of estuaries, wetlands and low-lying coastal areas, or where coastal processes may be detrimentally impacted.*

*Encourage the restructure of old and inappropriate subdivisions to reduce development impacts on the environment.*

*Ensure a sustainable water supply, stormwater management and sewerage treatment for all development.*

*Minimise the quantity and enhance the quality of stormwater discharge from new development into the ocean, bays and estuaries.*

*Prevent the development of new residential canal estates.”*

Clause 12 – Environmental and Landscape values provides:

*“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.*

*Planning must implement environmental principles for ecologically sustainable development that have been established by international and national agreements. Foremost amongst the national agreements is the Intergovernmental Agreement on the Environment, which sets out key principles for environmental policy in Australia. Other agreements include National Strategy for Ecologically Sustainable Development, National Greenhouse Strategy, the National Water Quality Management Strategy, the National Strategy for the Conservation of Australia’s Biological Diversity, the National Forest Policy Statement and National Environment Protection Measures.*

*Planning should protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value.”*

Clause 13 – Environmental Risks and Amenity contain the following:

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

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

- *Land use and development compatibility.*
- *Effective controls to prevent or mitigate significant impacts.*

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

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

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

Clause 13.05 – 1S Noise Management contains the following objective:

*“To assist the management of noise effects on sensitive land uses.”*

The following strategies are identified:

- *Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.*

- Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.

#### Clause 13.07 – Amenity and Safety

Clause 13.07-1S – Land use compatibility contains the following objective:

*“To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.”*

The following strategies are identified:

- Ensure compatibility of a use or development as appropriate to the land use functions and character of the area by:
  - Directing land uses to appropriate locations.
  - Using a range of building design, urban design, operational and land use separation measures.

Clause 13.07 – 3S Live Music contains the following objective:

*“To encourage, create and protect opportunities for the enjoyment of live music.”*

The following strategies are identified:

- Identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues.
- Implement measures to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses.

Clause 15 – Built Environment and Heritage provides:

*“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, scientific and cultural value.*

*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.*

*Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.*

*Planning should promote excellence in the built environment and create places that:*

- Are enjoyable, engaging and comfortable to be in.
- Accommodate people of all abilities, ages and cultures.
- Contribute positively to local character and sense of place.
- Reflect the particular characteristics and cultural identity of the community.

- *Enhance the function, amenity and safety of the public realm.”*

Clause 17 – Economic Development provides:

*“Planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity.*

*Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decision and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.”*

Clause 17.02-1S – Business contains the following objective:

*“To encourage development that meets the community’s needs for retail, entertainment, office and other commercial services.”*

The strategies identified are:

- *Plan for an adequate supply of commercial land in appropriate locations.*
- *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
- *Locate commercial facilities in existing or planned activity centres.*
- *Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.*
- *Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.*
- *Provide outlets of trade-related goods or services directly servicing or ancillary to the industry that has adequate on-site car parking.*
- *Local cinema based entertainment facilities within or on the periphery of existing or planned activity centres.*
- *Apply a five year time limit for commencement to any planning permit for a shopping centre or shopping centre expansion of more than 1000 square metres leasable floor area.*

Clause 17.04 - 1S – Facilitating Tourism contains the following objective

*“To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.”*

The strategies identified are:

- *Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.*
- *Seek to ensure that tourism facilities have access to suitable transport.*
- *Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.*
- *Create innovative tourism experiences.*
- *Encourage investment that meets demand and supports growth in tourism.*

Clause 17.04-1R – Tourism Gippsland contains the following strategies:

- *Facilitate tourism in strategic tourism investment areas shown on the Gippsland Regional Growth Plan.*

- Facilitate tourism development in existing urban settlements to maximise access to infrastructure, services and labour and to minimise impacts on the environment and exposure to natural hazards.
- Support nature-based tourism proposals that complement and are compatible with the region's environment and landscape attractions or are close to identified strategic tourism investment areas.

## 5.2 MUNICIPAL PLANNING STRATEGY

Clause 21.01 Municipal Strategic Statement provides:

*"This Municipal Strategic Statement aims to provide a vision and clear strategic directions for land use and development in East Gippsland Shire, in a way which helps achieve economic, social and environmental goals.*

*The Statement is to be read in conjunction with the local policies contained at Clause 22. The Strategy, which involved extensive community consultation, integrates social, economic and physical planning for all areas of East Gippsland.*

*This Municipal Strategic Statement gives effect to those elements of the Strategy that depend on management of land use and development.*

*In addition, East Gippsland Shire's Corporate Plan has been revised to incorporate processes for implementation of those actions identified in the Strategy as being the responsibility of Council."*

Clause 21.02-2 provides the long-term vision for East Gippsland is:

*"East Gippsland Shire Council will work with the community to ensure a sustainable future through livable and productive communities supported by a healthy environment.*

*This vision is supported with the four principles:*

**Livability**

*Strong and vibrant communities create healthy, productive and fulfilling places to live.*

**Sustainability**

*Pro-active leadership and strategic partnerships protect and enhance our quality environment.*

**Productivity**

*Investment and visitation develop a sustainable and prosperous economy.*

**Governance**

*Strong leadership and prudent management of democratic and legislative requirements deliver good governance outcomes."*

Clause 21.03 – Settlement provides:

*"Within any local government area there is a finely balanced interplay between people, business and environment. The Council will continue to invest wisely in urban infrastructure to create vibrant urban centres while maintaining our natural assets – balancing residential, business and tourist development with wildlife corridors and areas of rural or natural landscape. The impacts of climate-induced sea level rise, combined with more severe storm surges is likely to be significant for coastal communities in East Gippsland. We will further a broad range of developments but will carefully manage them to protect natural assets and threatened communities.*

Clause 21.07-3 – Sustainable Development contains the following objective and strategies:



*Objective 1 – To ensure that future development contributes to the achievement of livable, productive and sustainable communities in East Gippsland.*

*Strategy 1.1 – Ensure new development and land use applications consider potential positive and negative social impacts on the community.*

*Strategy 1.2 – Require proposal for new development, land use, infrastructure and changes in policy to consider social impact through the preparation of social impact comments and/or assessments as identified in the East Gippsland Shire Council Social Impact Assessment.*

Clause 21.09 – Economic Development provides:

*“The Council will continue to play an important role in developing the region’s economy. We will encourage businesses to invest in niche commercial markets and will encourage industry to locate (or relocate) to strategic locations close to major towns. We will encourage our traditional industries to remain competitive and to source new markets thereby expanding the number and range of jobs on offer. A major part of our work will be building on our claim to be a ‘clean, green and beautiful’ region by developing and promoting East Gippsland as a major tourist destination.”*

Clause 21.09 – 1 Commercial contains the following objective and strategies:

*Objective 1 – To ensure that future development contributes to and enhances East Gippsland’s identity, aesthetic quality, and economic diversity.*

*Strategy 1.1 – Encourage development of recreational and personal services, ‘lifestyle’ industries and other niche market opportunities targeting active retirees.*

*Strategy 1.2 – Facilitate development of administrative, cultural, recreational and community services within the Bairnsdale CBD.*

*Strategy 1.3 – Support development that incorporates upper level apartments and shop top housing throughout the Bairnsdale CBD.*

*Strategy 1.4 – Support applications for bulky and white goods retailers such as trade supplies and furniture stores to establish / re-establish in area 8 identified in the Bairnsdale Growth Strategy, November (2009) and at Plan 2 Retail and Commercial Hierarchy.*

*Strategy 1.5 – Support the development of a specialized employment centre located within the north eastern growth area. Industry / manufacturing, bulky goods retailing, and supermarket, retail up to 1,000 square metres of retail floor space will be supported within the centre and will be located within close proximity to Patties Food along the northern and southern side of the Princes Highway identified in the Bairnsdale Growth Strategy, November (2009) and at Plan 2 Retail and Commercial Hierarchy.*

*Strategy 1.6 – Support the development of a specialized community centre around the Bairnsdale Aquatic Recreation Centre activity area identified in the Bairnsdale Growth Strategy, November (2009) and at Plan 2 Retail and Commercial Hierarchy. The centre will contain a mix of community, recreation, education and health related activities. Medium density housing and supermarket / retail up to 1,000 square metres of retail floor space will be supported within the centre.*

*Strategy 1.7 – Support the development of local centres within the growth areas of east and west Bairnsdale and the south-west industrial area of Bairnsdale identified in the Bairnsdale Growth Strategy, November (2009) and at Plan 2 Retail and Commercial Hierarchy. The local centres should facilitate convenience retailing / shop activities with a retail floor space of 300-500 square metres.*

*Strategy 1.8 – Support development of retail and commercial office activities along connecting streets between the Bairnsdale Railway Station and Bairnsdale CBD.*

*Strategy 1.9 – Require applications for commercial and retail development within new residential growth areas to undertake an economic impact assessment to confirm the appropriate size and type of facilities to be provided in each centre.*

*Strategy 1.10 – Avoid unsustainable or unjustified expansion of the local activity centre in Eastwood, based upon an economic impact assessment of the retail catchment.*

Clause 21.09-3 – Tourism contains the following objective and strategies:

*Objective 1 - To develop and promote East Gippsland as a major tourist destination.*

*Strategy 1.1 - Encourage development of new accommodation and camping facilities on appropriate sites adjacent to Errinundra and Snowy River National Parks.*

*Strategy 1.2 - Encourage nature based tourism.*

*Strategy 1.3 - Encourage the tourism potential of public land - including National Parks and reserves - in the region and facilitate appropriate access to a wide range of natural attractions for visitors.*

*Strategy 1.4 - Support the upgrade management of visitor impact on river frontages used extensively for recreation, particularly fishing and boating.*

*Strategy 1.5 - Encourage provision of tourism facilities, such as toilets, picnic facilities and barbecues, jetties and launching ramps, interpretive signage, and public art in appropriate locations.*

*Strategy 1.6 - Encourage development of a range of types and scales of tourist accommodation options in the region, including 'bed and breakfast', self-contained units or cottages, farm stay accommodation.*

*Strategy 1.7 - Encourage development of year-round attractions.*

*Strategy 1.8 - Encourage the tourist operators to design facilities and services to meet the needs of people with a disability.*

*Strategy 1.9 - Encourage tourist facilities to be designed in keeping with the quality of the landscape and environment and the character the particular locality.*

*Strategy 1.10 - Support new 'freestanding' tourist resorts or developments, at a variety of scales, on undeveloped land that is environmentally and aesthetically capable of supporting development and able to be serviced appropriately.*

*Strategy 1.11 - Avoid a major component of private residential (especially where this involves subdivision of land for detached dwellings) in tourist developments outside existing urban areas.*

*Strategy 1.12 - Support staged development of some sites currently or formerly proposed as resorts, for primarily residential use - where these adjoin existing urban areas, are capable of being serviced appropriately at an acceptable cost and form a logical extension of a town.*

Clause 21.12 being the Municipal Strategic Statement provides the following vision for Eagle Point:

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

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

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

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

## PROJECT PLANNING RESPONSE

The proposal seeks approval for the use of accommodation, function and events centre, car parking dispensation and a liquor licence that will result in a modern, attractive and luxurious option for customers seeking accommodation, functions or events within the Eagle Point area. The subject site is located to the north west of Paynesville. Paynesville comprises a variety of accommodation, functions and events businesses of various sizes and styles. There are limited accommodation, functions and events centres that are similar to the proposal within the East Gippsland Shire thus ensuring proposal is unique and seeking to respond to a tourism and market demand. The proposal is appropriate for the area and will operate to ensure the amenity of the area is not detrimentally affected. Having the owners and operators also residing onsite permanently ensures suitable management practices are in place to control noise and any potential impacts.

The subject site is located within a suitable distance to a range of facilities and services offered by the commercial centre of Paynesville with a larger range of facilities and services available further afield to Bairnsdale.

The proposed use of accommodation, function and event centre, car parking dispensation and liquor licence does not require the removal of any vegetation and no new buildings are proposed at this time. A business management plan has been created and is contained in **Appendix C** which provides details of the proposed business operation.

A red line plan is included as part of this proposal at **Appendix E** that sets out the area proposed to be included for the consumption of alcohol. The red line area proposed is extended to the property boundaries to accommodate outdoor events and functions.

Access is existing to the allotments directly from Mathiesons Road along the southern boundary as indicated on the site plan contained in **Appendix B** and will remain unchanged. There is a suitable amount of space available for car parking within the property however the application is seeking a dispensation to allow car parking areas to be informal.

The subject site is connected to a suitable level of services and infrastructure including electricity, water, telecommunications and good quality road network. The subject site has an existing septic tank system. Community and commercial services and facilities are located within a suitable distance to the subject site.

There are no physical or environmental constraints that make the site unsuitable for the proposed use of accommodation, function and events centre, car parking dispensation and liquor licence.

The proposal is considered to be consistent with the objectives of both the Planning Policy Framework and the Municipal Planning Strategy.

### 5.3 ZONE AND OVERLAYS:

The site is zoned Low Density Residential Zone – and is affected by the following overlays:

- Design and Development Overlay – Schedule 11 (DDO11)
- Erosion Management Overlay (EMO)
- Environmental Significance Overlay – Schedule 1-38 (ESO1-38)

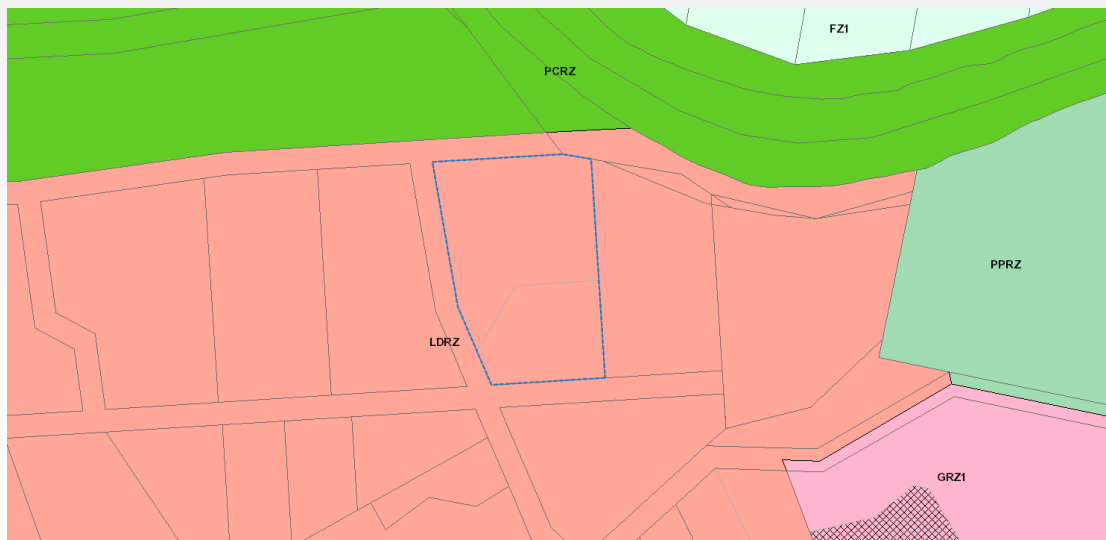
The provisions of the Zones and Overlays are addressed below.

#### Low Density Residential Zone:

The purpose of the Low-Density Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

An extract of the Low-Density Residential Zone Map is provided below in **Figure 3**:



**Figure 3 - Zoning Map** (source – [mapshare.vic.gov.au](http://mapshare.vic.gov.au))

Clause 32.03-1 of the Low Density Residential Zone provides a permit is required for a section 2 use. The use of the land for accommodation and function centre is a section 2 use. As such a permit is required under the provisions of the Low Density Residential Zone.

The decision guidelines of Clause 32.03-6 are addressed in Section 6.1 of this submission.

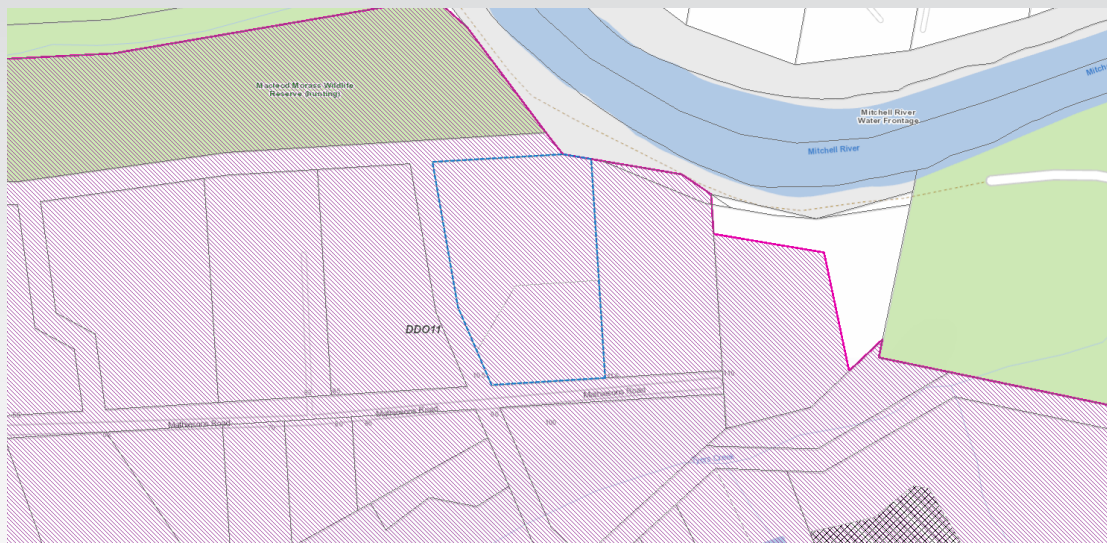


### Design and Development Overlay:

The purpose of the Design and Development Overlay is:

- 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.

An extract of the Design and Development Overlay Map is provided below in **Figure 4**:



**Figure 4: Design and Development Overlay Map** (source – mapshare.vic.gov.au)

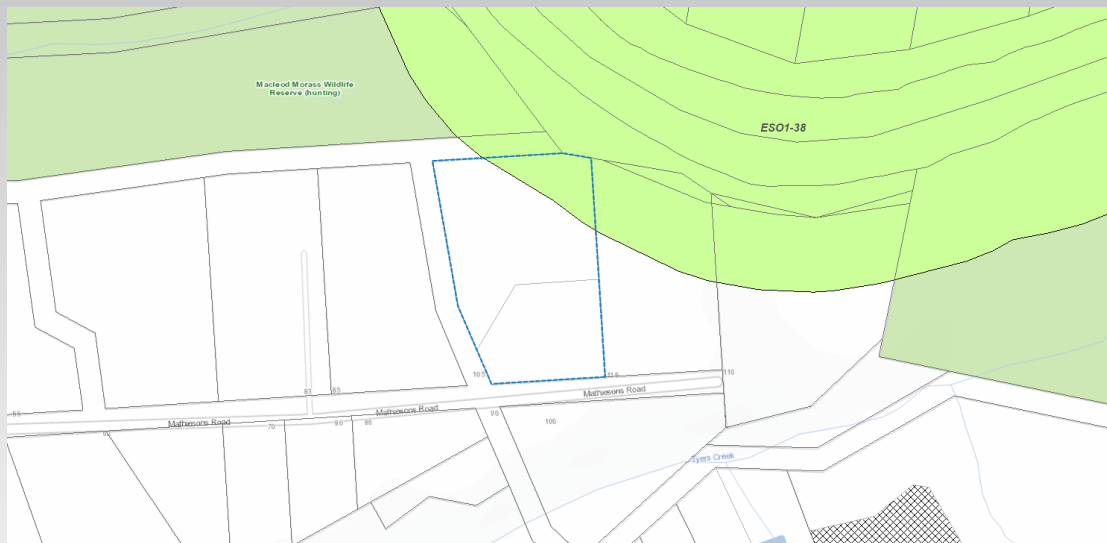
Clause 43.02 of the Design and Development Overlay and Schedule 11 do provide any relevant planning requirements for the use of the subject site. The proposal is not seeking to construct any new buildings at this time and as such a permit is not required under the provisions of the Design and Development Overlay, this is not addressed further.

### Environmental Significance Overlay:

The purpose of the Environmental Significance Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas where the development of land may be affected by environmental constraints
- To ensure that development is compatible with identified environmental values.

An extract of the Environmental Significance Overlay map is provided below in **Figure 5**.



**Figure 5: Environmental Significance Overlay Map** (source - mapshare.vic.gov.au)

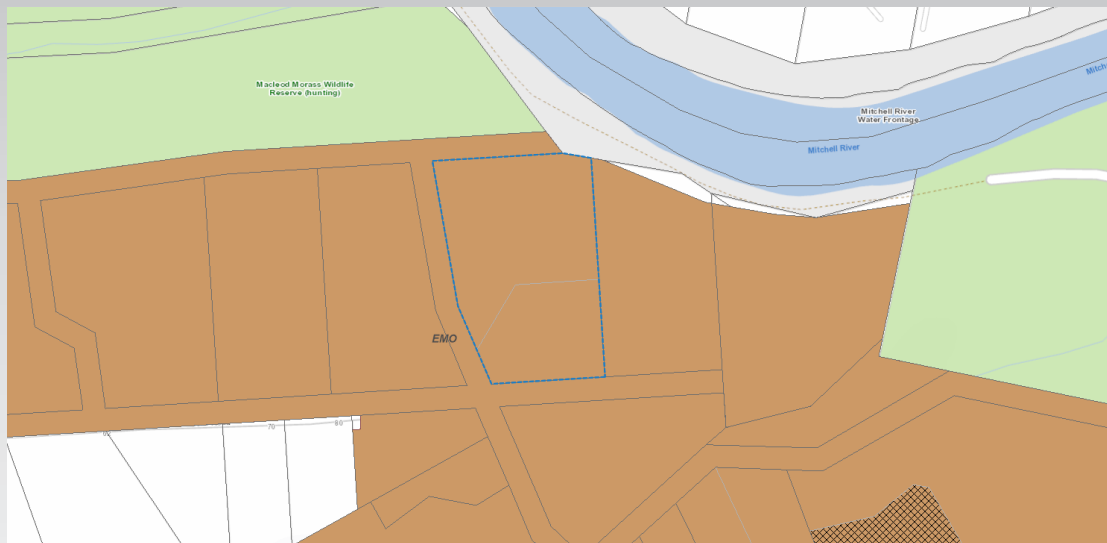
Clause 42.01 of the Environmental Significance Overlay does not provide any relevant planning requirements for the use of the subject site. The proposal is not seeking to construct any new buildings at this time and as such a permit is not required under the provisions of the Environmental Significance Overlay, this is not addressed further.

### **Erosion Management Overlay:**

The purpose of the Erosion Management Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.*

An extract of the Erosion Management Overlay map is provided below in **Figure 6**.



**Figure 6: Erosion Management Overlay Map** (source – [mapshare.vic.gov.au](http://mapshare.vic.gov.au))

Clause 44.01 of the Erosion Management Overlay does not provide any relevant planning requirements for the use of the subject site. The proposal is not seeking to construct any new buildings at this time and as such a permit is not required under the provisions of the Erosion Management Overlay, this is not addressed further.

## 5.4 OTHER PLANNING CONSIDERATIONS

### Aboriginal Cultural Heritage

Under the provisions of the *Aboriginal Heritage Act 2006* the subject site is recognised as being within an area of Aboriginal Cultural Heritage Sensitivity. The proposal being use only is an exempt activity as such a Cultural Heritage Management Plan is not required.

An extract of the Cultural Heritage Sensitivity map is provided below in **Figure 7**.





**Figure 7: Cultural Heritage Sensitivity Map** (source – [mapshare.vic.gov.au](http://mapshare.vic.gov.au))

## Clause 52.06 – Car parking

Clause 52.06 contains the following purpose:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Clause 52.06-1 applies to:

- A new use;
- An increase in the floor area or site area of an existing use; or
- An increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

Clause 52.06-3 provides a permit is required to:

- *Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.*

- Provide some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay on another site.
- Provide more than the maximum parking provision specified in a schedule to the Parking Overlay.

The use for accommodation/ group accommodation is not a specified use in the table of uses and as such Clause 52.06-6 applies.

Use for function centre falls within place of assembly as calculated below.

Table 1 provides the requirements for place of assembly are:

Use	Rate Column A	Rate Column B	Car parking measure Column C
Place of Assembly	0.3	0.3	To each patron permitted.

Clause 52.06-7 – Application requirements and decision guidelines for permit applications:

For applications to reduce the car parking requirement:

An application to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a Schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

The Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposed:

- New use; or
- Increase in the floor area or site area of the existing use; or
- Increase to the existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

The Car Parking Demand Assessment must address the following matters, to the satisfaction of the responsible authority:

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The variation of car parking demand likely to be generated by the proposed use over time.
- The short-stay and long-stay car parking demand likely to be generated by the proposed use.
- The availability of public transport in the locality of the land.
- The convenience of pedestrian and cyclist access to the land.
- The provision of bicycle parking and end of trips facilities for cyclists in the locality of the land.
- The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.
- Any empirical assessment or case study.

These elements are addressed below:

Before granting a permit to reduce the number of spaces, the responsible authority must consider the following as appropriate:

Ref: 22138

- The Car Parking Demand Assessment.
- Any relevant local planning policy or incorporated plan.
- The availability of alternative parking in the locality of the land, including:
  - Efficiencies gained from the consolidation of shared parking spaces.
  - Public car parks intended to serve the land.
  - On street parking in non-residential areas.
  - Streets in residential zones specifically managed for non-residential parking.
- On street parking in residential zones in the locality of the land that is intended to be for residential use.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.
- The future growth and development of any nearby activity center.
- Any car parking deficiency associated with the existing use of the land.
- Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.
- Local traffic management in the locality of the land.
- The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- The need to create safe, functional and attractive parking areas.
- Access to or provision of alternative transport modes to and from the land.
- The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
- The character of the surrounding area and whether reducing the car parking provision would result in a quality / positive urban design outcome.
- Any other matter specified in a schedule to the Parking Overlay.
- Any other relevant consideration.

These elements are addressed below in the Car Parking Demand Assessment provided below.

The decision guidelines of Clause 52.06-7 are addressed below at Section 6.2.

### Clause 52.27 – Licensed Premises

The purpose Clause 52.27 is:

- *To ensure that licensed premises are situated in appropriate locations.*
- *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*

These provisions apply to premises licensed, or to be licensed, under the *Liquor Control Reform Act 1998*.

A permit is required to use land to sell or consume liquor if a license is required under the *Liquor Control Reform Act 1998*.

This application is seeking approval for a general liquor licence for the consumption of liquor on the premises and does not fall within any of the exemptions available under this clause and therefore a permit is required.

As outlined in Section 4 of this submission and the supporting Business Management Plan, the proposed hours for consumption of liquor will be restricted to 9.00 am to 11.00 pm and patron capacity will be 100.

The decision guidelines of Clause 52.27 are addressed in Section 6.3 of this submission.

### **Social Impact Guidelines for Development Applications – East Gippsland Shire Council**

The Social Impact Guidelines for Development Applications – East Gippsland Shire Council (The Guidelines) outlines the need to ensure that social considerations are an integral part of any proposed development application.

Section 4.2 of the guidelines identifies the triggers for a Social Impact Comment or a Social Impact Assessment, however Council can request a Social Impact Comment or a Social Impact Assessment if it determines it is necessary.

There is no trigger for a liquor license application to undertake either a Social Impact Comment or a Social Impact Assessment.

To summarise the points identified to be addressed by a Social Impact Comment, in relation to this proposal we offer:

- The proposal will not alter the population.
- The proposal will not benefit or disadvantage any particular population cohort or group in the community.
- The proposal will not detrimentally alter the existing employment in the area. Staff will undertake further training if required in order to comply with the requirements of the Victorian Commission for Gambling and Liquor Regulation.
- The proposal will not impact housing stock.
- It is not expected that the proposal will result in any detrimental impact on current social, recreation or community infrastructure.
- There is not likely to be any impact on the existing flow of traffic surrounding the site or any impact to pedestrians.

## CAR PARKING DEMAND ASSESSMENT

The East Gippsland Planning Scheme provisions at Clause 52.06 outlines the number of car parking spaces that must be provided when a new use commences.

The proposed use of the land is for accommodation and an event and function centre. Accommodation is not a use specified in the table in Clause 52.06-5 and therefore a specific rate is not applicable and Clause 52.06-6 applies, which provides car parking spaces must be to the satisfaction of the responsible authority. The use of the land for a Place of Assembly, which in the definitions includes a function centre provides a rate of 0.3 spaces per patron permitted. The maximum number of patrons is 100 resulting in a requirement to provide 30 car parking spaces for the function centre.

This application seeks a car parking dispensation to enable parking on the current site conditions without creating a formal car parking area. The existing dwelling contains a 6 car garage and carport which meets the requirements of the proposed use for accommodation.

The proposed use includes suitable areas available for car parking however to retain the appearance of the property the owners are seeking to use informal parking areas. The owners will actively use and encourage the use of their concierge van to further limit the demand for onsite parking.

It is not expected that many events will be at maximum capacity and each event will require an assessment of the likely car parking demand. The owners will provide clear temporary signage and parking areas suitable for each event. For larger events, it is proposed to have parking attendants available to direct traffic to ensure no vehicles park along Mathieson Road or park where they will impact on any of the surrounding properties.

Allowing informal car parking in response to this proposal is not expected to have a negative impact on the amenity of the area. Access is existing and will remain unchanged directly from Mathiesons Road.

The application requirements to be addressed as required by 52.06 are addressed below and throughout this submission:

### **The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.**

The proposal is unlikely to result in multi-purpose trips. The location of the proposal does not encourage multi-purpose trips particularly given the surrounding properties are predominately residential in nature.

### **The variation of car parking demand likely to be generated by the proposed use over time.**

The car parking demand likely to be generated by the proposal will be varied depending on the type and scale of event or function. The parking will be able to be appropriately managed based on the maximum capacity of 100 people. Any future increase in patronage would need to further consider any car parking requirement and would require variation to the planning permit for the liquor licence component.

### **The short-stay and long-stay car parking demand likely to be generated by the proposed use.**

The proposed use of accommodation would likely require short stay parking with the potential for long stay car parking also. The subject site contains an existing six car garage and carport that meets the needs of the accommodation component of the proposal. The event and function centre component would be considered

short stay and would only be for the duration of the event. The car parking is not likely to detrimentally impact the surrounding properties.

**The availability of public transport in the locality of the land.**

There is no public transport available in immediate proximity to the subject site. However, the owner intends to use a concierge van to transport guests to and from the site which will reduce the demand for car parking. Larger events will be encouraged to use larger buses to transport guests to and from the subject site.

**The convenience of pedestrian and cyclist access to the land.**

The number of cyclists riding to their place of employment is ever increasing as is in general. There is ample area for provision of bicycle parking within the subject site if required. The road network to Mathiesons Road is suitable to accommodate an increase in cyclist and pedestrian traffic.

**The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.**

The existing dwellings on the site both contain shower facilities should it be deemed necessary to provide end of trip facilities for cyclists. As provided, there is adequate room both within the garage and carport area and surrounding access areas to accommodate the parking of bicycles.

**The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.**

As previously provided multi-purpose trips are unlikely in this location or associated with the proposed uses. It is expected that visitors to the site in many cases may travel as a group as is often the case with specific events. The owner intends to use a concierge van to transport guests to and from the site. There is sufficient informal space for parking available within the subject site and in the adjoining Government Road reserve that is leased, however, to retain the existing beauty of the property the owner is seeking to use an informal parking arrangement.

The layout and location of the garage and carport area is suitable and meets the requirements of the accommodation component of the proposal and will be suitable for some small events.

**Any empirical assessment or case study.**

The information provided within this submission is an empirical assessment based on the proposed uses.

## 6. PLANNING ASSESSMENT

### 6.1 DECISION GUIDELINES OF THE LOW DENSITY RESIDENTIAL ZONE

#### General

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.**

The Planning Policy Framework and the Municipal Planning Strategy are addressed throughout this report, particularly in Sections 5.1 and 5.2. The proposal is consistent with the objectives and strategies identified within the Municipal Planning Strategy and the Planning Policy Framework and provides for an appropriate use which has taken into consideration the potential impacts associated with the proposal. The proposed use for accommodation, function and events centre, car parking dispensation and a liquor licence can be appropriately managed to ensure there are no negative offsite impacts.

The proposal will result in a facility that will be unique and luxurious providing a new option for functions and events whilst also supporting tourism for the region.

The proposed use does not require the removal of native vegetation and no new buildings are proposed to be constructed at this time.

Access is existing directly from the southern boundary being Mathiesons Road that will remain unchanged.

#### Subdivision

**The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.**

The proposal is not seeking to subdivide land, this is not considered relevant to the proposal and subsequently not addressed.

**The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.**

The subject site is currently connected to a range of utility services including, water, drainage, electricity and telecommunications. The proposed use for accommodation, function and events centre and liquor licence is not expected to exceed the capacity of the existing services. The subject site contains an existing septic tank that is capable of supporting the accommodation component of the business and the small to medium functions. The dwelling has four toilets and a large septic tank system. For larger events, additional portable toilets will be commissioned.

**In the absence of reticulated sewerage:**

- **The capability and suitability of the lot to treat and retain all wastewater as determined by a Land Capability Assessment on the risks to human health and the environment of an on-**

site wastewater management system constructed, installed, or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*.

- The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.

The subject site contains an existing septic tank system that is capable of supporting the accommodation component of the business and the small to medium functions. The dwelling has four toilets and a large septic tank system. For larger events, additional portable toilets will be commissioned.

**The relevant standards of Clauses 56.07-1 to 56.07-4.**

The proposal is not seeking to subdivide land and as such the relevant Clauses of 56.07-1 – 56.07-4 are not applicable in this instance. This is not addressed further.

## 6.2 DECISION GUIDELINES OF CLAUSE 52.06–7:

Before granting a permit to reduce the number of spaces, the responsible authority must consider, as appropriate:

**The Car Parking Demand Assessment.**

The Car Parking Demand Assessment outlines the likely demand for car parking based on the proposed use.

The proposed use for accommodation, function and events centre have various parking demands at different times depending on function and event bookings. The proposal is seeking a dispensation to allow parking to be informal to keep with the amenity of the area. There is an existing 6 car garage and carport that meets the needs for the accommodation component of the proposal.

The current surrounding uses and development do not require excessive amounts of car parking, beyond what is provided as surrounding land uses are predominantly residential in nature and have large garden areas.

Access to the subject site is existing from the southern boundary directly to Mathiesons Road and will remain unchanged. The adjoining Government Road Reserve is leased and can be used by the landowner for overflow parking if required.

The information provided within this assessment suggests that the proposed car parking and accessway is appropriate for the proposed use. The application is not seeking to reduce the amount of car parking required for the proposed use. The proposal is seeking to retain an informal parking area. It is expected that having an informal parking arrangement in this instance is appropriate given the varied demand for parking and the ability to control the patron numbers as appropriate to the event or function.

**Any relevant local planning policy or incorporated plan.**

There is no relevant local planning policy or incorporated plan applicable to this proposal.



The Municipal Planning Strategy and the Planning Policy Framework are addressed throughout this submission.

The proposed informal car parking areas are not expected to have a detrimental impact on the road network in the area. There will be no impact to any highways or major road networks.

**The availability of alternative car parking in the locality of the land, including:**

- **Efficiencies gained from the consolidation of shared car parking spaces**
- **Public car parks intended to serve the land.**
- **On street parking in non-residential zones.**
- **Streets in residential zones specifically managed for non-residential parking.**

The subject site is located within an existing low density residential area. The proposed parking areas will have sufficient space to accommodate the proposed use and complies with the number of car parking spaces however the proposal is seeking a dispensation to allow the parking arrangement to be informal. Formal on street parking is non-existent and constructing a car parking area to standard would be detrimental to the character of the site.

There are no residential streets in proximity to the site that are specifically managed for non-residential parking.

**On street parking in residential zones in the locality of the land that is intended to be for residential use.**

The subject site is within a Low Density Residential area and there is no formal on street parking in this location. The subject site has sufficient space for car parking to support the proposed use which will ensure Mathiesons Road is not impacted with overflow car parking.

The owner intends to use a concierge van to transport guests to and from the site as much as possible consequently reducing the demand for parking. Larger events will be encouraged to use large transport buses to transfer guests to and from the site. The owners will manage larger events and functions appropriately to ensure that surrounding properties are not affected by any car parking.

**The practicality of providing car parking on the site, particularly of lots less than 300 square metres.**

The subject site is not less than 300 square metres in area however providing formally constructed car parking is not a desirable outcome as it will significantly impact the character of the site.

**Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.**

There is no shortfall in parking expected as a result of the use and will not impact the economic viability of any nearby activity centre. The site is not within walking distance to any activity centre. The proposed informal car parking is not expected to have any negative impact, including economic, on any of the surrounding land.

**The future growth and development of any nearby activity centre.**

There is no activity centre within proximity to the subject site that will be affected by the proposed informal car parking area.

**Any car parking deficiency associated with the land.**

The subject site currently contains a dwelling and associated facilities including a 6 car garage and carport area therefore a car parking deficiency is not currently associated with the land.

**Any credit that should allow for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.**

There is no credit applicable to the subject site.

**Local traffic management in the locality of the land.**

The subject site is located within an existing low density residential area. There are no traffic management measures in the immediate surrounds. The proposed informal car parking is not expected to impact the flow of traffic or generate the need for additional traffic management measures. For larger events, temporary signage to direct traffic to the site and the parking areas would be erected at the entrance to the site to ensure potential impact to surrounding properties is minimised.

**The impact of fewer car parking spaces on the local amenity, including pedestrian amenity and the amenity of nearby residential areas.**

This area is an existing residential area without footpaths or specific areas for pedestrians. The nature strips and road reserve are wide, which adequately accommodate shared cycling, walking and vehicle use. The proposal is not seeking to reduce the amount of car parking spaces required rather the proposal is seeking to create informal car parking areas which will not be detrimental to the local amenity of the area. The owners will manage any larger events to ensure that car parking does not become an issue and that there is no detrimental impact to the surrounding properties.

**The need to create safe, functional and attractive parking areas.**

There is adequate room to allow for vehicles to turn around to enable exiting the site in a forward motion. The proposed informal parking areas and access areas will be safe, functional and attractive. The proposal is not seeking a reduction in the number of car parking spaces to be provided however is seeking to create informal car parking areas that are considered appropriate in this location and will suitably support the proposed uses.

**Access to or provision of alternative transport modes to and from the land.**

The owners intend to use a concierge van to transport guests to and from the site which will reduce the demand for car parking. Larger events will be encouraged to use large transport buses to move guests to and from the site to reduce the demand for car parking. There is no public transport in proximity to the subject site. There is suitable area to provide for bicycle parking if required. The existing garage and carport area meet the car parking needs of the accommodation component of the proposal.

**The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.**

There are no details of any historic contributions by surrounding or nearby development that we are able to consider as part of this proposal.

Ref: 22138



**The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.**

Seeking to waive the requirement to provide formal carparking spaces is in order to retain the existing natural landscape of the area. Construction of large car parking areas will be detrimental to the character of the area. The car parking demand for each event will be assessed and managed individually, and the site has many areas where informal car parking can be provided. The objective of LaRiva is to be able to respond to differing needs and flexibility with car parking is considered imperative to this.

**Any other matter specified in a schedule to the Parking Overlay.**

There is no Parking Overlay or schedule relevant to this site.

**Any other relevant consideration.**

All relevant components identified within the East Gippsland Planning Scheme have been discussed in the Car Parking Demand Assessment in Section 5.4 of this submission in context with the existing and surrounding land uses and development. There are no other relevant considerations that need to be addressed in this submission.

### **6.3 DECISION GUIDELINES OF CLAUSE 52.27 – LICENCED PREMISES**

Clause 52.27 provides 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.**

The Municipal Planning Strategy and the Planning Policy Frameworks are addressed in Section 5 of this submission. There is minimal specific reference to liquor licences, however the licence is to support a new business venture which will include accommodation, function and events centre that will support the economy of the area.

This type of application requires consideration of the amenity of the area. The proposal is not expected to detrimentally affect the residential dwellings immediately surrounding the site. The proposal will provide an additional alternative option for consumers. The proposal is seeking a general liquor licence to enable liquor to be consumed on the site. There is likely to be an increase in the consumption of alcohol in the vicinity as a result of the issue of a liquor licence for this site as it will allow consumption of alcohol on the premises during functions and events. It is not expected to result in a significant amount of alcohol being consumed on the site, however it is an additional option that will be in a controlled environment. The proposed general licence would enable alcoholic beverages to be consumed on site. The hours of operation are not excessive, and it is not expected to result in any significant detriment to surrounding properties. The proposed hours of operation for standard celebrations, functions and events is 9 am to 11 pm.

The owners have a Business Management Plan in place that will provide clear direction to ensure that activities do not result in a negative impact on surrounding properties.

Overall, this proposal is consistent with the objectives of both the Municipal Planning Strategy and the Planning Policy Frameworks and would result in a positive planning outcome.

**The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.**

The subject site is surrounded by land zoned Low Density Residential Zone. Allotments surrounding the subject site to the east and west contain residential dwellings. Adjoining the site to the north is the Mitchell River and adjoining the site to the south is Mathiesons Road with residential dwellings beyond. The surrounding residential uses are not considered likely to be detrimentally affected by the proposal.

The proposed consumption of liquor on this property is not expected to have a detrimental impact on the amenity of the surrounding area. Other licensed premises within the area of Paynesville, Bairnsdale and Lakes Entrance consist of pubs/hotels, clubs, cafes/restaurant and holiday parks. There is no evidence of any issues within the immediate area as a result of alcohol or licensed premises.

Overall, the sale of liquor permitted by this proposal is not expected to detrimentally affect the amenity of the area.

**The impact of the hours of operation on the amenity of the surrounding area.**

There are no defined hours for the actual use of the land for the accommodation and the events and function centre, however the proposed liquor licence hours to be 9 am to 11 pm. These hours are considered appropriate within a low density residential area. The operation will be required to comply with all relevant Acts and legislation in relation to noise and the consumption of alcohol.

The proposed hours of operation are not expected to detrimentally affect the amenity of the area, particularly given the existing surrounding vegetation, the distance to dwellings not in the same ownership and the ability for the owner to manage bookings accordingly.

**The impact of the number of patrons on the amenity of the surrounding area.**

The maximum number of guests for accommodation will be 10 plus 25 visitors. The maximum number of guests for functions and events will be 100. As provided above, the setbacks to residential dwellings are considered appropriate and unlikely to result in any detrimental impact. Consultation with neighbouring owners would occur for larger events. Larger events are not expected to be the most predominant activity.

The application seeks approval for a car parking dispensation that will create informal parking areas rather than large fully constructed car parking areas. The proposal is not seeking to reduce the number of car parking spaces required to support the proposed uses. The proposed dispensation has been considered within the car parking demand assessment and within Section 6.2 of this submission. The proposed dispensation is considered appropriate in this instance, particularly given the owner has a concierge van that can be used to transport guests to the site and will manage events and functions accordingly. Larger events will be encouraged to use larger transport buses to transfer guests to and from the site.

**The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.**

There is one liquor licence issued within the locality of Eagle Point. The existing liquor licence is a full club licence for the Bairnsdale Golf Club.

The proposal is unlikely to generate any negative social implications particularly given there is no other general liquor licences within the area of Eagle Point. A Social Impact Assessment and a Cumulative Impact Assessment are not deemed necessary given the small number of liquor licenses in the immediate vicinity.

#### 6.4 DECISION GUIDELINES OF CLAUSE 65:

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

**Any significant effects the environment, including the contamination of land, may have on the use or development.**

The subject site is located within a low density residential area Eagle Point. There is no evidence of contamination to the subject site or surrounding land. The area is identified as being affected by the Design and Development Overlay, Erosion Management Overlay and the Environmental Significance Overlay.

**The Municipal Planning Strategy and the Planning Policy Framework.**

The Municipal Planning Strategy and the Planning Policy Framework have been addressed throughout this submission. The proposed use for accommodation, function and events centre, car parking dispensation and liquor licence has adequately responded to the natural landscape qualities of the area, address any potential environmental risks and create a unique, modern and luxurious accommodation, function and events centre. The proposed use will be appropriately managed to ensure the amenity of the area is not detrimentally affected.

The proposal is consistent with the overall objectives of the Municipal Planning Strategy and the Planning Policy Framework.

**The purpose of the zone, overlay or other provision.**

The land is zoned Low Density Residential Zone which seeks to implement the Municipal Planning Strategy and the Planning Policy Framework and to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

The subject site has access to and is connected to a suitable level of services and infrastructure. The site is affected by the Design and Development Overlay, Erosion Management Overlay and the Environmental Significance Overlay. The requirements of these overlays have been addressed throughout this submission and it is concluded that the proposed use is appropriate in this location and any environmental risks reduced to an acceptable level.

**Any matter required to be considered in the zone, overlay or other provision.**

This submission addresses all elements relevant to the proposal as identified in the East Gippsland Planning Scheme including the zone, overlays and Aboriginal Cultural Heritage provisions. These provisions are all

addressed above, and the proposed use is considered to adequately respond and address the requirements as relevant.

**The orderly planning of the area.**

This proposal seeks approval for the use of accommodation, function and event centre, carparking dispensation and a liquor licence within an area that is zoned Low Density Residential that will result in an accommodation, function and events centre. There is no other accommodation, function and events centres similar to the proposal within the Eagle Point area. This unique proposal will not be out of character for the area and granting approval of this application will support consistent and orderly planning of the area and will support business growth.

**The effect on the environment, human health and amenity of the area.**

There are not expected to be any negative impacts to either the environment or human health and amenity. The proposed use is not expected to be visually obtrusive, and the existing streetscape will not be detrimentally affected. The proposed use will be appropriately managed to support human health by providing a safe and suitable accommodation, function and events centre.

**The proximity of the land to any public land.**

As provided, the subject site adjoins a road reserve being Mathiesons Road along the southern boundary, an unconstructed government road reserve along the western boundary that is leased by the owners and the Mitchell River to the north. Access to the allotments is existing and will remain unchanged directly from Mathiesons Road along the southern boundary.

The proposed uses are not considered likely to result in an overall negative impact nor will restrict the use of the surrounding public land by the general public.

**Factors likely to cause or contribute to land degradation, salinity or reduce water quality.**

No earthworks are required to facilitate the proposed use and no vegetation removal is required.

Stormwater runoff is currently managed onsite and as such there are no factors as a result of the proposed use that are considered 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 proposal is seeking approval for the use of accommodation, function and events centre, car parking dispensation and liquor licence. No new buildings are proposed at this time. All stormwater runoff from the site will continue to be directed to the legal point of discharge to the satisfaction of the responsible authority.

**The extent and character of native vegetation and the likelihood of its destruction.**

As provided above, no vegetation removal is required to facilitate the proposed use. Additional planting is not considered an appropriate response given the extensive planted gardens already existing on the subject site.

**Whether native vegetation is to be or can be protected, planted or allowed to regenerate.**

Additional planting and regeneration are not considered appropriate in this location given the existing extensive planted gardens.

**The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.**

The subject site is not within an area affected by potential flood or fire hazard. The proposal is not seeking to construct any buildings at this time and the proposed use is unlikely to contribute or cause any erosion hazards.

**The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.**

The proposal seeks approval for the use of accommodation, function and events centre, car parking dispensation and liquor licence. The road network is of an appropriate standard to accommodate the proposed use of the subject site and is not expected to generate any road safety issues. Suitable practices will be in place to ensure for larger functions and events car parking and traffic is appropriately managed.

**The impact the use or development will have on the current and future development and operation of the transport system.**

The proposed use for accommodation, function and events centre will utilise the existing access driveways that will remain unchanged. The proposal is seeking a dispensation of car parking that will not reduce the amount of car parking spaces required, rather the proposed car parking areas will be informal. There is a 6 car garage and carport existing that meets the requirements of the accommodation component of the proposal.

The owner intends to use a concierge van to transport guests to and from the site which will reduce the demand for car parking. Larger events will be encouraged to use large transport buses to transfer guests to and from the site. The proposal is not expected to result in any detrimental impacts to the overall transport system.

## 7. CONCLUSION

This submission is in support of a planning permit application for use of accommodation, function and events centre, car parking dispensation and liquor licence at 95 and 105 Mathiesons Road, Eagle Point.

The relevant provisions of the East Gippsland Planning Scheme have been addressed within this submission. The proposed use is appropriate in this location and has adequately responded to any potential hazards identified.

It is requested that a planning permit be granted for this development.

Development Solutions Victoria

Ref: 22138







Our Ref: 22138

27<sup>th</sup> April 2023

Ms Nirveen Kaur  
Land Use Planner  
East Gippsland Shire Council  
PO Box 1618  
BAIRNSDALE VIC 3875

Dear Nirveen,

**Re: Planning Permit No 498/2022/P  
105 Mathiesons Road, Eagle Point  
Use of Accommodation, Function and Events Centre, Carparking Dispensation and Liquor Licence**

We act on behalf of A & D Visser, the owners of the land at 105 Mathiesons Road, Eagle Point.

Thank you for providing us with a copy of the submissions received. We have reviewed the objections and believe a Business Management Plan may assist with alleviating some of the concerns raised.

We attach a draft version of the proposed Business Management Plan, that we expect may require changes as a result of negotiations with objectors.

We hereby request a Public Consultation Meeting to be arranged at your earliest convenience to allow for this application to proceed.

Should you wish to discuss any element of the above, please do not hesitate to contact me on 03 5152 4858.

Regards,

A handwritten signature in black ink, appearing to read 'Campbell', written in a cursive style.

**Courtney Campbell**  
Development Solutions Victoria



# BUSINESS MANAGEMENT PLAN

DRAFT

MAR  
20  
23

105 MATHIESONS ROAD, EAGLE POINT

ANDREA BROWN & DAVID VISSER

Contents

Introduction	3
Accommodation	3
Events	3
Liquor License Hours	4
Noise & Lighting Management Factors	4
Car Parking	5
Smoking Area	5
Waste Management	6
Onsite Management	5



## Introduction

La Riva's objective is to provide for small-scaled events, and accommodation, with the inclusion of catering in a luxurious setting. For La Riva to accurately obtain the correct facilities and supplies for their events, and accommodation guests the need for a Planning Permit for the use of accommodation, function and events centre, carparking dispensation and liquor license has been determined.

The objective of this management plan is to outline controls for the business to ensure the amenity of the area is not detrimentally affected by the increase in events and the introduction of a liquor license.

La Riva is only accessible by pre-booked accommodation and events and patron numbers will be restricted.

La Riva management can be contacted on 0418 392 753 anytime to discuss any element of this plan or operating of the site.

## Accommodation

La Riva will comprise short-term accommodation, starting with a minimum of 2 night's stay. Maximum capacity of 10 guests per stay.

Accommodation is available in conjunction with Business & Private Events being held on site.



## Events

La Riva will offer events to be held onsite under strict management arrangement.

- Business (professional development, board meetings, incentive, workshops etc)

*La Riva is eager to promote Business Events. Business Events could entail board meetings, employee development, team building, guest speakers, etc. These clients will mainly consist of small groups, who will be managed throughout their stay with packages to promote key areas of East Gippsland. These events aim to be scheduled mid-week.*

- Community based events

*Tourism events (East Gippsland Winter Festival), Art and Craft events (Art Gallery, Sculptures), General community events (Open gardens), Health and Wellness (Yoga/meditation/healing retreats – sessions, one day, one evening/overnight).*

- Private events / celebrations (smaller numbers, limited bookings)

*Boutique gatherings including birthdays, weddings, cocktail functions, etc.*

As La Riva aim to accommodate to demand of events, it is not possible to list every type of event that may be held on site – however, the main expected events have been listed above.

To ensure the surrounding area of Eagle Point is not detrimentally affected La Riva will limit larger events with up to 100 guests to 10 per annum. Events such as weddings, engagement parties or larger celebrations will be limited to 60 people.

The type of event will determine the hours and length of stay. All larger events and celebrations will be finished by 11pm.

The number of events/functions is to be limited relative to the number of patron/attendees.

Number of patrons	Number of events per annum
Up to 10	No limit
Up to 30	25
Up to 60	12
Up to 100	10

Events that have been held to date:

- Art Exhibitions (Sculptures).
- Open Gardens.
- Hat Parade for the East Gippsland Art Gallery
- Tinamba Hotel Dinners.
- Launch of the East Gippsland Winter Festival.
- Lunches & Dinners for the East Gippsland Winter Festival.
- Private Celebration Gatherings.
- Meetings

Liquor Licence Hours

The requested hours for the liquor licence will be from 10.00 am to 10.00 pm.



## Noise & Lighting Management Factors

### Accommodation

Homestead has internal and external lighting, including spotlights around the exterior and pool area. Some areas of the garden are also lit by solar and powered lights.

The terms of stay include all noise is to be reduced by 11pm.

### Events

The homestead has internal and external lighting, including spotlights around the exterior and pool area. Some areas of the garden are also lit by solar and powered lights.

Some outsourced lighting may be required for certain events, with all lighting being respectful of surrounding properties.

All outside music to be completely shut down by 10pm, and event closure by 11pm.

All lighting will be kept to standard residential lighting after 11pm.

## Car Parking

### Accommodation

A carport and a 6-car garage both adjoin the existing homestead.

### Events

Parking areas will be clearly marked on the grassed and driveway areas responsive to each event – including instructions to ensure event organisation.

Larger events may include traffic management and parking attendants to direct vehicles to ensure that no guests park on Mathiesons Road – avoiding any disruption for surrounding properties.

La Riva has an 11-seater Concierge Van that is actively used to transport guests as requested. La Riva will promote both the Concierge Van and if required, request larger transport buses to move people within East Gippsland to avoid multiple cars requiring parking onsite.



## Smoking Areas

### Accommodation

Outside only - no smoking allowed within the homestead.



### Events

Outside only - no smoking allowed within the homestead.

La Riva will provide appropriate cigarette butt containers and will ensure that all smoking areas provided will be in accordance with any liquor license and the relevant Tobacco Act 1987 and associated regulations.

No designated smoking areas will be in close proximity to adjoining dwellings.

### Waste Management

**Accommodation:** Multiple bins (recyclable & general rubbish bins) are located both inside the Homestead and outside. Cleared with weekly/bi-weekly council collections. Any excess waste is taken to the appropriate Council waste transfer station or contacted to be removed commercially.

**Events:** Multiple bins (recyclable & general rubbish bins) inside the Homestead and outside as required. General Rubbish & Recyclable bins outside and cleared with weekly/bi-weekly council collections. If required, recyclable & general waste will be taken to the local tip for removal as needed to ensure no excess onsite. If required, commercial garbage collection arrangements will be made.

Waste disposal will all be undertaken during daylight hours to ensure minimal disturbance.

The existing septic tank is capable of supporting both the accommodation component and events up to 100 people. The dwelling has four toilets. Australian toilet event recommendations, <https://instanttoilets.com.au/how-many-toilets-do-i-need>, <https://www.ahoyhire.com.au/portable-toilet/a-guide-to-deciding-how-many-portable-toilets-per-person/>.

For private events with 100 guests or less, would require 2-3 toilets. With food and drink supply as part of any function, the fourth toilet satisfies any additional requirements.

### Onsite Management

All events will be managed by La Riva and will include a minimum of one staff member onsite to ensure requirements are met.

La Riva will only be accessible by advanced bookings with agreed patron numbers ensuring La Riva stipulate the noise, licensing and entertainment restrictions applicable.

In order to maintain the safety of the patrons and the neighbourhood, the maximum number of patrons permitted on the premises will be limited to the safe and amenable operating capacity of the premises. All operations will be undertaken in accordance with the Liquor Licence requirements.

Management will use their best endeavours to ensure that patrons leaving the premises at the end of events, disperse in a quiet and orderly manner and that no patrons congregate in surrounding areas. Transport information will be provided to all guests offering various transport options including the Concierge Van.

In the event of any issues, concerns or a complaint, La Riva can be contacted on 0418 392 753. La Riva will ensure that management staff are adequately trained to manage any concerns that may arise.

### Conclusion

The Business Management Plan will come into effect upon the commencement of the use. The information set out in this document complements and does not seek to alter existing or future conditions or any requirements set out in individual planning permits relating to the subject site.



Department of Transport  
and Planning

GPO Box 2392  
Melbourne, VIC 3001 Australia  
[www.transport.vic.gov.au](http://www.transport.vic.gov.au)

Ref: PPR 43681/23

Nirveen Kaur  
East Gippsland Shire Council  
273 Main Street  
Bairnsdale VIC 3875

Dear Nirveen

PLANNING APPLICATION NO.:	5.2022.498.1
DEPARTMENT REFERENCE NO:	PPR 43681/23
PROPERTY ADDRESS:	105 MATHIESONS ROAD, EAGLE POINT VIC 3878

**Section 52 – No objection**

Thank you for forwarding planning permit application 5.2022.498.1 pursuant to Section 52 of the *Planning and Environment Act 1987*.

The Head, Transport for Victoria has considered the application and has no objection to the proposal.

Should you have any enquiries regarding this matter, please contact Raelene Pooley on 0437601928 or [Raelene.Pooley@roads.vic.gov.au](mailto:Raelene.Pooley@roads.vic.gov.au).

Yours sincerely

**Stuart Fenech**  
Team Leader Statutory Planning  
Under delegation from the Head, Transport for Victoria

01 / 08 / 2023

Cc: permit applicant



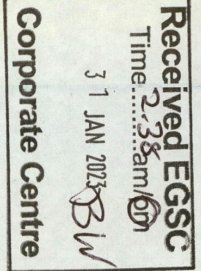


## East Gippsland Shire Council

273 Main Street (PO Box 1618)  
Bairnsdale VIC 3875  
Website [www.eastgippsland.vic.gov.au](http://www.eastgippsland.vic.gov.au)  
Email [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)  
Follow us on Twitter @egsc



Telephone: (03) 5153 9500  
Fax: (03) 5153 9576  
National Relay Service: 133 677  
ABN: 81 957 967 765



### Objection to Planning Permit Application

Planning and Environment Act 1987

There are some hard words in this form. The hard words are in **blue**. You can read what they mean on page 3.

Your Details:

Name: Rachael Smith			
Postal address:			
			Postcode 3 8 7 8
Phone number: Home:	Work:	Mobile:	
Email address:		Fax:	

Permit Details:

Planning permit number:	- Reference 498/2022/P
What has been proposed?	Use of accommodation, function and events centre, car parking dispensation and liquor licence
What is the address to be used or developed?	95/105 Mathiesons Road EAGLE POINT Lot 1 & 2 PS 734369
Who has applied for the permit?	A L Brown and D L Visser

Objection Details:

What are the reasons for your objection?
PLEASE SEE ATTACHED OBJECTION DOCUMENT
<b>EGSC</b>
- 1 FEB 2023
<b>INFORMATION MANAGEMENT</b>

**Privacy Statement**

The East Gippsland Shire Council asks for details about you to collect rates, approve permits and licences, and run a range of community services. The information you give to us on this form is used only for the reasons set out in the form and is not given to anybody else. Sometimes we may supply details about you to someone else, but only if we are allowed by law, or to protect someone or property.  
When information is given out, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act 2014*. You may ask for more information about Council's Privacy Policy by contacting our Information Privacy Officer on 03 5153 9500 or e-mail [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)

DEC 22



## East Gippsland Shire Council

273 Main Street (PO Box 1618)  
 Bairnsdale VIC 3875  
 Website [www.eastgippsland.vic.gov.au](http://www.eastgippsland.vic.gov.au)  
 Email [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)  
 Follow us on Twitter @egsc



Telephone: (03) 5153 9500  
 Fax: (03) 5153 9576  
 National Relay Service : 133 677  
 ABN: 81 957 967 765

How would you be affected by the granting of this permit? \_\_\_\_\_

PLEASE SEE ATTACHED OBJECTION DOCUMENT

If you need more space for any part of this form please attach another sheet.

Signature: \_\_\_\_\_

Name: Rachael Smith

Date: 31 / 01 / 2023

### Office Use Only:

Objection Received by: Brent W Date Received: 31 / 01 / 23

Planning officer responsible: \_\_\_\_\_ Date Received: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

## Important Notes about **Objections** to Permit Applications

### Privacy Statement

The East Gippsland Shire Council asks for details about you to collect rates, approve permits and licences, and run a range of community services. The information you give to us on this form is used only for the reasons set out in the form and is not given to anybody else. Sometimes we may supply details about you to someone else, but only if we are allowed by law, or to protect someone or property.

When information is given out, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act 2014*. You may ask for more information about Council's Privacy Policy by contacting our Information Privacy Officer on 03 5153 9500 or e-mail [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)

DEC 22



Without Prejudice

## Planning Permit Objection - Reference 498/2022/P

Ms Rachael Smith

Eagle Point  
Vic, 3878

### An Objection to Planning Permit - Reference 498/2022/P

95/105 Mathiesons Road Eagle Point

Lot 1 & 2 PS 734369

I respectfully submit this objection to the East Gippsland Shire and declare that the application should be refused by Council on all grounds.

The contents of this document are my own honest opinions and are to the best of my knowledge true, complete and accurate. They are provided strictly in the public interest for the purposes of objecting to Planning Permit - Reference 498/2022/P under the Planning and Environmental Act 1987 for East Gippsland Shire Council.

Submitted by Rachael Smith - 31/01/2023.

X

- This application will cause significant emotional and financial harm to myself and the immediate neighbourhood and environment where I live. This application will generate excessive noise pollution and will bring with it crime and violence into a peaceful and beautiful residential area.
  - The application has negative impacts that will extend into protected wildlife areas and will impact on native flora and fauna.
  - This application will place myself and existing residents at significant levels of risk in the event of an evacuation for fire or other natural disasters.
- I will be affected by the dramatic increase of vehicle movements on a daily basis out of all proportion to the number of residents that live in a quiet one way street. This traffic will compound safety issues that exist on Mathiesons Road and increase noise, pollution and traffic risks.
- I reject the applications claims of noise control and of limited/no effects on surrounding properties or the environment. This application is out of context with the existing land use and amenity in Mathiesons Road and should be rejected.
  - I will be exposed to criminal and antisocial behaviour as a direct consequence of my proximity to the applicants property.



Without Prejudice

#### Unacceptable levels of invasive noise.

I will be adversely affected by noise generated by the applicants proposed business. This application for a Licenced Function and Events Centre will generate unacceptable levels of noise at my residence and in the immediate neighbourhood where I live and enjoy the natural open spaces and wildlife reserves. I believe increased levels of noise will occur despite any veiled attempt or suggestion to control or reduce it.<sup>i</sup> The very nature of the proposed venue generates excessive noise, period.

I will be affected by noise from outdoor music, vehicles, contractors, patrons equipment and the owners. Noise will be generated from excessive vehicle movements at all hours of the day and night from staff, contractors, patrons and owners. This will have a detrimental effect on my physical and mental health. This noise is unreasonable under the Environment Protection Act 2017 and the Environment Protection Regulations 2021. I live less than 600m from the source of the noise pollution.

The applicants proposed business will directly affect surrounding residents who are overly represented in these higher vulnerability categories through the increase in nuisance and offensive noise emanating from a licenced function/events centre. I am one of those affected.

#### Patrons attending the venue will increase the noise and reduce privacy to residents.

Vehicles will be leaving the venue at late hours after events have concluded, increasing the noise and disturbance to residents.

I will be exposed to an increase in the number of vehicle movements per day out of proportion to the number of existing residential properties in a dead-end street. Around 22 significant residences exist in Mathiesons Rd. Due to the lack of public transport and the remote location patrons attending the venue will arrive and leave in their private cars. The actual number of vehicles attending at the address will far exceed any claims made in the application.

The acknowledged 'charm' of the streetscape in Mathiesons Road includes open and picturesque properties that relate and balance well with nature and a rural/residential aesthetic. Unfortunately, this form of landscaping comes at a price of privacy and security. Unwanted attention from increased patrons travelling to the applicants address who naturally look to 'enjoy the view', lowers the reality and perception of privacy to residents. Slow moving vehicles on Mathiesons Road 'rubbernecking' are not an uncommon experience and is tolerated and expected to a degree, given the appeal of the street to the community and in particular most of its residents.

What will become disproportionate and unacceptable will be the excessive increase in this behaviour paralleled with a decline in real and perceived safety. Opportunities for trespass, thefts, damages and littering of adjoining properties will increase with evidence that these activities are already occurring at other open to the public events held in the street in recent times.<sup>ii</sup> The addition of alcohol and illegal drugs in substance affected patrons at the applicants address only generates a greater number of instances that residents in Mathiesons Road will experience crime and discomfort. I will be a victim of these criminal and anti-social acts.

#### Fire assessment/risks

East Gippsland has long been identified as a Shire with a capacity to generate significant risks to life, property and the environment due to natural disasters, especially forest and grassland fire.<sup>iii, iv</sup> Mathiesons Road is unfortunately also a location of significant risk to fire as identified by the East Gippsland Shire in its recent Eagle Point Structure Plan.<sup>v</sup>



### Without Prejudice

I will be affected by a disproportionate number of people needing to evacuate Mathiesons Road during a wildfire/grassfire event. I will not be able to achieve a safe passage out of Mathiesons Road due to the large number of non-residents also needing to leave at the same time. Mathiesons Road is a location that is at risk from fast moving grass and forest fires. There are no alternate exits for vehicles from this location, this is a dead-end street. At crisis point the road will become blocked from vehicle collisions, fire debris compounded by smoke choking and closing the road. My fire safety plan cannot afford to be compromised by non-residents at a commercial business panicking and needing to leave into a crisis situation.

#### Alcohol/drug affected drivers.

I will be put at a significant risk while driving and recreating on Mathiesons Road as a result of intoxicated and drug affected drivers arriving at and departing from the applicants address.

Alcohol/drug affected drivers and passengers increase the risk of injury and fatal collisions to residential road users, pedestrians and pets, local wildlife and increase the occurrence of vehicle related property damage. Intoxicated drivers on Mathiesons Road will result in a disproportionate number of vehicle movements with drivers at or above the legal blood alcohol concentration.

#### Dangerous Road Conditions

I will be subjected to elevated levels of risk from non-resident drivers using Mathiesons Road to access and depart the applicants address who are not expected to be familiar with the identified challenges and risks of this location.

Traffic at a dangerous intersection will be increased from road users who are not familiar with road conditions or the documented dangers of the intersection of Mathiesons Road and Paynesville Road. This was recently acknowledged after residents petitioned VicRoads/East Gippsland Shire/Victoria Police to move the 80/100 speed limit signs closer to Bairnsdale away from Mathiesons Road as part of the Paynesville Road/Forge Creek Road safety improvements.

I will be put at greater risk due to the increase in traffic flow around a dangerous intersection and blind corner on Mathiesons Road. In 2023 this difficult and dangerous blind 90-degree corner was recently safety sign posted to 20km/h after residents petitioned VicRoads and East Gippsland Shire.<sup>vi</sup>

#### Criminal Behaviour

I will be directly affected by being exposed to the proven behaviours and risks associated with living in close proximity to a licenced business. If approved, the applicants business will subject myself, residents, friends, family and visitors to a marked rise in crime, violence and antisocial behaviour that are proven accessories to licenced Event/Function Centres. Countless research papers, records in the media and at all levels of government have documented the negative impacts related to living in close proximity to a licenced premise and of alcohol related harm.<sup>vii</sup>

It is not acceptable to consider the development and expansion of licenced premises into residential settings to be an appropriate discretion of East Gippsland Shire planning policy in the face of these obvious costs and associated harms. There is no place in Mathiesons Road for a licenced events centre.

#### Concern for Wildlife

A licenced events/function centre will impact on my enjoyment of the significant wildlife reserves adjoining the applicants address. Noise, rubbish, intrusive outdoor lighting, vehicles, increased number of visitors, polluted rainwater runoff and pool water discharges will all impact on the Morass Wildlife Reserve and Mitchell River.



## Without Prejudice

This application will affect visitors, me included, who wish to enjoy these wild spaces. More significantly the flora and fauna that survive in these habitats are placed at additional risk at a time when climate change and human development is destroying their natural spaces.

#### Planning, Environment and Operations

Further that in the authors opinion there is no basis for claims the submission meets the requirement of the East Gippsland Planning Scheme in so far as it provides any net benefit to anyone other than the applicants specifically for a financial gain at resident's and the environments expense.

The applicants have ignored the issue that Mathieson Road is a sealed **single lane road** that requires vehicles to give way to each other in order to pass safely. It is not lit at night and has limited road delineation markers to assist drivers at night. The applicants have disregarded the reality that 'larger transport buses' are not suitable to enter Mathiesons Road. As identified earlier, the road has no formed turning circle to the east, it cannot support large vehicles as there are no locations to safely turn around. Large vehicles including buses that enter the street will cause damage to the road, the road reserve and private property assets. This is an ongoing experience for residents. The applicants will increase the traffic load into a streetscape that is not designed for this level of vehicle movements.

The applicants are not limited to the nature of the type of functions that can occur at the address. Residents can therefore expect that vehicle noise and lights, patron noise, etc will occur at times well beyond 11pm. In a residential zone this is not acceptable and will cause direct conflict and a direct loss of amenity and enjoyment to those who reside or visit in Mathiesons Road.

Claims that the, '...facility will host up to a maximum of 100 people.', ignores any reality about the number of staff, contractors and 'helpers' that will also be at this location. In the authors experience where group sizes are concerned, entertainment function facilities will always 'squeeze a few more in' as there are few ways to check compliance or desire by authorities to do so. It will be expected that group sizes will exceed 100 and compound issues identified earlier. The author believes that the figure of 100 patrons will not represent an actual upper limit with guest numbers likely to exceed this at any time and for any event held.

The nominated areas for car parking, 'two areas that each can accommodate 20 spaces.' are grassed areas of lawn that will only be suitable for vehicles to use in dry weather and daylight hours. The applicants fail to identify that there are no alternative areas to park vehicles when conditions are wet or at night as no infrastructure, road or lighting is available. Patrons parking in the '20 spaces' in Government Road will be put at risk due to uneven rugged terrain and undefined parking spaces. It will be expected that when conditions do not suit the applicants that vehicles will park on Mathiesons Road reserve causing damage to vegetation, private property assets and be a visual detraction to the streetscape. Mathiesons Road residents and myself can expect to be significantly disadvantaged by the intrusion of this number of vehicles.

There is no plan for the deployment, location and management of temporary toilet facilities in any part of the application. The notion that portable toilets are by any means a suitable alternative to purpose built and maintained facilities is not acceptable. Significant disruption to neighbouring residents will occur when placing and removing these assets. Odour and noise discharges from these types of toilets is not acceptable in a residential setting.

This rental property is located prominently on the Mitchell River escarpment. It shares its location with around 11 other similarly located properties of commensurate size and siting. Whilst having no particular architectural merit it should not be afforded the opportunity to be redeveloped into a not fit for purpose facility where its operations will impact on the neighbouring protected wetlands and



## Without Prejudice

river systems. Approval of this nature will attract an expectation that rental properties in possession of a view are reasonably expected to be granted 'in-kind' approvals. This applies to a significant number of properties across East Gippsland Shire and is contrary to the Shire's environmental mantra.<sup>viii</sup>

The established residential street of Mathiesons Road is not a location for a licenced events centre. Live and recorded outdoor music, public toilets, outdoor lighting, large numbers of vehicles moving into and out of the street at all hours of every day will be like living in a street with the 'Neighbour from Hell'.<sup>ix</sup> This and other concerns identified earlier do not support planning goals for built spaces that; *'Are enjoyable, engaging and comfortable to be in. Contribute positively to local character and sense of place.'*<sup>x</sup>

The applicants claim their entire platform for controlling noise and potential impacts to surrounding residents is based on a notion that,

*'...owners and operators also residing onsite permanently ensures suitable management practices are in place to control noise and any potential impacts.'*

Firstly, there are no circumstances that would reasonably prevent the owners from not living on site and it would not be reasonable to expect that they will do so in the short to medium term. The author believes the applicants will plan to vacate the property and use the 'converted garage' where they currently reside as additional accommodation space for guests and business endeavours.

Approvals for a change in planning should consider the reality that owners/managers are not permanent fixtures to a business. At any point in time the business will be sold, resold, leased etc and not be expected to be managed in anyway related to the current applicants. Council needs to eliminate any assertions from the applicants in relation to business ownership and functional models as this proposal has a life well beyond them and well into the future. The applicants are well within their rights to operate the business in whatever manner they choose, subject to applicable legislation. Their potential short term financial gain will be the long term negative consequences experienced by myself and the surrounding residents.

The author asserts that the claim that there are no, '...physical or environmental constraints...', and that the proposal is consistent with current planning objectives is not in fact correct or consistent with these aspirations. Mathiesons Road is zoned low density residential (LDRZ) which contains core values of limiting the reduction in lot size, decreasing urban development plans and to maintain a limit to urbanisation. This proposal directly contradicts this zoning by effectively doubling or tripling the number of people in the zoned area of Mathiesons Road. Any plans to expand this rental property into a function/events centre with the possibility of the addition of short/medium accommodation facilities is excessive and represents in fact a reversal of the zoning to which current residents are expected to abide by. Residents should be able to be confident that Mathiesons Road is not subdivided by stealth effectively marking the street as General Residential Zoning and doubling or tripling the number of people engaged in the street.<sup>xi</sup>

This proposal does alter population as the proposal exceeds the typical residential loadings experienced by a property with four bedrooms. The application is for a 24hr 7 days a week duration and will directly increase the normalised resident load experienced at the location as well as the immediate street of Mathiesons Road.

The application is not correct in the claim that the, *'...proposal will not be out of character for the area...'* as indeed there are no other similar existing or proposed businesses in residential areas of



*Without Prejudice*

Eagle Point. A 'unique proposal' implies a differentiation of form, use, character and function and thus is at odds with the existing built form and amenity of Eagle Point and Mathiesons Road. It is complete nonsense to suggest that there is any harmony between what is proposed and what exists.

What is essentially a 24/7 commercial enterprise in a low density residential street noted for its 'special character' and uniqueness should not be supported as this is a proposal intended for a commercial zoned area of a city or large town.

This application is the equivalent to living next to the 'neighbour from hell' who parties 7 days a week with loud music until late at night, bright lights, cars arriving and departing at all hours, fights and domestic arguments combined with regular property damage, litter, trespass burglary and thefts. Mathiesons Road is not a location for the applicants to exploit the amenity and environment that has been fought hard to preserve for many decades. Residents should not be once again placed in a position to defend themselves against this level of intrusion in a residential zoned street.

## Acknowledgement of Liability

The author advises the applicants and the East Gippsland Shire that any approval granted under this, or any future application will be an admission to and acceptance of any loss, harm, damage, personal harm or suffering experienced by the author in anyway connected to this application and business approval and operation. The applicants and the East Gippsland Shire also acknowledge that they individually or collectively will be liable for all financial, emotional and material losses and financial costs experienced by the author in relation to this potential approval and business operation.

End

.....

### References

<sup>i</sup> East Gippsland Shire, Notice of an Application for Planning Permit, Application 498/2022/P, pp58.

<sup>ii</sup> Sources *In confidence*, known to the author.

<sup>iii</sup> <https://www.theguardian.com/australia-news/2019/dec/29/victoria-bushfires-australia-thousands-evacuate-vast-east-gippsland-fire-threat-zone>

<sup>iv</sup>

[https://www.safertogether.vic.gov.au/\\_\\_data/assets/pdf\\_file/0028/493534/DELWP\\_BushfireManagementStrategies\\_2020\\_Gippsland\\_rr.pdf](https://www.safertogether.vic.gov.au/__data/assets/pdf_file/0028/493534/DELWP_BushfireManagementStrategies_2020_Gippsland_rr.pdf), pp4

<sup>v</sup> East Gippsland Shire, 2019, Eagle Point Draft Structure Plan, Vol 1, pp 10.

<sup>vi</sup> [https://assets-global.website-files.com/5f10ce18aa01d050c26b7c5e/5fc4913d840552f4b6fff69e\\_final\\_-\\_paynesville\\_and\\_district\\_community\\_plan\\_2012\\_-\\_2017.pdf](https://assets-global.website-files.com/5f10ce18aa01d050c26b7c5e/5fc4913d840552f4b6fff69e_final_-_paynesville_and_district_community_plan_2012_-_2017.pdf) pp 19.

<sup>vii</sup> [https://www.planning.vic.gov.au/\\_\\_data/assets/pdf\\_file/0015/13461/PPN61-Licensed-premises\\_Assessing-cumulative-impact\\_June-2015.pdf](https://www.planning.vic.gov.au/__data/assets/pdf_file/0015/13461/PPN61-Licensed-premises_Assessing-cumulative-impact_June-2015.pdf)

<sup>viii</sup> *Our Vision is to make East Gippsland an inclusive and innovative community that values its natural environment, puts community at the center of Council decision making and creates conditions in which communities can thrive.*, <https://www.eastgippsland.vic.gov.au/>

<sup>ix</sup> <https://www.youtube.com/watch?v=4WXnctyLFrE>

<sup>x</sup> East Gippsland Shire Council, 2022, Notice of an Application for a Planning Permit, 498/2022/P, pp27.

<sup>xi</sup> [https://planning-schemes.api.delwp.vic.gov.au/\\_\\_data/assets/pdf\\_file/0007/490678/eastgippsland50zn.pdf?\\_ga=2.32319863.850726272.1674951519-1529408503.1674091099](https://planning-schemes.api.delwp.vic.gov.au/__data/assets/pdf_file/0007/490678/eastgippsland50zn.pdf?_ga=2.32319863.850726272.1674951519-1529408503.1674091099)

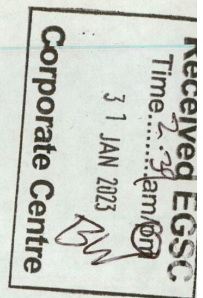


## East Gippsland Shire Council

273 Main Street (PO Box 1818)  
Bairnsdale VIC 3875  
Website [www.eastgippsland.vic.gov.au](http://www.eastgippsland.vic.gov.au)  
Email [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)  
Follow us on Twitter @egsc



Telephone: (03) 5153 9500  
Fax: (03) 5153 9576  
National Relay Service: 133 677  
ABN: 81 957 967 765



### Objection to Planning Permit Application

Planning and Environment Act 1987

There are some hard words in this form. The hard words are in blue. You can read what they mean on page 3.

#### Your Details:

Name: <u>Andrew Bassett</u>	
Postal address: <u>[REDACTED]</u>	Postcode: <u>3 8 7 8</u>
Phone number: Home: <u>[REDACTED]</u>	Work: <u>[REDACTED]</u> Mobile: <u>[REDACTED]</u>
Email address: <u>[REDACTED]</u>	Fax: <u>[REDACTED]</u>

#### Permit Details:

Planning permit number: <u>- Reference 498/2022/P</u>
What has been proposed? <u>Use of accommodation, function and events centre, car parking dispensation and liquor licence</u>
What is the address to be used or developed? <u>95/105 Mathiesons Road EAGLE POINT</u> <u>Lot 1 &amp; 2 PS 734369</u>
Who has applied for the permit? <u>A L Brown and D L Visser</u>

#### Objection Details:

What are the reasons for your objection? <u>PLEASE SEE ATTACHED OBJECTION DOCUMENT</u>
<u>EGSC</u>
<u>- 1 FEB 2023</u>
<u>INFORMATION MANAGEMENT</u>

#### Privacy Statement

The East Gippsland Shire Council asks for details about you to collect rates, approve permits and licences, and run a range of community services. The information you give to us on this form is used only for the reasons set out in the form and is not given to anybody else. Sometimes we may supply details about you to someone else, but only if we are allowed by law, or to protect someone or property.  
When information is given out, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act 2014*. You may ask for more information about Council's Privacy Policy by contacting our Information Privacy Officer on 03 5153 9500 or e-mail [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)

DEC 22



## East Gippsland Shire Council

273 Main Street (PO Box 1618)  
 Bairnsdale VIC 3875  
 Website [www.eastgippsland.vic.gov.au](http://www.eastgippsland.vic.gov.au)  
 Email [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)  
 Follow us on Twitter @egsc



Telephone: (03) 5153 9500  
 Fax: (03) 5153 9576  
 National Relay Service : 133 677  
 ABN: 81 957 967 765

How would you be affected by the granting of this permit? \_\_\_\_\_

PLEASE SEE ATTACHED OBJECTION DOCUMENT

If you need more space for any part of this form please attach another sheet.

Signature: \_\_\_\_\_

Name: Andrew Bassett

Date: 31 / 01 / 2023

**Office Use Only:**

Objection Received by: Brent W Date Received: 31 / 01 / 23

Planning officer responsible: \_\_\_\_\_ Date Received: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

### Important Notes about **Objections** to Permit Applications

**Privacy Statement**

The East Gippsland Shire Council asks for details about you to collect rates, approve permits and licences, and run a range of community services. The information you give to us on this form is used only for the reasons set out in the form and is not given to anybody else. Sometimes we may supply details about you to someone else, but only if we are allowed by law, or to protect someone or property.

When information is given out, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act 2014*. You may ask for more information about Council's Privacy Policy by contacting our Information Privacy Officer on 03 5153 9500 or e-mail [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)

DEC 22



Without Prejudice

## Planning Permit Objection - Reference 498/2022/P

Mr Andrew Bassett

Eagle Point

Vic, 3878

Ph:(

### An Objection to Planning Permit - Reference 498/2022/P

95/105 Mathiesons Road Eagle Point

Lot 1 & 2 PS 734369

I respectfully submit this objection to the East Gippsland Shire and declare that the application should be refused by Council on all grounds.

The application is non-specific, lacks considerable detail and is an abhorrent suggestion to be regarded as a prospect in a beautiful well regarded low density residential zone in Mathiesons Road. East Gippsland Shire has identified Mathiesons Road as a Neighbourhood Character Area and has a responsibility to act as its guardian against this application.<sup>1</sup>

The contents of this document are the authors own honest opinions and are to the best of my knowledge true, complete and accurate. They are provided strictly in the public interest for the purposes of objecting to Planning Permit - Reference 498/2022/P under the Planning and Environmental Act 1987 for East Gippsland Shire Council.

Submitted by Andrew Bassett - 31/01/2023.

X



Without Prejudice

## Table of Contents

Summary.....	4
Environmental and Aesthetic Pollution.....	5
Unacceptable levels of invasive noise.....	5
Image 1.0 Areas of significant noise pollution and disturbance to residential areas and wildlife reserves.....	5
Image 2.0 The impact on wildlife reserves and public spaces from excessive and offensive noise generated at the applicants address.....	6
People who are more vulnerable to noise.....	8
Patrons attending the venue will increase the noise and reduce privacy to residents.....	8
Table1. Actual vehicle movements and vehicles attending the applicants address per guest number.....	8
Situational Risks.....	9
Fire assessment/risks .....	9
Alcohol/drug affected drivers.....	9
Dangerous Road Behaviour .....	10
Violence - Property Damage – Trespass – Offensive Behaviour .....	10
Wedding brawl spills onto the ritzy streets of one of Sydney’s more glamorous suburbs.....	11
Wedding descends into chaos with one stabbed outside Fairfield venue.....	11
‘Eight jailed after a hotel wedding brawl left a £15,000 trail of destruction.....	12
Brawl breaks out after wedding at luxury Victorian estate.....	12
Wildlife impacts.....	13
Development Solutions Victoria Ref: 22138 November 2022 .....	14
Pp 10 Executive Summary .....	14
Pp 12 Adjoining Properties.....	14
Pp 22 Hours of Operation –.....	15
Car Parking –.....	15
Services –.....	16
Pp25. Clause 11.....	16
Clause 11.03-4S .....	17
Pp 26 Clause 13 .....	17
Clause 13.05-1S .....	17
Pp. 27 Clause 13.07-3S .....	17
Clause 15 .....	17
Pp 31 Clause 21.09-3 Strategy 1.9.....	18



Without Prejudice

Project Planning Response ..... 19

Social Impact Guidelines for Development Applications ..... 22

    6.3 ..... 22

    6.4 ..... 23

Acknowledgement of Liability ..... 23

This document is made available for an objection to a planning permit application - ref Planning & Environmental Act 1987.



Without Prejudice

## Summary

- The author acknowledges that residential and commercial development in East Gippsland is essential for the survival and development of the Shire. However, this support is conditional based on appropriateness for place, environment and context. This application is not one of those.
- I have been a supporter of the applicants endeavours until recent times. However, I have watched their rental property business grow and develop to the currently proposed level that makes further support impossible.
- This application will cause significant emotional and financial harm to myself and the immediate neighbourhood and environment where I live. This application will generate excessive noise, pollution and will bring with it crime and violence into a peaceful and beautiful residential area.
- The application has negative impacts that will extend into protected wildlife areas and will impact on native flora and fauna.
- This application will place myself and existing residents at significant levels of risk in the event of an evacuation for fire or other natural disasters.
- I will be affected by the dramatic increase of vehicle movements on a daily basis out of all proportion to the number of residents that live in a quiet one way street. This traffic will compound safety issues that exist on Mathiesons Road and increase noise, pollution and traffic risks.
- I reject the applications claims of noise control and of limited/no effects on surrounding properties or the environment. This application is out of context with the existing land use and amenity in Mathiesons Road and should be rejected.
- I will be exposed to criminal and antisocial behaviour as a direct consequence of my proximity to the applicants property.

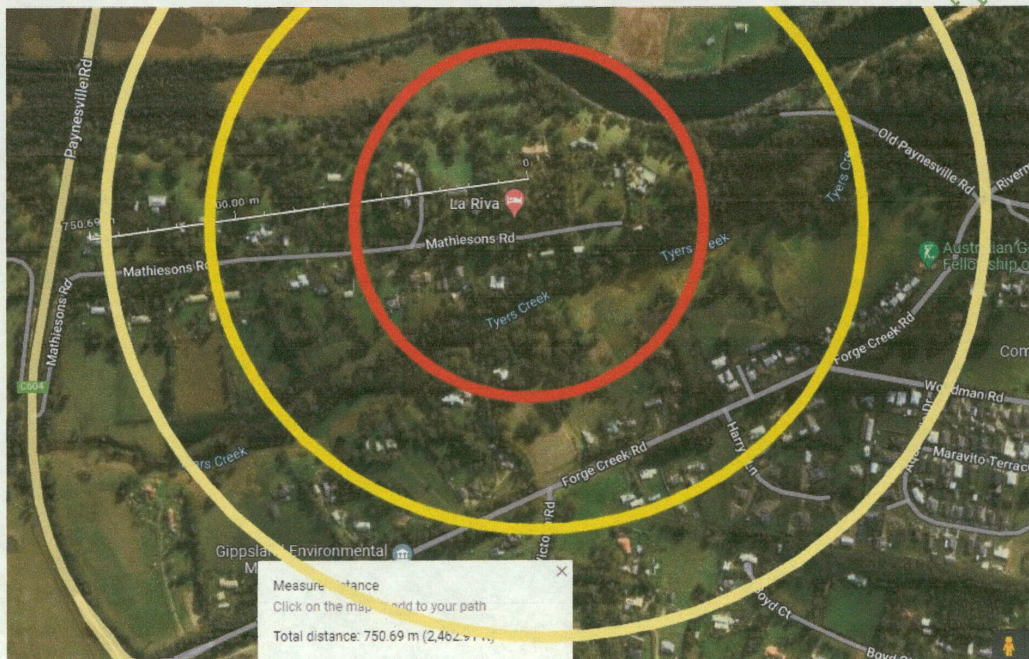


Without Prejudice

## Environmental and Aesthetic Pollution

Unacceptable levels of invasive noise.

I will be adversely affected by noise generated by the applicants proposed business. This application for a Licenced Function and Events Centre will generate unacceptable levels of noise at my residence and in the immediate neighbourhood where I live and enjoy the natural open spaces and wildlife reserves. I believe increased levels of noise will occur despite any veiled attempt or suggestion to control or reduce it.<sup>ii</sup> The very nature of the proposed venue generates excessive noise, period.



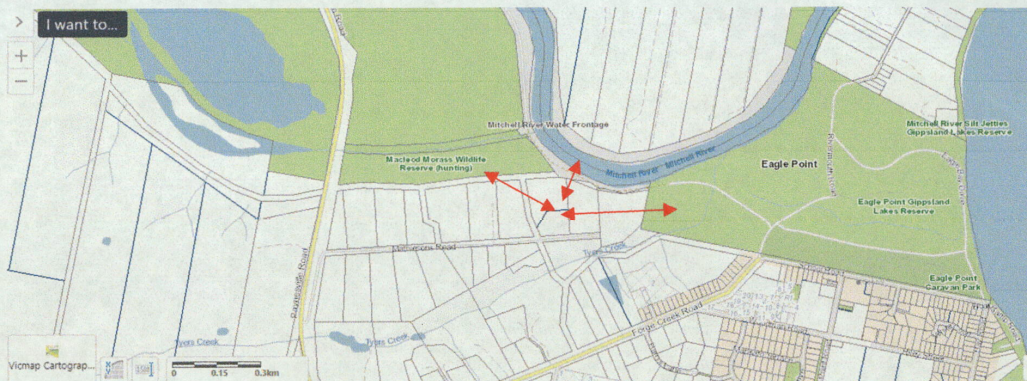
**Image 1.0 Areas of significant noise pollution and disturbance to residential areas and wildlife reserves.**

- Inner Red Circle Excessive Noise levels exceeding 70dB to over 100dB (commercial mower 107dB<sup>iii</sup>)
- Inner Yellow Circle Excessive Noise levels exceeding 64dB (typical city traffic = 85dB<sup>iv</sup>) Location of authors residence.
- Inner White Circle Excessive Noise levels exceeding 61dB (typical office = 65dB<sup>v</sup>)

This diagram demonstrates the extent to which noise generated at the applicants address will travel and impact on myself and the surrounding area. The sources and levels of noise are discussed below.



Without Prejudice



**Image 2.0 The impact on wildlife reserves and public spaces from excessive and offensive noise generated at the applicants address.**

I will be affected by noise from outdoor music, vehicles, contractors, patrons equipment and the owners. Noise will be generated from excessive vehicle movements at all hours of the day and night from staff, contractors, patrons and owners. This will have a detrimental effect on my physical and mental health. This noise is unreasonable under the Environment Protection Act 2017 and the Environment Protection Regulations 2021. I live less than 600m from the source of the noise pollution.

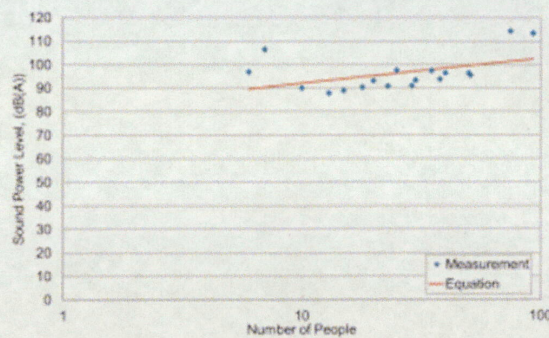


Typical noise levels have been measured for outdoor and live music between 75dB to over 100dB. Patron noise is also documented to be over 100db at the source.<sup>vii</sup>

Noise emitted by patrons outside the venue will cause significant noise pollution. Studies have shown that noise levels will exceed 100db as group size approaches 100 people as demonstrated by the following chart.<sup>viii</sup>



Without Prejudice

Figure 4:  $L_{Amax}$  sound power level

It is noted that, ... 'music noise from entertainment venues and events can have an impact on people nearby. It can be a problem when it disturbs people's sleep. Ongoing noise can impact your health.

Music noise is music you can hear at a residence or where people live and sleep, schools, and childcare centres. It can include live or recorded music noise coming from a large sports facility or a nightclub. Also, music noise coming from an event on public land.

Some noise from entertainment venues and events doesn't come under music noise. For example, human voices not associated with the music comes under 'patron noise'.<sup>ix</sup>

Noise can be annoying or disturbing. Over time, if the noise continues or is too loud, it can impact your health and wellbeing. The impact can be greater when noise disrupts your sleep. For example, when noise makes it difficult to fall asleep or wakes you during the night.

Ongoing noise can lead to:

- headaches
- increased blood pressure
- fatigue
- irritability
- poorer reading comprehension and attention in children
- hearing damage when the noise is loud.

The following is an example of when noise can affect your health and wellbeing.

*Gemma's neighbour uses his air conditioner for heating throughout the night during winter. The air conditioner is loud enough for Gemma to hear in her bedroom and has a distinctive hum. She finds the noise disturbing and it's affecting her ability to get to sleep. Once asleep, she finds she's often woken in the night by the noise. This noise is unreasonable under the Environment Protection Act 2017 and the Environment Protection Regulations 2021.*

Ongoing noise can impact peoples' livelihoods. Being unable to sleep because of noise might impact how well you perform at work. This could have a financial impact. Long-term exposure to an annoying noise increases the impact on people.<sup>x</sup> I will be impacted by the noise in this way by this application.



Without Prejudice

People who are more vulnerable to noise.

In residential settings, those most vulnerable to the impacts of noise include:

- sick people
- elderly people
- babies and children
- shift workers
- people with chronic health issues.<sup>xi</sup>

The applicants proposed business will directly affect surrounding residents who are overly represented in these higher vulnerability categories through the increase in nuisance and offensive noise emanating from a licenced function/events centre. I am one of those affected.

### **Patrons attending the venue will increase the noise and reduce privacy to residents.**

Vehicles will be leaving the venue at late hours after events have concluded, increasing the noise and disturbance to residents.

I will be exposed to an increase in the number of vehicle movements per day out of proportion to the number of existing residential properties in a dead-end street. Around 22 significant residences exist in Mathiesons Rd. Due to the lack of public transport and the remote location patrons attending the venue will arrive and leave in their private cars. Patrons arriving for the Gippsland Winter art exhibition at the applicants address in 2022 did so in private cars. Observations by the author of events held at the venue in 2022 demonstrated that this will be the norm and not an exception.<sup>xiii</sup>

The actual number of vehicles attending at the address will far exceed any claims made in the application.

Table1. Actual vehicle movements and vehicles attending the applicants address per guest number.

Guests	Vehicle Movements	Vehicles Parked at Venue <sup>xii</sup>
5	8	4
50	72	36
100	143	71

Average vehicle occupancy is accepted at 1.4 persons per vehicle movement.<sup>xiv</sup>

The acknowledged 'charm' of the streetscape in Mathiesons Road includes open and picturesque properties that relate and balance well with nature and a rural/residential aesthetic. Unfortunately, this form of landscaping comes at a price of privacy and security. Unwanted attention from increased patrons travelling to the applicants address who naturally look to 'enjoy the view', lowers the reality and perception of privacy to residents. Slow moving vehicles on Mathiesons Road 'rubbernecking' are



Without Prejudice

not an uncommon experience and is tolerated and expected to a degree, given the appeal of the street to the community and in particularly most of its residents.

What will become disproportionate and unacceptable will be the excessive increase in this behaviour paralleled with a decline in real and perceived safety. Opportunities for trespass, thefts, damages and littering of adjoining properties will increase with evidence that these activities are already occurring at other *open to the public* events held in the street in recent times.<sup>xv</sup> The addition of alcohol and illegal drugs in substance affected patrons at the applicants address only generates a greater number of instances that residents in Mathiesons Road will experience crime and discomfort. I will be a victim of these criminal and anti-social acts.



## Situational Risks<sup>xvi</sup>

### Fire assessment/risks

East Gippsland has long been identified as a Shire with a capacity to generate significant risks to life, property and the environment due to natural disasters, especially forest and grassland fire.<sup>xvii, xviii</sup> Mathiesons Road is unfortunately also a location of significant risk to fire as identified by the East Gippsland Shire in its recent Eagle Point Structure Plan.<sup>xix</sup>

I will be affected by a disproportionate number of people needing to evacuate Mathiesons Road during a wildfire/grassfire event. I will not be able to achieve a safe passage out of Mathiesons Road due to the large number of non-residents also needing to leave at the same time. Mathiesons Road is a location that is at risk from fast moving grass and forest fires. There are no alternate exits for vehicles from this location, this is a dead-end street. At crisis point the road will become blocked from vehicle collisions, fire debris compounded by smoke choking and closing the road. My fire safety plan cannot afford to be compromised by non-residents at a commercial business panicking and needing to leave into a crisis situation.

### Alcohol/drug affected drivers.

I will be put at a significant risk while driving and recreating on Mathiesons Road as a result of intoxicated and drug affected drivers arriving at and departing from the applicants address.



Without Prejudice

Alcohol/drug affected drivers and passengers increase the risk of injury and fatal collisions to residential road users, pedestrians and pets, local wildlife and increase the occurrence of vehicle related property damage. Intoxicated drivers on Mathiesons Road will result in a disproportionate number of vehicle movements with drivers at or above the legal blood alcohol concentration. The applicant's business will be capable of generating around 5 drivers who will be over the legal BAC limit and around 55 drivers who have consumed 1 or more drinks per event/day when functions contain 100 or more patrons.<sup>xx, xxi</sup>

## Dangerous Road Behaviour

I will be subjected to elevated levels of risk from non-resident drivers using Mathiesons Road to access and depart the applicants address who are not expected to be familiar with the identified challenges and risks of this location.

The State Member for Gippsland East, Tim Bull noted recently in relation to Paynesville Road,

*"The road is quite busy with both tourist and local traffic, which has seen some community concern raised...", "...particularly after three serious accidents of relatively recent times." The, "...speed limit was reduced in this area as an interim measure, a closer examination of the location has determined a roundabout is the preferred outcome in relation to safety."*

Traffic at a dangerous intersection will be increased from road users who are not familiar with road conditions or the documented dangers of the intersection of Mathiesons Road and Paynesville Road. This was recently acknowledged after residents petitioned VicRoads/East Gippsland Shire/Victoria Police to move the 80/100 speed limit signs closer to Bairnsdale away from Mathiesons Road as part of the Paynesville Road/Forge Creek Road safety improvements.

I will be put at greater risk due to the increase in traffic flow around a dangerous intersection and blind corner on Mathiesons Road. In 2023 this difficult and dangerous blind 90-degree corner was recently safety sign posted to 20km/h after residents petitioned VicRoads and East Gippsland Shire.<sup>xxii</sup>



## Violence - Property Damage – Trespass – Offensive Behaviour

I will be directly affected by being exposed to the proven behaviours and risks associated with living in close proximity to a licenced business. If approved, the applicants business will subject myself, residents, friends, family and visitors to a marked rise in crime, violence and antisocial behaviour that are proven accessories to licenced Event/Function Centres. Countless research papers, records in the



*Without Prejudice*

media and at all levels of government have documented the negative impacts related to living in close proximity to a licenced premise and of alcohol related harm.<sup>xxiii</sup>

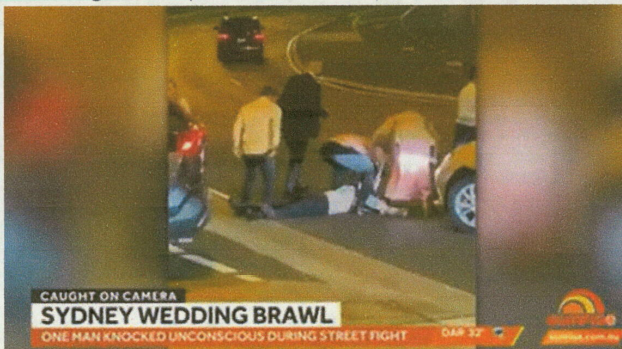
Negative cumulative impacts include increased occurrences of:

- nuisance noise and anti-social behaviour from intoxicated persons.
- infrastructure capacity problems including limited availability of transport and car parking for patrons and residents.
- violence and perceived threats to safety.
- crime including vandalism, trespass and property damage.<sup>xxiv</sup>

Alcohol related harm is a familiar bedfellow to event centres and licenced premises. The estimated cost of alcohol related harm in Victoria in 2021 was estimated to exceed 5.6 billion dollars.<sup>xxv, xxvi</sup>. This a cost to every individual in the State exceeding \$848.00 per annum.<sup>xxvii</sup>

It is not acceptable to consider the development and expansion of licenced premises into residential settings to be an appropriate discretion of East Gippsland Shire planning policy in the face of these obvious costs and associated harms. There is no place in Mathiesons Road for a licenced events centre.

Wedding brawl spills onto the ritzy streets of one of Sydney's more glamorous suburbs<sup>xxviii</sup>



Wedding descends into chaos with one stabbed outside Fairfield venue<sup>xxix</sup>

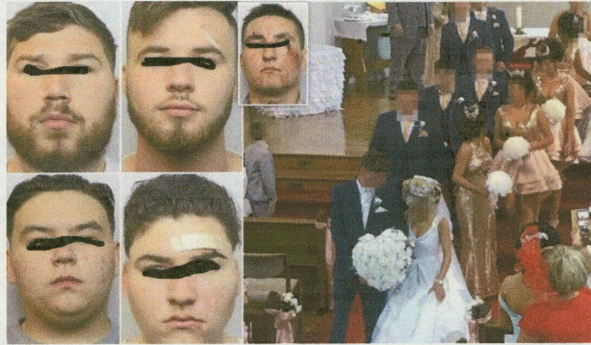


Chilling footage has captured the moment a Sydney wedding venue becomes the scene of a violent brawl.



Without Prejudice

'Eight jailed after a hotel wedding brawl left a £15,000 trail of destruction.



A group of men involved in a wedding brawl that saw areas of a hotel "completely destroyed" in a £15,000, 30-minute wrecking spree...<sup>xxx</sup>

Brawl breaks out after wedding at luxury Victorian estate<sup>xxxi</sup>



The residents of Mathiesons Road and I do not deserve to be victims of a 'live music' event running out of control. Woodstock 99' – This film examines how an iconic celebration of harmony descended into mayhem. #Woodstock99, the first film in the #MusicBoxHBO series, examines how the festival collapsed under the weight of its own misguided ambition.<sup>xxxii</sup> I should not be the victim in an experiment to build an unsuitable live music venue in a residential street.





Without Prejudice

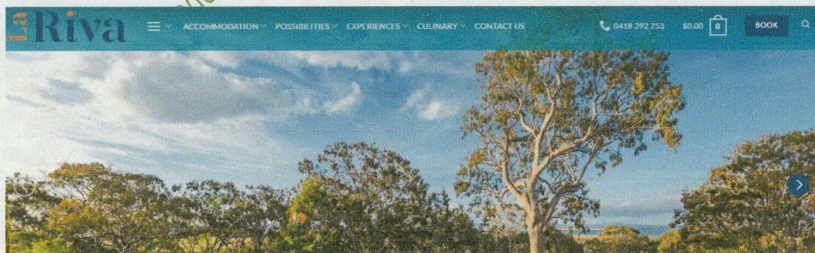
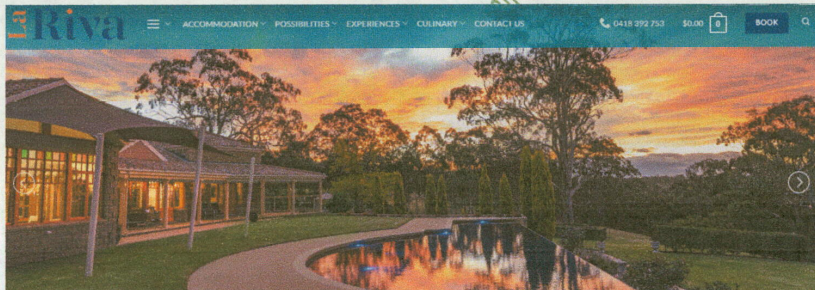
## Wildlife impacts

A licenced events/function centre will impact on my enjoyment of the significant wildlife reserves adjoining the applicants address. Noise, rubbish, intrusive outdoor lighting, vehicles, increased number of visitors, polluted rainwater runoff and pool water discharges will all impact on the Morass Wildlife Reserve and Mitchell River.

East Gippsland Shire has committed itself as its first priority to the conservation of the natural environment and biodiversity. It has flagged this as the first of a number of community held expectations and target goals in the Environmental Sustainability Strategy 2022-2032.<sup>xxxiii</sup>

This application will affect visitors, me included, who wish to enjoy these wild spaces. More significantly the flora and fauna that survive in these habitats are placed at additional risk at a time when climate change and human development is destroying their natural spaces. The Colombia Climate School states that the, '... main modern causes of extinction are the loss and degradation of habitat..., ...invasive species, climate change, and nitrogen pollution.'<sup>xxxiv</sup>

The Morass Wildlife Reserve and the Mitchel River valley is home to over 170 identified wild birds, many listed as at-risk species.<sup>xxxv</sup>, <sup>xxxvi</sup> The applicants property effectively shares a boundary with this reserve. This application is a direct threat to the nesting, feeding and breeding habits of these endangered birds. There is a stand of mature redgum trees lining the Mitchell River escarpment that are annual nesting sites to a range of significant bird species. These include the Wedge-tail Eagle, White Bellied Sea Eagle and the Powerful Owl. The applicant's property is home to several significant mature nesting and habitat trees. These trees can be seen in advertising material provided by the applicants.<sup>xxxvii</sup>



This wildlife corridor is also home to endangered and at-risk species such as bats, possums and frogs. Noise pollution, litter and polluted waste water discharges, light pollution will be expected to enter these wild spaces. This application is a threat to their survival, habitat and the environment these animals currently live.<sup>xxxviii</sup>, <sup>xxxix</sup>



Without Prejudice

## Development Solutions Victoria Ref: 22138 November 2022

The following points are disputed as referred to in the above document.

### Pp 10 Executive Summary

The executive summary states,

*'The proposed use of accommodation, function and events centre, car parking dispensation and liquor licence is appropriate in this location and will be appropriately managed to ensure the amenity of the area is not detrimentally affected.'*

This is a baseless claim that is not fully substantiated in the document or in the business model of the applicants. There will be significant detrimental consequences to a significant number of residents, and the environment that do not support this proposal in anyway. This objection has highlighted a significant number of legitimate concerns that negate this assertion.

Further that in the authors opinion there is no basis for claims the submission meets the requirement of the East Gippsland Planning Scheme in so far as it provides any net benefit to anyone other than the applicants specifically for a financial gain at resident's and the environments expense.

### Pp 12 Adjoining Properties

*'The land adjoining the subject site to the east and west contain exiting residential dwellings and associated facilities, adjoining the northern boundary is the Mitchell River and adjoining the southern boundary is Mathiesons Road with residential development beyond.'*

The applicants have glossed over the fact that there are additional properties that are direct neighbours separated only by Mathiesons Road. These 'forgotten' properties share an intimate proximity to the applicants address equally so to those adjoining to the east and west. Given the applicants desire to include the combined lots (95 & 105) this is an unacceptable admission as patrons will not be contained to any particular location on the site and their proximity to adjoining properties is increased.





Without Prejudice

*'Mathiesons Road is a fully constructed bitumen sealed road traversing in an east west direction and connecting to Paynesville Road...'*

The applicants have ignored the issue that Mathieson Road is a sealed **single lane road** that requires vehicles to give way to each other in order to pass safely. It is not lit at night and has limited road delineation markers to assist drivers at night. The applicants have disregarded the reality that *'larger transport buses'* are not suitable to enter Mathiesons Road. As identified earlier, the road has no formed turning circle to the east, it cannot support large vehicles as there are no locations to safely turn around. Large vehicles including buses that enter the street will cause damage to the road, the road reserve and private property assets. This is an ongoing experience for residents. The applicants will increase the traffic load into a streetscape that is not designed for this level of vehicle movements.

## Pp 22 Hours of Operation –

The applicants are not limited to the nature of the type of functions that can occur at the address. Residents can therefore expect that vehicle noise and lights, patron noise, etc will occur at times well beyond 11pm. In a residential zone this is not acceptable and will cause direct conflict and a direct loss of amenity and enjoyment to those who reside or visit in Mathiesons Road.

Claims that the, *'...facility will host up to a maximum of 100 people.'*, ignores any reality about the number of staff, contractors and 'helpers' that will also be at this location. In the authors experience where group sizes are concerned, entertainment/function facilities will always *'squeeze a few more in'* as there are few ways to check compliance or desire by authorities to do so. It will be expected that group sizes will exceed 100 and compound issues identified earlier. The author believes that the figure of 100 patrons will not represent an actual upper limit with guest numbers likely to exceed this at any time and for any event held.

## Car Parking –

The nominated areas for car parking, 'two areas that each can accommodate 20 spaces.' are grassed areas of lawn that will only be suitable for vehicles to use in dry weather and daylight hours. The applicants fail to identify that there are no alternative areas to park vehicles when conditions are wet or at night as no infrastructure, road or lighting is available. Patrons parking in the '20 spaces' in Government Road will be put at risk due to uneven rugged terrain and undefined parking spaces. It will be expected that when conditions do not suit the applicants that vehicles will park on Mathiesons Road reserve causing damage to vegetation, private property assets and be a visual detractor to the streetscape. The applicants do not address the fact that 40 car spaces do not adequately account for the 70 plus vehicles and additional staff/contractor's vehicles that will be arriving at larger functions. This oversight is not acceptable and is a deliberate short estimate of actual expectations in relation to vehicle numbers. Mathiesons Road residents and myself can expect to be significantly disadvantaged by the intrusion of this number of vehicles.

Large number of vehicles parked at this address will result in an increase in the amount of vehicle related pollution that will drain into the Morass Wildlife Reserve and Mitchell River Reserve. It is not acceptable to waive formalised drainage controls and environmental protection measures needed to protect these sensitive wildlife areas. An unregulated and undeveloped carparking facility on-site is



Without Prejudice

not acceptable. There will also be the obvious detriment of visual pollution due to the large number of vehicles parked close to the property boundary and seen from the road and adjoining wild spaces.

In the event of an emergency evacuation the absence of any initial control related to car movements will likely mean that the 'free for all' that will occur will lead to accidents and exacerbate the sense of panic and confusion at a critical stage of the incident.

## Services -

The applicants note that the site has a septic tank *appropriate* for a dwelling of its size and that additional portable toilets will be brought to site to allow for larger events. The obvious excessive sewage and greywater loading on a typically specified 4-bedroom home's septic system will lead to the system failing and untreated waste entering the adjoining wildlife reserve. The suggested guest loading for the house will likely see the septic system compromised in short order. There are no realistic measures that can manage patrons who are not sleeping guests from using the facilities in the main house. As a guest, if I had a choice between a cramped plastic port-a-loo outside in the rain or heat and flies and a normal house toilet, it's obvious what choice would be made.

There is no plan for the deployment, location and management of these temporary facilities in any part of the application. The notion that portable toilets are by any means a suitable alternative to purpose built and maintained facilities is not acceptable. Significant disruption to neighbouring residents will occur when placing and removing these assets. Odour and noise discharges from these types of toilets is not acceptable in a residential setting, as is the significant visual pollution that a 'row of shitters' will do to the streetscape.<sup>xl</sup> Given the sensitivity of the application to surrounding residents this is a considerable oversight. This omission is evidence of poor planning and directly illustrates that this proposal is not a sound basis on which the Shire of East Gippsland can place any reliable credit in the development and management of this licenced function/events centre.



## Pp25. Clause 11.

This application is directly opposed to meeting the objective of contributing towards, 'Health, wellbeing and safety.' It is counter to the current intentions of low-density residential zoning. As addressed earlier this proposal will lead to environmental, human health and amenity problems. It will contribute to localised increases in all aspects of pollution and does not in any way afford protection to environmentally sensitive areas and natural resources.



Without Prejudice

## Clause 11.03-4S

This rental property is located prominently on the Mitchell River escarpment. It shares its location with around 11 other similarly located properties of commensurate size and siting. Whilst having no particular architectural merit it should not be afforded the opportunity to be redeveloped into a not fit for purpose facility where its operations will impact on the neighbouring protected wetlands and river systems. Approval of this nature will attract an expectation that rental properties in possession of a view are reasonably expected to be granted 'in-kind' approvals. This applies to a significant number of properties across East Gippsland Shire and is contrary to the Shire's environmental mantra.<sup>xli</sup>

## Pp 26 Clause 13

This application does not support the objectives of,

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

- *Land use and development compatibility.*
- *Effective controls to prevent or mitigate significant impacts.'*

There is ample evidence that this application is contrary to these goals. A licenced entertainment centre is not a compatible proposal in a residential zone.

## Clause 13.05-1S

This proposal is a direct threat to the health of the residents in Mathiesons Road where noise, violence, criminal behaviour and pollution are the direct consequences of its intentions.

## Pp. 27 Clause 13.07-3S

The goal of the strategy to encourage venues for live music is acknowledged as important for the Shire of East Gippsland. The application appears to have confused the aspect of proximity in respect to this intention as the point is to ensure live music venues can coexist with nearby residential and other noise sensitive land uses. The key point here is the venue is **nearby** and not as is the case here, **in it**.

## Clause 15

The established residential street of Mathiesons Road is not a location for a licenced events centre. Live and recorded outdoor music, public toilets, outdoor lighting, large numbers of vehicles moving into and out of the street at all hours of every day will be like living in a street with the 'Neighbour from Hell'.<sup>xliii</sup> This and other concerns identified earlier do not support planning goals for built spaces that; *'Are enjoyable, engaging and comfortable to be in. Contribute positively to local character and sense of place.'*<sup>xliii</sup>



*Without Prejudice*

### **Pp 31 Clause 21.09-3 Strategy 1.9**

This application seeks approval for a change in use away from a residential purpose into a commercial permanent 24 hour, seven days a week licenced events centre. This is not a compatible proposal and does not meet any test of local character form or function. It can be shown to be a detraction to the landscape and environment of Mathiesons Road and the adjoining protected wildlife zones it abuts.

*This document is made available for an objection to a planning permit application - ref Planning & Environmental Act 1987.*



Without Prejudice

## Project Planning Response

Despite claims in the application, this is not a unique property in East Gippsland Shire for any specific reason. It is baseless to claim that a house constructed in the 1990's on a short-lived colonial Australian/neo-Italianate style is 'unique' and not able to be easily recreated at any other location. Larger properties that occupy locations with a view or other natural aspect is a common feature of the residential character of this shire.

A survey of properties for sale on 19/01/2023 on Realestate.com.au across East Gippsland revealed over 40 properties for sale that offer better or equal amenity, character, location, aspect and architectural form to the target address. The author cautions East Gippsland Shire in approving this application as it will set a precedent for owners of other large rental properties to claim the same advantage and arguments as this one is attempting to do. The prospect of licenced residential rental homes appearing across the Shire should not be encouraged or supported.

1. 15 Morris Road, Timboon, Vic 3890 - House for Sale - realestate.com.au
2. 14 Warrens Road, Newmerella, Vic 3886 - Other for Sale - realestate.com.au
3. 224 Forest Road, Orbost, Vic 3888 - House for Sale - realestate.com.au
4. 10 Allen's Avenue, Wairewa, Vic 3887 - Acreage for Sale - realestate.com.au
5. RIVER HOMESTEAD/2855 Omeo Highway, Anglers Rest, Vic 3898 - House for Sale - realestate.com.au
6. 96 Lakeside Drive, Lake Tyers Beach, Vic 3909 - House for Sale - realestate.com.au
7. 10-12 Gully Road, Lake Tyers Beach, Vic 3909 - House for Sale - realestate.com.au
8. 32 Mill Point Road, Lake Tyers Beach, Vic 3909 - House for Sale - realestate.com.au
9. 6 Henderson's Road, Toorloo Arm, Vic 3909 - House for Sale - realestate.com.au
10. 20 Lake Tyers Beach Road, Lake Tyers Beach, Vic 3909 - Farmlet for Sale - realestate.com.au
11. 60 Old Bunga Road, Lake Bunga, Vic 3909 - House for Sale - realestate.com.au
12. 51 Lindamay Court, Lake Bunga, Vic 3909 - House for Sale - realestate.com.au
13. 3-7 Clarkes Road, Lakes Entrance, Vic 3909 - Block of Units for Sale - realestate.com.au
14. 27 Nautilus Way, Lakes Entrance, Vic 3909 - House for Sale - realestate.com.au
15. 20 Secomb Cl, Lakes Entrance, Vic 3909 - House for Sale - realestate.com.au
16. 30 Tranquil Court, Lakes Entrance, Vic 3909 - House for Sale - realestate.com.au
17. 81 Seaview Parade, Kalimna, Vic 3909 - House for Sale - realestate.com.au
18. 124 Albatross Road, Kalimna, Vic 3909 - House for Sale - realestate.com.au
19. 73 Hazel Road, Kalimna, Vic 3909 - House for Sale - realestate.com.au
20. 16 Lakeshore Drive, Nungurner, Vic 3909 - House for Sale - realestate.com.au
21. 46 Heaths Road, Metung, Vic 3904 - House for Sale - realestate.com.au
22. 121 Metung Road, Metung, Vic 3904 - House for Sale - realestate.com.au
23. 33 Mairburn Road, Metung, Vic 3904 - Block Of Units for Sale - realestate.com.au
24. 39 Kings Cove Boulevard, Metung, Vic 3904 - House for Sale - realestate.com.au
25. 85 Punt Road, Metung, Vic 3904 - House for Sale - realestate.com.au
26. 141 Old Orbost Road, Swan Reach, Vic 3903 - House for Sale - realestate.com.au
27. 117 Tambo Upper Road, Swan Reach, Vic 3903 - House for Sale - realestate.com.au
28. 35 The Eyrie, Swan Reach, Vic 3903 - House for Sale - realestate.com.au
29. 504 Swan Reach Rd, Bumberrah, Vic 3902 - House for Sale - realestate.com.au
30. 35 Hazeldene Cres, Nicholson, Vic 3882 - House for Sale - realestate.com.au
31. 1007 Princes Highway, Nicholson, Vic 3882 - Lifestyle for Sale - realestate.com.au
32. 65B The Riverside, Nicholson, Vic 3882 - House for Sale - realestate.com.au
33. 89B Newlands Dr, Paynesville, Vic 3880 - House for Sale - realestate.com.au
34. 30 Lake Shore Drive, Newlands Arm, Vic 3875 - House for Sale - realestate.com.au



Without Prejudice

35. 2A Backwater Court, Paynesville, Vic 3880 - House for Sale - realestate.com.au
36. 15 Kellina Ct, Paynesville, Vic 3880 - House for Sale - realestate.com.au
37. 1205 Bengworden Road, Goon Nure, Vic 3875 - Cropping for Sale - realestate.com.au
38. 24 Victoria Street, Loch Sport, Vic 3851 - House for Sale - realestate.com.au
39. 485 Lindenow Meerlieu Road, Lindenow South, Vic 3875 - Livestock for Sale - realestate.com.au
40. 205 Fernbank-Glenaladale Road, Fernbank, Vic 3864 - Farmlet for Sale - realestate.com.au

The subject location requires patrons to arrive by car and is not specifically intended to be a 'service' to the village of Eagle Point. It offers no immediate amenity benefits to local Eagle Point residents and indeed has marketed itself as wide and as far as possible as it would be expected to do.<sup>xliv</sup>

The applicants claim, '...the proposal is appropriate for the area...', is not openly founded on any direct claim and is simply a comment not supported with evidence with which it could reasonably be expected would be provided to the community in this application. There are no independent assessments of environmental or social effects studies commissioned by the applicants or East Gippsland Shire. Given the sensitivity of this application the author expects that this would be completed as part of any due diligence. It will be imperative that these documents are open-source community accessible products that afford affected residents and the East Gippsland Shire the ability to fully assess and deliver an appropriate response to this application.

The applicants claim their entire platform for controlling noise and potential impacts to surrounding residents is based on a notion that,

*'...owners and operators also residing onsite permanently ensures suitable management practices are in place to control noise and any potential impacts.'*

Firstly, there are no circumstances that would reasonably prevent the owners from not living on site and it would not be reasonable to expect that they will do so in the short to medium term. The author believes the applicants will plan to vacate the property and use the 'converted garage' where they currently reside as additional accommodation space for guests and business endeavours.

The applicants do little to support their claim that they will or can control noise at this address. The applicants continue to fly a private helicopter at lower levels over Mathiesons Road multiple times during most days. This is a significantly noisy event and to the author amounts to a very unpleasant experience and a loss of privacy and security that is generated by this behaviour. As such the author considers the applicants do not appear to be concerned about noise and are currently demonstrating their disregard for my private quiet enjoyment of my property. This act represents a deliberate invasion of my privacy and introduces security risks for residents that are overflowed daily. It will be expected that this 'anything go's' approach to noise will continue, and the emission of noise at the address will be intensified in the event the applicants commence operations.

A generalised statement about '...suitable management practices...' are not any reasonable foundation to base credit on the applicant's ability or willingness to control noise or '...potential impacts...'. I believe that these cliché quotes do not constitute an appropriate plan for assessing the capacity for noise management.



Without Prejudice

The East Gippsland Shire cannot take into account any reference to the suitability of the current applicants or any proposed management model they are offering for the following reasons.

1. The tenure of the current owners is likely to be transient in nature and likely to be short to medium term at best.<sup>xlv</sup> The limited detail and generalised *Management Plan* cannot be relied upon to be the model with which this property will be managed at any duration, short, medium or long term.
2. Approvals for a change in planning should consider the reality that owners/managers are not permanent fixtures to a business. At any point in time the business will be sold, resold, leased etc and not be expected to be managed in anyway related to the current applicants. Council needs to eliminate any assertions from the applicants in relation to business ownership and functional models as this proposal has a life well beyond them and well into the future. The applicants are well within their rights to operate the business in whatever manner they choose, subject to applicable legislation. Their potential short term financial gain will be the long term negative consequences experienced by myself and the surrounding residents.

Appendix C details a desire for the entire property to be included in the alcohol consumption zone. There is no indication of how this will be managed, what security assets or practices will be engaged and what physical barriers to Mathiesons Road will exist, no comments on managing resident safety or neighbourhood privacy are included. If at this early point in planning these critical details are missing or deliberately avoided, the Shire, residents of Mathiesons Road and myself can have no confidence in the operational decisions and risk management capacity of this application.

The author asserts that the claim that there are no, 'physical or environmental constraints...', and that the proposal is consistent with current planning objectives is not in fact correct or consistent with these aspirations. Mathiesons Road is zoned low density residential (LDRZ) which contains core values of limiting the reduction in lot size, decreasing urban development plans and to maintain a limit to urbanisation. This proposal directly contradicts this zoning by effectively doubling or tripling the number of people in the zoned area of Mathiesons Road. Any plans to expand this rental property into a function/events centre with the possibility of the addition of short/medium accommodation facilities is excessive and represents in fact a reversal of the zoning to which current residents are expected to abide by. Residents should be able to be confident that Mathiesons Road is not subdivided by stealth effectively marking the street as General Residential Zoning and doubling or tripling the number of people engaged in the street.<sup>xlvi</sup>



Without Prejudice

## Social Impact Guidelines for Development Applications

The author rejects the applicants claim that no trigger exists for either a Social Impact Comment or a Social Impact Assessment. The very essence of this application contains ample grounds to trigger this as a minimum level of due diligence on behalf of the East Gippsland Shire. This is particularly so when the matter is referred to the Minister for Planning in connection to an Environment Effects Statement (EES). Environmental, social health, safety and security, and planning impacts are ample grounds to trigger these assessments and support any decision the East Gippsland Shire might make.

- This proposal does alter population as the proposal exceeds the typical residential loadings experienced by a property with four bedrooms. The application is for a 24hr 7 days a week duration and will directly increase the normalised resident load experienced at the location as well as the immediate street of Mathiesons Road.
- The proposal directly disadvantages all residents of Mathiesons Road, in particular the immediate neighbours. This location has a population that is largely retired residents who are more likely to be at home attempting to achieve quiet enjoyment of their properties. They will not be able to do this under an approval for this application.
- This proposal will add to the high demand for experienced service staff needed to support events at this location. Existing businesses can expect to be disadvantaged as staff will be drawn from their ranks to furnish events under this model.
- The proposal will impact housing stock by decreasing the value and marketability of existing homes in Mathiesons Road. Any comment that this is not the case ignores the frequent comments made to the author by a wide selection of the public when mention of this application is discussed. The author would be happy to put the matter to a survey if the East Gippsland Shire requires.
- The author considers it negligent to claim that there will, '...not likely to be any impact on the existing flow of traffic surrounding the site or any impact to pedestrians.' Excessive vehicle movements, alcohol/drug affected drivers, a narrow one lane road, blind corners, challenging intersection dynamics, no large vehicle U-turn capacity are the more significant of a long list of impacts ignored by the application. Mathiesons Road will no longer be a venue for recreation by residents and visitors and any wildlife unlucky enough to attempt to cross it (including wild duck families) will be killed or injured.

### 6.3

It is a false claim that this proposal will not be expected to detrimentally affect surrounding residents. The application makes frequent mention of 'reducing impact' and/or 'minimising impact' which is an admission that there will indeed be detrimental impacts and so contradicting a statement that they do not expect there to be any. It appears to the author that there is either a complete failure to acknowledge the impacts or that there is an attempt to minimise or conceal the direct consequences of this application. It is implausible that the application can be at one time making assertions that there will be no expectation of detrimental effects and in another addressing limited measures to abate these.



Without Prejudice

The application makes no comment as to what sources they have used to claim that there are no 'issues' surrounding the existing licenced premises in Bairnsdale, Paynesville and Lakes Entrance. The author has direct personal experience of what these impacts have been in the past 20 years. Ample evidence will be called that details these impacts which include property damage, violence, noise, litter, intoxicated drivers, etc, etc. The sale and supply of alcohol at this location has direct negative consequences for me and all residents.

The application discusses an upper limit of 100 patrons at multiple points in the document. It does however also indicate that this limit is not finite as indicated by the statement, '*Consultation with neighbouring owners would occur for larger events.*' Residents can expect bigger events at their peril.

## 6.4

The application is not correct in the claim that the, '*...proposal will not be out of character for the area...*' as indeed there are no other similar existing or proposed businesses in residential areas of Eagle Point. A 'unique proposal' implies a differentiation of form, use, character and function and thus is at odds with the existing built form and amenity of Eagle Point and Mathiesons Road. It is complete nonsense to suggest that there is any harmony between what is proposed and what exists.

What is essentially a 24/7 commercial enterprise in a low density residential street noted for its 'special character' and uniqueness should not be supported as this is a proposal intended for a commercial zoned area of a city or large town.

This application is the equivalent to living next to the 'neighbour from hell' who parties 7 days a week with loud music until late at night, bright lights, cars arriving and departing at all hours, fights and domestic arguments combined with regular property damage, litter, trespass burglary and thefts. Mathiesons Road is not a location for the applicants to exploit the amenity and environment that has been fought hard to preserve for many decades. Residents should not be once again placed in a position to defend themselves against this level of intrusion in a residential zoned street.

## Acknowledgement of Liability

The author advises the applicants and the East Gippsland Shire that any approval granted under this, or any future application will be an admission to and acceptance of any loss, harm, damage, personal harm or suffering experienced by the author in anyway connected to this application and business approval and operation. The applicants and the East Gippsland Shire also acknowledge that they individually or collectively will be liable for all financial, emotional and material losses and financial costs experienced by the author in relation to this potential approval and business operation.

End

.....



Without Prejudice

## References

- <sup>i</sup> East Gippsland Shire, June 2019, Eagle Point Structure Plan, pp 61.
- <sup>ii</sup> East Gippsland Shire, Notice of an Application for Planning Permit, Application 498/2022/P, pp58.
- <sup>iii</sup> <https://ehs.yale.edu/sites/default/files/files/decibel-level-chart.pdf>
- <sup>iv</sup> <https://ehs.yale.edu/sites/default/files/files/decibel-level-chart.pdf>
- <sup>v</sup> <https://ehs.yale.edu/sites/default/files/files/decibel-level-chart.pdf>
- <sup>vi</sup> [https://www.cdc.gov/ncchd/hearing\\_loss/what\\_noises\\_cause\\_hearing\\_loss.html#:~:text=Common%20Sources%20of%20Noise%20and%20Decibel%20Levels&text=A%20whisper%20is%20about%2030,immediate%20harm%20to%20your%20ears.](https://www.cdc.gov/ncchd/hearing_loss/what_noises_cause_hearing_loss.html#:~:text=Common%20Sources%20of%20Noise%20and%20Decibel%20Levels&text=A%20whisper%20is%20about%2030,immediate%20harm%20to%20your%20ears.)
- <sup>vii</sup> <https://hearinghealthfoundation.org/decibel-levels>
- <sup>viii</sup> [https://www.acoustics.asn.au/conference\\_proceedings/AAS2011/papers/p133.pdf](https://www.acoustics.asn.au/conference_proceedings/AAS2011/papers/p133.pdf)
- <sup>ix</sup> <https://www.epa.vic.gov.au/for-community/environmental-information/noise/music-noise>
- <sup>x</sup> <https://www.epa.vic.gov.au/for-community/environmental-information/noise/noise-health>
- <sup>xi</sup> <https://www.epa.vic.gov.au/for-community/environmental-information/noise/noise-health>
- <sup>xii</sup> Guests vehicles, excluding staff, contractors, management, etc.
- <sup>xiii</sup> <https://egwinterfest.com.au/event/open-garden-art-exploration-in-the-grounds-of-la-riva-afternoon/>
- <sup>xiv</sup> [https://austroads.com.au/\\_\\_data/assets/pdf\\_file/0018/105327/NOF\\_GHD\\_Report\\_August\\_2013.pdf](https://austroads.com.au/__data/assets/pdf_file/0018/105327/NOF_GHD_Report_August_2013.pdf)
- <sup>xv</sup> Sources *In confidence*, known to the author.
- <sup>xvi</sup> <https://www.nsc.org/workplace/safety-topics/work-to-zero/hazardous-situations/situational-risks>
- <sup>xvii</sup> <https://www.theguardian.com/australia-news/2019/dec/29/victoria-bushfires-australia-thousands-evacuate-vast-east-gippsland-fire-threat-zone>
- <sup>xviii</sup> [https://www.safertogether.vic.gov.au/\\_\\_data/assets/pdf\\_file/0028/493534/DELWP\\_BushfireManagementStrategies\\_2020\\_Gippsland\\_rr.pdf](https://www.safertogether.vic.gov.au/__data/assets/pdf_file/0028/493534/DELWP_BushfireManagementStrategies_2020_Gippsland_rr.pdf), pp4
- <sup>xix</sup> East Gippsland Shire, 2019, Eagle Point Draft Structure Plan, Vol 1, pp 10.
- <sup>xx</sup> <https://www.tac.vic.gov.au/road-safety/staying-safe/drink-driving>
- <sup>xxi</sup> At a patron level of 100.
- <sup>xxii</sup> [https://assets-global.website-files.com/5f10ce18aa01d050c26b7c5e/5fc4913d840552f4b6fff69e\\_final\\_-\\_paynesville\\_and\\_district\\_community\\_plan\\_2012\\_-\\_2017.pdf](https://assets-global.website-files.com/5f10ce18aa01d050c26b7c5e/5fc4913d840552f4b6fff69e_final_-_paynesville_and_district_community_plan_2012_-_2017.pdf) pp 19.
- <sup>xxiii</sup> [https://www.planning.vic.gov.au/\\_\\_data/assets/pdf\\_file/0015/13461/PPN61-Licensed-premises\\_Assessing-cumulative-impact\\_June-2015.pdf](https://www.planning.vic.gov.au/__data/assets/pdf_file/0015/13461/PPN61-Licensed-premises_Assessing-cumulative-impact_June-2015.pdf)
- <sup>xxiv</sup> [https://www.planning.vic.gov.au/\\_\\_data/assets/pdf\\_file/0015/13461/PPN61-Licensed-premises\\_Assessing-cumulative-impact\\_June-2015.pdf](https://www.planning.vic.gov.au/__data/assets/pdf_file/0015/13461/PPN61-Licensed-premises_Assessing-cumulative-impact_June-2015.pdf)
- <sup>xxv</sup> <https://www.rba.gov.au/calculator/annualDecimal.html>
- <sup>xxvi</sup> [https://www.vgccc.vic.gov.au/sites/default/files/Alcohol-related\\_harm\\_and\\_the\\_operation\\_of\\_licensed\\_premises\\_2009.pdf](https://www.vgccc.vic.gov.au/sites/default/files/Alcohol-related_harm_and_the_operation_of_licensed_premises_2009.pdf)
- <sup>xxvii</sup> <https://www.abs.gov.au/statistics/people/population/national-state-and-territory-population/latest-release#states-and-territories>
- <sup>xxviii</sup> <https://7news.com.au/news/nsw/wedding-brawl-spills-onto-the-ritzy-streets-of-one-of-sydneys-more-glamorous-suburbs-c-5773115>
- <sup>xxix</sup> <https://7news.com.au/news/nsw/wedding-descends-into-chaos-with-one-stabbed-outside-fairfield-venue-c-9258456>
- <sup>xxx</sup> <https://www.thecaterer.com/news/wedding-brawl-stokes>
- <sup>xxxi</sup> <https://7news.com.au/news/crime/brawl-breaks-out-after-wedding-at-luxury-victorian-estate-c-724443>
- <sup>xxxii</sup> <https://www.youtube.com/watch?v=h62Rmlsx6MA>
- <sup>xxxiii</sup> [https://assets-global.website-files.com/5f10ce18aa01d050c26b7c5e/62bc04ffacfdaf6cab3fa9b9\\_Environmental\\_Sustainability\\_Strategy\\_EGS\\_C\\_final\\_compressed%20\(1\).pdf](https://assets-global.website-files.com/5f10ce18aa01d050c26b7c5e/62bc04ffacfdaf6cab3fa9b9_Environmental_Sustainability_Strategy_EGS_C_final_compressed%20(1).pdf), pp5, 17.
- <sup>xxxiv</sup> <https://news.climate.columbia.edu/2019/03/26/endangered-species-matter/>
- <sup>xxxv</sup> [https://ebird.org/hotspot/L2473348?yr=all&m=&rank=hc&hs\\_sortBy=taxon\\_order&hs\\_o=asc](https://ebird.org/hotspot/L2473348?yr=all&m=&rank=hc&hs_sortBy=taxon_order&hs_o=asc)
- <sup>xxxvi</sup> [https://www.swift.net.au/cb\\_pages/threatened\\_fauna\\_east\\_gippsland\\_shire.php](https://www.swift.net.au/cb_pages/threatened_fauna_east_gippsland_shire.php)
- <sup>xxxvii</sup> <https://lariva.com.au/>



Without Prejudice

<sup>xxviii</sup> [https://www.swifft.net.au/cb\\_pages/threatened\\_fauna\\_east\\_gippsland\\_shire.php](https://www.swifft.net.au/cb_pages/threatened_fauna_east_gippsland_shire.php)

<sup>xxix</sup> SWIFFT has identified the known endangered flora and fauna in East Gippsland Shire as, 70 species of threatened birds, 29 species of threatened mammal, 16 species of threatened fish, 12 species of threatened reptiles, 8 species of threatened amphibians, 17 species of threatened invertebrates. Seen at [https://www.swifft.net.au/cb\\_pages/threatened\\_fauna\\_east\\_gippsland\\_shire.php](https://www.swifft.net.au/cb_pages/threatened_fauna_east_gippsland_shire.php)

<sup>xl</sup> American slang for toilet, see - <https://youtu.be/W0ek-nHq5lc>

<sup>xli</sup> *Our Vision is to make East Gippsland an inclusive and innovative community that values its natural environment, puts community at the center of Council decision making and creates conditions in which communities can thrive.*, <https://www.eastgippsland.vic.gov.au/>

<sup>xlii</sup> <https://www.youtube.com/watch?v=4WXnctyLFrE>

<sup>xliii</sup> East Gippsland Shire Council, 2022, Notice for an Application for a Planning Permit, 498/2022/P, pp27.

<sup>xliiv</sup> <https://lariva.com.au/>, viewed 19/1/2023.

<sup>xliv</sup> <https://www.jp-morganchase.com/institute/research/small-business/small-business-dashboard/longevity>

<sup>xlv</sup> [https://planning-schemes.api.delwp.vic.gov.au/\\_\\_data/assets/pdf\\_file/0007/490678/eastgippsland50zn.pdf?\\_ga=2.32319863.850726272.1674951519-1529408503.1674091099](https://planning-schemes.api.delwp.vic.gov.au/__data/assets/pdf_file/0007/490678/eastgippsland50zn.pdf?_ga=2.32319863.850726272.1674951519-1529408503.1674091099)

# East Gippsland Shire Council

273 Main Street (PO Box 1618)  
Bairnsdale VIC 3875  
Website: [www.eastgippsland.vic.gov.au](http://www.eastgippsland.vic.gov.au)  
Email: [feedback@egsc.vic.gov.au](mailto:feedback@egsc.vic.gov.au)  
Follow us on Twitter @egsc



Telephone: (03) 5153 9500  
Fax: (03) 5153 9576  
National Relay Service: 133 677  
ABN: 81 957 967 765

Received EGSC  
Time: 2:24 am/pm  
24 JAN 2023  
Corporate Centre

## Objection to Planning Permit Application

Planning and Environment Act 1987

There are some hard words in this form. The hard words are in blue. You can read what they mean on page 3.

Your Details:

EGSC  
27 JAN 2023  
INFORMATION  
MANAGEMENT

Name: <u>Tegan Picton</u>	
Postal address: <u>Eagle Point</u>	
Phone number: Home:	Work: Mobile:
Email address:	Fax:

Permit Details:

Planning permit number:	<u>498/2022/P.</u>
What has been proposed?	<u>An accommodation function + events Centre operating 7 days a week 24 hrs daily</u>
What is the address to be used or developed?	<u>105 Mathiesons Road Eagle Point</u>
Who has applied for the permit?	<u>A.H. Brown and D.H. Visser</u>

Objection Details:

What are the reasons for your objection?
<u>Seven days per week 9am - 11pm</u>
<u>Liquor Licence. 24 hours per day.</u>
<u>Older population of retirees</u>
<u>Noise from loud music &amp; Bands</u>
<u>Traffic movement, parking. One way narrow in &amp; out by road. Extra guests that may camp overnight. Also could affect the Value of homes in the area.</u>

### Privacy Statement

The East Gippsland Shire Council asks for details about you to collect rates, approve permits and licences, and run a range of community services. The information you give to us on this form is used only for the reasons set out in this form and is not given to anybody else. Sometimes we may supply details about you to someone else, but only if we are allowed by law, or to protect someone or property. When information is given out, Council will always try to make sure your privacy is protected in line with the Privacy and Data Protection Act 2014. You may ask for more information about Council's Privacy Policy by contacting our Information Privacy Officer on 03 5153 9500 or e-mail [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)

DEC 22



## East Gippsland Shire Council

273 Main Street (PO Box 1618)  
 Bairnsdale VIC 3875  
 Website [www.eastgippsland.vic.gov.au](http://www.eastgippsland.vic.gov.au)  
 Email [feedback@egs.vic.gov.au](mailto:feedback@egs.vic.gov.au)  
 Follow us on Twitter @egsc



Telephone: (03) 5153 9500  
 Fax: (03) 5153 9576  
 National Relay Service: 133 677  
 ABN: 81 957 967 765

How would you be affected by the granting of this permit?

Peace & quiet would be spoilt with  
 Vehicles coming and going all the  
 time. The wild life would be also  
 affected. Delivery Vehicles. The noise  
 could be a huge disturbance for  
 everyone. I don't think its a suitable  
 area for a business thats available  
 for use seven days a week

If you need more space for any part of this form please attach another sheet.

Signature: \_\_\_\_\_

Name: Helen Backman P.O.A.

Date: 23/01/2023

### Office Use Only:

Objection Received by: J. Quinn

Date Received: 24/01/2023

Planning officer responsible: \_\_\_\_\_

Date Received: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Important Notes about Objections to Permit Applications

### Privacy Statement

The East Gippsland Shire Council asks for details about you to collect rates, approve permits and licences, and run a range of community services. The information you give to us on this form is used only for the reasons set out in the form and is not given to anybody else. Sometimes we may supply details about you to someone else, but only if we are allowed by law, or to protect someone or property.

When information is given out, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act 2014*. You may ask for more information about Council's Privacy Policy by contacting our Information Privacy Officer on 03 5153 9500 or e-mail [feedback@egs.vic.gov.au](mailto:feedback@egs.vic.gov.au)

DEC 22

## East Gippsland Shire Council

273 Main Street (PO Box 1618)  
Bairnsdale VIC 3875  
Website [www.eastgippsland.vic.gov.au](http://www.eastgippsland.vic.gov.au)  
Email [feedback@egs.vic.gov.au](mailto:feedback@egs.vic.gov.au)  
Follow us on Twitter @egsc



Telephone: (03) 5153 9500  
Fax: (03) 5153 9576  
National Relay Service: 133 677  
ABN: 81 957 967 765

### Objection to Planning Permit Application

Planning and Environment Act 1987

There are some hard words in this form. The hard words are in blue. You can read what they mean on page 3.

Your Details:

Name: Mrs. Wendy Miller		
Postal address:		
Edge Point		Postcode 3818
Phone number: Home:	Work: /	Mobile
Email address:	Fax:	

Permit Details:

Planning permit number: 498/2022/P
What has been proposed? Use of accommodation, function & events centre, car parking dispensation & liquor licence.
What is the address to be used or developed? 105 Mathiesons Road Edge Point. Lot 1 & 2 PS 734369.
Who has applied for the permit? AL & DL Visser. (A.L Brown) <span style="float: right;">EGSC</span>

- 1 FEB 2023

Objection Details:

INFORMATION MANAGEMENT	What are the reasons for your objection?
Please see attached paperwork objection.	

#### Privacy Statement

The East Gippsland Shire Council asks for details about you to collect rates, approve permits and licences, and run a range of community services. The information you give to us on this form is used only for the reasons set out in the form and is not given to anybody else. Sometimes we may supply details about you to someone else, but only if we are allowed by law, or to protect someone or property. When information is given out, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act 2014*. You may ask for more information about Council's Privacy Policy by contacting our Information Privacy Officer on 03 5153 9500 or e-mail [feedback@egs.vic.gov.au](mailto:feedback@egs.vic.gov.au)

DEC 22

X



## East Gippsland Shire Council

273 Main Street (PO Box 1618)  
 Bairnsdale VIC 3875  
 Website [www.eastgippsland.vic.gov.au](http://www.eastgippsland.vic.gov.au)  
 Email [feedback@egps.vic.gov.au](mailto:feedback@egps.vic.gov.au)  
 Follow us on Twitter @egsc



Telephone: (03) 5153 9500  
 Fax: (03) 5153 9576  
 National Relay Service: 133 677  
 ABN: 81 957 967 765

How would you be affected by the granting of this permit? \_\_\_\_\_

*See attached paperwork objection*

If you need more space for any part of this form please attach another sheet.

Signature: \_\_\_\_\_

Name: *Wendy J. Miller*

Date: *30/01/23*

### Office Use Only:

Objection Received by: \_\_\_\_\_ Date Received: \_\_\_\_/\_\_\_\_/\_\_\_\_

Planning officer responsible: \_\_\_\_\_ Date Received: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Important Notes about Objections to Permit Applications

### Privacy Statement

The East Gippsland Shire Council asks for details about you to collect rates, approve permits and licences, and run a range of community services. The information you give to us on this form is used only for the reasons set out in the form and is not given to anybody else. Sometimes we may supply details about you to someone else, but only if we are allowed by law, or to protect someone or property. When information is given out, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act 2014*. You may ask for more information about Council's Privacy Policy by contacting our Information Privacy Officer on 03 5153 9500 or e-mail [feedback@egps.vic.gov.au](mailto:feedback@egps.vic.gov.au)

DEC 22

Objection to granting of Planning Permit No 498/2022/P for 105 Mathiesons Road Eagle Point  
Lot 1&2PS 734369

While I appreciate council encourages hospitality venues as they attract ? More visitors to the area I have serious concerns about the application of A.L.Brown & D.L.Visser for La Riva as I do not consider it is a suitable venue for a liquor licence for a hundred person premises with hrs 9.am to 11pm 24/7. La Riva commenced as a B&B & then proceeded to host events including promotions, parties, dinners and advertised open gardens with local sculptors exhibiting their works. I attended , as did other members of Mathiesons Road keen to support La Riva . I purchased a sculpture as I was keen to support local sculptors. Unfortunately I do not consider the Yarra Valley local as I found the sculptors studio & residence were in the Yarra Valley. Residents of Mathiesons Road were assured by one of the proprietors that they were keen to encourage patrons but would not hold events with more than 50 people.

ROAD . Mathiesons Road is a quiet single lane dead end road with a small turning circle at the east At the west end there is a blind corner, which after many requests from Mathiesons Road residents to the shire

to address this problem the shire has now installed 20km hour signs prior to the corner.

Following rain episodes water is over the road at the corner adding to the difficulty of negotiating the corner safely. After the installation of the bitumen road past "Mitchell Meade " number 80 Mathiesons Rd it was established that the road did not comply with the required width for a rural road. To my knowledge this has not been fixed.

The entry and exit to Mathiesons Road to the Bairnsdale road is extremely dangerous. This has been compounded by the significant increase in traffic due to the continuing development in Eagle Point and Paynesville. After many years of lobbying by residents of Mathiesons Road the speed limit through the cutting has been reduced to 80, however one still has to exert extreme caution when entering and exiting. I am personally aware of one collision there and believe there have been others. The residents of Mathiesons Road understand the dangers associated with this road and drive accordingly but visitors are not so cautious. I believe with an entertainment facility 24/7 driving on the road will become a major problem for me and other residents. It will also compound the enjoyment of those who walk, walk their dogs, cycle and be dangerous for the children who use the road on scooters, cycles and walking to and from the school bus.

FIRE. I have lived in Mathiesons Road for 30 years..The CFA fire chiefs have always discussed the issue they have with Mathiesons Road their concern being only one exit point and the Morass which although classed as a Ramsar wetland would fire up fast particularly with a north wind the fire would quickly roar up the escarpment. The worry is how to evacuate the residents. Trying to evacuate 100 people, plus chefs, waiting staff, band members at La Riva could be catastrophic. There is a fire point at the entry to La Riva but under normal circumstances water pressure in Mathiesons Road is not good. Many properties in the road have bores including La Riva but most need power to operate. In past years there have been reports of large numbers of people in country areas at risk in fire episodes unable to evacuate. I do not want to be fighting off people from La Riva should I need to evacuate. Over the years the Morass has had major fire events and I recall one winter night where it went up in flames really fast and there was No northerly wind fanning it.

AMENITY. Mathiesons Road has the benefit of being a peaceful area as indicated in advertising for La Riva. This will be impaired by excess road traffic and the helicopter delivering guests to La Riva. I lose my privacy with the helicopter flying past and people constantly stopping to ask me where La Riva is ? Particularly for 9.00 am to 11pm 24/7. It is more than likely even if functions finish by 11pm there will still be staff leaving after this time.

Noise carries particularly at night. Functions with large numbers of people are noisy. Particularly happy occasions eg Weddings. Music always seems to be played really loudly. The applicants say



they will aim to regulate noise. Try getting large numbers of people singing and dancing to the Mackarennia at 10.45pm to be quiet. Particularly if alcohol is involved. Noise is often carried at night. I have found when La Riva has hosted previous functions one is able to hear the sounds of peoples voices and car doors closing. This is then followed by a stream of vehicles travelling down the road with their lights often on high beam as there are no lights in Mathiesons Road. The resident of Number 90 Mathiesons Road mentioned in passing that when the vehicles left La Riva their headlights beamed straight into bedrooms of her house opposite. While one is able to cope with these things on a casual basis I do not wish my days and evenings to be impacted by these major inconveniences. I find noise very distressing & my health would be severely impacted should this occur on a regular basis. The applicants claim larger events are not expected to be a predominant activity but they could get bookings which I am sure would not be discounted. As stated previously the applicants say they will attempt to manage noise. When alcohol is involved this may not occur.

Peoples situations change... the current applicants may sell the business & the new owners may not live on site or be interested in the amenity of the neighbours.

Having known the original owners who built the property now known as La Riva I am aware it was originally a three bedroom home. The 4<sup>th</sup> bedroom and ensuite were formed from a very large laundry and flower room. Consequently the large septic system referred too was for a three bedroom home. Consequently for events even though it is stated there are 4 toilets portable toilets will be required. The house would not be adequate for 100 people event and therefore a marquee would be required. Applicants state that currently there is no application for another building so there will be trucks with marquee and personel to erect it. Porta Loos, tables chairs, food drink & all the requirements for a hospitality event will be required to deliver and pick up goods. If multiple events extra rubbish removal. All extra traffic for a road that is not suitable.

As referred to earlier where alcohol is involved it has been found with hospitality venues there is a possibility of nuisance and vandalism to neighbouring properties and environment.

Not everyone knows how to behave.

With many people attending the venue for events people become aware of neighbouring properties which has been known to induce unwanted visitation. I have not been anxious but if this application is passed I will be very anxious for my safety.

**PARKING.** Applicants say buses will be used to transport guests to minimise car use. I have been to many events where buses were provided, but many guests chose to use their own vehicles. The parking at La Riva is on grass. In rain events the ground becomes sodden. Even a few vehicles that were at a function I attended at La Riva parking on the wet grass appeared to be a problem. Will the vehicles park on the unstable road verge on the narrow road?

**WILDLIFE** With all the development in Eagle Point wildlife corridors are being compromised. Residents of Mathiesons Road have always enjoyed the wild life (rabbits excepted) Birds, beautiful raptors, kangaroos bush wallabies deer echidnas tortoise wild ducks are all to be seen in the area. More are now seeking refuge in this area. I fear that with constant traffic, loud noise etc. we with a licenced hospitality venue at the end of the road are possibly not going to have the joy of these native animals.

The above notes are things that come to mind for my objection. In my 80<sup>th</sup> year I have been party to many events. I have had experience with very successful hospitality businesses and am very aware of the factors that occur in running a hospitality venue. I do not want to have my latter years spoilt by the granting of a liquor licence for 100 persons to what I consider is a totally inappropriate venue.

Mrs Wendy Miller

Eagle Point 3878

email

phone

mobile

30/01/23.



**Tom Courtney**

Eagle Point  
Vic. 3878

Tel:  
Fax:  
Mob  
Ema  
30 January 2023

Re: Planning Permit Objection - Application – No 498/2022P  
105 Mathiesons Road Eagle Point  
Lot 1 & 2 PS 734369

I lodge my objection to the application and request that the East Gippsland Shire Council issues a decision to refuse to grant the application

The Planning Application seems to have some problem with accurately differentiating between #95 & #105 Lots 1 & 2.

The application is largely rhetorical and totally lacking in specifics.

Telling someone over and over that you are going to hit them over the head with a baseball bat and it won't hurt does not lessen the severity of the hit.

To keep repeating the same unsupported statements over and over does not make them any more credible.

### **Mathiesons Road**

Mathiesons Road has been named by the East Gippsland Shire Council as being one of the most desirable roads in East Gippsland.

It is regarded as attractive, inviting, peaceful and enjoyable by the residents, by Real Estate agents and by valuers and by most of the public who are aware of the road.

It is a short narrowly paved road of approximately 1.1 km in length with a small non-standard turning circle at the end. It is a picturesque and peaceful semi rural tree lined road which services a total of 20 homes. It is better described as a country lane.

It has no through traffic and limited movements from the residents who are largely 2 persons per dwelling and in their later years. There are some service vehicles but as the properties are well established the need for trades people is limited.

There are other vehicles including those towing boats and caravans which travel to the end of the road having mistaken it as the "first left turn after the cutting", being the road to Eagle Point.

The exceptional neighbourhood character of this road in East Gippsland is largely the product of the residents who lived in Mathiesons Road for more than 20 years. Initially it was open farm land which has been transformed into a peaceful and serene road with unique neighbourhood character.

**EGSC**

1

31 JAN 2023

INFORMATION  
MANAGEMENT

It has gained and retained its rather unique neighbourhood character and amenity despite the best efforts of the planners and asset managers of the East Gippsland Shire Council. In fact the Council's involvements have been for the most part, detrimental.

Most of the trees within the property boundaries, both native and exotic were planted by the property owners over 20 years ago.

---

Apart from about 10 beautiful old river red gums the trees on the road reserve were planted and nurtured by the residents before and in the 20 years since.

The road owes its neighbourhood character largely to the residents, especially those long term current residents and some who are no longer living in the area. Most new residents chose to live in Mathiesons Road because of its charm and pleasant appeal. Most have respected and enhanced their properties to contribute to maintaining and enhancing neighbourhood character.

The amenity of Mathiesons Road was also created by the current long term residents and some who went before with individuals planting and nurturing plants and trees. Taking advantage of the larger property areas most constructed their dwellings back from the road. This provides not only a visually pleasant aspect to those on the road but provides amenity, a quiet living peaceful enjoyment which is highly prized and jealously guarded.

The road is a no through road approximately 1.1km in length. The traffic on the road is largely that of the residents with some trades and services persons who are usually required only for short visits to provide services to the well established properties.

Many of the residents are in their later years and have retired.

The residents are all well aware of the major shortcomings in the road construction and at the major intersection and drive accordingly.

There are a number of elements to the intersection and Mathiesons Road which require great care and are arguably quite dangerous.

The major benefits of living on Mathiesons Road are the visual experience both on the road and within the properties, the lack of traffic, the ambience and the peaceful enjoyment of their homes and properties.

### **Traffic and personnel**

The planning permit application seeks a significant increase in the traffic movements. While awaiting data from VicRoads, the increase in traffic would likely increase by 50% or more depending on the number and frequency of event for which no estimate or indication is offered by the applicants.

The increased traffic flow will occur over short periods of time likely ½ to 1 hour twice per day per event concentrating the vehicle movements which might resemble a funeral following a hearse or the Bairnsdale-Paynesville Road in the evening at close of business.

The increased traffic movements bring with them disruption to the normal quiet orderly flow, increased noise, 40-50 sets of headlights twice per day after sundown, the increased noise of car doors opening and slamming shut and with it the highly increased risk of accident both vehicle to vehicle and vehicle to person.

In addition to the traffic movements due to the 100 persons, the traffic will be increased by the need for trucks and service vehicle supplying food, drinks, equipment, portable toilets, tables, chairs, tents and/or marquees and/or gazebos. Due to the small kitchen in the only dwelling on site, outdoor cooking facilities will be required to be delivered as will sound equipment.

There are persons who will be required as cooks, waiters, dish washers, traffic control and parking attendants, persons to erect equipment and marquees (and remove it after the event), DJ, marriage celebrant, toilet attendants, cleaners etc..

The service vehicles, trucks and buses would pose additional problems both in number and in size.

The traffic will affect different property owners differently depending upon which section of the road abuts their property, the location of their residence and the volume of traffic passing.

Those closest to Paynesville Road will have maximum passing traffic and those at the end will face a greater volume of moving traffic.

### **Noise**

Most present residents will be affected to some degree by the increased noise generated by the greatly increased road traffic. This will be more noticeable with the larger service vehicles, buses and trucks. Instead of an occasional vehicle passing the property, there will necessarily be a larger volume due to deliveries of supplies pre the event and a stream of guest traffic immediately preceding and post the event.

As the events may terminate at midnight or later, residents can expect a stream of traffic likely from just preceding midnight until the early hours of the morning.

There is no guarantee of guests leaving by 12:00 am or 1:00 am. The applicant states a likely overall finish time of midnight and guests will be encouraged to leave.

For events such as weddings, birthdays, group celebrations, New Years etc. the event will inevitably involve music. For most of these events, DJs seem to think that for people to enjoy themselves they must increase the volume which in turn forces patrons to shout when communicating with each other or at best talk very loudly. That seems to be the standard which those celebrating such events accept as normal. The volume also increases with the consumption of alcohol.

Music will affect different residents differently. Those closest to #95 & #105 will suffer the most. With our residence being closest to the proposed venue we clearly expect to be kept



awake until the early hours of the morning. When that is the case we have no immediate recourse.

As the application notes, we too enjoy the quiet, the native animals passing through our property and the birds which sing during the day. We and the animals would find the noisy babble of people, the shouting and laughter and music of different genre and different volumes distracting, imposing, unnatural, annoying and likely unbearable given our past experiences from parties as far away as Forge Creek Road or partying along the Mitchell River which are tolerable as they occur infrequently.

On p 49 the applicants state “ The proposed hours of operation are not expected to detrimentally the amenity of the area, particularly given the existing surrounding vegetation, the distance to dwellings not in the same ownership ..... “ Quite clearly the proponents have no knowledge of acoustics or sound attenuation.

The foliage will result in minimal sound attenuation in the high frequency ranges and have no impact on the low frequency range.

Sound in the low frequency range so prevalent in the music of the past few decades is extremely difficult to attenuate. Low frequency waves require heavy thick solid materials between the source and the receiver to attenuate the wave.

Any noise level above the peace and quiet we now enjoy will seriously affect our amenity and peaceful enjoyment of our property.

### **Privacy**

Our dwelling is the closest dwelling to the house at 95 Mathiesons Road. Our second bedroom which I have used and continue using following a series of health issues and major operations since 2013 is the closest to the boundary fence.

The boundary fence is a standard farm fence with a netting base. It is the best vantage point from 105 Mathiesons Rd from which to look at the bluff. From that position patrons can look directly into our second bedroom. That does not necessarily present a problem where neighbours are involved as they are few in number and have seen the view many times. The situation changes dramatically when there are many different people on multiple occasions, possible but not likely 365 day a year wanting to experience the views.

From that position our front porch is clearly visible and privacy is gone.

Although there appears to be limited numbers of people who use the B&B facility we have experienced a guest knocking on our door asking to be allowed to look at the view. Although taken aback we told him it was ok but be quick. Some minutes later he reappeared, rang the doorbell and introduced his wife who it appears was waiting in #95 or #105. Considering the event later we decided that most likely he wanted to come inside to look at the view.

Whilst it might be argued that this was an isolated incident, given the small number of people using the B & B at present we can anticipate increased interactions as the number of guests increase.

We don't need that sort of invasion of privacy which does not occur with neighbours.

Worse still, visual access to our entire property, for large numbers of people which is not available from the road, will allow those with nefarious intent the opportunity to study the layout, the security, access, our vehicles, our equipment and other possessions.

### **Liquor**

A liquor licence for 100 patrons which might or might not be used 365 days/year is inappropriate and unacceptable in a Low Density Residential Zone.

Not everyone who attends is necessarily restrained in their drinking with consequent adverse results.

Hotels and the like in commercial or business zone have dedicated personnel to supervise and control patrons. Despite the suggestion that the applicants will supervise and control there is no statement as to the level of control, no guarantee as to the level of control, no statement as to the likely reaction or action as the result of a complaint and no definite penalty for breaches of the nonexistent standards. Council Officers don't attend. Victoria Police doesn't attend. Any complaint gets rolled down the track and only regular repeated complaints may draw a response.

The licence to cover the entire area of both #95 & #105 allows people in good weather to line up along 120 plus metres of boundary fence line with drinks in hand.

The VGCCC guidelines state that a BYO licence is required if there are charges for the supply of goods or services

### **Parking**

The application is for 100 patrons and 40 vehicles with 20 parked informally on the western boundary and 20 parked informally in the leased road reserve. Although the assessment is based on 0.3 vehicles per person, given the distance from a commercial area or GRZ zone the actual vehicles per persons is likely to be higher.

Whilst that may be a satisfactory multiplier for parking assessment it is not necessarily a valid assessment of persons per vehicle given that Assembly Parking is based on urban or commercial environments and the availability of public transport or proximity for pedestrian traffic. Based on an average of 2 persons per vehicle the number would be 50 vehicles.

Given that the permit would be for 40 vehicles does the applicant propose to order the 41<sup>st</sup>, 42<sup>nd</sup>, 43 vehicles etc to leave Mathiesons Road and not attend the event. There is no guarantee of supervision, control and management other than vague and often repeated comments of applicant supervision and living on site with no detail as to how it would be

achieved other than “**trust me**”. There is no comment about control or supervision by future owner(s).

The suggestion is that there will be parking attendants to park patrons “informally” in marked areas. There is no statement as to how many vehicles would trigger the employment of parking attendants. The only reason given for requesting dispensation from a properly constructed and appropriate car park is that it would be detrimental to the neighbourhood character of the site.

That is total nonsense. A site does not have neighbourhood character as distinct from the general neighbourhood. It might conform to the general neighbourhood character but doesn't have its own neighbourhood character.

Some 40 cars or large bus plus employees' vehicles, plus service vehicles, plus supply vehicles would be visible to neighbours and visitors and would detract from neighbourhood character.

Portable toilets in a row like the stone statues on Easter Island would indeed detract from neighbourhood character.

A paved parking area would not be visible from the road or other properties other than # 85. Being at ground level it would not be visible. A properly constructed paved and marked parking area would not detract from the neighbourhood character.

Parking on wet slippery grass in winter and leaving having consumed alcohol or young people doing a bit of a wet surface burn out is not out of the question.

Although numbers of guests for the B&B appear to be few we are aware of one guest losing control of his car in the grounds of the property and damaging it to such an extent that it needed a flat top truck to transport the damaged vehicle to Melbourne. One doesn't expect that sort of behavior from people who are presumably sober in the morning and who have presumably paid a substantial amount to hire the B&B. Groups of people, having consumed alcohol, leaving a venue with “informal” not delineated parking are more likely to be involved in accidents than a person leaving a largely vacant property in the early to mid morning

#### **Numbers - 25 visitors**

The dwelling is currently used as a Bed & Breakfast although there have been other events held on the property with or without the appropriate permits or licences.

A Bed & Breakfast is a permissible use in a Low Density Residential Zone and generally presents no problem although some may not respect the neighbours as would a permanent neighbour. Having 10 well behaved patrons is not much different to having a very large normal family living on site.

The addition of 25 visitors adds another layer of probability with the potential for mass pool parties.



The application is applying for a permit for accommodation for 10 plus 25 visitors.

There is no explanation of who the visitors are likely to be, what purpose they would be there for. Are they staying over, are they camping, glamping, caravanning or sleeping in swags? Will they be there for a wild weekend party?

Is the number 25 flexible? Plus 1 person or plus 2 or plus 5 or plus 10? Who checks? Will the proprietors send the excess numbers home? Or count them as they arrive and turn them away? How will that decision be balanced against the income from a paying customer?

What is the recourse if they are not turned away? We know from experience that neither the Council nor Police will get involved.

#### **No indoor area for large functions**

The house as originally built was 3 bedroom with the laundry later converted to provide a small fourth bedroom. The plans provided show that it **does not have 5 bedrooms** as stated in the application. It has 4 bedrooms for 10 people. Four (4) bedrooms may restrict the number of guests to four (4) individuals.

While the roof area (from memory) was around 100 m<sup>2</sup> the actual inside area was around 50% of the roof area.

The application is for up to 100 patrons. These events require food and drink.

From the floor plan provided with the application, the available indoor entertainment areas are Living 23.32 m<sup>2</sup>, Atrium 20.4 m<sup>2</sup>, Dining 22.79 m<sup>2</sup> and Family 41.44 m<sup>2</sup> which is a total 107.95 m<sup>2</sup> without areas required for tables, chairs or furniture. Obviously the dwelling cannot accommodate 100 people. On wet and windy days there is grossly insufficient indoor area for 100 people standing under the verandah, let alone sitting.

Even numbers less than 30 people would largely be forced to remain outside and under the verandah in inclement weather.

The application states that larger events will be held outdoors. **In the rain?**

#### **Indoor/outdoor**

The property has very limited indoor facilities. It can only accommodate small numbers inside and slightly larger numbers under the verandah as standing only.

To cater for larger numbers of up to 100 patrons with tables, trestles and chairs requires a large area under cover.

Even the most incompetent proprietor would not take bookings for large outdoor events such as weddings many months ahead not knowing the likely weather without providing for undercover accommodation. This will require a large permanent building or a large marquee(s).

Cancellation of events the day before would leave a wedding in total disarray and the proprietor subject to legal action and is not a viable option

The applicants are at pains to repeatedly point out that there is no current plan to construct a special purpose building but that is inevitable for events of more than about 30 persons in lieu of standing outside under the verandahs. The application states “no current plan” ad nauseam which is a reasonable indication that it is the applicant’s short term focus if granted this planning permit.

The above situation has deliberately not been addressed in the planning application.

There are inadequate indoor facilities for larger numbers of people up to 100. With the uncertainty of the weather the only short term choice available is for a marquee to be erected or available to be erected with tables, forms, chairs etc or to apply to construct a special purpose building.

Given that the kitchen flows into the family/meals area, events of more than a few people seated for dining would need to be outdoors and under cover.

Events of up to 100 people are not spur of the moment decisions and are likely to be weddings, large birthday event, engagement, group or club social events which are booked months in advance but there is no ability to predict the weather that far ahead.

The function or event cannot be called off and rescheduled at the last minute. No competent business will take that risk. Therefore the only sound, logical, reasoned, commercial business decision in the short term is to have a marquee readily available and to erect it if the likely weather is less than favourable and in the long term to erect a permanent building.

The planning permit application states that there is no plan at the moment to erect further buildings. That implies that a marquee would have to be available or be already erected.

### Septic

The application references a “large septic tank system” (p38).

No statement has been made or evidence provided which indicates that the “large septic tank system” is any larger than the normal septic tank required at the time of installation for a 3 BR house.

While there are a number of references to the Dwelling at #105 and “the dwelling” at #95 there is only ever reference to a single septic tank. From memory the septic tank was a standard size tank at the north west corner and when it did not function properly for some period of time after the dwelling was completed at what is now #95, I was asked my opinion of the cause.

In the 2014 Planning Permit subdivision application for a 2 Lot subdivision of #105, Simon Anderson submitted a Geotechnical Risk Assessment dated 7 Jan 2014 for the installation of

a septic system to the east of the red roofed storage shed if that site was ever developed for a dwelling.

It names the red roofed storage shed as “Existing Outbuilding” and on another plan as a “House Site”. He shows an existing septic system to the west of the dwelling on #95. He shows an area suitable for a future septic system to the east of the “House Site”.

If there was an existing septic tank servicing the red roofed storage shed, why the need for Simon Anderson’s Geotechnical Assessment?-----

If there was no existing septic system, was it being used as a dwelling?

Has a new septic system been installed at the red roofed shed since the permit to subdivide was granted in 2015?

If not, is it connected to the septic system at the dwelling at #95 and if so how did the 2 Lot subdivision get a Statement of Compliance to have titles registered on separate Lots?

it would have required a septic system installed after Certification and before Statement of Compliance .

In the situation where there might be, as suggested 10 persons accommodated and 25 visitors and could be for a period of time, and at other times some of the 100 patrons preferring the indoor rather than the outdoor portables toilets in the cold, the wind and the rain the septic system might need serious review.

### **Lighting**

Whilst reference is made to some lighting in the area, the parking, whether inside the property in a properly constructed and marked parking area or in the leased road reserve would need adequate lighting for patrons arriving or exiting the property on dark nights.

### **Supervision – “trust me”**

The application repeats frequently and places a lot of store on the honesty and integrity of the current owners to effectively manage the activities at all of the events. The supervision does not define or quantify the levels at which intervention would occur, what action would be taken, what level of overarching supervision of the applicants, by whom and what would happen if the matter was not resolved. Would they order people to leave? Eject people who didn’t comply? Lower the music levels even if the person hiring the venue wanted the music at the higher level?



From my one previous involvement with the building I doubt that the barn could be renovated to achieve a sufficiently high star to obtain a building permit.

The applicant's helicopter used for Scenic Flights out of Lakes Entrance airstrip has conducted flights to and from the property in contravention of the requirements for a helicopter Landing Site as detailed in DELWP Planning Practice Note No. 75.

Living in the storage shed and helicopter landings does not inspire confidence that the applicants will abide by regulations let alone voluntarily consider the amenity of the neighbours.

I am unaware of the commercial arrangements in relation to the events held on the property to date which did not relate to the B & B. Whether or not the events were in accordance with the requirements of the Planning Scheme and the laws relating to liquor licences are not known to me. I am aware of the use of the property for John Urie's birthday party, Samantha and Scottys engagement party and at least one wedding.

Whilst the commercial arrangements are not available as a matter of right for the purposes of this planning permit application I expect they can be obtained by subpoena should the matter go to VCAT.

#### **Responsibility and accountability - Compliance with laws and regulations**

inappropriately referred to as Dwelling Managers Residence or "The Cottage", the structure referred to was constructed as storage shed in the 1980s or early 1990s with approval "to be used for storage including as a machinery, tractor and boat shed". It did not have a building permit for use as a dwelling.

As at today it does not have a building permit to be used as a dwelling.

The applicants state that by residing permanently on site ensures suitable management practices whatever "suitable management practices" might mean. Even were they legally residing in the storage shed and had the best of intentions that does not necessarily follow through to the subsequent owners.

#### **Helicopter**

The applicant has used an area of the property as a Helicopter Landing Site. Planning Practice Note 75 requires a Planning Permit for use as a landing site if the site is within 500 metres from a building used for a sensitive use. There appears to be 14 sensitive buildings within 500 metres. There does not appear to a Planning Permit issued for this activity.

### **Events**

There have been a few events other than the Bed & Breakfast activity.

Except where a professional caterer with a licence is employed the VGCCC Guidelines state that where people bring their own liquor there must be a BYO liquor licence if there is any charge or fee for supplying goods or services.

### **“The Cottage” or the Manager’s Residence - background**

The structure referred to as “The Cottage” or the “Manager’s Residence” was constructed as a barn in the 1980s or early 1990s with approval “to be used for storage including as a machinery, tractor and boat shed”.

At the time of the application for subdivision of the property in 2014 it did not have a building permit for use as a dwelling.

There is no building permit recorded on the relevant Shire web site.

The Notice of Application for subdivision of #105 into 2 Lots by Crowther & Sadler on 20 March 2014 Form 4.3 States “Use and development of land for a second dwelling. Two lot subdivision and vegetation removal”

Shire minutes state that a number of objectors raised the issue of the red roofed shed.

On 27 May 2014 I attended the objectors meeting which included Councillors, Michael Sadler, Aaron Hollow other Shire staff and other objectors.

The Council Agenda for 18 November 2014 is instructive and contains the following:  
P32     *Use and development of the land for a second dwelling*

- P33 *A red roofed outbuilding in the south west part*  
*The application proposes the use and development of the land for a second dwelling*
- P34 *Lot 2 being 0.8499 hectares and includes the second dwelling – **which it wasn't.***  
*The second dwelling (**which it wasn't**) is a red roofed building sited in the south west part of the land*  
*An application for a planning permit was lodged proposing a two lot subdivision of the land with each lot including an existing dwelling – (**which did not exist**)*
- P36 *Many of the objectors had objected to the application documentation information about the red roofed outbuilding and the references to this building as being or proposed to be used and developed as a second dwelling on the land*
- P37 **RESPONSE** *Council's planning and building records show that the red roofed outbuilding was approved to be used for storage including as a machinery, tractor and boat shed. The proposal is that a second dwelling use and development on the land is to be established at the location of the red roofed outbuilding utilizing the existing outbuilding structure*
- P40 *Conclusions This application proposes the use and development of land for a second dwelling, the subdivision of the land into two lots and vegetation removal*
- P41 **RECOMMENDATION** *for use and development of land for a second dwelling (no mention of utilising the existing outbuilding structure).*

for “*Use and development of land for a Second dwelling*”. It is for the development of the land for a second dwelling as one would expect as a result of a land subdivision. Ben Marchbank was involved in this application and in the permit applications for subdivision of the south side of Mathiesons Road in breach of the Aboriginal Cultural Heritage Act and the covenants.

Nonetheless it would necessarily need to comply with the building regulations and receive a building permit.

Significantly the Notice of Decision to Grant a Permit avoids any comment or any condition in relation to the Red Roofed outbuilding being approved as a dwelling or for a dwelling utilising the existing outbuilding structure.

There is no condition nominating it as a dwelling or utilizing the existing outbuilding structure.

The permit is clearly restricted to “*Use and development of land for a Second Dwelling*” which is normal for a two lot subdivision.

The permit did not change the status of the shed from a storage shed to a dwelling. Unless there was corrupt behind the scenes documentation (which would not surprise) the storage shed remains “for use for machinery, tractor and boat shed storage”.

Reference to the shire web site shows that the red roofed storage shed has not since been given a building permit, nor would it meet the building standards.

The present application includes pages 24 and 60 which depict a rectangle in the location of the storage shed and nominate it as “DWELLING MANAGERS RESIDENCE”



Attached is a document showing the advertising for sale of four lots within 105 Mathiesons Road. These Lots were advertised and promoted before the application for a 2 Lot subdivision was presented to Councillors for a Planning Permit decision.

Note!! The Lot showing the Red roofed Storage Shed which was known to Council as being for use for storage of machinery, equipment and boat storage was being advertised for sale as a dwelling BEFORE the application was submitted to Councillors for a decision.

#### **The dwelling - Homestead**

The house is a residence of initially 3 bedrooms later increased to 4 bedrooms by conversion of part of the laundry. It is stated to have accommodation for 10 people which may be suitable in a Bed & Breakfast but is obviously not suited for 5 couples or for 10 unrelated people for a small conference.

The house does not have a commercial kitchen to cater for other than a small numbers aside from snacks and finger food.

It is not suitable for small or large catered for weddings, birthdays, celebrations etc. It is not suitable for medium or large dining. The building is not suitable for 100 guests.

Events with larger numbers would require a purpose constructed building or marquee(s) to ensure that a large event could be held in time of inclement weather, being wind, rain or cold. No competent business operator would take bookings for medium to large weddings, birthdays, conferences, celebrations without the assurance that the guests could be inside during bad weather.

The use a temporary marquee(s) in wet and windy conditions presents an unacceptable situation for patrons forced to brave the elements or stand in line at portable toilets.

The application completely does not address the lack of facilities to support the number of people who would be allowed to attend if the permit was granted. The applicants must surely envisage a follow up application for a permanent building which would amount to a permit by stealth.

Council needs to be sure that if issuing a permit for 100 patrons the facilities to accommodate the 100 patrons are available. In the alternative, Council should require the applicants to apply for a permit to provide the facilities necessary to meet the needs of the 100 guests. In the alternative, a 173 agreement.

**Tourism**

Promotion of tourism is raised as an argument for the function and events centre.

There is no evidence provided to support the argument and not even a hint as to what it is about a function and events centre which would encourage tourists to come to East Gippsland.

To advance the argument that it will promote tourism invites argument against the proposition.

**This is purely a commercial business venture**

There is no doubt that the Bed and Breakfast component would attract persons from outside the area and most likely from Melbourne and suburbs. People on high salaries, possibly double salaries, locked in suburbia are prime candidates. The closer towns and areas such as Daylesford, Hepburn Springs, Macedon Ranges, Yarra Valley, Healesville, Warburton, Surf Coast etc are great attractions. Echuca, Ballarat, Bendigo etc. all benefit from short term stays.

Despite the limitation of a greater distance to travel, some properties in East Gippsland will appeal and LaRiva with its excellent web presentation should be able to take advantage of the Bed and Breakfast accommodation component.

When it comes to weddings, birthdays, engagements etc with groups and large numbers of people involved the situation changes dramatically. Most of these bookings will come from local people which is not tourism but simply the results of a business venture. In this respect, La Riva is competing with other local businesses for a share of the available market. That is not tourism. That is business.

Having been in East Gippsland for 27 years I have witnessed the many claims by the tourism industry. I had access to the accounts of the grossly inefficient heavily funded "iconic" Lakes and Wilderness Tourism Association which was lauded and loved by many or most but spent most of the funds including \$400,000 pa from Council, on promoting its image to the locals, administration, rental, cars, trips away and a measly \$50,000 p.a. on actual advertising/promotion to attract tourists..

The applicants gave no specific detail as to the outside demographic who would hire the property for larger events nor a business plan and forecast demonstrating the tourism benefit to the area but if one is available then it would be interesting

The applicants are running a commercial business. If they have made a donation(s) to charity from income that comes from a business event(s) they were likely after costs, expense and profits. The applicants promote their business supported by the attractions of East Gippsland. They use East Gippsland to promote their business.

### **Road traffic and fire**

It appears that the applicants have deliberately avoided mention of or addressing the two most important disqualifying external influences in determining why the application should be refused.

The application contains a number of references to traffic. They are all self serving motherhood statements with no substance or supporting evidence.

“suitable road network (p5); “a good quality road network” (p25); “There is not likely to be any impact on the existing flow of traffic surrounding the site or any impact to pedestrians” (Really?) (p34); “The road network to Mathiesons Road is suitable to accommodate an increase in cyclist and pedestrian traffic” (p34); “The nature strip and road reserve are (sic) wide, which adequately accommodate cycling, walking and vehicle use” (p40); “The road network is of an appropriate standard to accommodate the proposed use of the subject site and is not expected to generate any road safety issues (p45). My comment is “Obviously didn’t take a seeing eye dog with them during the inspection and assessment”

The comment concerning cycling and walking is totally misplaced. It demonstrates a total lack of awareness of the use of the Road by both cyclists and walkers. The children from properties use the road for cycling and more recently for electric scooters. On weekends and during school holidays they are often seen travelling up and down the road. They are aware of traffic and the residents are aware of them. That situation will not be the same with 40-50 unaware drivers attending the function and events centre. It is ludicrous to suggest that they are able to use the nature strip which has no footpath and is characterized by swale drains, trees and rough surface at various points along the way.

There is a regular procession of pedestrians, who for the reasons which apply to cyclists etc apply to them. The nature strip and road reserve appear to serve only for cyclists and walkers to step onto when traffic approaches. The situation dramatically change with a large or massive increase of traffic with drivers unfamiliar with the circumstances.

### **Mathiesons Road – Design and construction**

The applicants have not given due consideration to the state of the road and the effect of the increased volume, unfamiliar drivers, time of day, effect of alcohol etc.. Perhaps they did consider it and decided that it would self defeating to raise the issue. The road is totally unsuitable for the increased traffic anticipated.

an assessment of the traffic volume, traffic flow and safety factors associated with vehicular traffic to and from the proposed function and event centre given the road standard or lack thereof.

Any reasonable assessment would have had a devastatingly negative impact of the application.

Mathiesons Road is more aptly described as a uniquely pretty, narrow, rural country lane.



However Mathiesons Road is totally unsuitable to accommodate the volume and concentration envisaged by the applicants.

It appears that the planner and the applicants have failed to consider the suitability of the road to handle the traffic which would use the road for events and especially large events. To avoid dealing with the road access as part of the planning application would either indicate gross incompetence but more likely to deliberately avoid any mention of the road or make any comment as to the suitability of the road to service the proposed accommodation, function and events centre for the obvious reason that to do so would have disastrous implications..

Mathiesons Road does not meet the Council's own standards for a Rural Access Road as detailed in the adopted Infrastructure Design Manual. Council's extension to the road east in 2012 failed to comply with the standard either by intent or due to incompetence.

Mathiesons Road is a no through road serving the property owners. It is a narrow sealed pavement which does not comply with Council's own standards.

The extension of the sealed surface from about the western boundary of the property to the eastern end was constructed around 2012 and failed to meet the standards required by the Infrastructure Design Manual which the East Gippsland Shire Council had previously adopted.

At the time it was constructed the requirement for a Rural Access Road was 6.0 metre sealed with 1.5m shoulders. The current standard is 6.2 metre sealed with 1.5 metre shoulders. The original sealed section by the developers from Bairnsdale-Paynesville Road to the Urie property boundary varies in width down to 4.5 metres wide.

The extension by Council has varying widths down to 4.5 metres.

Given that the standard allowable width for a vehicle, caravan, trailer or boat is 2.5 metres it is impossible for passing vehicles to both remain of the sealed section. This despite the arguments of the then Director of Assets, Chris Waites.

Trucks, fire trucks, waste removal vehicles etc are wider and obviously require even wider roads. Fire trucks are around 3.02 to 3.05 metres wide and despite arguments to the contrary could not pass and remain on a seal of 4.5 metres wide.

The base of the road extension as constructed by the Shire in 2012 consisted of a grader leveling the existing gravel road and placing 150-200mm of crushed rock on top and sealing thereby raising the road level above the existing natural surface creating "dam" walls on the north side which retain water at our entrance and in front of #95. Refer photo attached.

The constructed road does not meet the Council's standards for a Rural Access Road and is not suitable for the increased traffic proposed.

More telling is the response to my complaints by Cr Bill Gamble who was a leading Civil Engineer in East Gippsland who inspected the road works and emailed to CEO Steve Kozlowski and the Councillor Group on 30 July 2012 “we have built a road that is sub standard by any measure”, “The width is inadequate”, “The crushed rock has actually been placed on the grass – at a slope that is not stable”, “I stood on the edge and it gave way”, “There has obviously not been any design done to establish the road profile- width, depth of (sic) pavement etc.”, “looks like an absolute waste of \$18,000 or so of ratepayers money”. Residents paid contributions to Council.

#### **Mathiesons Road – Safety**

Mathiesons Road is not safe for the number of vehicles proposed and for the lack of knowledge and awareness of the drivers while sober and worse after consumption of alcohol.

After entering Mathiesons Road from the Bairnsdale-Paynesville it is immediately noticeable that whilst wide enough for two vehicles to pass, it is characterised by a deep swale drain close to the seal on the eastern side of the road. The swale drain is where there should be a 1.5 metre shoulder. It is a potential hazard for an unfamiliar driver moving to the left to avoid an oncoming vehicle particularly at night.

The first traffic sign, which appears to have been erected by the Council is a 20km/hr sign then an arrow indicating a sharp right turn of about 90 degrees. The sign and the speed limit are a strong statement that the corner is a potentially serious if not dangerous road hazard and visible warning to drivers to take the utmost care. It presents as a major hazard and those who live in Mathiesons Road are aware of the potential danger and despite utmost care many have had near miss accident situations.

Immediately past the signs is the 90 degree right turn with steep camber of the road. At that point the road is only 5 metres wide. The inside of the bend is cut into the bank and prevents vehicles moving to the left. During even mild rain events the inside becomes a “dam” requiring vehicles to move to the right to avoid the standing water and taking the vehicle directly into the path of an oncoming vehicle.

The outside of the turn is elevated with a very sharp and immediate drop off. The road has only 5 metres wide seal and no shoulder at that point. A vehicle which is forced to move sharply to the left would most likely roll into the Buckingham property.

The road along the front of the Buckingham property has a sharp drop to the left.

The hazard at the corner is exacerbated by the lovely large eucalypt which would bring a vehicle to a sudden stop.

Further along the road to the end there are sections which are 4.5 metre wide without the 1.5 metre shoulder. In some places trees stand close to the seal where there should be a 1.5 metre shoulder.

At different sections and on different sides of the road there are deep swale drains or where the road verge drops sharply away. Again where there should be a 1.5 metre shoulder.

Due to the dams caused by the incompetently elevated road extension to the east, we are forced to walk through water to get to our front gate at #115. Large areas of pooled water form in front of #95 and our property in the accompanying photograph.

Due to the sealed road width varying down to 4.5 meters wide, vehicles cannot pass each other without moving on to the grass verge where there is no drop off or swale drain.

Residents are well aware of the deficiencies and dangers and drive accordingly. Being largely used by residents, the number of vehicle movements are low and the hazardous situations are kept to a minimum.

With a potentially massive increase in number of vehicle movements in vehicles driven by persons not aware of the shortcomings of the road, leaving by driving into the sun in the afternoon, driving in the dark, having consumed alcohol, the potential for a serious accident rises exponentially.

Mathiesons Road presents major safety issues for the number of vehicles proposed by the application and the lack of familiarity of the guest drivers.

it does not meet the East Gippsland Shire Councils standards as incorporated in the Infrastructure Design Manual.

#### **Bairnsdale-Paynesville Road & Mathiesons Road intersection**

The intersection of Mathiesons Road and the Bairnsdale-Paynesville Road presents a major potential hazard even for those who are familiar with the dangers.

From my reading of the Austroads standards it does not comply and is a long way from complying.

Despite the residents being fully aware of the danger and given the relatively low number of vehicle movements per day I am aware of one accident and have been told of others which I have not confirmed.

Turning right toward Bairnsdale requires great focus on the fast approaching vehicles from the right which appear suddenly coming up through the cutting. At the same time vehicles coming from Paynesville sweep unexpectedly from the left. It requires a quick acceleration even when there are no oncoming vehicles in sight.



Turning out of Mathiesons Road to the left requires as much if not more awareness. Having visually checked the traffic from both directions and continuing to do so while starting to move, vehicles from Bairnsdale are sometimes upon you while you are in the process of moving from the merging lane to the left lane.

I stay against the guard rail with only ½ the vehicle into the merging lane before moving cautiously into the left lane.

Despite this I have narrowly avoided a collision on two occasions.

Coming from Paynesville and turning right into Mathiesons road frequently has me bracing for an impact from behind. Despite right turning indicators vehicles coming from Paynesville are usually accelerating out of the roundabout. While there is just enough room for vehicles to move left onto the shoulder to pass, which is not necessarily desirable, many prefer to pull up behind. Watching in the rear view mirror, bracing for an impending shunt is what I always do.

I am of the opinion that the intersection does not meet the Austroads standard and would not be permitted if Mathiesons Road was proposed as a new subdivision.

Residents of Mathiesons Road are acutely aware and each deals with the situation in their own way based on their past experiences.

Drivers unfamiliar with the hazards or dangers of the intersection, especially if tired late at night or having consumed alcohol pose substantially increased risk of accident, injury or death.

The intersection is counter indicative for increased traffic flow to and from the proposed function and events centre.

#### **Fire – water, escape**

The proposed function and events site is an area classified bushfire prone and is very close to the area with Bushfire Management Overlay.

The application avoids reference to the potential life threatening situation as to do so might well prove fatal for their application. There are matters which are required to be considered but the applicants have avoided doing so.

The morass is immediately to the north with a lane characterised by native shrubs and eucalyptus trees abutting a north facing escarpment along all of the properties on the north side of Mathiesons Road which includes the subject property.

A fire in the morass fanned by a northerly or nor east wind could quickly burn through the morass igniting the eucalypts and racing up the escarpment toward the residences including the subject property. Fire burns and travels quicker uphill than it does downhill.

There is only one exit from Mathiesons Road and that is to the west. A fire starting in the morass adjacent to the Bairnsdale-Paynesville Road, fanned by a north or North West wind could cut the exit to the Bairnsdale-Paynesville Road. There is no alternative exit.

Many of us have bores and are able to wet the grass to the north but that only applies if the electricity has not been cut off. I have a 6.5 KVA petrol generator which I can reverse wire into the bore pump.

The static water pressure from East Gippsland Water at my meter is 42 kPa (=300 psi & 96' head). As I don't have pipe sizing details I am unable to estimate the likely drop in water pressure and the reduction in water flow if all residents used the same supply to defend their properties. It may or may not be substantial.

A few years ago we were advised by the CFA that if Mathiesons Road was under threat the CFA would not attend due to the danger of no exit. I don't know its current position.

The potential for fire, although not imminent would likely have a catastrophic consequences if there were 100 people trying to exit the property. For that reason alone the site is unsuitable as a function and events centre.

The 173 people who died in the Black Saturday fires did not expect to be confronted by fire. Many were trapped with no road to use as an exit.

Most of the existing residents in Mathiesons Road are reasonably well equipped and ready to defend or flee their own property but at this time not burdened by 100 panicking guests each trying to get out in a melee of people trying to exit on foot or in vehicles.

### **Liquor licence**

"There is minimal reference to liquor licences" in the Municipal Planning Strategy and the Planning Policy Frameworks (p41). It appears that the very best reason advocated in the application is "to support a new business venture which will include accommodation, function and events centre that will support the economy of the area". That seems to be the applicant's compelling argument for the issuance of a liquor licence, notwithstanding that the sole reason for the application which is not mentioned is for the business venture to make a profit for the applicants.

Whether or not the Municipal Planning Strategy and the Planning Policy Framework have minimal reference to liquor licences Clause 52.27 is very clear and instructive. The simplicity is its strength - "in addition to Clause 65, the responsible must consider, as appropriate" each of the four dot points which are:

- the impact on amenity of the sale and consumption of liquor,
- the impact of the hours,
- the impact of the number of patrons
- the impact of the cumulative impact of the proposed licensed premises.

As amenity is well understood and defined by the Victorian Planning Authority it can't be much clearer.

While the consideration of the application will be based on the Planning Scheme it might be helpful to refer to the Liquor Control Reform Act 1998 Section 3A - What is amenity? Sub clauses (1), (2), ((3) and Section 3AA detriment to amenity of area and in particular (i).

Decisions on an application for a liquor licence by the Gaming Casino Control Commission are heavily focused on amenity, noise and location

I expect will be a very difficult challenge to overcome especially if an application for a liquor licence is opposed.

### **Summary**

The application is vague and uncertain on many issues and incorrect on others. It fails to deal with important matters and is deficient in specifics, preferring unsupported or unsubstantiated statements or total avoidance of commentary on some of the most serious elements.

It is incredible that the applicants completely ignore any detailed assessment, suggest or indicate standards or propose actions in relation to noise, increased traffic or being a bushfire prone property or how the proposed management of events would occur.

There is no reference at all to the site being in a bushfire prone area.

Instead the applicants provide a number of vague, unsubstantiated self serving comments:

- p 10 – will be appropriately managed to ensure amenity of the area is not detrimentally affected
- p 32 – is appropriate for the area and will operate to ensure the amenity of the area is not detrimentally affected
- p 32 – the owners and operators also residing onsite permanently ensures suitable management practices are in place to control noise and any potential impacts
- p 32 – a good quality road network
- p32 – There are no physical or environmental constraints that make the site unsuitable for the proposed use
- p 41 – The proposal will not benefit or disadvantage any particular population cohort or group in the community
- p 41 – It is not expected that the proposal will result in any detrimental impact on current social, recreation or community infrastructure
- p 41 – There is not likely to be any impact on the existing flow of traffic surrounding the site or any impact to pedestrians
- p 43 - The road network to Mathiesons Road is suitable to accommodate an increase in cyclist and pedestrian traffic
- p 44 – The proposed use ..... can be appropriately managed to ensure there are no offsite impacts
- p 46 – The owners will manage larger events and functions appropriately to ensure that surrounding properties are not affected by any car parking
- p 47 – The proposed informal car parking is not expected to impact the flow of traffic or generate the need for additional traffic management measures



- p 47 – The nature strip and road reserve are wide, which adequately accommodate shared cycling, walking and vehicle use
- p 47 – The owners will manage any larger events to ensure that car parking does not become an issue and there is no detrimental impact on the surrounding properties
- p 48 – The proposal is not expected to detrimentally affect the residential dwellings immediately surrounding the site
- p 48 – It is not expected to result in a significant amount of alcohol being consumed on the site, however it is an additional option that will be in a controlled environment
- p 48 – The hours of operation are not excessive, (sic) and it is not expected to result in any significant detriment to surrounding properties
- p 48 – The owners have a Business Management Plan in place that will provide clear direction to ensure that activities do not result in a negative impact on surrounding properties
- p 49 – The surrounding residential uses (sic) are not considered likely to be detrimentally affected by the proposal
- p 49 – The proposed consumption of liquor on this property is not expected to have a detrimental impact on the amenity of the surrounding area
- p 49 – ..... the proposed licence liquor hours to be 9 am to 11 pm. These hours are considered appropriate within a low density residential area.
- p 49 – The proposed hours of operation are not expected to detrimentally affect the amenity of the area, particularly given the surrounding vegetation, the distance to dwellings not in the same ownership and the ability for the manager to manage bookings accordingly
- p 49 – As provided above, the setback to residential dwellings are considered appropriate and unlikely to result in any detrimental impact
- p 49 – Consultation with neighbouring owners would occur for larger events
- p 50 – The proposed use will be appropriately managed to ensure the amenity of the area is not detrimentally affected
- p 51 – This unique proposal will not be out of character for the area and granting of approval for this application will support consistent and orderly planning of the area ....
- P 51 – There are not expected to be any negative impacts to either the environment or human health and amenity
- P 51 – The proposed use will be appropriately managed to support human health ....
- P 52 – The road network is of an appropriate standard to accommodate the proposed use of the subject site and is not expected to generate any road safety issues
- P 52 – The proposal is not expected to result in any detrimental impacts to the overall transport system
- P 52 – The proposed use is appropriate to this location and has adequately responded to any potential hazards identified

If the prior planning decisions and asset management associated with Mathiesons Road is replicated throughout the Shire it would indicate a serious need for investigation by the Victorian Ombudsman.

**I oppose the granting of a Planning Permit**

30/1/2023.

**EAST GIPPSLAND SHIRE COUNCIL PLANNING SCHEME** (underline is my emphasis)

**BUSHFIRE**

**13.02-1S**

**BUSHFIRE PLANNING**

Policy application

---

This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:

- Within a designated bushfire prone area;
- Subject to a Bushfire Management Overlay; or
- Proposed to be used or developed in a way that may create a bushfire hazard.

Objective

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Strategies

Protection of human life

Give priority to the protection of human life by:

- Prioritising the protection of human life over all other policy considerations.
- Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.
- Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.

Bushfire hazard identification and assessment

Identify bushfire hazard and undertake appropriate risk assessment by:

- Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.
- Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the Building Act 1993 or regulations made under that Act.
- Applying the Bushfire Management Overlay to areas where the extent of vegetation can create an extreme bushfire hazard.
- Considering and assessing the bushfire hazard on the basis of:
  - Landscape conditions - meaning conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;
  - Local conditions - meaning conditions in the area within approximately 1 kilometre of a site;

- Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and
  - The site for the development.
- Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.
- Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.
- Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.

#### Use and development control in a Bushfire Prone Area

In a bushfire prone area designated in accordance with regulations made under the Building Act 1993, bushfire risk should be considered when assessing planning applications for the following uses and development:

- Subdivisions of more than 10 lots.
- Accommodation.
- Child care centre.
- Education centre.
- Emergency services facility.
- Hospital.
- Indoor recreation facility.
- Major sports and recreation facility.
- Place of assembly.
- Any application for development that will result in people congregating in large numbers.

When assessing a planning permit application for the above uses and development:

- Consider the risk of bushfire to people, property and community infrastructure.
- Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.
- Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.

In accordance with Policy guidelines



## NOISE

### 13.05-1S NOISE MANAGEMENT

#### Objective

To assist the management of noise effects on sensitive land uses.

#### Strategy

Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.

Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.

In accordance with Policy guidelines & Policy documents

## AMENITY, HUMAN HEALTH AND SAFETY

### 13.07-1S LAND USE COMPATIBILITY

#### Objective

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

#### Strategies

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

**13.07-2S**  
**LIVE MUSIC**

Objective

To encourage, create and protect opportunities for the enjoyment of live music.

Strategies

Identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues.

Implement measures to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses.

Consider as relevant:

- The social, economic and cultural benefits to the community of:
  - Retaining an existing live music venue.
  - The development of new live music entertainment venues.
  - Clustering licensed premises and live music venues.

**52.27**  
**LICENSED PREMISES**

Purpose

To ensure that licensed premises are situated in appropriate locations.

To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

Scope

These provisions apply to premises licensed, or to be licensed, under the Liquor Control Reform Act 1998 .

Permit required

A permit is required to use land to sell or consume liquor.

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.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

**In response to the applicants' reference to Clauses from the Planning Provisions, Planning Policy Framework and the Municipal Planning Strategy**

**Clause 11 (p25)**

*Planning is to prevent environmental, human health and amenity problems created by siting incompatible land uses close together.*

*Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure services.*

**Clause 13 (p26)**

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

- *Land use and development compatibility.*
- *Effective control to prevent or mitigate significant impacts.*

**Clause 13.05-1S (p26 & p27)**

*"To assist the management of noise effects on sensitive land uses."*

- *Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions*
- *Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use ..... ) ..... and land use separation techniques as appropriate to the land use functions and character of the area.*

**Clause 13.07-1S (p27)**

*"To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.*

- *Ensure compatibility of a use or development as appropriate to the land use functions and character of the area by;*



- *Directing land uses to appropriate locations*
- *Using a range of building design, urban design, operational and land use separation measures*

**Clause 13.07-3S (p27)**

- *Identify areas where live music venues are encouraged or where there are high concentrations of licenced premises or clusters of live music venues.*
- *Implement measure to ensure live music venues can co-exist with nearby residential and other noise sensitive uses.*

**Clause 15 (p27 & p28)**

*Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.*

- *Contribute positively to local character and sense of place.*
- *Reflect the particular characteristics and cultural identity of the community.*
- *Enhance the function, amenity and safety of the public realm.*

**Clause 17.02-1S**

- *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure*
- *Locate commercial facilities in existing or planned activity centres*

**Municipal Planning Strategy**

*Strategy 1.1 – Ensure new development and land use applications consider potential positive and negative social impacts on the community*

*Strategy 1.2 – Require proposal for new development, land use, infrastructure and changes in policy to consider social impact through the preparation of social impact comments and/or assessments as identified in the East Gippsland Shire Council Social Impact Assessment.*

*Strategy 1.9 – Encourage tourist facilities to be designed in keeping with the quality of the landscape and environment and the character of the particular locality.*

*Strategy 1.10 – Support new 'freestanding' tourist resorts and developments, at a variety of scales, on undeveloped land that is environmentally and aesthetically capable of supporting development and able to be serviced appropriately.*

I do not believe it is a tourist facility other than as a bed and breakfast and most of the business would be drawn from within the local area.



115 Mathiesons Road

**My front gate since Mathiesons Road was raised to create a dam wall**



# 105-Mathiesons-Road-Eagle-Point-(ID421501714)-Vicplan-Plan...

Read the full disclaimer at <https://www.delwp.vic.gov.au/disclaimer>

Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic)

PLANNING PROPERTY REPORT: 105 MATHIESONS ROAD EAGLE POINT 3878

Page 5 of 6

## PLANNING PROPERTY REPORT



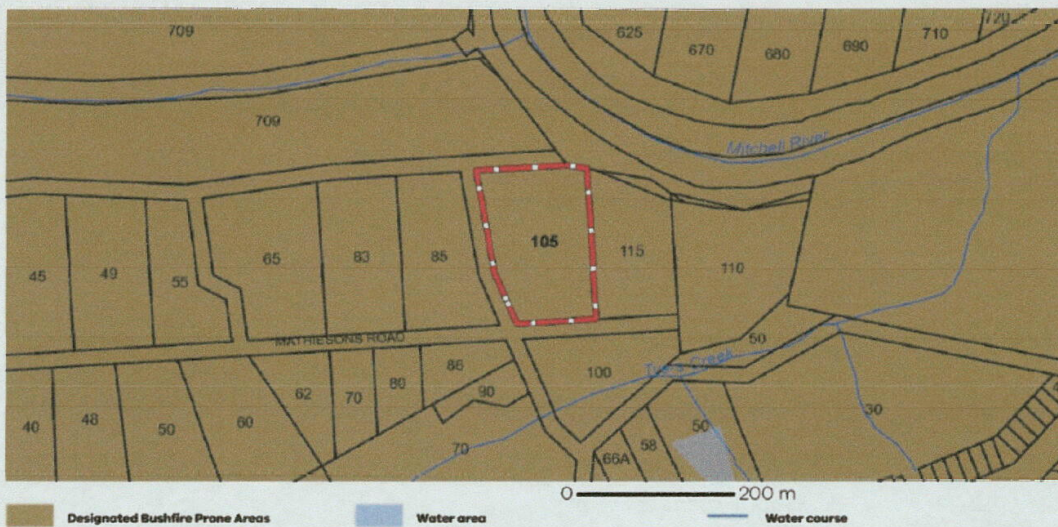
Environment,  
Land, Water  
and Planning

### Designated Bushfire Prone Areas

**This property is in a designated bushfire prone area. Special bushfire construction requirements apply to the part of the property mapped as a designated bushfire prone area (BPA). Planning provisions may apply.**

Where part of the property is mapped as BPA, if no part of the building envelope or footprint falls within the BPA area, the BPA construction requirements do not apply.

Note: the relevant building surveyor determines the need for compliance with the bushfire construction requirements.



Designated BPA are determined by the Minister for Planning following a detailed review process. The Building Regulations 2018, through adoption of the Building Code of Australia, apply bushfire protection standards for building works in designated BPA.

Designated BPA maps can be viewed on VicPlan at <https://mapshare.vic.gov.au/vicplan/> or at the relevant local council.

Create a BPA definition plan in VicPlan to measure the BPA.

Information for lot owners building in the BPA is available at <https://www.planning.vic.gov.au>

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>. Copies of the Building Act and Building Regulations are available from <http://www.legislation.vic.gov.au>. For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>

### Native Vegetation

Native plants that are indigenous to the region and important for biodiversity might be present on this property. This could include trees, shrubs, herbs, grasses or aquatic plants. There are a range of regulations that may apply including need to obtain a planning permit under Clause 52.17 of the local planning scheme. For more information see [Native Vegetation \(Clause 52.17\)](#) with local variations in [Native Vegetation \(Clause 52.17\) Schedule](#).

To help identify native vegetation on this property and the application of Clause 52.17 please visit the Native Vegetation Information Management system <https://nvm.delwp.vic.gov.au/> and [Native vegetation \(environment.vic.gov.au\)](#) or please contact your relevant council.

You can find out more about the natural values on your property through NatureKit [NatureKit \(environment.vic.gov.au\)](#)





### Eagle Point \$1,500,000

This stunning home of over 100 Squares under roof, offers unsurpassed privacy and luxury. From the elevated vantage point on Mathiesons Road the home has breath taking lake, river and mountain views. The home has been beautifully appointed throughout and consists of ducted reverse cycle heating and cooling, Hydronic heating, 4 magnificent bedrooms large study with book case, wine cellar, large kitchen with walk in pantry, formal dining formal lounge, second open plan living area, direct access to the house from the 4 car garage and a security system. Outside there is enough garage space to accommodate 8 vehicles, 150,000 litre (25m) infinity edge, solar heated pool, all set on approx 9700sqm of manicured, park like gardens. This home is the ultimate in opulence with inspection by appointment only.



### Eagle Point \$750,000

Hard to find on Mathiesons Road now. With some views to the North of the river and lake, this 6439sqm block of land is currently being subdivided from the main property and has established fruit trees, natives and will have power and water available. This is one of the last chances to purchase a block with views especially of this size, along Eagle Points best road.

[www.bretwardrealestate.com.au](http://www.bretwardrealestate.com.au)



### Eagle Point \$195,000

This 4130sqm block is on Mathiesons Road and is being currently subdivided from the original property. The land has some beautiful established trees and will have power and water available.



### Eagle Point \$395,000

The cottage is situated on Mathiesons Road and is currently being subdivided from the main property and will be set on approximately 4690sqm of land. The cottage has 2 bedrooms open plan living and kitchen 4 car accommodation and established gardens. Inspections are by appointment.



Y

Peter & Joan Johnstone

Eagle Point, Vic. 3878

January 30<sup>th</sup>, 2023

East Gippsland Shire Council  
Planning Department,  
273 Main Street,  
Bairnsdale, Vic. 3875

**EGSC**

31 JAN 2023

**INFORMATION  
MANAGEMENT**

Dear Sir/Madam,

**PLANNING APPLICATION: 498/2022/P**

We are extremely concerned regarding the above application which seeks to use the property at 105 Mathiesons Road as "Accommodation, Function & Events Centre, Carparking dispensation and Liquor Licence. A venue such as this would greatly impact the quiet and peaceful ambience of the area which we, like others, have chosen to live in and which is classified as Low Density Residential.

At first this property was used as an AirBnB. We understand there are no special requirements needed for this. On a few occasions we have heard activity at this property. We are approx. 500m from this location.

Activity has progressed to a few "low key" social events. These events were of short duration and not of concern.

In this application it appears events can be of longer duration, alcohol to be available 14 hours of the day, hosting a maximum of 100 persons (all needing transport), and accommodation of up to 10 persons with up to 25 visitors in the house (again the potential for increased traffic). The applicants state they would try to encourage use of their Concierge vehicle, or even have a bus transport for larger events (mentioned numerous times). We are puzzled as to any pick-up point, and feel most people would use their own vehicles. This has the potential to greatly affect current residents.

Increased traffic volume could be generated by any vehicles needed to set up the events; portable toilets are mentioned, there would be catering vehicles, delivery vehicles, waiting staff, musicians, DJ's etc. Again, this would affect current residents. Mathiesons Road is a "no through road" so all traffic passes each property twice.

If a Liquor Licence is approved, and alcohol available for fourteen hours of the day, there is the very worrying possibility of intoxicated guests on Mathiesons Road. The applicants can have no control over what any drivers do once they leave La Riva. Our concerns would be speeding vehicles, noisy vehicles (including tooting of horns & "yahooing!"), and potential damage to property.

Some events would have music provided. This is of huge concern. Sound does carry very easily. The idea of music, amplified or not, at any time of the day or night appalls us and would be exceedingly disturbing. There is no doubt it would be heard at most properties in the road.

No mention is made of the disturbance that could be caused by people staying in the house – 10 overnight guests who can have up to 25 visitors. There would be no control over them partying in the house, no “responsible serving of alcohol”, no control over people racing into Bairnsdale late at night for a fix of Maccas or KFC, or even more alcohol. No control of their noise.

On page 51 of the application it is stated “no new buildings proposed *at this time*” (our italics). This leaves speculation that at some time in the future extra buildings could be considered.

It occurs to us the applicants are incrementally trying to increase the use and function of their property.

The applicants state that as owners/operators residing on site they can ensure the amenity of the area is not detrimentally affected. If in the future the business is sold as a going concern, there is no guarantee this would always be the case. It seems a spurious argument.

If this application is approved having an established business very much opens the door to other commercial activities being approved/established in our lovely quiet road. This is not why people have chosen to live in this idyllic location. Having bought into a road designated as “Low Density Residential” we feel that this commercial enterprise would adversely alter the character of Mathiesons Road. There is a strong possibility property values could be detrimentally affected.

Mathiesons Road is a pretty special road with few homes, good residents and minimal noise. We feel very privileged to live here as we are people who like to be outside enjoying our garden and relaxing (reading!) on our verandah. Our enjoyment stands to be jeopardized if this application is approved.

We strongly feel this proposal is totally inappropriate for a Low Density Residential area and should be refused.

Yours sincerely

1

Peter Johnstone

Joan Johnstone



10

## **Objection to the granting of a Planning Permit for 105 Mathiesons Road – Application reference number 498/2022/P**

### **Noise, Amenity, Privacy, Security**

I object to the application because it does not take into account the impact of noise, movement, traffic, privacy, safety, ambience, and amenity and will severely affect my quiet, peaceful lifestyle.

In my opinion the application does not adequately address the planning objectives and seeks to gloss over the obvious deficiencies.

The uses described in the application are not appropriate in this location.

My quiet environment and peaceful enjoyment will be impacted by noisy gatherings and celebrations

As an immediate neighbour whose house is located close to the adjoining fence line I would be affected by loss of privacy and loss of amenity as I would be unable to use my property as I have been free to do for the last 26 years.

A venue hosting 100 guests plus staff be it a wedding or any celebratory party will create a noise problem in this otherwise deemed quiet, tranquil residential community.

The impact of alcohol fuelled party noise will most likely become a major problem for us going about our normal lives.

Add to party noise, music, be it a live band, a DJ with dance music, loud speeches from a PA system and the impact will be impossible to ignore.

Add alcohol and noise escalation is a very common result.

I note that the statement by the applicant that the vegetation along our adjoining fence line will lessen the noise is nonsensical.

Add the noise of service trucks bringing portable toilets, tables, chairs, flowers, food, wine etc which then has to be taken down and cleared away later in the night or the next day.

**EOGC**

30 JAN 2023  
INFORMATION  
MANAGEMENT

It is inevitable that we will hear car doors banging in the middle of night as vehicles exit and guest calling their goodbyes to each other.

Considering that we are no longer young and we go to bed at a reasonable hour and considering that we both have health problems to say that the impact of an event in this residential area will have minimal impact is not realistic. It is one of the many statements and conclusions offered throughout the application which are not supported by any evidence or facts.

Planning must consider the health and well being of neighbours and the overall impact of this application and I consider our lifestyle will be severely impacted by the noise created by these events.

100 guests cannot be accommodated within the main house. Considering a wedding sensibly this would likely entail the use of a marquee and in the near future a separate building. The main entertaining area is the pool and garden area separated by the adjoining post and wire boundary fence approximately 7 metres from our home and 45 metres from our front patio which is clearly visible from the area.

Our privacy would be absolutely impacted. Our privacy is extremely important to us. This is a residential area and this project is entirely unsuitable.

With our residence set well back from Mathiesons Road our assets are remote from prying eyes. Having up to 100 people at various times during an event being able to stand on our boundary and assess our home, our sheds, our office and gymnasium, our vehicles, our quality horse float and some of our machinery, exposes us to increased potential to break in and theft.

When the Art event was held I became very aware and upset at the number of strangers peering into our property.

This Business Plan states that events could be held 24/7. That is every day.

Our lifestyle would be severely impacted by noise, by restricting our use of the outdoors areas including our ability to entertain our friends and have friends and family to stay. The peace and quiet experience in our property is of utmost importance to us and a major reason why we bought an almost treeless block of land at the end of a no through road.

Even with our doors and windows closed any noise over and above normal neighbour household noise will impact our lives. We spend considerable time outdoors and expect the impact on our well being to be severely detrimental to the quiet enjoyment of our property.

The applicants propose to attempt to control any party noise but any reasonable person would realise the futility of trying to control the noise of a crowd.

The challenge of control for the applicants or any future operator is the extent to which they upset their paying clients in order to provide peace, quiet enjoyment and amenity for other residents.

The applicants say they will be on site at each event. How many years ahead does that cover and what would be the commitments with a change of ownership.

This is a very feeble attempt to gloss over the very real problems that might very well and most probably would ensue.

What recourse is available? None!

This project is very likely to have a very detrimental impact on us. Sound does carry. We have been affected by loud music from Forge Creek Road and from partying along the Mitchell River.

This is an inherently quiet neighbourhood and I would like it to remain so.

## **Traffic**

Mathiesons Road is more like a country lane.

It is narrow and there are large trees and road signs close to the seal. Passing a car entails one or both moving off the seal onto the grass which is ok in places but steeper in others with swale drains in other places. At night these are difficult and dangerous with those not familiar with the road

I have been forced off the road on numerous occasions. The blind 90 degree corner at the west end of the road demands the utmost respect. I have



experienced a few close calls including almost being hit by a resident Councillor.

There are trees and shrubs which further obscure the road when travelling in either direction.

In wet weather a large puddle cuts off the inside of the corner forcing all vehicles to use the other side which has a very steep drop off at the outer edge. Locals are aware and treat it with respect.

Council has acknowledged the dangerous corner by erecting 20 km/hr speed limit signs on each approach to the corner.

Exiting onto Paynesville Road in both directions is stressful even with traffic travelling at nominated 80 km per hour with little visual warning of approaching vehicles.

Visitors likely find it daunting and dangerous for drivers who are unfamiliar with the intersection.

Mathiesons Road has no footpaths and residents and children walk and ride bikes, scooters etc and walk dogs on the road. Residents are aware and drive accordingly.

Mathiesons Road is a no through road. In the case of emergency our ability to evacuate with an additional 40 plus vehicles to contend with would be a serious concern.

I believe that an increase in traffic encouraging drivers unfamiliar with the limitations of the road will greatly increase the risk of a serious accident. It is a lovely country road. The local property owners drive the road conscious of the limitations and aware of the need for careful safe driving.

### **Tourism**

Taking advantage of the amenity and neighbourhood character of Mathiesons Road to attract guests to a Bed & Breakfast is a permitted use. While most properties are occupied by two persons an increase of 10 guests would not be greatly more intrusive than the arrival of a large family of 10 new neighbours

sharing 4 bedrooms. Neighbours are generally more aware of the impact of noise on the adjoining properties than are guests who have come for a few days of holidaying or partying.

The claim that the proposed venture is promoting East Gippsland is fallacious. It is a commercial venture designed to take advantage of the quiet amenity of Mathiesons Road for financial gain. Whilst it may attract a small number of guests willing to travel 4 hours from Melbourne in lieu of the shorter travel time to iconic destinations such as Daylesford, Beechworth, Mt Macedon, Hepburn Springs, Mornington Peninsula and Yarra Valley it will not cause 100 people to travel for 4 hours to hold a wedding, birthday or social celebration. People attending these events will likely be locals and the event itself will be simply taking a share of business from existing local businesses.

Running an Art event or a Flavours of East Gippsland food event will not attract tourism but will be attended largely by locals with perhaps a few visitors who are already visiting the area.

### **Health and Safety**

The applicants claim that they have a large septic tank without any supporting evidence. The existing septic tank was installed to cater for a 3 bedroom home. Although the applicants state that portable toilets will be used with larger numbers the indication is that for the events held in the past with more than 30 people there were no portable toilets made available.

If the Bed and Breakfast activity entertained 10 guests and 25 visitors for 2 or 3 days or possibly a week the septic would be stressed.

### **Various**

The applicants make vague claims about control of noise and behaviour and compliance with regulations without any evidence to support those claims. The applicant's performance to date appears to imply the opposite in that they live in the shed which they misleading call the "Cottage" and the manager's quarters. A planning permit application in 2014 to call it a dwelling, strongly

opposed by other residents, was not issued and the shed has never been issued with a building permit. The property has been used as a helicopter landing site without a planning permit. Functions have been run to date which would have required a BYO liquor licence if there were charges for any goods supplied or services rendered.

### **In closing**

We bought this property in 1993 as a bare block of land in a quiet rural environment with a few established houses at the western end all set well back from the road.

We built our home at the northern end of the block well away from the road and the neighbour had built the red roofed machinery shed on the adjoining property and planted many small eucalypts.

We planted over 100 eucalypts in what was to become the horse paddock and a mixture of natives and exotics closer to our home.

We have worked hard over the years, as have the other long term property owners in Mathiesons Road, nurturing trees and shrubs through drought conditions to developing what was once an open dairy farm to being the peaceful, quiet, properties with the neighbourhood character of today.

We are able to enjoy the birds, animals (some pests) and reptiles largely due to the environment we and others have created without any help or input from Federal, State or Local Government.

It is almost unthinkable that such an inconsiderate application could be put to Council.

I oppose the application.

Megan Jackson

Eagle Point 3878

27/1/2023



Y  
4

Paynesville 3880

27<sup>th</sup> January 2023

Planning Officers and  
East Gippsland Shire Councillors

Main Street

Bairnsdale 3875.

EGSC

30 JAN 2023

INFORMATION  
MANAGEMENT

Dear Sir/Madam,

I write this submission with regard to planning permit  
498/2022/P for an events and liquor licence at  
105 Mathiesons Road, Eagle Point.

My husband and I own the property at 85 Mathiesons  
Rd with our eastern boundary abutting the La Riva property  
at 105 Mathiesons Road. We chose to live here as we  
valued the quiet, residential environment.

David and Andrea, the owners and operators of La Riva,  
are very considerate neighbours and have our respect as  
hard working, careful operators with much concern for the  
well being of the Mathiesons Road community.

My submission seeks to address a concern we have  
with the increased traffic in Mathiesons Road if there  
is an events and function centre in the street.

Mathiesons Road was sealed approximately 10 years  
ago with a financial contribution from the residents.

The bitumen sealing was done with a strong emphasis on keeping the costs down and a narrow, meandering track was sealed, suitable for the limited traffic in a low density residential, no through road. It was designed to avoid damage to the magnificent old trees on the sides of the track.

There is a sharp bend at the western end of Mathiesons Rd which is a blind corner and residents know to obey the 20km suggested speed limit.

We are concerned that if LaRiva was operating at the proposed full capacity of 100 people frequently, the road may not be of a technical standard to withstand this increased traffic without affecting the integrity of the road and its edges and also that a safety issue exists with a high volume of traffic on a narrow road with a blind corner. The increased traffic also reduces the quiet, calm atmosphere we sought when we built our home here.

Whilst we do not oppose the use of 105 Mathiesons Rd as an events centre with a liquor licence, we would like the frequency of events to be capped so there cannot be 100 people every week at a function at LaRiva.

This would help to maintain the amenity of this quiet residential street, help maintain safety and help preserve the longevity of the road.

Yours sincerely

Sue & David Griffiths.

**From:** Snapforms Notifications [no-reply@snapforms.com.au]  
**Sent:** Sunday, 29 January 2023 8:34:18 PM  
**To:** Planning Unit Administration  
**Subject:** Objection to a Planning Permit Application

**Objection to a Planning Permit Application**

An 'Objection to a Planning Permit Application' has been submitted via the East Gippsland Shire Council website, the details of this submission are shown below:

**Name:** Amanda, Rod and Gwen Wallace

**Email address:**

**Postal address** Eagle Point

**Mobile phone number:**

**Planning permit number:** 498/2022-P

**What has been proposed?:** Use of accommodation, function and events centre, car parking dispensation and liquor licence

**What is the address to be used or developed?:** 105 Mathiesons Road, Eagle Point

**Who has applied for the permit?:** AL Brown and DL Visser

**What are the reasons for your objection?:** Our street was letter box dropped an unsigned inflammatory letter (See attached) regarding this permit. I am writing to object to the unwarranted bias of this letter and hope that it would not influence the council's decision. I would like to give my support to the permit application. The application shows that La Riva's owners propose to make their business an even better draw card to the East Gippsland area.

**How would you be affected by the granting of this permit?:** We don't believe that we would be adversely affected by this permit being granted

**Attach any further information:** [CEFC5FD7-B076-4EB5-8999-FA36B7472C36.jpeg](#)

**Privacy Statement:** Yes



Re Planning Application 498/2022P

As we all know by now the owners of 105 Mathiesons Road are seeking planning approval for the Commercial Development of their property into a licenced Function Venue .

THIS COULD AFFECT YOU!

If approved this permit may at times significantly increase the noise emissions from La Riva as a consequence of rowdy celebrations (they state up to 100 attendees), and amplified live or recorded music. The permit places no limitation on duration of music.

Traffic on Mathiesons Road will also be greatly increased with the comings and goings of patrons, support services, staff etc.

Their Liquor Licence could possibly lead to anti-social and unruly behaviour by intoxicated persons. There is also the possibility of vandalism, littering and being a potential hazard to other road users.

The proposed development could have an adverse impact on the value of properties in Mathiesons Road and discourage potential buyers. If approved this application could lead to even more commercial development. IS THIS WHAT YOU WANT??

While the owners say they will minimize any inconvenience to residents, which I believe are still quite substantial. If in the future they sell La Riva as an established business any future proprietors may not care less about the concerns and rights of existing residents.

I encourage fellow residents to give these points of concern careful consideration and lodge your written objection with East Gippsland Shire Council before 2<sup>nd</sup> February, 2023.

If the Planning Permit is approved it could have a significant effect on the peaceful and idyllic ambience of Mathiesons Road.

Signed

*Concerned Resident.*

23

**Megan Jackson****EGSC**Eagle Point  
Vic. 3878

21 SEP 2023

19 September 2023

**INFORMATION  
MANAGEMENT****Further objection to Planning Permit application for a permit for parking dispensation for an events centre and liquor licence for La Riva in Mathiesons Rd Eagle Point.**

At the recent information evening at Council we residents were given an opportunity to voice our concerns about the proposed events centre in Mathiesons Rd. At that time more disturbing information came to light.

The original La Riva leaflet was sketchy. This is what most residents have probably based their decisions on to not raise any objections. As well, Andrea and David had personally approached many residents for support and even promised one a ride in his helicopter if he supported the scheme.

The La Riva events centre project is based on trust that the operators would control noise traffic etc and would consider their neighbours. At the council meeting we were advised that a person, not necessarily Andrea and David would be on site to oversee events. I believe residents who did not object, trusted Andrea and David. Trusted that they would be there to ensure that neighbours would not be impacted. Most are aged and many have health problems. An events centre would have a detrimental impact on many lives.

One neighbor who supported the project complained bitterly to me about barking dogs from the last resident owners. I wonder what will happen if party noise, which could be 3 or 4 days or nights a week, would give them real reason to be upset. Once this events centre got the green light anything could happen. I'm sure other residents in Mathiesons Road would be up in arms if they knew the full implications of La Riva's plans.

This project has created such ill feeling between neighbours. This is a small community. This ill feeling is very upsetting for me. We are not the baddies here. We just want our reasonable request for our residential area to remain residential to be able to enjoy the environment that exists now.

Amanda Wallace put in a submission in favour of La Riva. She stated that she and her husband Rod live in Mathiesons Road with Rods mother Gwen. This is untrue. Rod and Amanda live and work in Melbourne and come up some weekends. Gwen lives here and is in her mid 90s and is hard of hearing and would not be aware of what is going on. Amanda mentioned that traffic was not a problem on Mathiesons Road. Firstly they are seldom here and more importantly we haven't had to deal with 100 plus guests at an event. Plus all the services to add to the traffic.

I believe La Riva have been very careful to keep everything in control until they have their events centre and liquor licence and then they can do anything they like. Consideration for

neighbours and their amenity may not be priority as their business priorities will override them.

We objectors have gone to great lengths to inform decision makers of the very important shortcomings of Mathiesons Road. It is a difficult road. I suggest anyone doubting this should come and see for themselves.

The recent post wedding bus tragedy in the Hunter Valley is an indicator of what could happen here. 40 plus cars, trucks etc would create problems for all residents. I could hear car doors banging at the end of one function and that was from inside our home.

That there have been no complaints is interesting. I have second hand information that a neighbor rang David and Andrea and told them to keep the noise down. Also there have been no major events to date. Other residents may be too nervous to complain. It is all very unfair to place such stress on other residents who have been here for many years.

There are more residents in Mathiesons Rd who do not support the Events Centre but for reasons of their own have not submitted an objection. It takes courage to object knowing the likelihood of a friendship in the future is highly improbable. The likelihood of retribution for objection is also a worry.

I have never been to a wedding that was not noisy. Alcohol has always been freely available despite the laws. Why should we believe that this would be any different at La Riva? It wouldn't. And it would create problems I have already gone into at length in my first objection. Cocktails, champagne, wine and beer are common at weddings.

It is important that decision makers should read each and every objection comprehensively.

This is not about a place to come to a party. It is about the road itself and the impact on those who love living here. We have a right to the peaceful enjoyment of our homes.

That one person will be responsible to oversee 100 guests plus all the services and to ensure that the alcohol serving staff would obey all the rules is a big ask. That person would be responsible for keeping noise levels down and to ensure guests didn't disturb neighbours or their properties. That person would be responsible for parking and ensuring cars were not parking on neighbour's nature strips and to ensure numbers of guests were within the regulations.

I have great concern, and decision makers should also look carefully at this before things become irretrievably out of control.

Music Festivals and events were another surprise. The Paynesville Music Festival runs from a Friday night till late Sunday afternoon. I can only assume this will be part of La Riva events. To say that events would be ticketed means nothing. The noise level and nuisance would be the same. The same problem with cars, movement, portaloos, food vans, mess, litter, alcohol etc, our privacy and use of our own property would be horribly affected. This is a residential area and we love it. It is not a place for public events, alcohol sales etc and hoards of people.

The claim that this will bring tourism to East Gippsland and be such an asset is vague at best.



Encouraging tourism and events into East Gippsland should never be at the expense of those who call East Gippsland home. We residents have rights. La Riva as an events centre may or may not bring extra tourism to East Gippsland. As an events centre right in the middle of an established residential area is not appropriate and the application should be denied.

La Riva suggest that their market is the luxury end; however the last wedding had a beer cart and a pizza cart. La Riva does not have a commercial kitchen. It was built as a 3 bedroom home. During that wedding I could hear the speeches from our front patio from inside La Riva. I believe La Riva have been ultra careful to keep everything in control until they have their Events Centre, parking dispensation and liquor licence then they can do anything they like. Consideration for neighbours and other road users may not be a priority as their business priorities will override these.

East

Gippsland Tourism is not more important than the residents/ratepayers in Mathiesons Rd most of whom who do not want this Events Centre in the middle of their residential area causing disruption to their lives and causing mental anguish. Council Planning is charged with protecting residential amenity and respecting neighborhood character.

The impact of this project would change irrevocably the amenity no matter how many events were held.

The number of new homes in Paynesville has brought a very noticeable increase in the traffic on the Paynesville Road. The aspect of traffic and the problems with the shortcomings of Mathiesons Road and the entry exit onto Paynesville Road should be sufficient for the denial of the Council decision for the project to proceed.

I am very concerned about the risk of fire.

The morass when it goes up is really

terrifying. Grass fires are the same. History shows they happen very quickly. We don't want another Black Saturday. La Riva must be able to facilitate the safe evacuation of guests in the event of a fire. It appears we are in for a hot dry couple of years. Mathiesons Road is a non through road. Evacuation of residents alone would be a problem.

It is important that decision makers should read each and every objection comprehensively and drive along Mathiesons Road and see the problems that exist. The La Riva Events Centre is not in keeping with the amenity of Mathiesons Road. Dispensation for 40 car parking on the property will create a major nuisance involving noise and congestion. And the Liquor Licence in the middle of an established and very special residential area would bring all sorts of undesirable problems for other residents all along Mathiesons Road.

La Riva is a business. It is designed to make money. The more events and the more people then the more money. This is a commercial project wrongly situated in a very special residential area.

**Tom Courtney**

Eagle Point  
Vic. 3878

16 July, 2023

East Gippsland Shire Council  
273 Main Street  
Bairnsdale  
Vic 3875

**Re: Further supplementary objection to Planning Permit application 498/2022P  
105 Mathiesons Road Eagle Point Vic**

Dear Planners

**Road construction**

Attached please find a minute of a Councillor briefing on 28 August 2002 by Greg Hatt during which he advised of the progress of a Special Charge Scheme and road construction standard for the extension of the sealed road at the eastern end of Mathiesons Road.

He stated that the standard was to be a sealed pavement 3.5 metre wide with a 200 mm compacted gravel base and 500 mm gravel shoulders.

My letters Chris Waites during construction contested that the gravel was 200 mm deep.

There are no 500 mm gravel shoulders but the seal is for varying widths from 4.5 metres. As stated in Civil Engineer, Cr Bill Gamble's email to Councillors and staff at the time, the edges of the seal appear to have been laid over the top of grass and earth which he stated gave way under his weight.

Due to the minimal vehicular traffic on the eastern end of the road, vehicles are able to drive up the centre of the road where the seal is strongest and are rarely required to move to the edge or onto the grass verge. This would not be the case if there is a heavy increase in road traffic to and from a conference and events centre at 95 & 105 Mathiesons Road.

The road and the seal at the edges of the road would likely deteriorate quickly.

**Sharp corner at the western end**

Last week I had the unusual experience of meeting three vehicles at the corner in the space of 10 minutes as I was leaving and returning.

The first was a white EG Shire utility which was toward the centre of the road when I was about 20 metres from the inside corner causing me to brake sharply. It was not dangerous because we residents are alert to the possibility of a collision. The Shire vehicle was not traveling fast but like all or most resident both vehicles were travelling at more than the 20 km/hr suggested by the signs and which is very slow.

Within two minutes I turned back into Mathiesons Road and met a neighbor on the bend coming in the opposite direction.

Five minutes later when leaving again I met another oncoming vehicle at the corner but a little further back.

With a heavy increase in traffic to and from a conference and event centre is not difficult to predict accidents involving drivers who are unaware of the limitations of the corner which is only 5 metres wide and features a bank on the inside of the corner and a large eucalypt on the outside of the bend.

#### **Noise of a hotel beer garden and car park**

we would be the residents most affected by the noise of people talking and singing, music and general noise of the normal partying to be expected at an event increased by the numbers of people attending and the alcohol consumed.

We have been very aware of the noise from the property from the guests at the weddings, engagement parties and birthday parties held on the property to date.

We are aware of the car doors slamming or being shut as guests arrive and leave

As these events have been few and spread over a number of months and not with large numbers of guests we have accepted the inconvenience and nuisance as being good neighbours, but this would not extend to a regular series of events. For the conference and event centre to be the financial success the proponents would expect, the events would need to be much more frequent and in larger numbers.

We know from experience that in response to a complaint the Council Officers only attend nuisance noise after the event has closed, possibly in the next few day when it is quiet. The police are not interested and may attend as required but take no action or at most may issue an on the spot caution.

#### **Swimming Pool**

The regulations have probably changed over time and what were once the rules no longer apply. There is likely no legal requirement to upgrade to the latest safety regulations.

To the best of my recollection, there are three house doors which open onto the pool area but none of them are self closing.



During past events the doors between the house and the pool have been permanently open and when there were mobile food and drink facilities on the opposite side of the house, access from the pool to the other side was unrestricted.

This situation appears to be recognised by the proponents as their promotional web site states: *“Children – The Homestead is not suitable for infants or children and there are safety concerns regarding the pool area”*

### **House and garden**

When our neighbours, \_\_\_\_\_ bought the property in the early mid 1990s it was largely bare and treeless.

\_\_\_\_\_ built the house and planted the gardens. Over the years they devoted many hours and much expense to the growth and maintenance of the trees and plants. Subsequent owners have largely maintained the property with minimal modification.

Everything other than a few minor plantings and maintenance by subsequent owners were designed and constructed by \_\_\_\_\_ as a four bedroom family residential dwelling and is not designed for a conference and event centre

Tom Courtney

**2.1 REPORTS BEFORE COUNCIL MEETING 28 AUGUST 2002**

**2.1.1 Planning Application No. 02/00126/DA: 75 Metung Road, Metung – Development of Two Dwellings**

**In Attendance**

John Traa, Statutory Planning Coordinator

**2.1.2 Planning Application No. 02/00236/DL: Lochiel Park, Orbost – Development and Use of Land as BMX Track**

**In Attendance**

John Traa, Statutory Planning Coordinator

**2.2 DRAFT MOTIONS FOR URGENT AND OTHER BUSINESS – COUNCIL MEETING 28 AUGUST 2002**

**2.2.1 Mosquitoes**

**2.2.2 Bairnsdale Senior Citizens Club Premises**

Council dealt with Items 2.1 and 2.2 at the Council Meeting later in the day.

**3 ASSETS ISSUES**

**In Attendance**

Greg Hatt, Manager Assets

**3.1 MATHIESONS ROAD SPECIAL CHARGE SCHEME**

Given the willingness of owners to advance this work and to share costs, Officers will facilitate a Special Charge Scheme on a pre-agreed, shared cost basis to a standard resulting in 3.5 metres sealed 200 mm compact gravel pavement with 500 mm gravel shoulders.

**Action Officer:** *Greg Hatt, Manager Assets*

**3.2 CARPARK – PROPERTY AT 267 MAIN STREET, BAIRNSDALE**

As indicated to Councillors at the meeting, as an interim step the cleared site will be gravelled and used for staff carparking.



Y2

Joan Johnstone

Eaale Point. Vic. 3878

EGSC

21 JUL 2023

INFORMATION  
MANAGEMENTEast Gippsland Shire Council,  
Planning Dept.July 20<sup>th</sup>, 2023

Planning Application: 498/2022/P

On January 30<sup>th</sup>, 2023 my husband and I submitted a joint objection to the Planning Permit Application. I would now like to add some extra details.

I have lived in Mathiesons Road for 16 years, and it has been a peaceful period of time. This is now in turmoil by the proposed Function Centre and Accommodation in what is zoned as Low Density Residential road. This is a development I would have never chosen to live near. We are approximately 550m from La Riva.

Firstly : Much has been made of the noise issue with the applicants citing distance and vegetation as mitigating factors. Totally fanciful. On an annual basis we wake thinking we can hear voices outside, but then the fog of sleep lifts and we realise, yes, it is January and it is the boating crews down on the river. The river is at least 250-300m further away than La Riva and at considerably lower elevation. Any music from bands etc. would undoubtedly be clearly heard.

Second : Regarding traffic on Mathiesons Road. The speed limit is 60kmh. Seldom driving up the road I tried driving at this limit. By the time I got to No. 83 (just past the 60 sign) I had to slow down because I was frightening myself! Obviously I know the road well, but anyone unfamiliar with the road, young, reckless, in the dark, under the influence of alcohol or drugs could be considered "an accident waiting to happen".

Third : Concerns where Mathiesons Road enters Paynesville Road. The speed limit reduction I advocated to VicRoads for was finally lowered from 100 kmh to a more reasonable 80 kmh in May 2020. Despite this it is often a close call as cars still whizz up the hill. This can be illustrated by the fact that when coming from Bairnsdale, and I have the temerity to slow at the 80 sign, I am frequently tailgated by impatient drivers. On one memorable occasion I was overtaken by two vehicles as they passed me and sped up the cutting (double lines notwithstanding). This is an intersection a bus transporting guests would have to negotiate – really ?? are they serious??. When we exit with our caravan we hope no one is racing up the cutting. As for a bus lumbering out – it seems preposterous.

Fourth : The applicants say they will control alcohol consumption. Guests will be there by invitation (as in wedding, engagements, coming of age parties) and they can monitor them. Little is said about guests at the accommodation, which can be up to 10 people, who in turn can have 25 visitors. Any booking would be made by just one of these guests, so no idea who they would bring. At \$1250 per night, (minimum 2 nights,) who is going to say what they can or cannot do?. There would be no "responsible serving of alcohol", no idea if any other behaviour altering substances are consumed, no control over noise, no limit to the time their visitors may leave and in what condition they may be driving down our narrow and unlit road with huge potential for an accident. What happens when they realise there is a corner to be negotiated?

I find the proposed alcohol licencing hours (9am-11pm) to be excessive. There is no protocol in place for alcohol consumption by guests at the AirBnB. With an unfenced swimming pool (is that legal??), and the close proximity of the river I feel there is likelihood intoxicated guests could be subject to misadventure. This could also apply to guests at any hosted function. Any drowning would inevitably lead to unwanted, extensive and adverse attention to our normally quiet and peaceful neighbourhood.



Fifth : Another concern is the effect on wildlife, especially night hunting birds. As keen naturalists my husband and I keep a list of what we see and hear. On our property we frequently have breeding Tawny Frogmouths which are so sensitive to noise my husband does not mow near any tree they are roosting in. We know these birds have roosted at Mr. & Mrs. Griffiths property at No. 85 as we have seen and heard them. Also in the area are Boobook Owls, and there have been Powerful Owls. These night birds could easily be disturbed by loud music and noise.

On at least two occasions Mr. Visser has landed his helicopter at La Riva as the noise is certainly attention drawing. Other residents are also aware of this, though we cannot know if these are the same instances. I am very concerned that this could become more frequent if this proposal is allowed. I realise this is a separate issue, but surely has some relevance.

It is stated, several times, "no new buildings planned at this stage". Well, I can only wonder at what stage additional buildings would be planned. Much easier if the business is already established.

Over the last fifteen years more than half of the properties in Mathiesons Road have either, rebuilt houses, built new homes, made interior renovations, erected many sheds, and added solar panels. This has, undoubtedly, involved millions of dollars which obviously increased the rateable value to the Council. Why should this extensive investment in lifestyle be jeopardized by these selfish owners whose only aim is to make money.

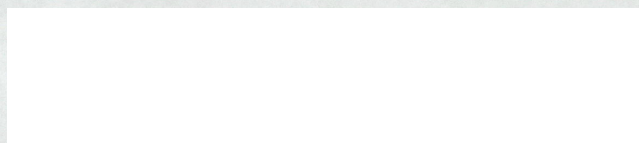
With its unusual configuration Mathiesons Road tends to "fly below the radar" of visitors, and locals. I am very afraid that having volumes of unknown people passing and noticing our nice quiet homes increases the possibility of vandalism, trespass, home invasion etc. This alarms me to an inordinate degree. Our privacy and security will certainly be detrimentally affected.

My husband) and I are "early to bed, early to rise" people, but lately sleep has become elusive as too often my brain starts churning over as soon as I am in bed with the anxiety, fear and stress caused by this proposal. For hours I find myself thinking of all the possibilities that could occur if this permit is passed before I finally fall asleep from exhaustion (or, in rare desperation, Temazepam). This sleeplessness is having a very detrimental effect on my physical and mental health making it hard to function during the day.

If this application is approved I am very concerned it would be a precedent for other tourism based operations to be approved in what should continue to be a Low Density Residential road. It is very possible other properties will come onto the market in the next few years and purchasers could easily be swayed by the idea of income. Ideas such as glamping and (more) AirBnB have already been the subject of local conversation. The thought of this is exceedingly distressing to me.

I implore Council to refuse this application and consider the feelings, hopes, expectation of those of us who have been here the longest. The applicants are not neighbours, they are business people proposing a venture with the intent of financial return – solely for their own benefit. I do not believe they will stay in what I understand to be a converted shed/barn/garage that possibly does not have a Certificate of Occupancy. I have been told (unverified, but probably true) the applicants have a house in Lakes Entrance where I feel they are more likely to reside and then place a manager at La Riva. I strongly feel that if this application is approved there is scope for variations to be applied for in the future, such as longer hours, more frequent events, even the possibility of the helicopter landing bringing guests. Approval of this application would make such a variation far more easily argued for. Support for this application by property owners who do not live here full time (but live and work in Melbourne) should not be considered valid.

Yours sincerely



*Joan Johnstone*

**Re PLANNING APPLICATION (498/2022/P ) 95 & 105 Mathieson's Road, Eagle Point****Applicants: Andrea Brown & David Visser.****Submission: Mendy (Meredith) Urie,****Eagle Point.**

My Role: As a Councillor who has shared ownership of a property which is our main residence at 83 Mathieson's Road (the next-door-bar-one to La Riva) I have declared a material conflict in this matter as any decision MAY affect property values in the vicinity. However as a citizen, I wish to make a submission in support of the application, but request a mediation process to be undertaken with applicants and objectors to discuss the conditions of any permit, should a permit be issued.

I am quite familiar with the property (properties) in question:

I have attended a public, ticketed function there: Paris Kyne, Master Milliner fashion parade run in collaboration with the East Gippsland Art Gallery and the artist's family in early October 2022 and along with my family also booked La Riva for a 2-day 'grand family gathering' in October 2022. It was a wonderful venue for both functions. I am also aware that one of the mid-winter events was held there in 2022. The Property is perfectly set up for such small – medium sized events. It is not fit to be a home; it is big and very striking in its architecture with excellent spacious kitchen and formal / informal gathering spaces with many picture-perfect views inside and out.

From discussions with Andrea, they are keen to continue to host events which promote East Gippsland in general and local food, wine and culture in particular. I believe La Riva is ideal for this purpose and would be a valuable addition to the East Gippsland offering of 'destination venues'.

Andrea and David keep the property in meticulous fashion.

I consider that they have been very good neighbors and are very keen to continue to do whatever is possible to minimize disruption to near-by residents. For example, they have provided all residents with a copy of their business plan and have welcomed engagement and discussion around any concerns regarding the planning application and how they can be addressed.

**The obvious concerns, to be considered in any mediation would include:**Noise from functions.

There have been a number of suggestions put forward for mitigating this ... limiting the number of 'big' events, time limits for outside music etc and highlighting that Andrea and David are able to monitor events as they live on the property (adjoining title)

'The next owners'.

There are concerns that, while Andrea and David may be good neighbors, if they sold the property/business, the new neighbors may not live on-site and may not be so agreeable or willing to monitor events.

Increased traffic along Mathieson's road, including navigating the sharp 90-degree corner at the Western end: Would the road need to be upgraded and would that be desirable? Current residents appreciate being able to walk/ride bikes/scooters/walk dogs etc in relative safety and with minimal traffic.

Fire: Would a fire plan be required? Mathieson's road is a dead-end road with one exit. The property sits on top of a steep, north-facing slope. Would the informal track down towards the river at the north of the property be an alternative exit route if needed?

Adequacy of the current septic tank to cater for the proposed increase in visitation.

Siting of the portable toilets to be used for large functions?

.....  
Thank you for receiving and considering my submission

Yours sincerely, Mendy (Meredith) Urie



**From:** Mandy Holmes  
**Sent:** Wednesday, 31 May 2023 9:05:42 PM  
**To:** Planning Unit Administration  
**Subject:** Planning Application: 498/2022/P – 105 Mathieson Road EAGLE POINT

**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.

Mandy and Chris Holmes

Eagle Point 3878

To Whom it May Concern,

**Re: Planning Application 498/2022/P – 105 Mathieson Road EAGLE POINT**

We are writing this letter in strong support of the planning application for the use of accommodation, function and events centre, car parking dispensation, and liquor licence at 95 and 105 Mathiesons Road, Eagle Point, currently operating as LaRiva. As the proud owners of the home opposite the subject site, we wholeheartedly endorse this proposal and believe it will be a valuable addition to our community.

Firstly, we have been fortunate to witness the operation of LaRiva over the past couple of years, and we have been thoroughly impressed with the professionalism, dedication, and attention to detail exhibited by Andrea and David. The property has been maintained to the highest standards, and the whole La Riva team has always been considerate of the neighbourhood and its residents. Their commitment to creating a positive and welcoming environment is commendable. Despite permanently living in our home directly opposite La Riva, we have, at no time, experienced any inconvenience or noise annoyance.

Having been residents in this road for a number of years, we have witnessed the positive contributions that LaRiva has made to the local community since David and Andrea purchased the property. The current establishment has become a gathering place for residents and visitors alike, hosting various events and functions that have greatly enriched the social fabric of the community.

The proposed use of the site as an accommodation, function, and events centre will undoubtedly continue to contribute to the economic growth and cultural vibrancy of our community. Granting of this application will not only provide a beautiful venue for special occasions but will also promote local tourism and stimulate local businesses.

Regarding the concern for car parking, we acknowledge the importance of adequate parking facilities to mitigate any potential impact on the neighbourhood. However, LaRiva has already demonstrated their commitment to managing parking effectively. We have observed their efforts to ensure guests and visitors park in designated areas, and they have been proactive in coordinating transportation options for guests wherever possible. We are confident that with proper planning and collaboration with local authorities, any parking challenges can be appropriately addressed.

Moreover, we believe that the addition of a liquor licence will enhance the overall experience for LaRiva's guests. We fully trust that LaRiva will adhere to all necessary regulations and ensure responsible alcohol service, prioritising the safety and well-being of patrons and the community.

In conclusion, we wholeheartedly support the planning permit application for the use of accommodation, function and events centre, car parking dispensation, and liquor licence at 95 and 105 Mathiesons Road, Eagle Point (LaRiva). The proposed development will bring significant benefits to our local community, both economically and culturally. We have complete confidence in the ability of the LaRiva team to manage their operations responsibly and considerately.



Thank you for considering our input. Should you require any further information or have any questions, please do not hesitate to contact us. We hope you will grant approval for this planning permit application and contribute to the continued growth and prosperity of our neighbourhood.

Sincerely,

Mandy and Chris Holmes

**From:** Snapforms Notifications [no-reply@snapforms.com.au]  
**Sent:** Sunday, 29 January 2023 8:34:18 PM  
**To:** Planning Unit Administration  
**Subject:** Objection to a Planning Permit Application

**Objection to a Planning Permit Application**

An 'Objection to a Planning Permit Application' has been submitted via the East Gippsland Shire Council website, the details of this submission are shown below:

**Name:** Amanda, Rod and Gwen Wallace

**Email address:**

**Postal address** Eagle Point

**Mobile phone number:**

**Planning permit number:** 498/2022-P

**What has been proposed?:** Use of accommodation, function and events centre, car parking dispensation and liquor licence

**What is the address to be used or developed?:** 105 Mathiesons Road, Eagle Point

**Who has applied for the permit?:** AL Brown and DL Visser

**What are the reasons for your objection?:** Our street was letter box dropped an unsigned inflammatory letter (See attached) regarding this permit. I am writing to object to the unwarranted bias of this letter and hope that it would not influence the council's decision. I would like to give my support to the permit application. The application shows that La Riva's owners propose to make their business an even better draw card to the East Gippsland area.

**How would you be affected by the granting of this permit?:** We don't believe that we would be adversely affected by this permit being granted

**Attach any further information:** [CEFC5FD7-B076-4EB5-8999-FA36B7472C36.jpeg](#)

**Privacy Statement:** Yes

## **Planning Consultation Meeting – 105 Mathiesons Road, Eagle Point – Summary notes from the transcript**

### **Mayor**

Asked for any conflict of interest. None declared.

Ladies and gentlemen this is a planning consultation meeting for those unaware of the purpose of these planning consultation meetings it's for counsellors to obtain an understanding of the planning permit application and for counsellors who ultimately make the decision on this matter to hear from officers permit applicants and community members who would like to express their concerns. We won't be deciding tonight the planning permit application will be decided at a later council meeting so this is a listening event tonight for councillors and they may ask questions of clarification so councillors and officers it may request if there are any Declarations of conflict of interest in relation to the matter and can you advise me of those conflicts and whether they're general or specific conflicts.

### **Martin Richardson**

None to declare in the room here thank you.

**Nirveen Kaur** no thank you.

### **Mayor**

Generally, people would make that known beforehand and I haven't become aware of that. Councillor White has just joined us as well good evening John so the order of proceedings is firstly councillors will be provided with an overview of the planning permit application by the planning officers. Secondly councillors will be informed of concerns that objectives have with respect to the planning permit application and thirdly those same councillors will be informed of the planning permit application by the applicant objectives or community members with concerns will be provided five minutes to advise of any concerns associated with those applications with this application and just to advise that the councillors have read those applications sorry those concerns and we are aware of the application and we are aware that there are a range of repeating themes in the concerns so I just anybody who wants to speak tonight. Just be mindful that if they have newer concerns or newer issues, they'd like to bring up to please use those five minutes wisely rather than repeating what might have otherwise been said.

I ask that Council officer Nirveen provides council with an overview of the application.



**Nirveen Kaur**

(Nirveen provided a summary of the application).

**Mayor**

(Introduced objectors).

**Tom Crooke**

Clarification sought in terms of the number of events to be held on the subject site.

**Nirveen Kaur**

Indicated the applicant has given us a number so up to 10 patrons there will be no limit but up to 30 patrons there will be a limit of 25 events per year and up to 60 patrons there'll be a limit of 12 events per year and up to 100 patrons there'll be a cap of 10 events per year.

**Sonia Buckley**

There's a very sharp turn into that road coming off the main road. Is there going to be some data made available to us in regard to any safety issues or concerns um that that we should be aware of?

**Nirveen Kaur**

Some form of Traffic impact assessment can be requested as a part of further information during the Planning Permit process.

**Jane Grecian**

Some of the objectives talk about the Red Roof outbuilding being used for as living accommodation now and I'm just wondering if you could confirm what it is legally allowed to be used for at the moment.

**Nirveen Kaur**

This issue has been raised with the applicant and they have consented to amending the application if required at a later stage.

**Martin Richardson**

We have received a complaint in relation to the potentially unauthorized conversion of outbuilding to a dwelling we're investigating that I think um in response to Nirveen's answer our view is that the matter raised can be rectified in a couple of ways. These are the use of the building as a dwelling or an application can be made for it to be used .

I should mention that that question of non-compliance in relation to part of the property should not really affect a view about whether this development should or shouldn't proceed that would be a separate matter that we can deal with throughs of the planning processes

**Jane Grecean**

Thank you for making that point Martin.

Matheson's Road would be at the same level of risk what I'm asking is what is the cfa's view about responding to fire risks there.

**Martin Richardson**

Thanks councillor. We don't have a specific advice from the CFA about that our view would be that as with any Bushfire prone area if an application were to be considered for approval that had the number of people on the site then there's a likelihood that a condition might be placed there that on higher risk days that patrons are avoid the site um we do these quite often with tourism developments Etc in Bushfire prone areas. We require that a Bushfire management plan is put in place and as mentioned on higher Bushfire risk days then events are potentially cancelled, or patrons told to stay away.

**Mayor**

(Introduced objectors)

**Wendy Miller**

Some of these issues are things that have been brought up but of course the problem is that they're all very important to me and while I appreciate that Council encourages Hospitality venues as they attract more visitors to the area, I really have a serious concern about this application. We were assured by the Proprietors that they were keen to encourage patrons but wouldn't hold events with more than 50 people Madison's roads are quite single Lane Dead End Road and we've all got issues with the um the fact that it's a dangerous road the bitumen when it was put in past number 80 it didn't comply with the required width for a rural road. To my knowledge it's never been fixed so it's not really the roads really not up to standard it was mentioned about the um entry and exit to Madison's Road from the bairnsdale road it's a really dangerous thing and it's just waiting for some drama to happen the fire is a major problem. I've lived in Madison's Road for 30 years and I've seen the fire go up overnight when it was winter and it went up in Flames really fast and there was no Northerly wind Fanning it so it doesn't have to be a far danger day . The excess traffic in Madison's road is been really gone up since La riva's been there

and noise carries at night as we know the functions at night time you can hear the car doors slamming people talking and then of course you have the cars going up the road with their lights on high beam. it's fine on a casual basis but when it's possibly going to be 24 7 it's not much chop there's not an adequate space in the house for 100 people so it would inquire Marquee you'd have to have poor to lose and all the things that go with it I've had a lot of experience with um very successful Hospitality businesses and I'm aware of the factors that go with running a Hospitality venue I know that the applicants have said they'll try and keep the noise down but you know weddings can be very noisy and particularly when alcohols are concerned the thing there's another problem with when you have people coming you've got a problem with people that are not you know you don't really want them to be there and they are able to see that your properties have had sheds and things and so there are all sorts of things that that happen from a point of view of safety um it's um if the functions finish at you're still going to have staff leaving after that and I just find that the whole thing is not an appropriate venue for a Hospitality venue.

**Mayor**

Thank you thanks for those comments.

**Andrew Bassett**

I'm here to speak against the proposal. Matheson's Road as a neighbourhood character area and has a responsibility to act as its Guardian against this application this is seven days a week 24-hour licensed entertainment venue and we shouldn't consider it in any other aspect it would be difficult to find any resident willing to have this neighbour from hell arrive. This application is non-specific it lacks considerable detail despite what we've heard it's an abhorrent suggestion to be regarded as a prospect in this beautiful well-regarded low density residential zone of Matheson's Road. This is a common rental property with delusions of grandeur it is not as claimed a unique property or an innovative business model. this should not be a precedent setting example to other rental properties on rental property owners in East Gippsland. This application has no Broad Social benefit amenity benefit it only serves the financial interest of the owners at the expense of residence and the surrounded protected Wildlife reserves it is a cynical attempt to capitalize on the amenity of generations of residents who have contributed over many decades this application will repeat repeatedly generate excessive noise pollution of over 100 decibels think of noisy commercial mower effective residents and visitors well beyond the area of Matheson's Road itself it will bring with a crime and violence in a peaceful and beautiful residential area. I will be exposed to criminal and anti-social Behavior as a direct



consequence of my proximity to the applicant's property violence drunks property damage thefts and litter are known consequences of licensed entertainment venues this business will generate potentially Five drivers who exceed the blade alcohol limit and over 55 intoxicated drivers per day onto escapes land roads regardless of what is climbed the application is negative impacts that will extend into the adjoining protective Wildlife areas and will impact on protective native and Flora and Fauna noise rubbish pollution contaminated water discharges light pollution aesthetic pollution and I can't believe that we're still entertaining a row of commercial plastic tallers known as to be included as a as a prospect for this property um a row there's no dedicated controlled car parking for large events on sealed surfaces I've attended at this venue where one such event has been held it's only fortunate that the that the area was dry enough to support the vehicles but in the event there's rain and heavy weather there's no capacity for vehicles to park so ultimately they will eventually end up having to spell out onto Matheson's Road despite what's climbed. I'll be affected by the dramatic increase of vehicle movements in excess of over 150 vehicle movements per day and that therefore also includes the addition of commercial vehicles and staff and contractors entering and leaving the property. The council has recently supported the residence of Green Street in relation to a similar concern of Mathiesons Road residents deserve the same protection. This application will place myself in existing Residence at significant increased levels of risk in the event of an evacuation the fire has already been discussed large numbers of panic visitors will block the only Escape Route from the street and will leave us with no other option. There are significant safety issues in relation to Matheson's Road and Painesville Road and these have been identified and have been partially addressed by the member for East Gippsland Shire Tim Bull. This application disregards noise control and does not address the significant effects on surrounding properties or the environment. This application is deliberately short of detail and demonstrates a lack of experience capacity in this business it should not be supported by Council. Approvals for a change in planning should consider the reality that owner's managers are not permanent fixtures for business at any point in time the business will be sold resold leased Etc and not be expected to be managed in any way related to the current applicants claims this application is out of context with the existing land use it will shatter the amenity for local residents and visitors in Matheson's Road and adjoining lands it will generate crime and negative social impacts in a residential setting it will have significant environmental effects on protected wildlife and their habitats this application needs to be rejected by Council thank you.

**Meghan Jackson**

Our home is seven meters from the fence line which is the party area which is the pool and the front of the home on low at low river so and our front patio, Our Terrace is absolutely visible from patrons using La Riva in this area where the celebrations or whatever will be held and I cannot see where a hundred people could or even 80 people could be um entertained in that small area anyway the noise from any event will be will impact us severely being so close and we're not young we go to bed early we're not interested in having live music going boom boom boom keeping us awake we don't want portaloo doors going bang we don't want car doors going Bang. In fact we don't really want this this happening at all. It's a gross Invasion on our lifestyle as we have it we've we've been living in Matheson's Road for 25 years and it's been a delightful area to live in but the traffic on the road is a major problem I've recently I've had two very close calls on the corner and they're quite frightening and with trucks and buses and it's going to be it would be a major problem and what else have I got to say the impact of alcohol-fueled party noise would most likely become a major problem for us going about our normal lives add to party Noise music be a live band a DJ. Who says they're not going to have this with dance music loud speeches from a PA system the impact will be impossible to ignore add alcohol and noise escalation is a very common result down what else Planning must consider the health and well-being of neighbors and the overall impact of this application and consider our lifestyle will be severely impacted by the noise created by these events and also the cars and the parking who and who's going to count if there are 40 cars who who monitors this and who monitors how many guests come you know did we there would be nobody and if there is noise um where do we go the police won't come EPA won't do anything about it what happens we are at the mercy of this one person who's supposed to be in charge of them running around saying shush to everybody and saying turn the music down because it's too loud because you might wake the neighbors but it's really not a well thought out plan at all its yeah when the art event was held I was very aware and upset that number of strangers peering into our property and the our lifestyle would be severely impacted by Noise by restricting the use of our outdoor areas including our ability to entertain our friends and have friends and family to stay. oh okay that's fine I think most of the things that I was really about have already been covered by Wendy and Andy and it's um they are major problems and the Bushfire it's bushfires and grass fires and it looks like the Summer's going to be another one of those another one of those dry years and it's nasty stuff and there's grass fires pop up real fast and there's not a lot we can do about it and I don't think any guests are going to be giving way to the locals to get out to the out the road to evacuate um before you know everyone's every man for himself we know what people are like yeah so what's the proximity of your house

to the proposed venue in terms of distance and is there any barriers there that um stop noise and light and whatever or not seven between our and the fence line and the fence line from there on is Party Central so the buildings are seven meters apart are they no probably another seven meters towards again I haven't measured the other one if you read Tom's submission he has got photos and Aerials and yeah had a look at Google so you're roughly from here to the staircase or a bit closer yeah we are impacted all right thank you yes severely. Thanks Megan appreciate your comments thanks Trevor for the question.

Peter and I are very concerned that the proposed development will lead to reduce privacy and security we believe there's a risk of property damage trespass theft and even home invasion, all valid concerns! As a Senior resident we do not want this worry there's a high chance of intrusive noise from Amplified music and live bands. Rowdy behavior and a significant increase in traffic on Matheson's road which has already been noticed this is from patrons and supporting services. Any suggestion that distance and vegetation would ameliorate this is totally fanciful we have been able to hear guests at Le Riva enjoying the pool and also loud music from the general area sound does travel we also feel that a property value could be adversely affected. Mathiesons Road. is zoned as low-density residential. Peter and I feel any commercial activity is not in accordance with this and we would not have purchased a property near such a venue that is proposed. Peter and I find the extensive ads available for alcohol consumption of great concern guests could always bring their own alcohol to consume after the license time is reached we feel this could lead to inebriated individuals driving on our narrow road and which could lead to damage of my property a high possibility of vandalism to our and other nearby properties and also the potential for unsightly littering spoiling the visual amenity of the area regarding the accommodation the applicants would have no control over the amount of alcohol consumed by up to 10 guests and who can have up to 25 visitors no responsible serving of alcohol would apply so incidences of intoxicated guests could occur with detrimental consequences if this application is approved .

Peter and I feel there is the potential for the applicants to seek variations in the future which could further disadvantage our lifestyle there is no certainty the present owners would not set up and move once a successful operation is established future earners would not have any obligations to current residents due to its unusual configuration tranquil lifestyle we have enjoyed for the last 16 years thank you



**Trevor Stow**

What's the proximity of your house to the proposed venue in terms of distance and is there any barriers to stop noise and light.

**Meaghan Jackson**

Answered the question.

**Peter and Joan Johnston**

Johnston my husband Petra and I submitted admit a joint objection to the proposal for the following reasons and some of which have already been covered Peter and I are very concerned that the proposed development will lead to reduce privacy and security we believe there's a risk of property damage trespass theft and even home invasion all valid concerns. As a Senior resident we do not want this worry there's a high chance of intrusive noise from amplified music and live bands, Rowdy behaviour and a significant increase in traffic on Matheson's road which has already been noticed. this is from patrons and supporting services any suggestion that distance and vegetation would ameliorate this is totally fanciful we have been able to hear guests at Le Riva enjoying the pool and also loud music from the general area sound does travel we also feel that a property value could be adversely affected as Mathiesons Road is zoned as low density residential Peter and I feel any commercial activity is not in accordance with this and we would not have purchased a property near such a venue that is proposed . Peter and I find the extensive ads available for alcohol consumption of great concern guests could always bring their own alcohol to consume after the license time is reached we feel this could lead to inebriated individuals driving on our narrow and admit Road and which could lead to damage of my property a high possibility of vandalism to Air and other nearby properties and also the potential for unsightly littering spoiling the visual amenity of the area regarding the accommodation the applicants would have no control over the amount of alcohol consumed by up to 10 guests and who can have up to 25 visitors no responsible serving of alcohol would apply so incidences of intoxicated guests could occur with detrimental consequences if this application is approved. Peter and I feel there is the potential for the applicants to seek variations in the future which could further disadvantage our lifestyle there is no certainty the present owners would not set up a and move over once a successful operation is established future earners would not have any obligations to current residents. Due to its unusual configuration we feel Matheson Road flies below the radar so to speak so patronized Johnny feel this proposal could greatly affect the safe secure and tranquil lifestyle we have enjoyed for the last 16 years thank you

**Jane Greecan**

The issue that you've raised Joan about the low density residential not being a place for a commercial business, what are the planning rules in relation to that.

**Martin Richardson**

Thanks councillor. As per the low density residential Zone there are a list of uses that are permitted without a planning permit because then the next category which are uses that may only be carried out with a planning permit and then there are uses that are prohibited this particularly use falls into the middle category so if it's we're in that category that requires a planning permit it's not prohibited by the scheme but it requires councils express consent for it to go ahead thank you.

**Tom Crook**

My question relates to the transferability of any granted permit. if a permit was to be granted, would it then be transferable to say a future owner or an operator or is it just specific to the people making the application at the time.

**Martin Richardson**

Planning permit that is issued goes with the land not the owner so when a planning permit is issued it applies in perpetuity to the land any subsequent owner of that land who operates that activity must comply with any conditions of the approval it transfers with the with the land ownership not with the person. There are two processes for getting a liquor license one's a planning permit the other one's a liquor license with the licensing commission the planning permit would apply to the land but a new owner would have to take out a liquor license with the licensing Commission in their name because that's got all sorts of tests around fit and proper person

**Mayor**

A couple of the community members have raised the issue of responsible serving of alcohol and maybe the proponents can address that in their presentation but a granting of a liquor license would imply that there would have to be people with RSA certification and that would apply in this setting?

**Martin Richardson**

### Tom Courtney

Whilst a lot of these issues that I will raise have already been discussed and they're already in writing and I've no doubt the good counselors have read them all I'm probably regurgitate them a little bit. Matheson's road is to most residents a very special Road it's more like a tree-lined Country Lane. It's rather unique uh in its layout it's very quiet peaceful distinctive neighborhood character we don't have the noise of passing traffic and we have minimal residential traffic movements from the residents we're all most of us are in the older age bracket and we don't have the 10 vehicle movements a day I'll make some points without going into explanation because I don't have enough time and I'll talk fairly quickly the road construction does not meet the standard infrastructure design manual which he skips landshire is a signatory too the requirement is a 6.2 meter seal without one and a half meter gravel shoulders the seal on Matheson's road is as narrow as four and a half meters in a number of locations with no gravel shoulders.

Mr gamble Bill gamble was a councillor and civil engineer as a result of my complaints back in when the road was built went out and inspected the road and he said we have built a road to the other councillors we have built a road which is substandard by any measure the width is inadequate the crushed rock has been placed on grass it gave way under my weight a waste of eighteen thousand dollars or so of rate payers money now in many places two P two vehicles can't pass because uh vehicles are allowed to be two and a half meters and that's 4.8 meters on a 4.5 meter Road just doesn't go CFA trucks are wider residents are aware of the limitations and we all drive accordingly we're able to drive up the center of the road even though it's only three and a half meters wide because there's no oncoming traffic. as a rule it's not suitable for a procession of 40 or 50 cars arriving in the space of a half an hour to attend a function or buses or service vehicles with unfamiliar drivers we're able to use the middle of the road and we're aware of the children the pedestrians the bike riders who regularly use the road and most of them walk up the road and unlike the application they don't ride their bikes on the reserve because it's far too rough and they can walk in among the trees the almost 90 degree blind Bend is only five meters wide there's insufficient room for two vehicles to pass at any speed and a 20 kilometer an hour sign has been placed there by the council as evidence that this is a dangerous Bend and it's more dangerous if you've got 40 or 50 cars and worse with service trucks and buses trying to negotiate a Bend when they're unaware of it and sometimes having consumed alcohol. the intersection of the bandsaw Painesville road is dangerous it doesn't comply with the OS Road standards for a subdivision of the size of Matheson's Road residents are aware of the danger and treat the intersection with the utmost respect I'd be happy to talk about how one gets on and off that road but it'll cut



in in my five minutes the application makes absolutely no mention of the property being push fire prone area now why they don't do that whether it's accident or whether it's deliberate I don't know the strategy for that particular Clause is the protection of human life and prior to prioritizing the protection of human life over all other policy considerations. let's talk about the supervision the applicants have a poor record of compliance uh from my observations they live in a shed which without a building permit without an occupation occupancy permit uh they say they live in the cottage and as a result they'll be able to supervise by my understand by non-knowledge I know they've landed helicopters and done Joy flights from the property without a planning permit and my understanding is that they operate a helicopter Joy flight business at Columbia West without a permit which is required for helicopters uh if there's a building uh within 500 meters and to date they're facilitated weddings engagement parties birthday parties without a permit and what is I assume are classified as a bed and breakfast they may not run the wedding but they facilitate the wedding the whole process the function and as I understand it the people that are paying to come may bring their food own food and wine but nonetheless they're administering an entertainment centre as it is I guess I've taken up my five minutes thank you thank you five minutes

#### **Amanda**

I would like to read it to you as it raises the issues that are being discussed tonight and then I will briefly tackle each point the letter reads as we all know by now the owners of 105 Madison's Road are seeking planning approval for the commercial development of their property into a licensed function Centre this could affect you if approves this permit

May at times significantly increase the noise emissions from LaRiva as a consequence celebrations and Amplified live or recorded music the permit places no limitation on the duration of music traffic on Madison's Road will also be greatly increased with the comings and goings of patrons support services and staff their little license could possibly lead to anti-social and unruly behaviour by intoxicated persons there is also the possibility of vandalism littering and being a potential Hazard delivered users proposed development could have an adverse impact on the value of properties in maths since right and discourage potential buyers this approves this application could lead to even more commercial development is this right you want while the owners say that they will minimize any inconvenience to Residents which I believe is quite substantial if in the future they sell the river as an established business their future Proprietors may not care less about the concerns and the rights of existing residents it goes on a bit further signed concerned residents as a fellow resident who lives in the same street as a river a bit closer

Andrew and Wendy and who also believes their proposal would be a fantastic addition to the area I'd like to address the enormous Anonymous righteous concerns point one the noise emission the river already has events of this size and the application for a liquor license will ensure that legally they will need to monitor the Readiness of each Patron and how much they have had to drink the applicants also mentioned in their business plan that outdoor music and liquor will be turned off at 10 and the events preferably finish by 11 pm.

We live about 400 meters from Little River and I have not heard any noise from that previous events point two the increase in traffic there are approximately 20 houses in Madison's Road and we have not been aware of any increase in traffic the road has been open for business for some time now and we haven't seen any growth of traffic congestion or noise in that time the river or sensor shuttle bus that takes customers between Bairnsdale and LaRiva we occasionally see this but I have not heard 0.3 concerns regarding liquor licensing with the granting of a liquor license the owners of laurable will be legally obliged to prevent their patrons from becoming intoxicated the LaRiva experience is an exclusive one and requires an invitation.

I find it hard to believe that little river patrons in a well-monitored sober state would be inclined to vandalism littering or big potential Hazard to devaluation of properties this is not a legitimate planning consideration however having said that I would not be at all worried or the slightest bit concerned that our property would be valued if a permit is granted this application has caused a high level of emotion in our street and I'm here today to represent an alternative View in our community to that expressed by the anonymous letter writer and those who have intimidated papers in the supermarket or in their homes I have been appalled by the behavior of those in opposition to this proposal

I'd just like to point out for the fire danger we are all very aware of fire danger and the Andrew and David would be able to keep the grass green and help prevent fire . Mr Mayor and Castle as I congratulate you on the vision statement and look forward to seeing it in the action in relation to LaRiva.

**Tom Crook**

I understand that there will be restrictions placed on the noise but can you just clarify for me somebody will they be on both the noise levels and the times that the noise is permitted or is it just going to be a bit open-ended?

**Martin Richardson**

Thanks Councillor Crook. I can answer that Martin here um there are EPA requirements into no in in relation to excessive noise that regulate um both the number of amount decibels of noise but also the hours some recent research that I did indicated that the EPA requirements are that you cannot have outdoor functions creating you know with live music Etc after 11 pm and they're the general guidelines that the EPA have in place then of course if in relation to other intermittent noise there are avenues available for people to complain to the EPA about excessive noise but in general the operating hours for live music are the ones that would probably come into play most with this application.

**Tom Crook**

Thank you and just one further question there's been we've heard a few times. people's concerns around elevated levels of crime vandalism anti-social behavior um my understanding is that LaRiva have conducted several events to date is there any evidence to support those concerns has there been an elevated level of crime has anybody experienced vandalism or antisocial Behavior to date.

**Martin Richardson**

From Council's point of view we are not aware of any complaints about crime or antisocial behaviour so with those events but residents might be closer to the action there so to speak

**Sonia Buckley**

I've got some concerns around the issue that was raised about the 6.2-meter seal that's that's um required for the road that was raised by Mr Courtney and the safety issues that that presents that that would be an impediment I would imagine to to this particular proposal can it be explained to me what would be done about that and whether that is taken into consideration in regards to granting the permit

**Martin Richardson**

The assessment the consideration of traffic impacts and the capacity of the road to carry that traffic is a valid assessment issue that we need to look at so if roads are limited in their width or construction standards then we need to assess whether or not the road is capable of carrying that traffic demand as far as what can be done. It wouldn't be within our powers to require the applicant to upgrade the road it's more a matter of is the road capable of carrying the traffic generated by The Proposal and as I mentioned earlier the



intersection comes into that category as well the assessment is do the road conditions and the intersection safety create a problem from that point of view.

**Sonia Buckley**

My question is does it and if we don't know will an assessment be conducted, we're suggesting that a traffic assessment would be required both in relation to the number of vehicles using the road and the safety questions around the Mathiesons Road as well Paynesville Road intersection.

**Martin Richardson**

The assessment the consideration of traffic impacts and the capacity of the road to carry that traffic is a valid assessment issue that we need to look at so if roads are limited in their width or construction standards then we need to assess whether or not the road is capable of carrying that traffic demand as far as what can be done it wouldn't be within our powers to require the applicant to upgrade the road it's more a matter of is the road capable of carrying the traffic generated by the Proposal.

**Sonia Buckley**

I mentioned earlier the intersection comes into that category as well the assessment is do the road conditions and the intersection safety create a problem from that point of view so my question is does it and if we don't know will an assessment be conducted we're suggesting that a traffic assessment would be required both in relation to the number of vehicles using the road and the safety questions around the Mathiesons road and Paynesville Road intersection.

**Martin Richardson**

A Traffic assessment will be requested.

**Jane Greecan**

There are two big issues that I see one of them being the road and that right angle Bend and the road's capacity to carry the traffic and that intersection with Paynesville road which is really awful I really dislike going into Matheson's Road or coming out of it um and I do travel through to Matheson's road every now and then quite you know quite often so i think you know what you're talking about a road assessment is clearly going to be needed isn't it yeah noise alleviation is the other one that most of you have raised and I'm just like I mean I know there are ways of dealing with that of reducing the noise I mean I also understand that you know the types of events you're holding and the level of the music that you're going to allow Etc you can attempt to manage and we've had another

application where that's been raised and been accepted In The End by the local community and neighbors and I think that that's very important that if this goes ahead that there's a you know significant commitment to manage that but also there are other ways which is sort of which it probably which would change the look of the neighborhood not because I see that there aren't fences or maybe just wire fences between properties Is it feasible to consider putting up a a noise abatement type fence that would also protect you in terms of people watching or being able to see you in your garden and I'm sorry I've forgotten your name Megan thank you so that's the question mayor is that a plan in consideration Martin about fencing and how does that fit with the existing appears to be lack of fencing really in Matheson's.

**Martin Richardson**

Look a couple of sort of conflicting issues there in low density residential areas we prefer what we might call Rural style fencing no one wants paling fences in a low density residential area understanding that the objective is to reduce noise I'd suggest with my limited expertise that a fence isn't going to make a great deal of difference to noise of that kind it's not like traffic noise on the Monash freeway so I'd suggest that other than visual screening which would mean that people you know wouldn't be looking into each other's properties I don't believe that a fence wouldn't necessarily deal with noise abatement my view would be the best way to deal with noise is by limiting the hours under which activities can be carried out .

**Mandy Holmes**

Briefly indicated she is speaking in support of the application.

**David and Andrea**

Provided a detailed Business Management Plan

**Courtney Campbell**

Briefly discussed the Business Management Plan and briefly discussed concerns in relation to the proposal as well as discussed, the next steps in terms of the process.

**Nirveen & Martin**

Discussed the next steps in terms of the planning process.

**Mayor**

The meeting was closed at 7.24pm





## 5.2 Assets and Environment

### 5.2.1 East Gippsland Shire Road Safety Strategy

Authorised by General Manager Assets and Environment

---

#### Conflict of Interest

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

#### Executive Summary

Road safety and the safety of our communities and visitors whilst on or adjacent to a road is of paramount importance. Community safety is recognised as a priority in many of Council's key guiding documents.

Road safety does not just happen, it needs to be planned and monitored. Council develops its road network to meet the current and accepted standards developed by AustRoads. Council also has a Road Management Plan that guides the way in which roads and associated infrastructure are managed and maintained. However, while meeting guidelines is part of achieving safer roads, there is also a need to influence driver behaviour and use broader strategies to promote road safety. Recognising this, Council formed a Community Road Safety Committee (CRSC) in 2015 to bring key stakeholders including community groups, Victoria Police, and the State Road authority (currently Department of Transport and Planning) together to discuss road safety initiatives.

This group has had a range of successes including the reduction of speeds through the Twin River towns and introducing a range of traffic calming devices to areas of high priority.

Recognising that a strategic approach based on data, trend analysis and data will effectively guide road safety, Council, supported by the CRSC and a Transport Accident Commission (TAC) grant, has developed a draft East Gippsland Shire Council Road Safety Strategy provided as **Attachment 1**.

The draft Strategy has been prepared using best practice research and local consultation to tap into local knowledge to collectively form the guiding strategy. The draft Strategy aligns with the Council Plan 2021 – 2025 and with the State and National approaches to road safety.

The draft Strategy will help to guide and reinforce practices already in place within the organisation and provides a detailed list of actions under categories of:

- Leadership and Best Practice;
- Safe System Approach (Safe Roads; Safe Speeds; Safe People; Safe Vehicles);
- Active Transport; and
- Working Together.

The draft Strategy has been through a comprehensive community engagement process and internal engagement. Much of this engagement was undertaken during the pandemic which required the use of different platforms to reach community members. Participation in the engagement was pleasing, with suggestions around vulnerable road users being resoundingly the highest priority feedback received.

The draft Strategy relies on data that includes pre-COVID driving statistics, noting that using more recent data is skewed by the COVID period. Whilst some of the data is somewhat aged, the trends it shows are still relevant to use to inform the draft Strategy.

The draft Strategy has been reviewed several times by the CRSC and Councillors were briefed on the Strategy on 20 February with minor changes made based on feedback received.

### **Officer Recommendation**

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

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. adopts the Draft East Gippsland Road Safety Strategy 2024 – 2029 as provided as Attachment 1 to this report.***

### **Background**

Recognising the importance of Road Safety, Council created both a Community Road Safety Committee and introduced a Road Safety team into its internal structure. These two initiatives assisted in identifying the need for a Road Safety Strategy to ensure that there was a well-considered and strategic approach taken by Council to road safety.

Council was successful in sourcing an external grant through the Transport Accident Commission (TAC) – Community Road Safety Grant Program which provided Council with a \$30,000 dollar grant to develop a road safety strategy.

This draft Strategy builds on Councils already inbuilt processes around road design and construction, this document also aligns Council's approach with the Victorian Road Safety Strategy 2021-2030.

To develop the Strategy, Council Officers and our consultants looked at engineering data; road safety best practices around the world; and listened to our community. As a result of this approach the strategy has been based around four key themes:

1. Leadership and Best Practice
2. Safe System Approach
3. Active Transport
4. Working Together

The strategy is primarily focused on Councils own actions and will be used to guide the work of many of our internal teams over the forthcoming five-year period.

#### **Use of Data**

The draft strategy relies on data collected by a variety of agencies, including accident data. This data is provided to Council in existing age intervals that Council is not able to change.

The draft Strategy relies on data that includes pre-COVID driving statistics, noting that using more recent data is skewed by the COVID period. Whilst some of the data is somewhat aged, the trends it shows are still relevant to use to inform the draft Strategy.

## Legislation

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

The report also takes into consideration the *Road Management Act 2004* and Councils own Road Management Plan (2021) which is a requirement of the *Road Management Act 2004*.

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

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

## Council Plan

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

The 2021-2025 Council Plan – Strategic Objective 2.

“Our Place will be accessible, safe, connected and healthy,” Future priorities - The municipalities road, rail, water, transport, power, and telecommunications infrastructure systems meet the future needs of the community, business industries and visitors.

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.

Strategic Objective 5:

5.4 Continuous improvement systems are strengthened, and organisational efficiency enhanced.

## Council Policy

Adoption of the strategy will provide a detailed framework for Council to align its internal procedures to ensure all projects consider road safety best practice and safe systems approach and align with Council's statutory and duty of care obligations to East Gippsland Shire residents and visitors.

The draft Strategy will also complement the Council adopted Road Management Plan (2021) which sets out Council's policies, service delivery and actions relating to the local road network.

The draft Strategy also aligns with elements of the adopted East Gippsland Municipal Health and Wellbeing Plan *Well Placed for Wellbeing*, specifically the objective that strives for “planning and infrastructure that enriches, the environment, lifestyle and character of our communities” as well as create a ‘thriving diverse economy that attracts investment and generates inclusive local employment.’



Engagement practices used to develop the Strategy align with Council's Engagement Policy.

## **Options**

Council has the option to:

1. Adopt the Strategy in current form (preferred). Noting that the final formatting of the draft may change to ensure a consistent presentation style with other strategies within Council.
2. Adopt the Strategy with amendments
3. Not adopt the Strategy

## **Resourcing**

### *Financial*

No additional financial resources will be required to adopt the strategy. However, delivery of the strategy will require resourcing to effectively achieve some of the actions set with the strategy. These resources would be considered part of the normal annual budget process.

This strategy will also be used to support external funding bids to introduce new road safety programs and infrastructure improvements that aligns with the strategy using the safe systems approach, as well as effectively prioritising resource direction.

### *Plant and Equipment*

Nil.

### *Human Resources*

Delivery will be managed internally and various teams within Council will be involved in the achievement of the strategy.

### *Risk*

The risks of this proposal have been considered and are considered minimal. There is a greater risk for Council not working with the community to create safe infrastructure for roads users utilising best practices and the best evidence-based approaches available via the Safe Systems approach.

## **Economic**

This Strategy will support economic development by providing improved infrastructure to aid in the provision of products and services, tourism, as well as export of local resources and products via our local road network.

## **Social**

Road trauma comes at a significant social and economic cost to communities, which this strategy will assist to reduce. The draft Strategy aims to develop a transport system that is 'accessible, inclusive, well connected and safe' in order to enjoy all the benefits that the Shire has to offer.

This draft Strategy provides the foundation for a transport system that is safe and will reduce the risk of crashes and resultant trauma, and it supports travel behaviours – such as walking and cycling - that are good for the health of people and the natural environment.

### *Gender Impact Statement*

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

### **Environmental**

This Strategy includes a focus on active transport users which not only has a positive environmental impact to reduce community emissions footprint but also has a health and lifestyle community benefit.

### *Climate change*

This report is assessed as having limited impact on climate change, with encouragement of Active Transport linked to reducing carbon emissions.

### **Engagement**

Community engagement was completed at various stages throughout the creation of the draft Strategy:

- Initially engagement was completed as a part of the consulting data collection to gauge community sentiment and areas of concern within the community.
- The next level of consultation was completed. This was carried out through YourSay and newspaper and website notification for community feedback. This final round ultimately helped to refine the final draft to ensure community concerns are addressed.
- The Community Road Safety Committee was used as the primary project reference group throughout the preparation of the draft Strategy.

COVID restrictions during early consultation phases were managed through use of the Council engagement platform YourSay where Council's draft was displayed for public comment. 87 responses to the online survey were received via this forum.

Feedback was funneled through to YourSay via Council's social media, local papers, website notifications, Community Road Safety Group, and associated partners.

The feedback received was positive with many respondents pleased to see Council working to create the strategy. Strong advocacy for more focus on vulnerable road users, mainly cyclists, was the resounding feedback from the final round. This allowed officers to work through these concerns and make some adjustments and amendments to the draft to ensure these vulnerable road users were well represented in the final draft of the strategy.

### **Attachments**

1. East Gippsland Shire Road Safety Strategy 2024-2029 [5.2.1.1 - 28 pages]

# ROAD SAFETY STRATEGY 2024-2029



**EAST GIPPSLAND**  
SHIRE COUNCIL

**SAFE  
SYSTEM  
SOLUTIONS**

ROAD SAFETY · AUDITING · ENGINEERING · PROJECT DEVELOPMENT



# CONTENTS

From the Mayor ..... 3

Acknowledgment of Country ..... 4

East Gippsland Shire ..... 5

Federal, State and Council context ..... 6

What is happening on our roads?..... 8

What did you tell us? ..... 16

How we will move towards zero trauma – The Safe System..... 20

    Principles of the Safe System ..... 20

    Elements of the Safe System ..... 21

    Post-Crash Care..... 21

What works and what doesn’t work ..... 22

Our Strategic Approach ..... 24

    Council Commitment ..... 24

    Strategic Approach ..... 24

What You Can Do ..... 26



# FROM THE MAYOR



On behalf of the East Gippsland Shire Councillors, I am proud to present you with the East Gippsland Shire Council Road Safety Strategy 2024-2029.

Earlier this year we launched 'Shaping the Future – Our Community Vision 2040'. This set out a vision for the shire which was developed by the community for the community:

*"In 2040 our people, place, environment, and economy will be connected, in balance and resilient. Our unique and diverse communities will be accessible, inclusive, well connected and safe. We will value and care for each other and our natural environment. Our economy will support existing and emerging industries by being agile, innovative, and sustainable."*

Our vision is inextricably linked to the way that we travel around the shire. We need a transport system that is 'accessible, inclusive, well connected and safe' in order to enjoy all the benefits that the shire has to offer. This road safety strategy provides the foundation for a transport system that is safe, but it does a lot more. A safe road network will reduce the risk of crashes and resultant trauma, and it supports travel behaviours – such as walking and cycling - that are good for the health of people and our beautiful natural environment.

To develop this strategy, we looked at engineering data to understand where the risks are on our roads, we looked at road safety best practice around the world, we listened to feedback from road users and we worked with road safety experts to understand why crashes happen and how they can be prevented.

## 1. Leadership and Best Practice

We will apply road safety best practice and make decisions based on sound evidence. We will continuously build our road safety capability and lead by example.

## 2. Safe System Approach

We will apply the globally recognised Safe System approach, which addresses the four main elements of road safety: Safe Roads and Paths, Safe Speeds, Safe People and Safe Vehicles.

## 3. Active Transport

We will ensure unprotected and vulnerable road users are supported by the road system, not impacted by it. We will support and encourage walking, cycling and public transport which are critical for a sustainable transport system, community wellbeing and a healthy natural environment.

## 4. Working Together

We will work with the local community, stakeholders and our Road Safety Partners to improve road safety – because a safe road network is everyone's responsibility.

East Gippsland Shire Council's Road Safety Strategy 2024-2029 sets out what we know about crashes and trauma on our road network and how we will go about improving safety for our community and our visitors.

**Councillor Tom Crook**  
**Mayor, East Gippsland Shire Council**



# ACKNOWLEDGMENT OF COUNTRY

East Gippsland Shire Council acknowledges the traditional custodians of this land, the Gunaikurnai, Monero and Bidawel people and their enduring relationship with country. Council aspires to strengthen our partnerships and supports Aboriginal participation in management processes for land and natural resources. We recognise Australia's rich cultural heritage and aim to encourage integrated decision making now and in the future.



## EAST GIPPSLAND SHIRE

East Gippsland Shire is located on the eastern edge of Victoria, bordering New South Wales. It is the second largest shire in Victoria, covering 20,940 square kilometres or 10 per cent of the state. Almost 80 per cent of the municipality is crown land, including 39 per cent National Parks, with the remaining State forests, parks, and reserves. Characteristic natural features include the Gippsland Lakes, rugged coastline, Australian Alps and the iconic Mitchell and Snowy Rivers.

East Gippsland is a large and diverse region with people of all ages, abilities, incomes, lifestyles and experiences, having varying needs and priorities. Our current population of nearly 48,000 is expected to grow to 58,000 by 2040, with a higher than State average proportion of people over the age of 60. Additionally, as a flourishing economic and tourist region, we attract more than one million visitors each year.

Continued growth, and an ageing population, creates opportunities and challenges as we endeavour to deliver a safe, accessible, connected, inclusive and sustainable transport system.

Over the 4-years, between 2015 and 2019, 260 people were seriously injured and 30 people lost their lives on roads in East Gippsland. Although year on year, we have gradually brought those numbers down, it is becoming increasingly difficult to maintain progress. That is why we have this strategy – to help focus our efforts where they will have the greatest impact on road trauma.

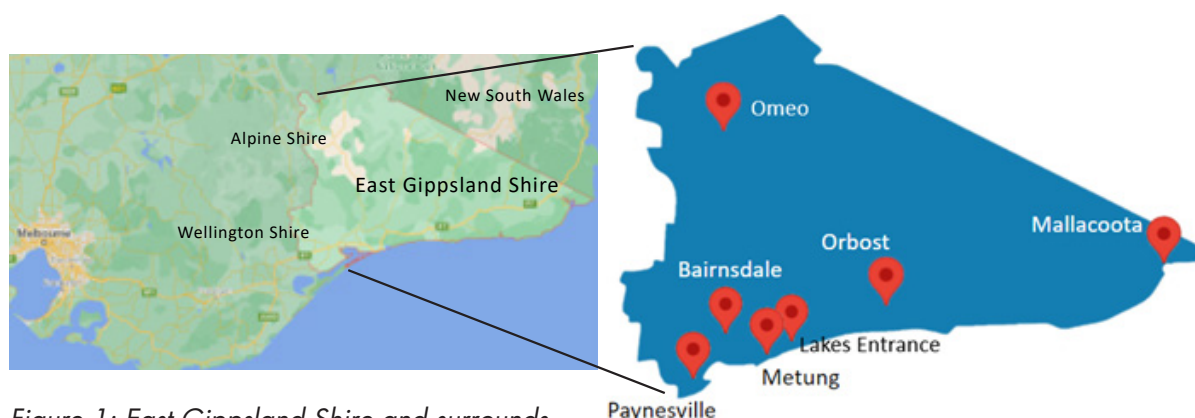


Figure 1: East Gippsland Shire and surrounds

# FEDERAL, STATE AND COUNCIL CONTEXT

Our Road Safety Strategy aligns with both Federal and State road safety aspirations to ensure that no one is seriously injured on our roads. The Victorian Government is committed to the ambitious target of eliminating death and serious injury from our roads and has set out its goals in the Victorian Road Safety Strategy 2021-2030.

The strategy sets out four broad objectives:

- » Be Safe – Ensure all Victorians are safe and feel safe, on and around our roads.
- » 10 Year Reduction - Halve road deaths and progressively reduce serious injuries by 2030.
- » A Culture of Safety - Embed a culture of road safety within the Victorian community.
- » Deliver Initiatives - Deliver a suite of initiatives that are achievable and have an impact in the short term, but also prepare the state for the future.

East Gippsland Shire Council is fully committed to the Victorian Road Safety Strategy 2021-2030, and to its headline target:

*“...to halve road deaths and reduce serious injuries by 2030”*

Road safety is a shared responsibility and we will be working with our road safety partners, community and stakeholders to achieve shared goals. Our road safety partners include other level of government who have an important role to play in funding and providing infrastructure and services. This includes arterial roads, public transport and major projects. The split of responsibilities between different levels of government are shown below.

East Gippsland Shire Council	Victorian Government	Australian Government
<ul style="list-style-type: none"><li>» building and maintaining local roads</li><li>» local bike and pedestrian networks</li></ul>	<ul style="list-style-type: none"><li>» building and managing freeways and arterial roads</li><li>» building and maintaining public transport networks</li><li>» provision of train and bus services</li><li>» strategic bike networks</li></ul>	<ul style="list-style-type: none"><li>» funding for national highway network</li><li>» major transport projects</li><li>» program funding for local government transport projects</li></ul>

East Gippsland Shire Council, like all Local Government Authorities, has important roles to play in improving road safety, including:

- » As a Road Authority, we have a primary responsibility for the safety of the roads we own and manage, including a duty of care towards road users.
- » As a Planning Authority, we have a duty to consider the implications of decisions regarding land use and developments and ensure that road safety is not compromised.
- » As an employer and fleet operator we have a duty to ensure the safe operation of our staff and vehicles (applying these principles and practices to our contractors) and to provide leadership to other organisations and the broader community in improving standards
- » Lobbying higher levels of government for funding transport infrastructure and services which will benefit the community and for changes to legislation which may have a particular impact on its community.
- » Engaging and empowering our community in relation to road safety issues, in encouraging safe road user behaviour, and in coordinating local resources for better road safety outcomes.

We will drive road safety improvements through all of these roles, but we also need the help of everybody who uses or is affected by our roads – because road safety is a shared responsibility.



# WHAT IS HAPPENING ON OUR ROADS?

## Road trauma in recent years

To see what has been happening on our roads we carried out an extensive analysis of road safety data for the most recent four years in which a full set of data was available (2015 to 2019). This showed us how many crashes had occurred, the severity of crashes, where they happened and many other factors such as the conditions at the time of the crash and what road users were involved.

Over the four years from 2015 to 2019 there have been 260 serious injuries and 30 fatalities (see Figure 2). There has been a downward trend in serious injuries and fatalities. Numbers were exceptionally low in 2019. This may, in small part be a result of bushfires suppressing travel at the end of the year; and higher than usual levels of proactive police visibility, enforcement and traffic operations would have had positive effects.

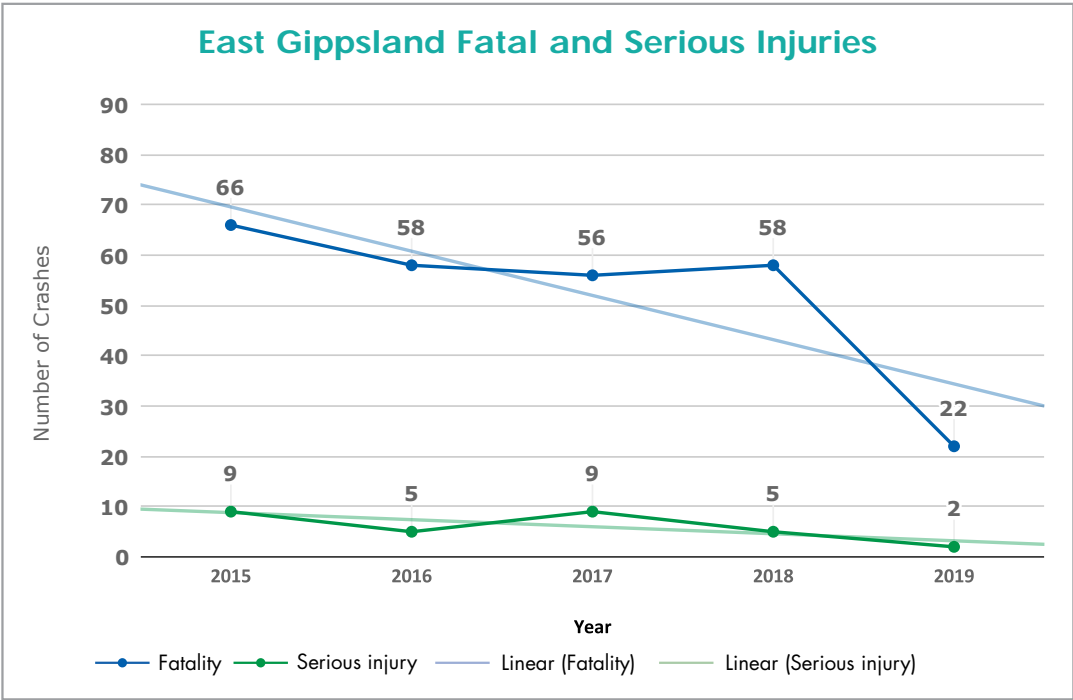


Figure 2: Fatal and serious injuries in East Gippsland Shire

Data for 2020, although incomplete at a detailed level, shows that nine lives were lost and there were 33 serious injury crashes. It is difficult to draw any definitive conclusions from this latest data in a year that was impacted by COVID-19.

We are making progress towards reducing fatal and serious injuries, but each year maintaining progress becomes more challenging. This situation is typical for most municipalities across the state.

## Where the crashes are happening

Fatal and serious injury crashes are most likely to happen in two types of locations:

1. Where high volumes of traffic are moving at high speed and vehicles are able to cross paths – for example, arterial roads at and local to intersections; and
2. Where there are significant movements of motor vehicles in close proximity to pedestrians and cyclists – for example, higher speed local roads

Figure 3 shows a heat map of East Gippsland's crash hotspots.

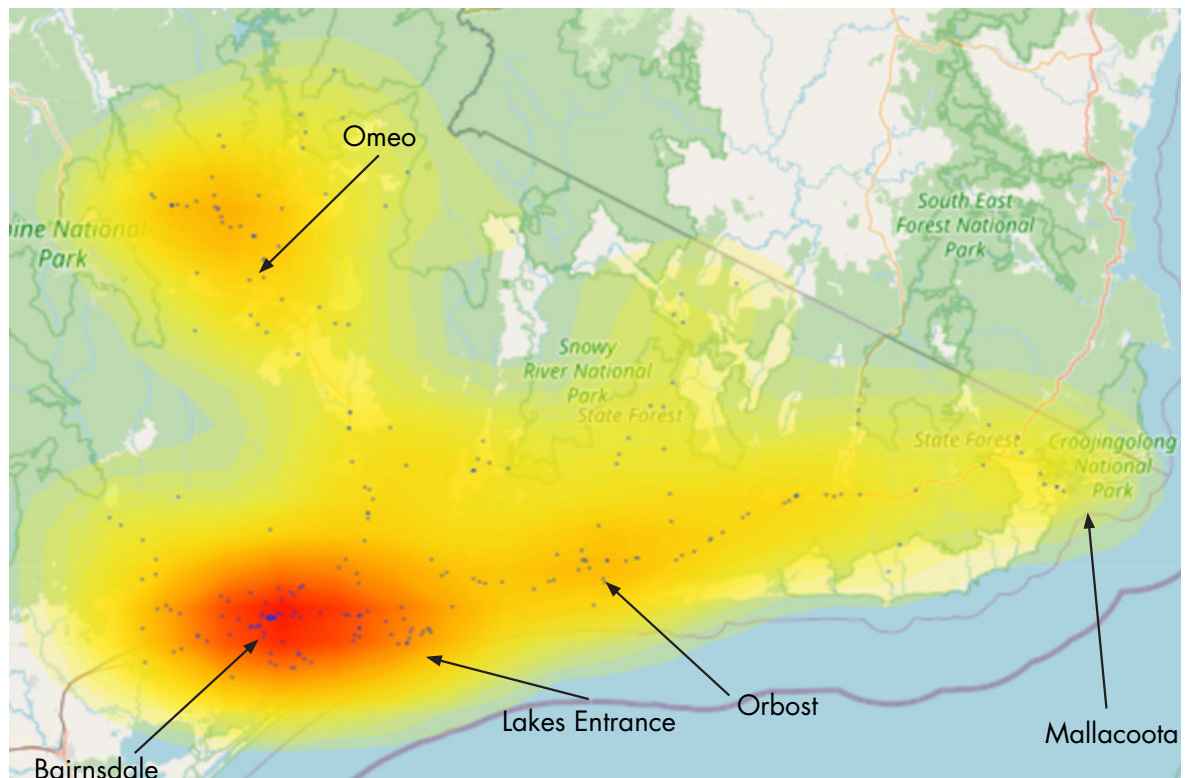


Figure 3: Heat Map showing crash hotspots in East Gippsland Shire

Locations where multiple fatal and serious injury crashes have occurred between 2015-2019 include:

Location	Number of crashes
Bogong High Plains Road near Trapyard Gap Track	7
Main Street and Bailey Street	3
Omeo Highway near Bingo-Tice Road	3
Omeo Highway near Bogong High Plains Road	3
Great Alpine Road near Playgrounds Road	3
Princes Highway near Serpentine Road	3
Bruthen-Buchan Road near Old Buchan Road	3
Main Street and Lawless Street	2
Omeo Highway near Benambra Road	2
Princes Highway near James Road	2

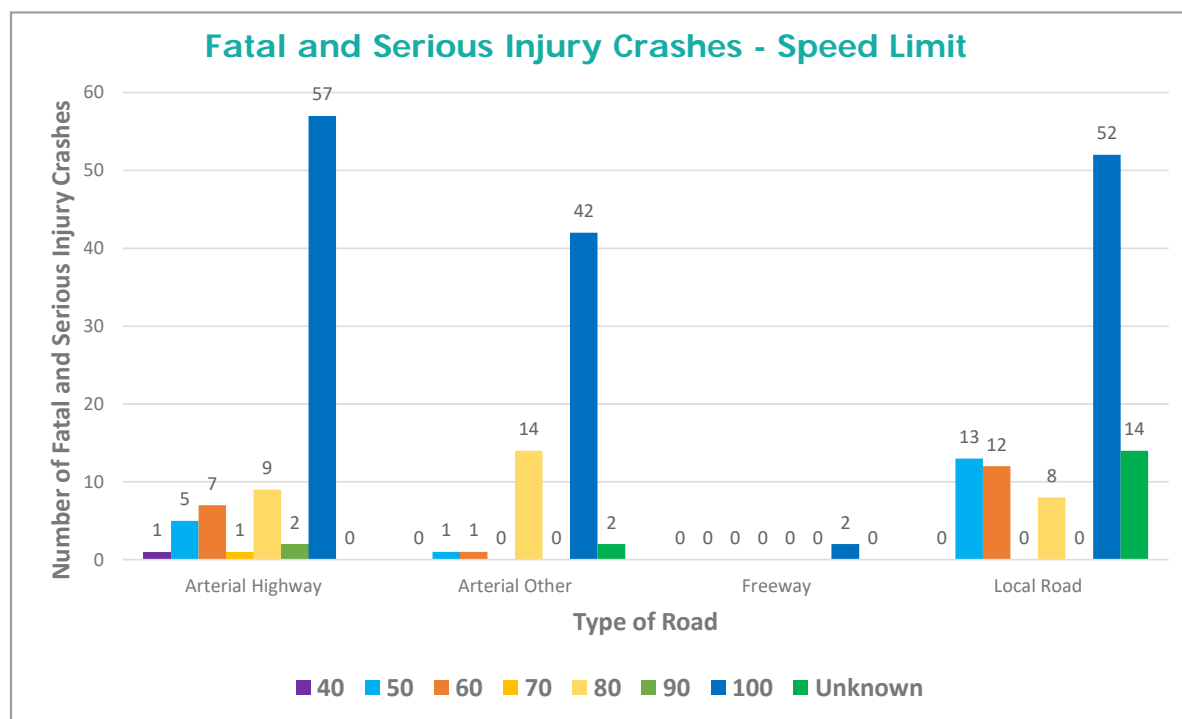


Figure 4: Fatal and serious injury crashes by speed limit and road type in East Gippsland Shire (2015-2019)



The most common types of crash

Almost 60 per cent of the crashes were due to loss of control of vehicles, out of which run off-road crashes (87%) predominate. The two most frequent fatal and serious injury crash types involve striking a fixed object - which will create impact forces that the human body cannot safely tolerate, resulting in greater trauma.

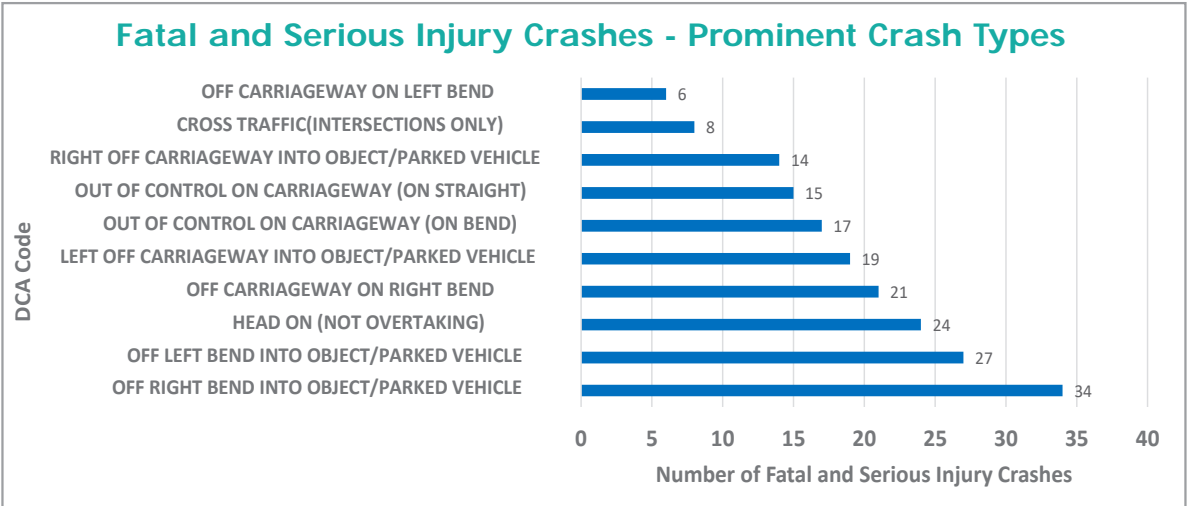


Figure 5: Fatal and serious injury crash types in East Gippsland Shire (2015-2019)

Road users involved in crashes

The involvement of different roads in fatal and serious injury crashes is shown in Figure 6. Compared to the state average pedestrians and cyclists make up a smaller proportion of fatal and serious injuries and there is a slight downward trend.

The majority of crashes involving pedestrians happened on roads with speed limits of 50km/h (six out of a total of thirteen), and usually whilst trying to cross the road.

The majority of crashes involving cyclists happened on roads with speed limits of 50km/h (four out of a total of five), with no one predominant crash type.

The proportion of motorcyclists involved in fatal and serious injury crashes is much higher than the state average.

Users	State - proportion of fatal and serious injuries	East Gippsland - proportion of fatal and serious injuries	East Gippsland – fatal and serious injury trend
Pedestrians	12%	4%	↔
Cyclists	20%	3%	↓
Motorcyclists	6%	28%	↓

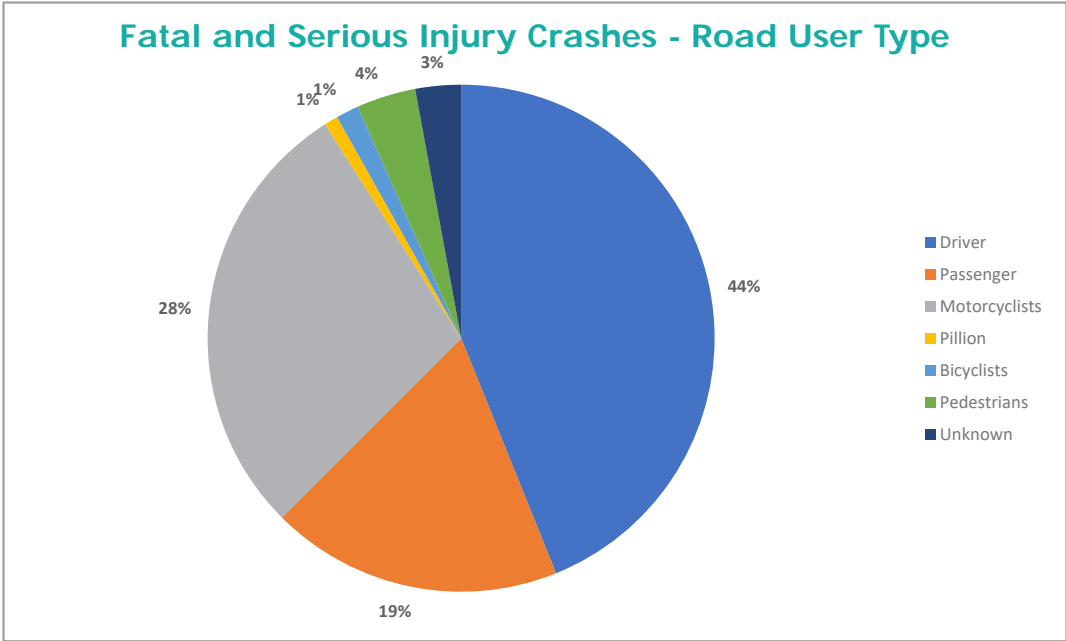


Figure 6: Proportion of fatal and serious injuries by road user type in East Gippsland Shire (2015-2019)

## Motorcyclists

Motorcycle crashes have been historically high, although fortunately numbers appear to be decreasing.

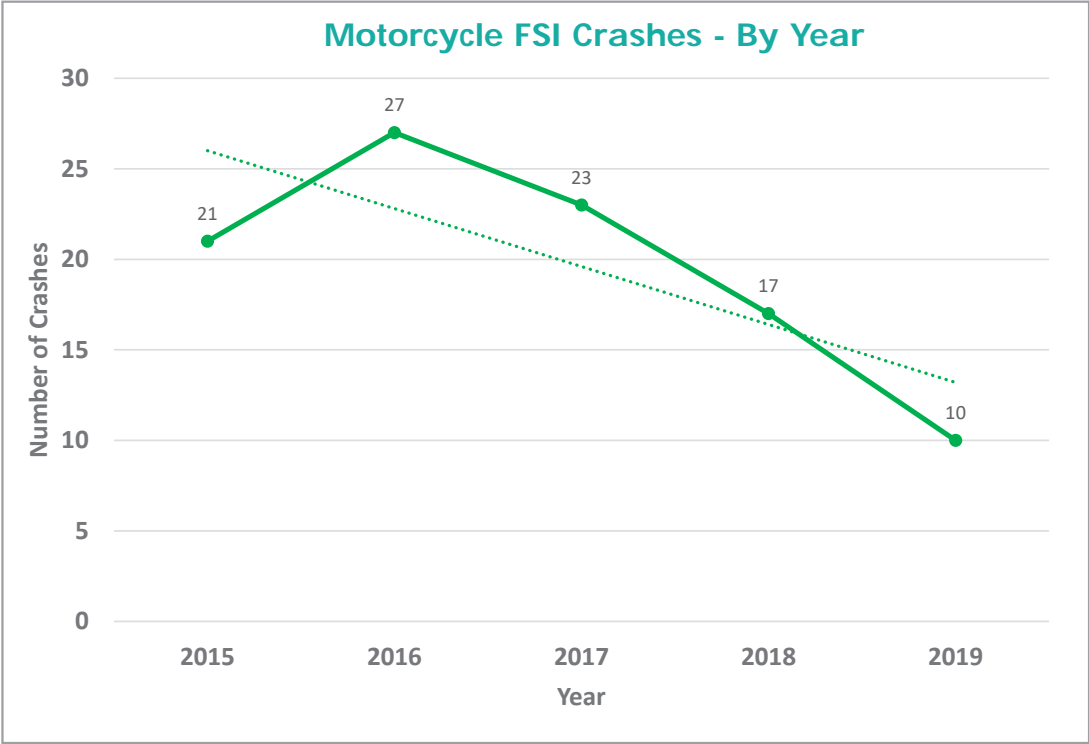


Figure 7: Motorcycle fatal and serious injury crashes – by year

Crashes were more dispersed around the network (compared to all road user crashes), with a major hotspot around Omeo, and tended to aggregate around parks and non-built up areas (see Figure 9). The majority of crashes occurred on high-speed roads – 80km/h and above – around the weekend period and involved loss of control of the cycle. This pattern is typical of crashes relating to leisure riders.

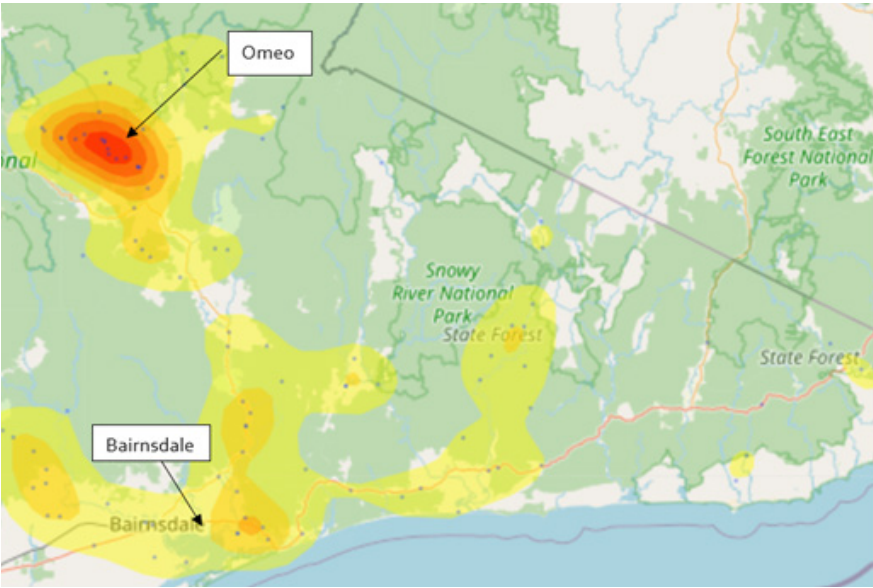


Figure 8: Heat Map showing motorcycle crash hotspots in East Gippsland Shire



## Age Groups

The distribution of fatal and serious injuries (Figure 9) approximately follows the age demographics of East Gippsland’s population. In East Gippsland older and middle-aged drivers make up a larger proportion of fatal and serious injuries in East Gippsland, which is above the state average, this can be related to the age demographic of East Gippsland. Census data tells us that nearly 40 per cent of people in East Gippsland are over 60 years of age which is significantly higher than the state-wide average of 20 per cent.

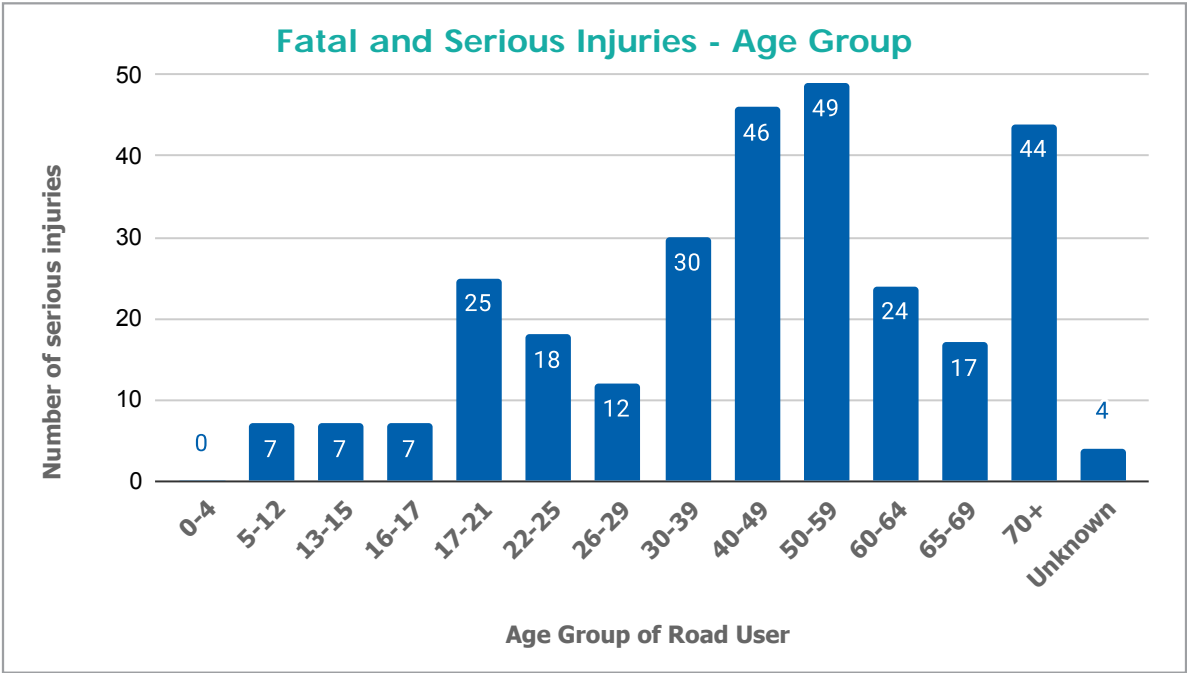


Figure 9: Crashes by age group in East Gippsland Shire (2015-2019)

## Fatal Crashes

Between 2015 and 2019 there were 23 fatal crashes resulting in 30 lives lost. Lives lost included 12 drivers, 11 passengers, 5 riders of powered two-wheelers (one of which was a pillion passenger) and two pedestrians.

Historically, most fatal crashes (85%) were on 100km/h roads, although in the most recent years, fatal crashes have become dispersed across all speed limit zones and across different parts of the road network (urban and rural). Just over 40 per cent of fatal crashes were on local roads.

A detailed study of fatal crashes in 2020 (of which there were nine) showed the following: There does not appear to be any obvious high-risk blackspot locations.

- » There are no obvious deficiencies in road infrastructure that constitute a proximate cause of fatal crashes (although the roadside environment will affect the severity of a crash).
- » There is a strong indication that driver error/behaviour is the proximate cause of fatal crashes, with most crashes involving loss of control of a single vehicle. A predominant causation factor is unsafe driving, mainly speeding, but also driving whilst under the influence.

## Other crash characteristics

Crash data analysis tells us a lot about what is happening on the roads, and often it shows that there are no exceptional or unusual circumstances leading to crashes. When people travel a lot there is an increased likelihood of a crash occurring – people make mistakes – and this is often a statistical inevitability rather than, say, a specific problem with the road or the weather conditions. Here are some more statistics for fatal and serious injury crashes during the five year period 2015-2019:

- » Most crashes occurred during the day when light conditions were good, and during peak travel times.
- » Over 80 per cent of crashes happen in dry conditions.
- » Crashes were more likely over the weekend period suggesting this is an issue for leisure/tourist traffic.
- » Nearly half of all people involved in a fatal and serious injury crashes reside outside of the municipality. This suggests that, after excluding neighbours, tourist/leisure travellers need to be considered when developing road safety measures.

# WHAT DID YOU TELL US?

We listen to our community through feedback on our website, through communication campaigns and by engaging with people affected by, or interested in, our plans, projects and activities. This helps us to understand community perceptions, concerns and priorities.

To inform the development of this strategy we invited our community to complete an online survey about their views on road safety. Feedback provided valuable information to supplement our crash data and enabled us to identify road safety issues that matter to the community.

This is what you told us.

## Roads, paths and cycling facilities

A significant number of survey respondents said that they felt unsafe on roads and paths. More than half of cyclists, motorcyclists and drivers felt unsafe on both town and country roads, and were particularly concerned about country roads.

Poor road surface conditions were the main concern, believed to be a combination of wear and tear due to heavy vehicles and poor maintenance. Lack of paths for pedestrians and cyclists, poor connectivity, narrow roads and lack of shoulders means that road users have to share a confined space. These factors combined with poor driving behaviour result in an unsatisfactory journey experience and an increase in the risk of crashes.

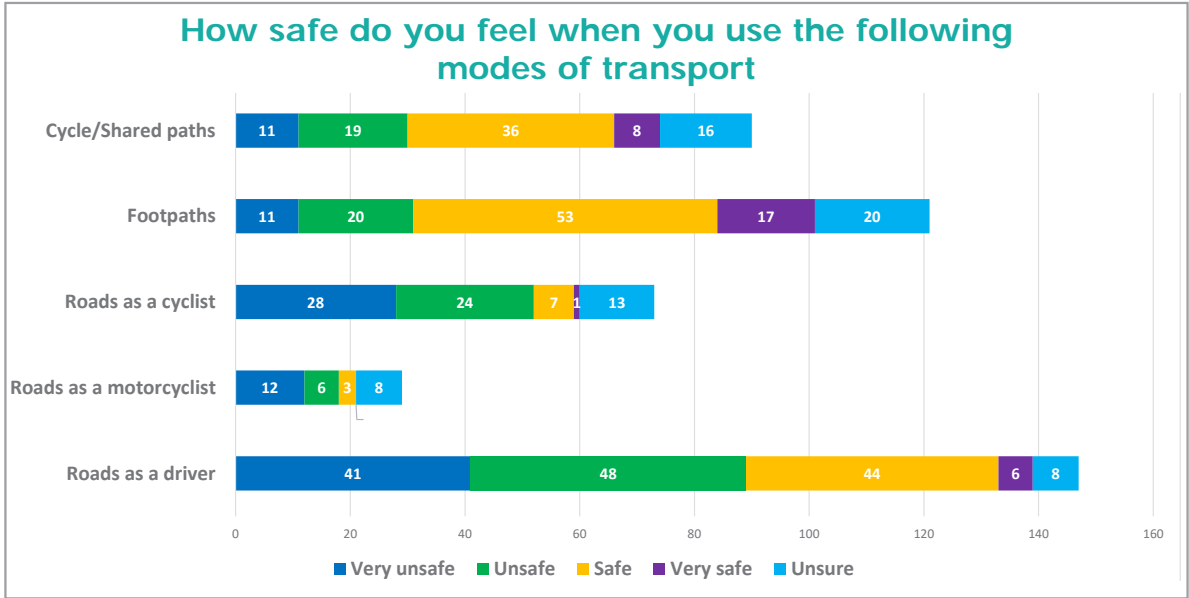


Figure 10: How safe do people feel on our roads, paths and cycle facilities?

“Poor road conditions and overhanging branches - If they don’t get you from below they’ll get you from above.”



Road user behaviour

About 40 per cent of respondents felt that driver behaviour was unsafe, 30 per cent felt that cyclist behaviour was unsafe and 25 per cent felt that motorcyclist behaviour was unsafe.

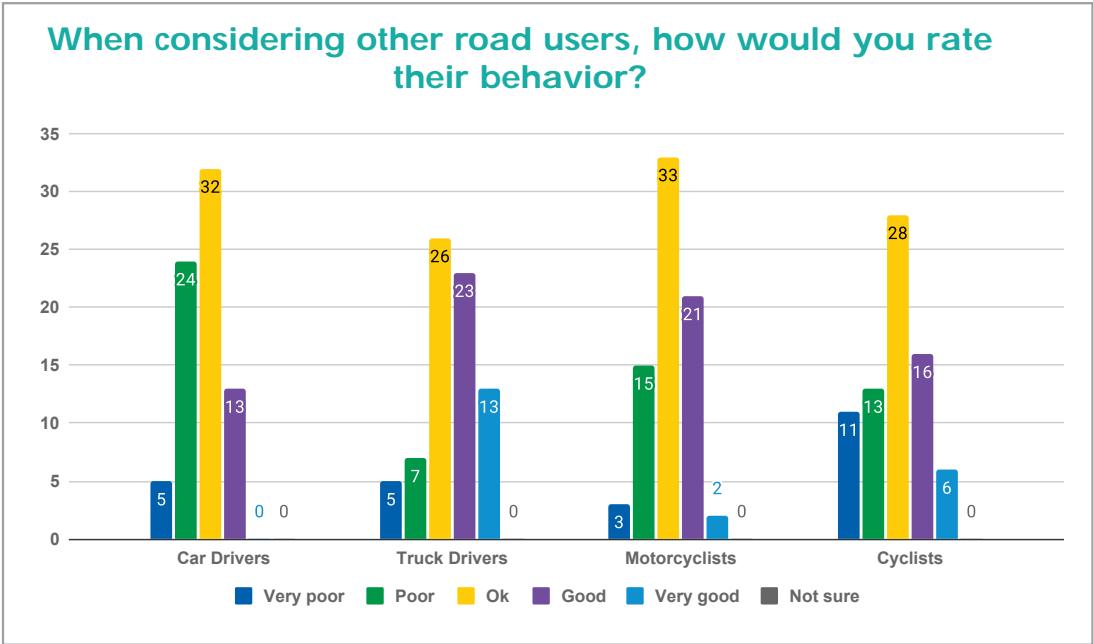


Figure 11: How safe is the behaviour of other road users?

“Both motorcyclist and cyclists need to realise there are other road users and cycle accordingly.”

Many car drivers were of the opinion that cyclists and motorcyclists were not considerate of drivers and do not share the road. Cyclists were believed to be impeding traffic by taking up too much of the road, and motorcyclists were believed to be speeding and displaying poor lane discipline. Riders The situation is aggravated by narrow roads and poor road surfaces which mean that riders cannot always follow a safe line of travel.

Many respondents felt that car drivers were travelling too fast, and some do not share the road or concentrate adequately on the driving task (for example, some drivers get distracted, some do not use their indicators etc).

Speed limits

The community is broadly satisfied with speed limits in towns and on rural roads, when asked whether speed limits are too high or too low. However, speed limits and travel speeds do illicit strong feelings and prompt a lot of detailed feedback. Whilst a small but significant number of people felt that speed limits could be lower in built-up areas there was also some dissatisfaction with the lowering of speed limits on rural roads. Many respondents felt that speed limits are being lowered instead of improving the road and roadsides.

On rural roads, irrespective of the posted speed limits, travel speed differentials (between different road users) are a cause of frustration. Some road users feel that they are impeded by vehicles that are moving too slowly, and some road users feel that other vehicles are moving too fast.

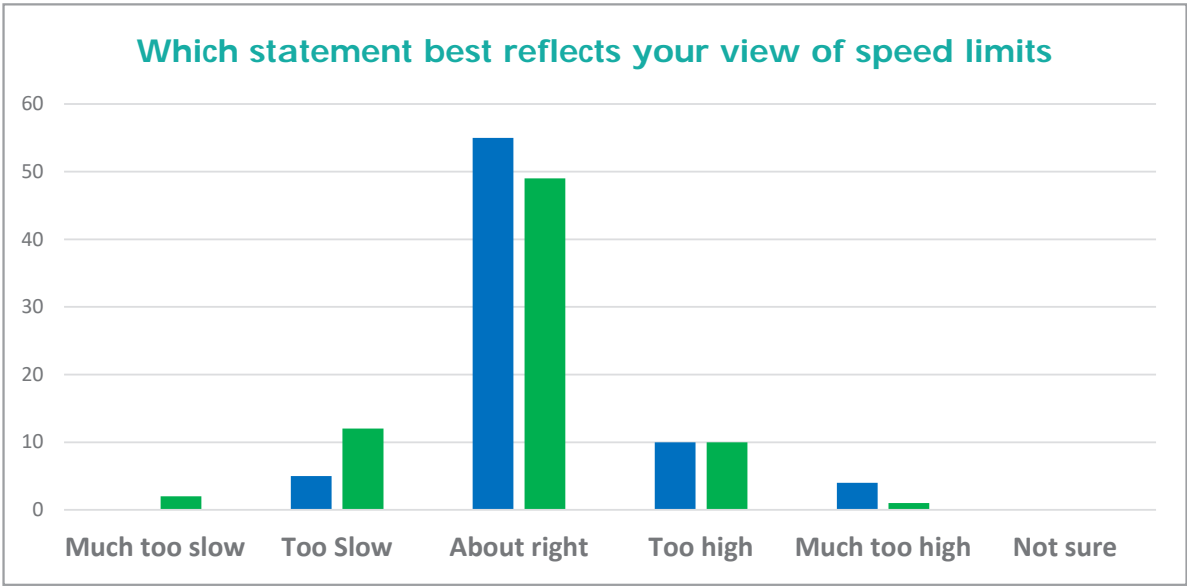


Figure 12: What do road users think of speed limits in East Gippsland?

“I suggest council ensures speed limits are reviewed and based on current VicRoads and Austroads guidelines.”

### Community Priorities

Survey respondents told us their road safety priorities. The primary, and overwhelming, concern was poor road quality and maintenance. Other aspects relating to road configuration and layout - such as narrow lanes, lack of shoulders and lack of cycle lanes and paths - serve to aggravate the situation. Constrained road space makes it difficult to share the road, and risks are increased if drivers/riders are travelling at inappropriate speeds and are not fully attentive to conditions.

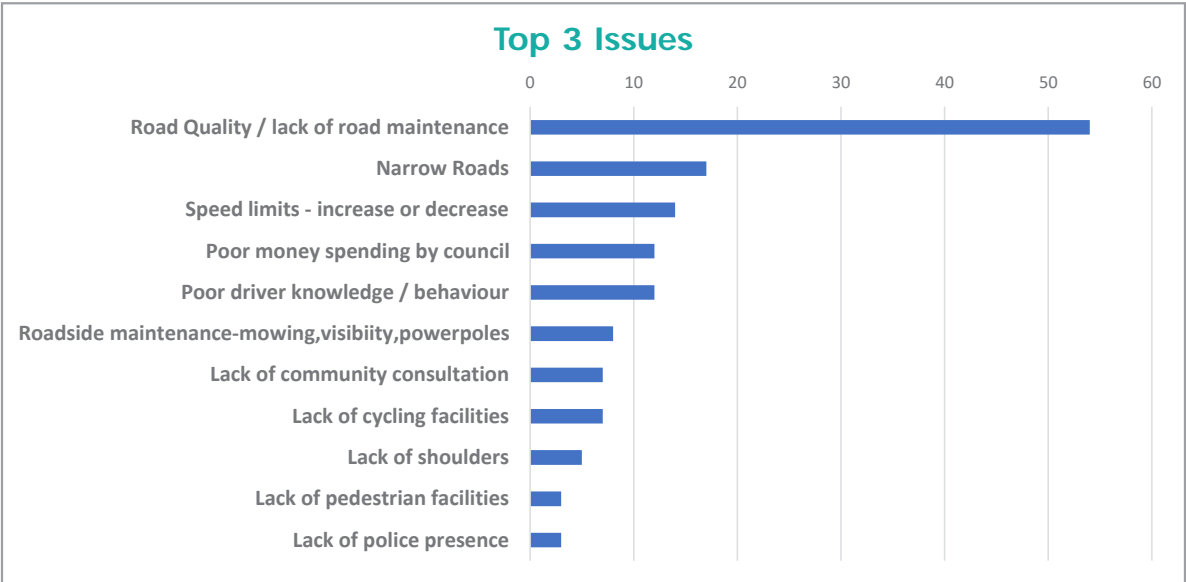


Figure 13: What are the top road safety issues raised by the community?

**“Only one lane in each direction, potholes and poorly maintained roads and no footpaths.”**



# HOW WE WILL MOVE TOWARDS ZERO TRAUMA – THE SAFE SYSTEM

The Safe System is an internationally recognised framework to reduce road trauma, based on the success in Sweden which achieved a reduction of fatal and serious injuries by 40% over 10 years. This has been recognised in Australia, and many other countries, as best practice and East Gippsland Shire Council is committed to using the Safe System in all of our road safety projects and practices.

## Principles of the Safe System

### 1. The only acceptable fatality or serious injury toll on our roads is zero (zero tolerance)

Everyone is susceptible to being injured, no one is exempt from being missed. Road safety needs to be focused towards reducing fatal and serious injuries.

### 2. People are vulnerable

If vehicles crash at high speed, then our bodies are subject to forces they cannot withstand. The approximate tolerances for the human body under different crash conditions are:

- » Head on crash: 70 km/h
- » Side impact crash with another vehicle: 50 km/h
- » Side impact crash with a tree: 30 km/h
- » Pedestrian crash: 30 km/h

While our natural tolerances to physical forces are outside of our control, there is a lot that we can do to reduce or avoid physical impacts greater than can be withstood by the human body.



Figure 2: The Safe System

### 3. People make mistakes

Human error is inevitable, and on our roads human error can result in crashes and trauma. However, crashes need not (and should not) result in death or serious injury. The Safe System recognises the unavoidable nature of human error, and rather than placing the blame on the road user, it recognises the need for those involved in road design, road maintenance, and road use to share responsibility for the large variety of factors that contribute to a crash.

### 4. Shared responsibility

Creating a safe road network is everyone's responsibility. Businesses, organisations, communities and individuals, and East Gippsland Shire Council all have a role to play in moving towards zero trauma on our roads.

## Elements of the Safe System

The Safe System comprises four interacting elements which encompass all the factors that contribute to a crash:

### 1. Safer roads

Road infrastructure plays a vital role in helping to reduce crashes and minimise the severity of injuries if there is an accident. Our roads should be designed and maintained so that risk is avoided or minimised for road users, and the severity of crashes is reduced. Our roads should be forgiving of errors by road users and provide the safest possible outcome in adverse circumstances.

### 2. Safer speeds

When a crash occurs, the weight and speed of the vehicle at the moment of impact determine how much force is transferred to the people involved. For our fragile bodies, even a small difference in speed can mean the difference between life and death. The 'Safe Speeds' element aims to ensure that speed limits are appropriate and that road users travel at speeds that are safe for the conditions.

### 3. Safer people

Crashes often involve an element of human error. We should all pay care, attention and reasoning to the way that we use the roads. This also means that we must be aware of the road rules and other road users - for all modes of transport.

### 4. Safer vehicles

Better safety features are continually being introduced to vehicles. These features can assist in preventing crashes by automatically detecting dangerous situations and reacting appropriately, or by reducing the impact forces on those involved in a crash. Increasingly safe vehicles play an important role in improving personal safety and reducing road trauma.

## Post-Crash Care

When a serious crash occurs, emergency services are required to attend the scene. The length of time between when the crash occurs and when emergency treatment is received is a critical factor in the severity of a crash. It is essential that emergency response times and accessibility for emergency vehicles are considered in our road safety planning.

# WHAT WORKS AND WHAT DOESN'T WORK

There is a lot of information available on road safety and the effects of different safety measures. This provides us with an excellent starting point in order to decide what results we want to achieve.

Research<sup>1</sup> has shown that road trauma can be reduced when:

- ✓ We see a commitment from leaders
- ✓ We commit to a methodical approach
- ✓ The community is involved in planning and delivering road safety outcomes
- ✓ We adopt safety measures that have shown to be effective in the past

The following approaches and initiatives have proven to be effective in addressing some of the most common problems on our roads and as such they have influenced our strategy.

## Safer Roads

- ✓ Identifying and addressing high-risk locations with infrastructure to reduce the likelihood and consequence of crashes
- ✓ Installing proven safety measures such as pedestrian and cycle-friendly roundabouts, separated cycling facilities, pedestrian crossing and roadside barriers
- ✓ Gateway treatments on the approach to lower speed areas

<sup>1</sup> Fylan F., Hempel, S., Grundelf, B., Conner, M., Lawton, R. (2006), Effective Interventions for Speeding Motorists. Road Safety Research Project No.66. London: Department for Transport.  
 Darnton, A. (2008) Lessons from theory to practice: Summary of Findings from GSR Behaviour Change Knowledge Review. London: University of Westminster.  
 Health Communication Unit (2003). Changing Behaviours: A Practical Framework. Toronto: Centre for Health Promotion, University of Toronto  
 RACV (2007) The Effectiveness of Driver Training as a Road Safety Measure. Monograph.  
 VicRoads (2014) Youth Road Safety – Effective Practice, [www.vicroads.vic.gov.au](http://www.vicroads.vic.gov.au)

## Safer Speeds

- ✓ Reducing speeds where the crash risk is high
- ✓ Reducing travel speeds to below 30 km/h in locations where there is a risk of a crash between a pedestrian/cyclist and a car/truck
- ✓ Supporting new speed limits with road infrastructure such as traffic calming measures, road surface changes or visual cues to drivers
- ✓ Supporting speed limits with enforcement
- ✓ Reducing the number and frequency of speed limit changes

## Safer People

- ✓ Road safety programs that are evidence-based.
- ✓ Promoting a safer driving culture in local communities
- ✓ Engaging the youth, their parents, and other partners who can deliver road safety messages to young drivers
- ✓ Involving schools in road safety education and programs
- ✓ Ensuring that educators on road safety are properly trained
- ✓ Ensuring that programs are interactive, age appropriate and engaging
- ✓ Delivering programs, especially for teenagers, that help people develop good judgement, resilience, coping strategies and refusal skills enabling them to act in a responsible and safe manner
- ✓ Using resources available from Department of Transport, the TAC and other road safety agencies
- ✓ Ensuring that adequate driving experience (120 hours or more) with a supervising driver is achieved for learner drivers



- ✓ Targeted campaigns addressing road safety issues and identifying actions for road user groups
- ✓ Enforcement at locations with high risk of crashes
- ✓ Providing information to the community about relevant road safety laws, the level of enforcement and legal consequences
- ✓ Aligning enforcement activities with education and media campaigns
- ✓ Having a visible enforcement presence

## Safer Vehicles

- ✓ The promotion of Five Star safety rated vehicles
- ✓ Intelligent speed assist devices that inform drivers of the speed limit
- ✓ Company policies that promote the safest vehicles and safe driving practices

Knowing what doesn't work is just as important as knowing what does work in order to ensure that the time resources and money spent investing in an approach do not result in declining safety outcomes. Based on statistics from previous implementation, here are some things that we know are not effective in reducing road trauma:

- ✗ A culture of blame instead of looking at what can be done to improve the system as a whole
- ✗ Training that involves off-road driver training and especially any driving skill-based programs such as 'advanced driver training'. This has been shown to increase risk-taking behaviour by drivers<sup>2</sup>
- ✗ Stand-alone one-day or one-off events, forums and expos run in isolation of evidence-based strategy
- ✗ Fear appeals such as trauma ward visits, or testimonials from crash victims or offenders
- ✗ Relying on driver simulators
- ✗ Unnecessarily restricting the movement of pedestrians or cyclists
- ✗ Adjustments in speed limits which are not evidence-based
- ✗ Undertaking road safety work in isolation - without support from relevant State Government authorities such as TAC, the Department of Transport and Public Transport Victoria.

# OUR STRATEGIC APPROACH

## Council Commitment

East Gippsland Shire Council is committed to improving road safety and the ambitious state target of eliminating death and serious injury from on our roads. We will identify and implement road safety improvements that are within our power, advocate for improvements that are the responsibility of other parts of government and be supportive of all our road safety partners. Our road safety data, our experience managing the road network and community feedback has helped us to identify a set of road safety action themes.

## Strategic Approach

### 1. Leadership and Best Practice

We will apply road safety best practice and make decisions based on sound evidence. We will continuously build our road safety capability and lead by example.

- » We are committed to State Government's Victorian Road Safety Strategy 2021-2030, including the target of halving road deaths by 2030
- » We embrace the Safe System as the model for road safety
- » Our management, policies and practices proactively support road safety improvements
- » Our decisions are informed by technical data, knowledge, experience, consulting with road safety experts and engaging with our community
- » We take a holistic approach and recognise that safer travel requires more considered planning and development of the built environment, and a more considerate approach to the natural environment

### 2. The Safe System

We will apply the globally recognised Safe System approach, which addresses the four main elements of road safety: Safe Roads and Paths, Safe Speeds, Safe People and Safe Vehicles.

#### Safe Roads and Paths

- » We already use crash data to address common crash types and problem locations; in future we will also use risk assessment tools to pre-empt problems before they arise
- » Priorities will reflect the function of the road – recognising that different parts of the network perform different functions based on:
  - » the movement of people and goods; and
  - » being places for people and their activities
- » Issues to address in the short term include:
  - » Lack of footpath and cycle facilities for vulnerable road users
  - » Intersection crashes
  - » Run-off road crashes on rural high-speed roads
  - » Motorcycle crashes
  - » Safe routes to school

#### Safe Speeds

- » We will work with DoT to develop a speed limit strategy for all roads in East Gippsland and conduct speed zoning reviews with the aim of achieving safer and more consistent speed limits
- » Speed limits will reflect the function of the road and may require change where roads are in places that are primarily for people and their activities, or on high speed country roads where the road configuration and infrastructure presents unacceptable risk
- » Issues to address in the short term include:
  - » Safe speeds around schools, activity centres, transport services and residential streets
  - » Over 60 per cent of fatal and serious injury crashes were in high speed 100km/h zones

- » Travel speed differentials (between different vehicles/road users) on rural roads are causing frustration and unsafe driving behaviour

### Safe People

- » We aim to protect our most at risk communities including pedestrians, cyclists, motorcyclists and older people.
- » Crashes often involve human error, but errors can be reduced if we take care, pay attention, follow the road rules and are aware of other road users.
- » Issues to address in the short term include:
  - » Motorcycle crashes in rural areas and parks, particularly around Omeo
  - » Greater care, attention and consideration of others is required to reduce driver frustration and safety risks
  - » Fatal crashes are often the result of unsafe/antisocial driving behaviour
  - » High numbers of visitors that are not be accustomed to driving conditions in East Gippsland
  - » Older drivers make up a larger proportion of fatal and serious injuries than the state average (in part due to the high percentage of people in East Gippsland over 60 years of age)

### Safe Vehicles

- » Vehicle safety features continue to improve and are able to significantly reduce the likelihood and severity of a crash
- » We will advocate for modern safer vehicles and for drivers/riders to use all of available safety features
- » Issues to address in the short term include:
  - » Reducing East Gippsland's high proportion of 'out of control' and 'run-off road' fatal and serious injuries
  - » Ensure that East Gippsland Shire's fleet policy is to have best in class safety ratings and promote the use of modern and safe vehicles by our contractors and service providers
  - » Communicating and promoting the benefits of safe vehicles, including motorcycles, to the wider community

### 3. Active Transport

- » Active transport, such as walking and cycling, is important for the health of people and the environment. Together with public transport it can also reduce car dependence and contribute to more vibrant local streets and places
- » We aim to remove barriers to active transport and reduce risks for vulnerable road users
- » Issues to address in the short term include:
  - » Lack of footpath and cycle facilities
  - » Safe routes to school
  - » Safe access to activity centres and transport services
  - » Cycle crashes

### 4. Working Together

- » Creating a safe road network is everyone's responsibility. Businesses, organisations, communities, individuals, and East Gippsland Shire Council all have a role to play in moving towards zero road deaths
- » We will proactively build strong relationships with a range of groups and individuals in order to get the best road safety outcomes
- » Issues to address in the short term include:
  - » Engaging with our community to better understand perceptions, concerns and priorities – before, during and after any road safety initiatives
  - » Engaging stakeholders with specific road safety interests so that they can influence plans and actions
  - » Working with our road safety partners such as DoT, TAC, and Police because our combined efforts will always be better than working in isolation



# WHAT YOU CAN DO

We all have a responsibility to make our roads safer. Here are some of the ways that we can all make a difference.

## 1. Safe roads and streets

- » Report all road faults and hazards on local roads to East Gippsland Shire Council (03) 5153 9500) and on arterial roads to Department of Transport (13 11 71)
- » Report any crashes or incidents to Victoria Police so that they can be added to the State Government database of crashes
- » Report Hoon behaviour (driving in a reckless antisocial manner) to the Hoon Hotline on 1800 333 00

## 2. Safe speeds

- » Travel at a safe speed that is appropriate to the conditions
- » Never exceed the speed limit, but also remember that it's a limit, not a target, and always drive to the conditions
- » Allow plenty of time for your trip so you don't feel the need to rush
- » If you have concerns regarding speeding vehicles in your residential street then contact East Gippsland Shire Council and request that the speed data collection devices be installed

## 3. Safe people

### Everybody

- » Role model the travel behaviour you want to see on our community:
- » share roads and paths by being mindful of other road users
- » concentrate when you are driving, riding and walking – beware of distractions
- » don't use your mobile phone whilst driving, riding or crossing the road
- » download road safety apps, including the VicRoads Road Mode Android App to silence incoming text messages and calls while you're driving
- » watch out for cyclists when driving, parking and opening your car door

## Young Drivers

- » Visit the VicRoads website to access or find out about programs that help young drivers while they are on their Ls. Check out:
  - » Learner Kits; Your Ls; Road Smart; L2P; Fit to Drive; keys2drive; DriveSmart
- » Direct young drivers to SaferPlates.com.au to reduce their risks in their first years of driving
- » Consider becoming an L2P mentor to help a young driver without access to a supervisor get vital driving practice
- » Assist a young driver to get 120 hours supervised driving practice, making them safer when they become a probationary driver

## 4. Safe vehicles

- » Make sure that your next car is ANCAP 5 Star Safety Rated
- » Consider purchasing an Intelligent Speed Assist device to make sure you don't exceed the speed limit
- » Ensure your car is always in roadworthy condition and is regularly maintained
- » Lobby your employer to provide the safest car in its class as your work vehicle

## 5. Active and Sustainable Transport

- » Consider walking, riding and public transport to reduce congestion and to improve health
- » Identify a safe route to school for your children and teach them to use that route
- » Keep your nature strip clear of obstructions, allowing your community to walk around your neighbourhood safely
- » Always wear full safety gear if you travel on a motorbike or scooter
- » Always wear a bicycle helmet and be "bright at night" by fitting lights to your bike
- » When cycling, or walking, on shared paths be courteous and mindful of other users, and remember that erratic behaviour can lead to a collision

## 6. Working Together

- » Encourage your sporting club to undertake a Looking After Our Mates education session

# CONTACT US

## Telephone

Residents' Information Line: 1300 555 886  
(business hours)  
Citizen Service Centre: (03) 5153 9500  
(business hours)  
National Relay Service: 133 677

## Post

East Gippsland Shire Council, PO Box 1618  
Bairnsdale 3875 Australia  
Fax (03) 5153 9576  
Web [www.eastgippsland.vic.gov.au](http://www.eastgippsland.vic.gov.au)  
Email [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)

## In person

Bairnsdale: 273 Main Street  
Lakes Entrance: 18 Mechanics Street  
Mallacoota: 70 Maurice Avenue  
Omeo: 179 Day Avenue  
Orbost: 1 Ruskin Street  
Paynesville: 55 The Esplanade

## Outreach Centres

Bendoc Outreach Centre -  
18 Dowling Street  
Buchan Resource Centre -  
6 Centre Road  
Cann River Community Centre -  
Princes Highway

## East Gippsland Shire Council

273 Main Street PO Box 1618  
Bairnsdale VIC 3875

Website: [www.eastgippsland.vic.gov.au](http://www.eastgippsland.vic.gov.au)  
Email: [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)  
Follow us on Twitter: @egsc

Telephone: (03) 5153 9500  
Fax: (03) 5153 9576

National Relay Service: 133 677  
Residents' Information Line: 1300 555 886

ABN: 81 957 967 765





## 5.2.2

## CON2024 1661 Construction of Bairnsdale Recycling Centre Shed

Authorised by General Manager Assets and Environment

---

### Confidentiality Notice

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

### Conflict of Interest

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

### Executive Summary

This item relates the shed construction component for the development of a Resource Recovery Centre (RRC) at the Bairnsdale Transfer Station/Landfill.

The RRC will allow the public to drop off an extensive range of materials for diversion from landfill.

The RRC project includes two components due to the construction disciplines required to deliver the Resource Recovery Centre, civil construction, and commercial shed construction. These components include:

1. Construction of a 25 m x 35 m shed (this TEP); and
2. Civil works (companion contract and TEP).

This item and procurement specifically relate to the construction of a large shed at the Bairnsdale Transfer Station which will function as a RRC (layout plans are provided as **Attachment 2**).

This project was separated into two portions due to the construction disciplines required to deliver the RRC; commercial shed construction and civil construction delivery (road, curb drainage).

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.

Contract CON2024 1638 Construction of Bairnsdale Recycling Centre Civil Works should be considered while evaluating this report.

## Officer Recommendation

### *That Council:*

- 1. receives and notes this report and all attachments pertaining to this report;**
- 2. accepts the tender submitted by \_\_\_\_\_ for CON2024 1661 Construction of Bairnsdale Recycling Centre Shed for the contract amount of \$ \_\_\_\_\_ exclusive of GST;**
- 3. authorises the Acting Chief Executive Officer or delegate to finalise the terms and to sign the contract in the form proposed; and**
- 4. resolves that Confidential Attachment 1 to this report and all discussions relating to that attachment remain confidential.**

## Background

The Bairnsdale Regional Landfill is the primary landfill servicing an area of over 20,000 km<sup>2</sup> in Victoria's far East. The landfills accompanying transfer station currently has infrastructure for minor diversion of resources from landfill.

While this current arrangement does divert some resources from landfill there is significant scope for improvement. This project plan is for the construction of a high efficiency resource recovery centre, including public drop off infrastructure and plant to support the local processing of resources.

The RRC project includes two components;

1. Construction of a 25 m x 35 m shed
2. A civil works component including (separate contract):
  - construction of associated roads to support the RRC shed.
  - modification of site roads as required (widening).

This report and procurement specifically relate to the tender evaluation for the construction of the shed. The tender for the civil works component has also been assessed and is presented to Council as a separate item.

The equipment purchase will take place following the completion of the shed.

### Resource Recovery Centre

The development of the RRC will enable a significant increase in not only the number of waste streams which are collected on-site for recycling but also an increase in the volumes of waste streams which are currently collected.

In addition to the construction of the shed and civil works, the project includes the installation of various plant for increased primary processing on site. This plant will include a waste shredder, waste baler and a tyre rim remover which will enable processing of various waste streams to improve transport efficiency and drive cost reduction. The plant equipment will be purchased/installed once the shed has been completed.

Most significantly the processing of waste streams will enable further re-manufacturing to occur locally as a steady feedstock supply will be generated.

## Legislation

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

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

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

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

## Collaborative procurement

Pursuant of section 109(2) of the *Local Government Act 2020*, this report has not been prepared in collaboration with other agencies given the bespoke nature of the contract.

## Council Plan

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

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

## Council Policy

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

## Options

Tenders received have been assessed by a Tender Evaluation Panel (TEP). The TEP Report, provided as **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*

This report is regarding the commercial shed construction component of the Resource Recovery Centre, noting the tender for the civil component has also been assessed and presented to Council as a separate item.

The project is funded from the State Government Department of Energy, Environment and Climate Action (DEECA) Regional Recycling Fund Round 1 (\$301,500), with the remainder from Council's Waste Reserve.



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*

As per the Procurement Policy, the risks of this proposal have been considered and tenderers were requested to develop a method that minimises risks identified in relation to property access, traffic management, vibration, dust, and other key issues associated with the works.

#### **Economic**

In accordance with Council's Procurement Policy, the tender evaluation process used for this tender included a 5% weighting for local content, with preference given to contractors who employ locally and purchase goods and any subcontracted services locally.

#### *Benefits to the local economy:*

Various local businesses will benefit from this project. The Bairnsdale Recycling Enterprise (Social Enterprise) currently processes our mattresses and polystyrene. This organisation will see an increase in feedstock and as such an increase in income.

Tambo Waste as the local material recovery facilities operator will see an increase in material for processing including mixed recycling and glass as feedstock for their glass crushing plant.

Transport will be required for the additional waste streams collected and local businesses will be engaged to fill this role.

This project is expected to create two jobs during construction, and two ongoing jobs once the project is complete.

#### **Social**

This project involves the construction of a high efficiency RRC at the Bairnsdale Regional Landfill. The RRC would divert various waste streams from landfill and enable the local processing of some streams where no local capacity currently exists. This RRC would service the communities from Bairnsdale to Mallacoota.

#### *Gender Impact Statement*

The *Gender Equality Act 2020* was considered in the preparation of this report. Contract CON2024 1661 Construction of Bairnsdale Recycling Centre Shed has been assessed as not requiring a Gender Impact Assessment (GIA).

## **Environmental**

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

By increasing the capacity to collect and aggregate plastics, paper, cardboard, and glass this facility ensures the building blocks of a regional circular economy and play a vital role for regional communities in managing the disposal of priority waste streams.

This in turn will add capacity to support aggregation of priority materials at regionally significant sites, while also segregating the waste streams, improving compliance, safety, transport efficiency and reducing environmental impacts.

### *Climate change*

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

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

## **Engagement**

Community engagement is taking place in accordance with the principles of Council's engagement policy.

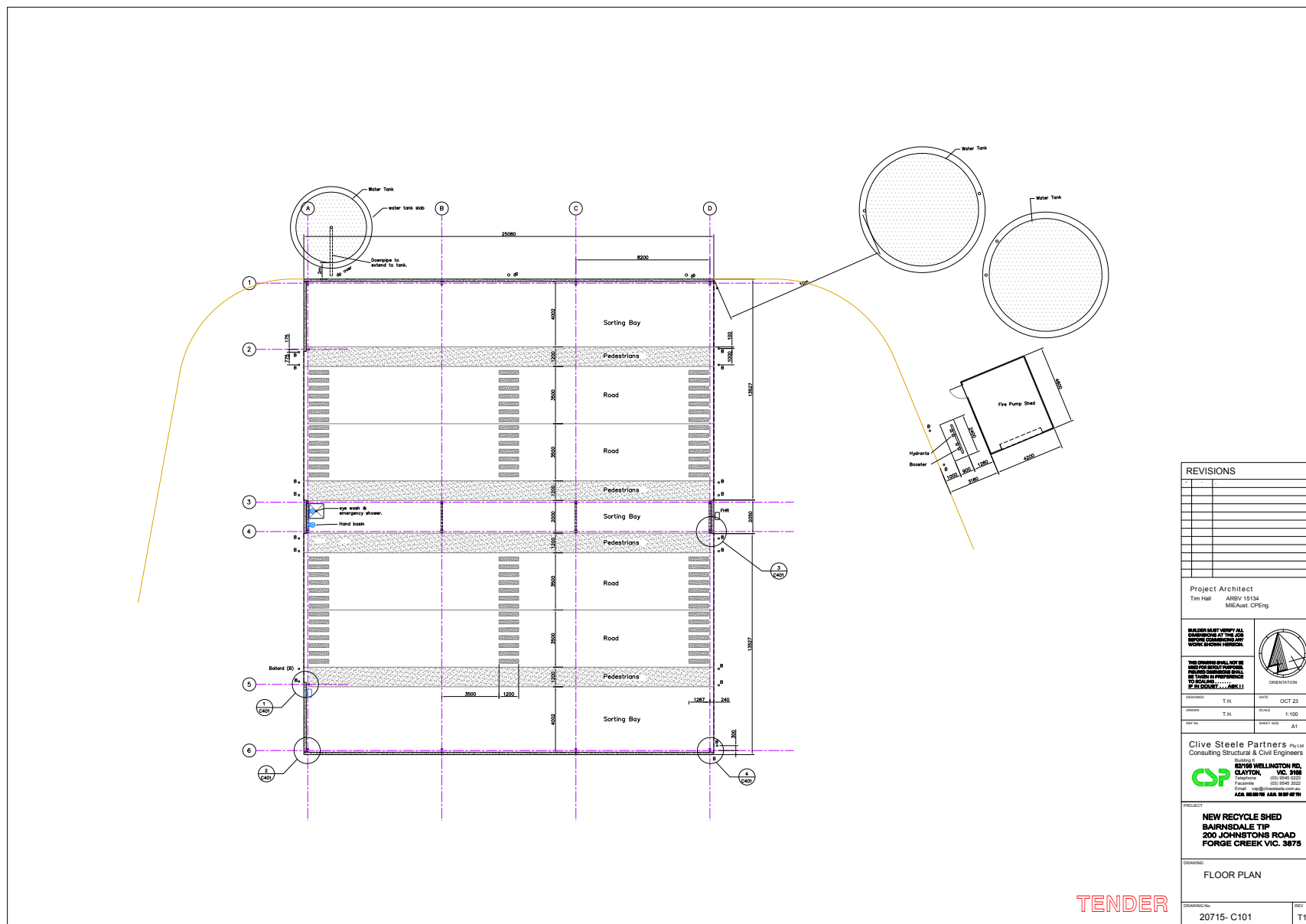
A project page is published on YourSay and provides the opportunity for community members to view information and project updates; 176 people have visited the YourSay page. YourSay is supported by Council's existing communications channels, including social media posts and Shire Noticeboard advertisements, as required.

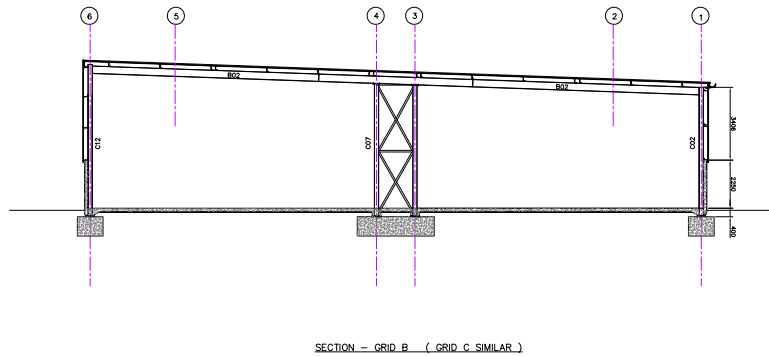
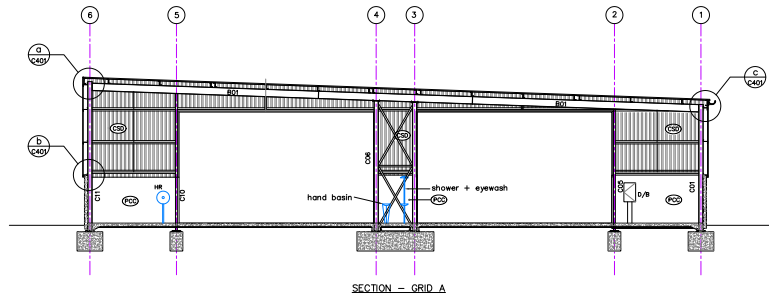
The project supervisor for the works will be responsible for providing initial advice to the Bairnsdale community regarding the construction works, location and expected commencement date. As part of the construction methodology, the contractor will be responsible for ongoing communication with affected residents in terms of property access during the works.

Community engagement will take place as required throughout the construction process.

## **Attachments**

1. CONFIDENTIAL - CON2024 1661 Tender Evaluation Report [5.2.2.1]
2. Architects drawings CON2024 1661 [5.2.2.2 - 3 pages]





**LEGEND**

OPC	Opal Polycarbonate
PCC	Precasrt Concrete Panel
CSD	Colorbond Spandek
dp	150 Ø Downpipe

[illegible]

**Project Architect**  
Tim Hall      ARBV 15134  
MIEAust. CPEng.

**BUILDER MUST VERIFY ALL  
DIMENSIONS AT THE JOB  
BEFORE COMMENCING ANY  
WORK SHOWN HEREON.**

**THIS DRAWING SHALL NOT BE  
USED FOR SETOUT PURPOSES.  
POURED DIMENSIONS SHALL  
BE TAKEN IN PREFERENCE  
TO SCALING .....  
IF IN DOUBT .... ASK !!**



DESIGNED	T.H.	DATE	OCT 23
DRAWN	T.H.	SCALE	AS NOTED
REF NO.		SHEET SIZE	A1

**Clive Steele Partners Pty Ltd**  
Consulting Structural & Civil Engineers

Building 6  
62/196 WELLINGTON RD,  
CLAYTON, VIC. 3168

 Telephone (03) 9540 0223  
Facsimile (03) 9540 3022  
Email [esp@clivesteele.com.au](mailto:esp@clivesteele.com.au)  
A.C.N. 005 583 706 A.B.N. 92 583 487 701

**PROJECT**

**NEW RECYCLE SHED  
BAIRNSDALE TIP  
200 JOHNSTONS ROAD  
FORGE CREEK VIC. 3875**

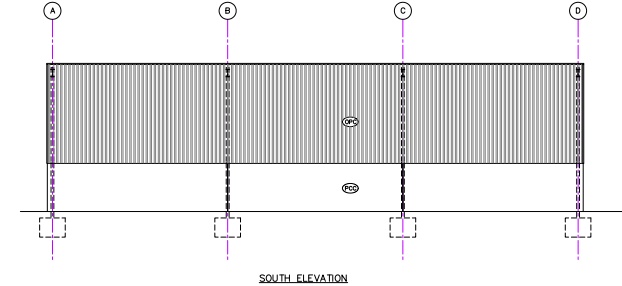
DRAWING

SECTIONS & DETAILS

DRAWING No.	REV
20715-C201	T1

TENDER





**LEGEND**

OPC	Opal Polycarbonate
PCC	Precasrt Concrete Panel
CSD	Colorbond Spandek
dp	150 # Downpipe

[illegible]

**BUILDER MUST VERIFY ALL  
DIMENSIONS AT THE JOB  
BEFORE COMMENCING ANY  
WORK SHOWN HEREON.**

**THIS DRAWING SHALL NOT BE  
USED FOR SETOUT PURPOSES.  
POURING DIMENSIONS SHALL  
BE TAKEN IN PREFERENCE TO  
SCALING .....  
IF IN DOUBT ..... ASK !!**

DESIGNED	T.H.	DATE	OCT 23
DRAWN	T.H.	SCALE	1:100
SHEET No.		SHEET SIZE	A1

**Clive Steele Partners** Pty Ltd  
Consulting Structural & Civil Engineers

Building 6  
62/196 WELLINGTON RD,  
CLAYTON, VIC. 3168

Telephone (03) 9545 0223  
Facsimile (03) 9545 3022  
Email [cs@clivesteele.com.au](mailto:cs@clivesteele.com.au)  
ACN 100 260 726 A.B.N. 62 027 427 706

PROJECT  
**NEW RECYCLE SHED  
BAIRNSDALE TIP  
200 JOHNSTONS ROAD  
FORGE CREEK VIC. 3875**

DRAWING

ELEVATIONS - NORTH,  
SOUTH, EAST & WEST

DRAWING No.	REV
20715-C301	T1

### 5.2.3

## CON2024 1638 Bairnsdale Recycling Centre Civil Works

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 the **Confidential Attachment 1** to this report is confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage by disclosing financial information to competitors.

### Conflict of Interest

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

### Executive Summary

This item relates the civil works component for the development of a Resource Recovery Centre (RCC) at the Bairnsdale Transfer Station/Landfill.

The RCC project includes two components due to the construction disciplines required to deliver the RCC, civil construction, and commercial shed construction. These components include:

- Construction of a 25 m x 35 m shed (separate report); and
- Civil works – this tender.

This item and procurement specifically relate to the civil component, which includes the construction and modification of associated road widening as required (layout plans are provided as **Attachment 2**).

This project was separated into two portions due to the construction disciplines required to deliver the RRC; civil construction delivery (road, curb drainage) and commercial shed construction.

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.

Contract CON2024 1661 Construction of Bairnsdale Recycling Centre Shed should be considered while evaluating this report.

## Officer Recommendation

### *That Council:*

- 1. receives and notes this report and all attachments pertaining to this report;**
- 2. accepts the tender submitted by \_\_\_\_\_ for CON2024 1638 Construction of Bairnsdale Recycling Centre Civil Works for the contract amount of \$\_\_\_\_\_ exclusive of GST;**
- 3. authorises the Acting Chief Executive Officer or delegate to finalise the terms and to sign the contract in the form proposed; and**
- 4. resolves that Confidential Attachment 1 to this report and all discussions relating to that attachment remain confidential.**

## Background

The Bairnsdale Regional Landfill is the primary landfill servicing an area of over 20,000 km<sup>2</sup> in Victoria's far East. The landfills accompanying transfer station currently has infrastructure for minor diversion of resources from landfill.

While this current arrangement does divert some resources from landfill there is significant scope for improvement. This project will see the construction of a high efficiency resource recovery centre including public drop off infrastructure and plant to support the local processing of resources.

The RCC project includes two components:

1. Construction of a 25 m x 35 m shed; and
2. A civil works component including:
  - construction of associated roads to support the Resource Recovery Centre shed.
  - modification of site roads as required (widening).

This report and procurement specifically relate to the tender evaluation for the civil works component of the project. The tender for the shed construction has also been assessed and is presented to Council as a separate item.

### Resource Recovery Centre

The development of the RRC will enable a significant increase in not only the number of waste streams which are collected on-site for recycling but also an increase in the volumes of waste streams which are currently collected.

In addition to the construction of the shed and civil works, the project includes the installation of various plant for increased primary processing on site. This plant will include a waste shredder, waste baler and a tyre rim remover which will enable processing of various waste streams to improve transport efficiency and drive cost reduction. The plant equipment will be purchased/installed once the shed has been completed.

Most significantly the processing of waste streams will enable further re-manufacturing to occur locally as a steady feedstock supply will be generated.

## Legislation

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

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

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

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

## Collaborative procurement

Pursuant of section 109(2) of the *Local Government Act 2020*, this report has not been prepared in collaboration with other agencies given the bespoke nature of the contract.

## Council Plan

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

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

## Council Policy

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

## Options

Tenders received have been assessed by a Tender Evaluation Panel (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*

This report is regarding the Civil construction element for the RCC project, noting the tender for shed construction has also been assessed and presented to Council as a separate item.

The project is funded from the State Government Department of Energy, Environment and Climate Action (DEECA) Regional Recycling Fund Round 1 (\$301,500), with the remainder from Council's Waste Reserve.



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*

As per the Procurement Policy, the risks of this proposal have been considered and tenderers were requested to develop a method that minimises risks identified in relation to property access, traffic management, vibration, dust, and other key issues associated with the works.

## **Economic**

In accordance with Council's Procurement Policy, the tender evaluation process used for this tender included a 5% weighting for local content, with preference given to contractors who employ locally and purchase goods and any subcontracted services locally.

### *Benefits to the local economy:*

Various local businesses will benefit from this project. The Bairnsdale Recycling Enterprise (Social Enterprise) currently processes our mattresses and polystyrene. This organisation will see an increase in feedstock and as such an increase in income.

Tambo Waste as the local material recovery facilities operator will see an increase in material for processing including mixed recycling and glass as feedstock for their glass crushing plant.

Transport will be required for the additional waste streams collected and local businesses will be engaged to fill this role.

This project is expected to create two jobs during construction, and two ongoing jobs once the project is complete.

## **Social**

This project involves the construction of a high efficiency RCC at the Bairnsdale Regional Landfill. The RRC would divert various waste streams from landfill and enable the local processing of some streams where no local capacity currently exists. This RRC would service the communities from Bairnsdale to Mallacoota.

### *Gender Impact Statement*

The *Gender Equality Act 2020* was considered in the preparation of this report. CON2024 1638 Construction of Bairnsdale Recycling Centre Civil Works has been assessed as not requiring a Gender Impact Assessment (GIA).

## **Environmental**

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

By increasing the capacity to collect and aggregate plastics, paper, cardboard, and glass this facility ensures the building blocks of a regional circular economy and will play a vital role for regional communities in managing the disposal of priority waste streams.

This in turn will add capacity to support aggregation of priority materials at regionally significant sites, while also segregating the waste streams, improving compliance, safety, transport efficiency and reducing environmental impacts.

### *Climate change*

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

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

## **Engagement**

Community engagement is taking place in accordance with the principles of Council's engagement policy.

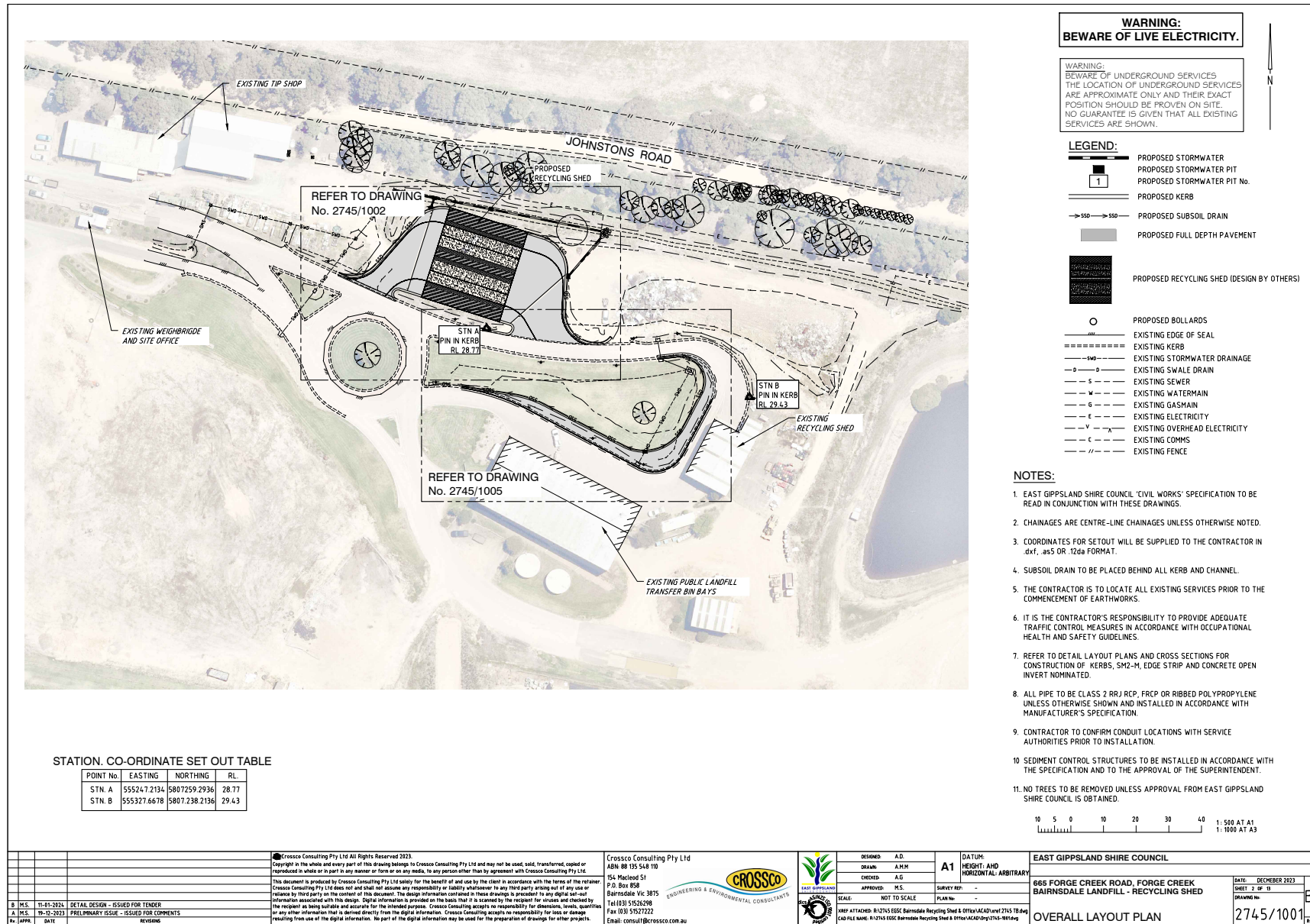
A project page is published on YourSay and provides the opportunity for community members to view information and project updates; 176 people have visited the YourSay page. YourSay is supported by Council's existing communications channels, including social media posts and Shire Noticeboard advertisements, as required.

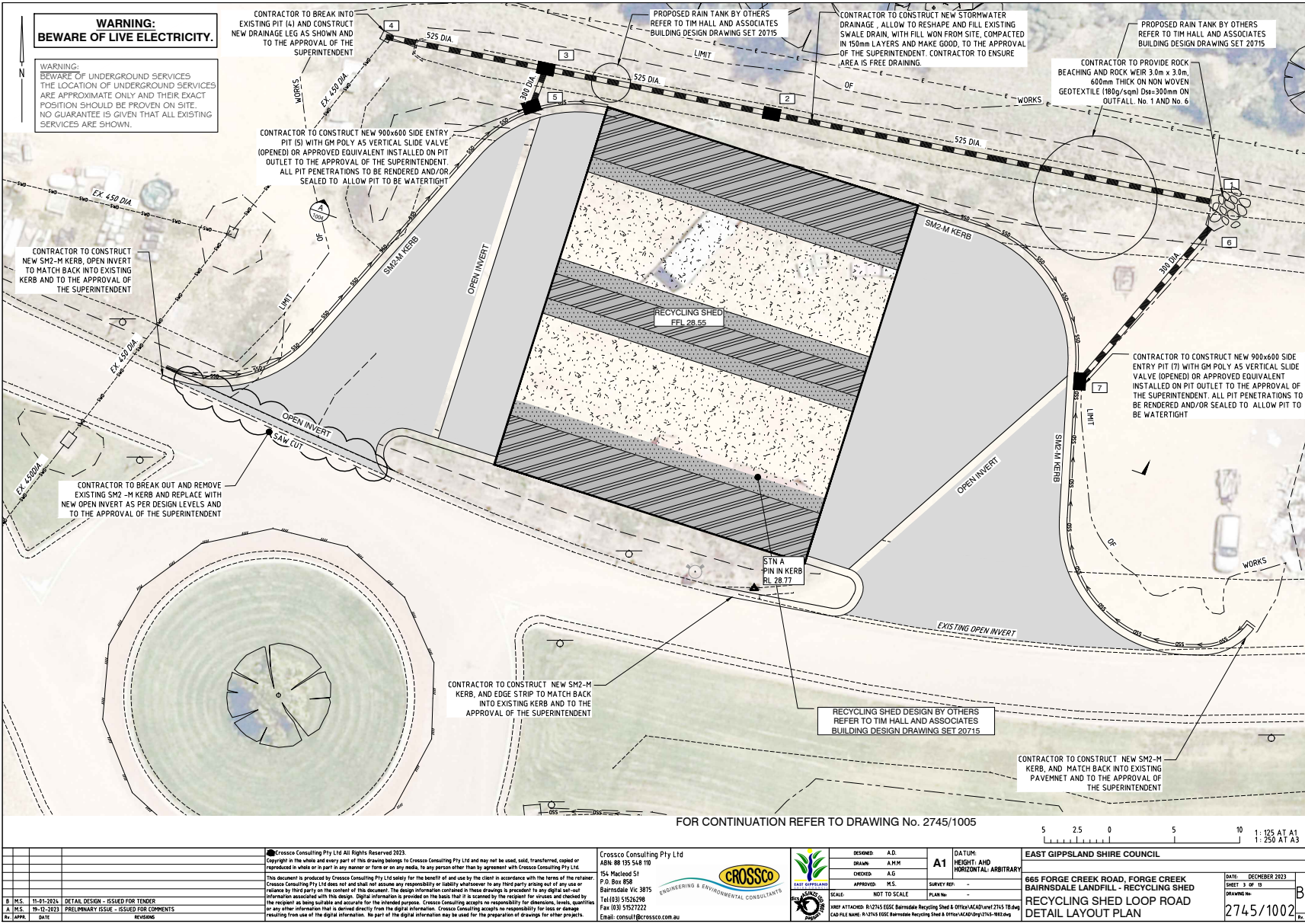
The Project Supervisor for the works will be responsible for providing initial advice to the Bairnsdale community regarding the construction works, location and expected commencement date. As part of the construction methodology, the contractor will be responsible for ongoing communication with affected residents in terms of property access during the works.

Community engagement will take place as required throughout the construction process.

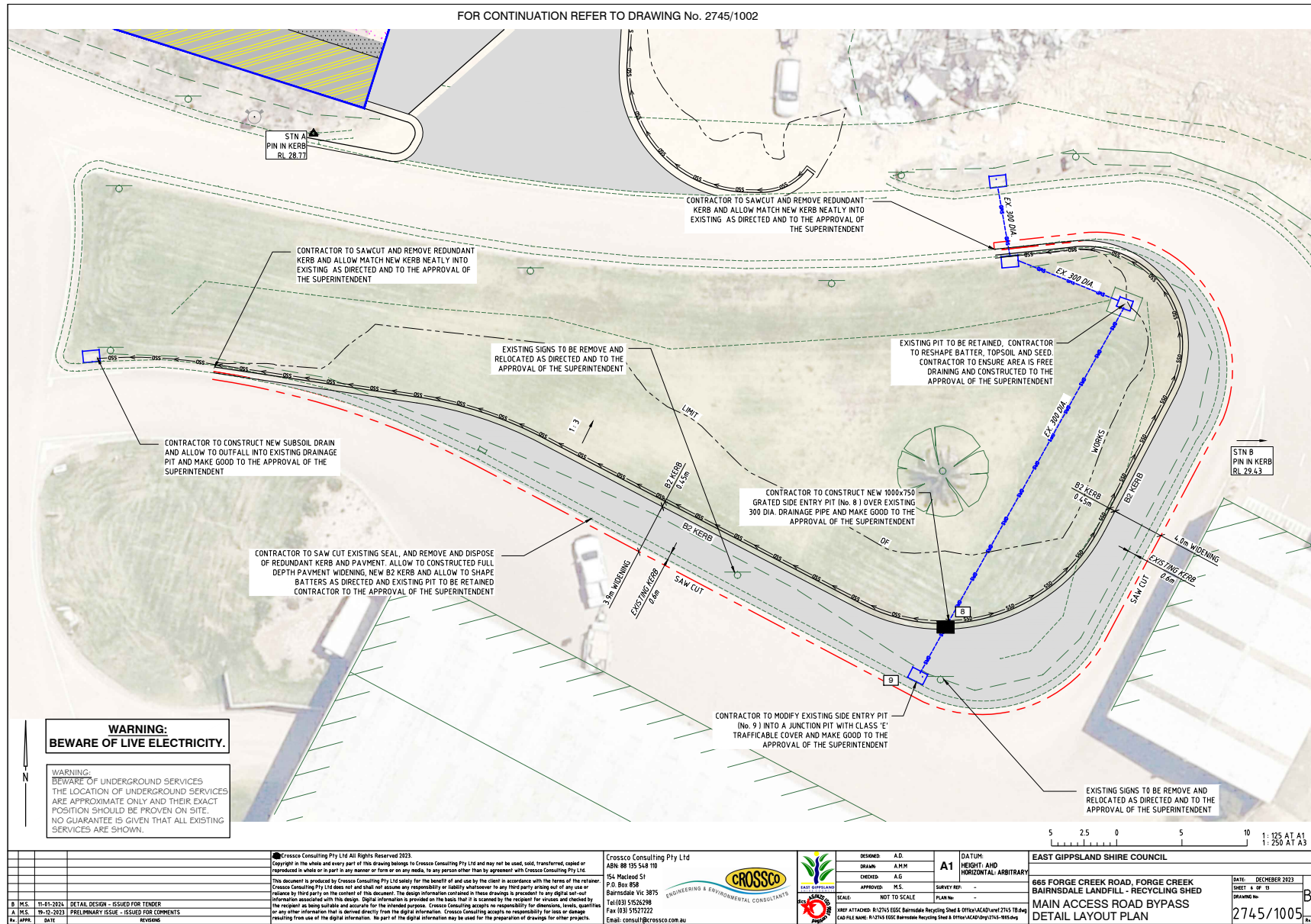
## **Attachments**

1. CONFIDENTIAL - CON2024 1638 Tender Evaluation Report [5.2.3.1 - 9 pages]
2. Civil Works Layout Plans CON2024 1638 [5.2.3.2 - 3 pages]









## 5.2.4 CON2024 1621 Maintenance and Repair Services for Mobile Plant

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

Tender proposals were sought for this Schedule of Rates service contract for the provision of mechanical, hydraulic, and sundry repair services for Council's mobile plant. It is anticipated that the expenditure will be approximately \$185,000 per annum. The contract is for a three-year term with the option of one twenty-four-month extension.

This contract (CON2024 1621) replaces contract CON2019 1284 Maintenance and Repair Services for Mobile Plant which expires on 5 April 2024.

As a result of the invitation to tender and the subsequent tender evaluation provided as **Confidential Attachment 1**, Council is now able to consider the recommendation to award Contract 'CON2024 1621 Maintenance and Repair Services for Mobile Plant'.

### Officer Recommendation

#### *That Council:*

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. accepts the tender submitted by \_\_\_\_\_ for Contract No CON2024 1621 Maintenance and Repair Services for Mobile Plant, for the Schedule of Rates as provided at Confidential Attachment 1, for a three-year term of contract with one extension option of twenty-four months to be made available solely at Council's or Council's delegates' discretion;***
- 3. authorises the Chief Executive Officer or delegate to finalise the terms and to sign the contract in the form proposed;***
- 4. delegates the power to the Chief Executive Officer to exercise the one extension option of twenty-four months, inclusive of annual CPI adjustment on the basis that the contractor has met all contractual requirements; and***
- 5. resolves that Confidential Attachment 1 to this report and all discussions relating to that attachment remain confidential.***

## Background

CON2024 1621 is a schedule of rates Contract for a qualified contractor to supply and deliver mechanical repair services in various locations in East Gippsland. This Contract is not subject to adjustment for rise and fall in costs.

Council has an annual budget of \$285,000 for repair, servicing, and minor fabrication on mobile plant (trucks, excavators etc.) works. Approximately \$100,000 is spent in house, and approximately \$185,000 per annum for work that cannot be managed by Council's in-house mechanic due to workload or specialist knowledge requirements. This work is therefore let as a schedule of rates contract.

Council has previously had a similar schedule of rates contract, which expires on 5 April 2024.

On 5 March 2019, CON2019 1284 Maintenance and Repair Services for Mobile Plant was awarded by Council with the initial term commencing 6 April 2019. Council exercised two twelve (12) month extension options to Contract CON2019 1284 Maintenance and Repair Services for Mobile Plant with East Vic Trucks, with the contract completion date being 5 April 2024.

CON2024 1621 will therefore replace and renew these contractual service arrangements. A 'Request for Tender for Maintenance and Repair Services for Mobile Plant' was advertised in local publications and on TenderLink. Council staff also contacted known local mechanical contractors to advise that the tender process was about to be undertaken.

## Legislation

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

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

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

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

## Collaborative procurement

Pursuant of section 109(2) of the *Local Government Act 2020*, this report has not been prepared in collaboration with other Government departments or any other agencies.

## **Council Plan**

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

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

## **Council Policy**

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

## **Options**

Tenders received have been assessed by a Tender Evaluation Panel (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 Tender Evaluation Panel's recommendation, or to not proceed with the procurement.

## **Resourcing**

### *Financial*

Council's annual Major Plant budget for 2023/24 is \$285,000 excluding GST and the draft budget for 2024/25 is \$300,000 excluding GST. Servicing undertaken under this contract will be accommodated within this budget.

### *Plant and equipment*

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

### *Human Resources*

Council's Senior Works Coordinator from the Assets and Engineering Unit will oversee works conducted under this contract. No additional human resources are required to manage this project.

### *Risk*

The risks of this proposal have been considered and the contractor is required to conduct all activities as detailed in the specification to a satisfactory standard throughout the term of the contract.

## **Economic**

Economic benefit generated by the project include the economic activity associated with the works. The tender evaluation process for this tender included weighted criteria for local content and assessment of the contractor's ability to provide benefit to the local economy. This project will contribute to retaining jobs in East Gippsland.



## **Social**

This contract supports the delivery of Council services such as Parks and Gardens operations and Waste Operations and is therefore an important service for our community and visitors.

### *Gender Impact Statement*

The *Gender Equality Act 2020* was considered in the preparation of contract CON2024 1621 Maintenance and Repair Services for Mobile Plant. The contract has been assessed as not requiring a Gender Impact Assessment (GIA).

## **Environmental**

The proposed contract requires the contractor to develop, implement and maintain management systems which includes quality, environmental and occupational health, and safety components.

### *Climate change*

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

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

## **Engagement**

Community engagement is not required for this contract.

## **Attachments**

1. CONFIDENTIAL - CON2024 1621 Tender Evaluation Report [**5.2.4.1** - 6 pages]

## 5.2.5 CON2024 1535 Sealed Roads - Major Rehabilitation Capital Works

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 are confidential because they contain private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage by disclosing financial information to competitors.

### Conflict of Interest

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

### Executive Summary

The purpose of this procurement is to create a new contract to replace the previous contract CON2019 1262 Sealed Road Rehabilitation of Various Roads which expired June 2023. The current delivery of these services is quoted on an 'as required' basis. This contract is for the maintenance and improvement of Council's sealed road network. Road rehabilitation works are undertaken to ensure the ongoing integrity of the road pavement and safety of the travelling public across the shire.

This contract will engage a panel of appropriately qualified and experienced contractors for maintenance and improvement of Council's sealed road network on request. To maximise flexibility with the rehabilitation works, this contract has been structured based on a schedule of rates which allows Council the flexibility to adjust the project scope as annual budget allows and works demand.

Contractors were able to nominate different rates for the locations identified above.

The initial term of the contract is for three (3) years with an anticipated commencement being April 2024. There are two further extension options each of up to twelve (12), at Council's sole discretion.

A request for tender (RFT) was advertised seeking responses from suitable contractors to be appointed to the panel. Details of tenderers are provided in **Confidential Attachment 1**.

The submissions were evaluated by the Tender Evaluation Panel (TEP) using a set list of weighted criteria that considered financial value (30%), capacity (25%), capability (35%), local contribution (5%) and sustainability and environment (5%).

The actual comparison of the total rates has not been provided as part of **Confidential Attachment 1** as not all tenderers priced all line items. Based on this, the point of engagement of each contractor will be determined based on availability, location of the works, complexity of the job and priority of completion that results in best value for Council on each specific application, with contract work awarded based on this.

Tendered items are provided in **Confidential Attachment 1**.

An independent probity auditor oversaw the tender assessment process, and a probity report is provided as **Attachment 2**.

## **Officer Recommendation**

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

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. accepts the schedule of rates submitted by;***

- a.*** \_\_\_\_\_
- b.*** \_\_\_\_\_
- c.*** \_\_\_\_\_
- d.*** \_\_\_\_\_
- e.*** \_\_\_\_\_ ***and;***
- f.*** \_\_\_\_\_,

***for Contract CON2024 1535 Sealed Roads Major Rehabilitation Capital Works for a three (3) year term as provided in Confidential Attachment 1;***

- 3. authorises the Acting Chief Executive Officer or delegate to finalise the terms and to sign the contract in the form proposed;***
- 4. delegates the power to the Chief Executive Officer to exercise up to two (2) additional extension options of up to twenty-four (24) months; and***
- 5. resolves that Confidential Attachment 1 to this report and all discussions relating to this attachment remain confidential.***

## **Background**

Council is responsible for approximately 1,741 kilometres of sealed roads, approximately 90 public car parks, three aerodromes, including internal roads, and 14 kilometres of shared paths. These all require renewal and upgrading on a cyclic basis in the interest of asset improvement and maintenance, public safety, and in accordance with Council's Road Management Plan and Council's sealed infrastructure condition survey data.

The purpose of this procurement is to engage a panel of appropriately qualified and experienced contractors for maintenance and improvement of Council's sealed road network on request. To maximise flexibility with the rehabilitation works, this contract has been structured based on a schedule of rates which allows Council the flexibility to adjust the project scope as annual budget allows.

The initial term of the contract is for three (3) years with an anticipated commencement being April 2024. There are two further extension options each of up to twelve (12), at Council's sole discretion.

Contract CON2024 1535 is a 'schedule of rates' contract subject to adjustment for rise and fall in costs for contractors to provide sealed roads major rehabilitation capital works in East Gippsland Shire. Sealed road rehabilitation is used for reconstruction and to maintain and repair sealed pavement failures of road surfaces of Council roads, carparks, aerodromes and shared pathway and associated infrastructure across East Gippsland Shire.

This contract (CON2024 1535) replaces CON2019 1262 Sealed Road Rehabilitation of Various Roads in East Gippsland Shire.

## Legislation

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

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

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

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

## 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.

## Council Plan

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

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

## Council Policy

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

## Options

As contract extension CON2019 1261 Asphaltting of Various Roads in East Gippsland Shire, expired on 30 June 2023. The options therefore are to:

- award CON2024 1535 (**preferred**); or
- retender the works.

It is recommended that the contract be awarded for the reasons outlined in **Confidential Attachment 1**.



## **Resourcing**

### *Financial*

The budget for this contract is sourced from the Capital Works Program and the Operational Maintenance Programs. There is no defined amount, and works will be programmed utilising this panel of providers rates within the budgets available in each year.

Should there be insufficient budget in any given period, works will not be scheduled, and the contractors not engaged.

### *Plant and equipment*

All plant and equipment are to be provided by the contractors.

### *Human Resources*

This contract will be supervised by the Project Supervisor Capital Works Roads from Council's Infrastructure Projects Unit. No additional human resources are required to manage this project.

### *Risk*

The risks of this proposal have been considered and tenderers were requested to develop a construction method that minimises risks identified in relation to property access, traffic management, vibration, dust, and other key issues associated with the works.

## **Economic**

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

## **Social**

The users of East Gippsland Shire roads will directly benefit from this project with increased road safety and access to schools, workplaces, recreation services and medical facilities.

### *Gender Impact Statement*

The *Gender Equality Act 2020* was considered in the preparation of Contract CON2024 1535. This contract has been assessed as not requiring a Gender Impact Assessment (GIA).

## **Environmental**

As per the Procurement Policy, the tender evaluation process used for this tender included a 5% weighting for environmental sustainability, with preference given to contractors who are able to 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**

Not applicable.

## **Attachments**

1. CONFIDENTIAL - CON2024 1535 Tender Evaluation Report [**5.2.5.1** - 88 pages]
2. CON2024 1535 Probity Review Report [**5.2.5.2** - 2 pages]



**Crowe Audit Australia**  
 ABN 13 969 921 386  
 75 MacLeod Street  
 Bairnsdale VIC 3875  
 Main +61 (03) 5153 1222  
 Fax +61 (03) 5152 4372  
[www.crowe.com.au](http://www.crowe.com.au)

13 March 2024

██████████  
 ██████████  
 East Gippsland Shire Council  
 PO Box 1618  
 BAIRNSDALE VIC 3875

Dear ██████████

## **Probity Review – CON2024 1535 – Sealed Roads Major Rehabilitation Capital Works**

You have sought probity services in relation to the CON2024 1535 – Sealed Roads Major Rehabilitation Capital Works. These services have now been completed in accordance with our letter of engagement.

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

*Some of the Crowe personnel involved in preparing this document may be members of a professional scheme approved under Professional Standards Legislation such that their occupational liability is limited under that Legislation. To the extent that applies, the following disclaimer applies to them. If you have any questions about the applicability of Professional Standards Legislation to Findex's/Crowe's personnel involved in preparing this report/advice/document/email, please speak to your Findex/Crowe adviser.*

*Liability limited by a scheme approved under Professional Standards Legislation.*

*The title 'Partner' conveys that the person is a senior member within their respective division and is among the group of persons who hold an equity interest (shareholder) in its parent entity, Findex Group Limited. The only professional service offering which is conducted by a partnership is external audit, conducted via the Crowe Australasia external audit division and Unison SMSF Audit. All other professional services offered by Findex Group Limited are conducted by a privately-owned organisation and/or its subsidiaries.*

*Findex (Aust) Pty Ltd, trading as Crowe Australasia is a member of Crowe Global, a Swiss verein. Each member firm of Crowe Global is a separate and independent legal entity. Findex (Aust) Pty Ltd and its affiliates are not responsible or liable for any acts or omissions of Crowe Global or any other member of Crowe Global. Crowe Global does not render any professional services and does not have an ownership or partnership interest in Findex (Aust) Pty Ltd. Services are provided by Crowe Audit Australia, an affiliate of Findex (Aust) Pty Ltd.*

*© 2024 Findex (Aust) Pty Ltd*



**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](mailto:gordon.robertson@crowe.com.au) should you have any queries.

Yours Sincerely,

A handwritten signature in dark ink that reads "Crowe Audit Australia".

**CROWE AUDIT AUSTRALIA**

A handwritten signature in dark ink that appears to be "G. Robertson".

**GORDON ROBERTSON**  
Partner



## 5.3 Business Excellence

### 5.3.1 S11A Instrument of Appointment and Authorisation under the Planning and Environment Act 1987

Authorised by General Manager Business Excellence

---

#### Conflict of Interest

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

#### Executive Summary

This report is seeking Council's approval of a new S11A Instrument of Appointment and Authorisation as an Authorised Officer pursuant to the *Planning and Environment Act 1987*.

In most cases, Authorised Officers are appointed by the Chief Executive Officer (CEO) through the power of delegation conferred through the S5 Instrument of Delegation (Council to CEO). However, the *Planning and Environment Act 1987* specifically requires that Authorised Officers under that Act be appointed by resolution of the Council.

The Instrument of Appointment and Authorisation enables Authorised Officers to act on behalf of Council in certain circumstances. Council staff are authorised under the *Planning and Environment Act 1987* to represent the Council in enforcing the provisions of this Act.

This report recommends a new appointment pursuant to the *Planning and Environment Act 1987* be approved. The proposed S11A Instrument of Appointment and Authorisation is provided at **Attachment 1** to this report. The current process allows for Council to authorise the CEO to execute the Instrument of Appointment and Authorisation on Council's behalf, following Council approval of the Instrument of Appointment.

#### Officer Recommendation

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

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. in the exercise of the powers conferred by section 147(4) of the Planning and Environment Act 1987, resolves that Neha Sharma be appointed as an Authorised Officer, as set out in the Instrument of Appointment and Authorisation provided at Attachment 1, for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act;***
- 3. authorises the Acting Chief Executive Officer to execute the Instrument provided at Attachment 1; and***
- 4. notes that the Instrument will come into force immediately following resolution of Council and will remain in force until Council determines to vary or revoke it, or until the Officer ceases to be employed by East Gippsland Shire Council.***

## Background

Council Officers are appointed as Authorised Officers to exercise statutory powers under various Acts, regulations and local laws in accordance with the provisions granted to them. Appointments as Authorised Officers are approved for individual staff members. The *Planning and Environment Act 1987* regulates enforcement and is reliant on Authorised Officers acting on behalf of the responsible authority (Council).

Authorisations are reviewed regularly and are updated due to:

- appointment of new staff;
- changes in the names of Acts;
- the introduction, amendment or revocation of legislation;
- changes in organisational structure; and
- changes in roles including position titles and position responsibilities.

As a result of the appointment of a new staff member, it is recommended that the new authorisation pursuant to the *Planning and Environment Act 1987* be approved. Neha Sharma has been appointed as a Statutory Planning Officer and is required to be an Authorised Officer under the *Planning and Environment Act 1987*.

## Legislation

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

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

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

## Collaborative procurement

This report does not involve collaborative procurement.

## Council Plan

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

Strategic Objective 5: 5.1 A better everyday customer experience is created for our residents and visitors.

Strategic Objective 5: 5.4 Continuous improvement systems are strengthened, and organisational efficiency enhanced.

Strategic Objective 5: 5.6 Council attracts, develops, and retains an inclusive workforce to deliver services and priorities.

## Council Policy

There is no applicable Council Policy for this report.

## **Resourcing**

### *Financial*

There are no financial implications associated with this report.

### *Plant and equipment*

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

### *Human Resources*

There are no implications for human resources. Existing resources will enforce the provisions of the *Planning and Environment Act 1987*.

### *Risk*

The risks of this proposal have been considered and by appointing Authorised Officers, minimises the risks of failing to comply with the *Planning and Environment Act 1987*, when officers are acting on behalf of Council under this Act.

## **Economic**

The application of the powers, functions and duties under the *Planning and Environment Act 1987* will ensure businesses are operating within the legislative requirements and can effectively contribute to the Shire's economy.

## **Social**

The East Gippsland Shire will have confidence that Council is applying the powers, duties and functions of the *Planning and Environment Act 1987* for the well-being and benefit of the municipal community.

### *Gender Impact Statement*

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

## **Environmental**

The East Gippsland Shire will have confidence that Council is applying the powers, duties and functions of the *Planning and Environment Act 1987* for the environmental sustainability of the Shire.

### *Climate change*

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

## **Engagement**

The Instrument of Appointment and Authorisation has been prepared in consultation with appropriate personnel in the Planning Business Unit.

## **Attachments**

1. S11A Instrument of Appointment and Authorisation - Neha Sharma [5.3.1.1 - 2 pages]



## **Instrument of Appointment and Authorisation**

S11A Instrument of Appointment and Authorisation



**Instrument of Appointment and Authorisation**  
**(*Planning and Environment Act 1987*)**

In this instrument "**officer**" means -

**Neha Sharma**

By this instrument of appointment and authorisation East Gippsland Shire Council -

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this Instrument comes into force immediately upon its execution; and

- (a) remains in force until varied or revoked; or
- (b) until the officer ceases to be employed by Council.

This Instrument is made by the Acting Chief Executive Officer of East Gippsland Shire Council in the exercise of their authority to act on Council's behalf, which includes the authority conferred by resolution of Council made on {Date of resolution to be inserted}.

\_\_\_\_\_  
**Fiona Weigall**  
*Acting Chief Executive Officer*  
*East Gippsland Shire Council*

\_\_\_\_\_  
**Date**

### 5.3.2                      **Municipal Association of Victoria Sub Delegate Nomination - Councillor Representation Register**

Authorised by            General Manager Business Excellence

---

#### **Conflict of Interest**

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

#### **Executive Summary**

The purpose of this report is to seek Council's endorsement for a substitute representative for the Municipal Association of Victoria (MAV).

The MAV Rules of the Association, Part 7 – Appointment of Delegates, stipulates that a participating member council must appoint one of its Councillors as a delegate and one of its Councillors as a substitute delegate to the Association.

Council has not previously appointed a substitute representative for MAV. Cr Tom Crook is the current MAV representative.

#### **Officer Recommendation**

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

- 1. receives and notes this report; and**
- 2. appoints Councillor \_\_\_\_\_ as the substitute Municipal Association of Victoria representative.**

#### **Background**

Council is represented on a range of internal and external committees, reference groups and industry groups, forums, and other local and regional organisations. Proper appointments of Councillors to these organisations is a critical element of Council's advocacy program. The [Council Representation Policy](#) guides Council's advocacy program and establishes expectations of Councillors when representing Council in these forums.

There are some internal advisory committees and external organisations that require the Mayor to attend as Mayor ex-officio, the MAV is one of these organisations. The MAV Rules of the Association changed in 2022 and stipulate that Council must now appoint a substitute delegate to the Association.

The Councillor representatives will be supported by a member of the Executive Leadership Team (ELT) who will provide information, advice, and context in respect of matters being considered by the Association.

Councillors are required to disclose conflicts of interest that are identified with any agenda item for the meetings and these disclosures will be recorded in the publicly available conflict of interest register.

Councillors are also required under the Policy to provide a report at the next Council meeting about the meetings they have attended.

## 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 the overarching governance principles in Section 9 of the *Local Government Act 2020*. This report outlines compliance with the conflict-of-interest requirements in sections 126-131 of the *Local Government Act* and the procedure for disclosure outline in the East Gippsland Shire Council Governance Rules.

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

This report does not involve procurement.

## Council Plan

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

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

## Council Policy

This report has been prepared in accordance with the [Council Representation Policy](#).

## Options

Councillors to discuss and subsequently nominate an identified substitute representative.

## Resourcing

### *Financial*

Costs associated with attendance at meetings of the MAV are covered by current budget allocations. Payment or reimbursement of costs and expenses associated with Councillor representation will be managed in accordance with the Councillor Support and Expenses Policy.

### *Plant and equipment*

Not applicable

## *Human Resources*

The substitute Councillor representative will be supported by a member of the ELT who on request, will be available to provide information, advice on context in respect of matters being considered by the relevant organisation.

## *Risk*

The risks of this proposal have been considered and determined by the General Manager Business Excellence to be low.

## **Economic**

Councillor membership of and representation on a diverse range of committees and organisations ensures Council is aware of and understands the economic situation of the municipality. It also enables Council to make informed decisions for the economic sustainability of the Shire.

## **Social**

By ensuring Council has a 'voice at the table' through its representation arrangements, Councillors will be able to work proactively with other members of these organisations to achieve the best possible social outcomes for Council and the East Gippsland community.

## *Gender Impact Statement*

This report has had a Gender Impact Assessment (GIA) completed and is compliant with the obligations and objectives of the Victorian *Gender Equality Act 2020*.

## **Environmental**

Councillor representatives will advocate on environmental issues in line with Council policies at meetings and other forums where appropriate. Councillors will report to Council on emerging issues and other environmental matters that are likely to impact on Council's many areas of responsibility.

## *Climate change*

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

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

## **Engagement**

The requirement to formally appoint a substitute representative for the MAV is to be discussed at a future Councillor Briefing Session.

## **Attachments**

Nil



### 5.3.3 Municipal Association of Victoria May 2024 State Council Meeting Motions

Authorised by General Manager Business Excellence

---

#### Conflict of Interest

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

#### Executive Summary

The purpose of this report is for Council to decide on the motion/s to be presented to the Municipal Association of Victoria (MAV) State Council meeting, which will be held on 17 May 2024.

Council has identified six issues for consideration for submission as potential motions for the State Council meeting, that are consistent with the MAV's Strategy 2021-25. The draft motions proposed are:

- Telecommunications Infrastructure and Connectivity Resilience, provided at **Attachment 1**.
- Review the unintended consequences of the *Environment Protection and Biodiversity Conservation Act 1999* on management of key infrastructure and community services, provided at **Attachment 2**.
- Housing Affordability and Funding, provided at **Attachment 3**.
- Local Government Consultation – *Local Government Act 2020* Reform, provided at **Attachment 4**.
- Financial Sustainability, provided at **Attachment 5**.
- Renewable electronic vehicle (EV) chargers in schools, provided at **Attachment 6**.

#### Officer Recommendation

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

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. approves the submission of the six proposed motions, as provided at Attachments 1 to 6, to the Municipal Association of Victoria for consideration to be included in the agenda for the State Council Meeting to be held on 17 May 2024.***

#### Background

MAV will be holding the next State Council Meeting on Friday 17 May 2024, at the Melbourne Town Hall, 90/130 Swanston Street, Melbourne. MAV is seeking submissions for motions for consideration by the State Council Meeting. Final motions for consideration at the MAV State Council meeting are to be submitted by Monday 18 March 2024. Councils have until Monday 25 March 2024 to amend their motion/s.

In considering potential motions, Councils are asked to keep in mind the parameters within which the MAV requires motions for State Council Meeting to be framed. In submitting a motion/s, Councils need to confirm:

- the motion has been the subject of a Council resolution;
- whether the motion or item is of strategic relevance to the MAV or of such significance to local government that it ought to be considered at the meeting; and
- the motion is not repetitive in form or substance of a motion or item considered at the most recently held meeting of the State Council.

The MAV Strategy Plan 2021-25 identifies six priority themes:

- Economically sound Councils.
- Healthy, diverse and thriving communities.
- Well-planned, connected and resilient built environment.
- Changing climate and circular economy.
- Sector capability and good governance.
- Effective and responsive MAV.

The following issues have been identified as potential motions for East Gippsland Shire Council to present to the MAV State Council:

- Telecommunications Infrastructure and Connectivity Resilience, provided at **Attachment 1**.
- Review the unintended consequences of the *Environment Protection and Biodiversity Conservation Act 1999* on management of key infrastructure and community services, provided at **Attachment 2**.
- Housing Affordability and Funding, provided at **Attachment 3**.
- Local Government Consultation – *Local Government Act 2020* Reform, provided at **Attachment 4**.
- Financial Sustainability, provided at **Attachment 5**.
- Renewable electronic vehicle (EV) chargers in schools, provided at **Attachment 6**.

These proposed motions each have state-wide significance and relate to one of the sector priority issues in the MAV Strategy 2021-25.

In accordance with MAV Rules section 171.1 proposed motions for a MAV State Council meeting must be adopted by Council. Therefore, these draft motions are presented for consideration to be presented at the May 2024 MAV State Council Meeting.

## Legislation

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

The *Municipal Association Act 1907* provides for the operation of the Municipal Association of Victoria.

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

## **Collaborative procurement**

This report does not involve collaborative procurement.

## **Council Plan**

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

Strategic Objective 5:

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

## **Council Policy**

There are no Council policies applicable to this report.

## **Options**

MAV holds two State Council meetings each year. Councils are invited to provide motions for consideration for each meeting. Council may decide to support or not support all motions for submission to the MAV State Council meeting or delay any motion to be submitted to a future meeting.

## **Resourcing**

### *Financial*

This report does not have financial implications.

### *Plant and equipment*

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

### *Human Resources*

There are no implications for human resources.

### *Risk*

There is a risk that the proposed motions will not be accepted for consideration at the MAV State Council meeting. There is also a risk that if they are accepted, they may not be adopted at the MAV State Council meeting.

## **Economic**

There may be economic benefits to the Shire if draft Motion 1 is able to be progressed.

## **Social**

There may be safety benefits to the community if one or both Motions are able to be progressed.

## **Environmental**

There may be environmental benefits to the Shire if draft Motion 1 is able to be progressed.

### *Climate change*

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

## **Attachments**

1. Motion 1 Telecommunications Infrastructure and IT Connectivity Resilience [**5.3.3.1** - 2 pages]
2. Motion 2 EPBC Act Review [**5.3.3.2** - 2 pages]
3. Motion 3 Housing Affordability and Funding [**5.3.3.3** - 1 page]
4. Motion 4 Local Government Consultation [**5.3.3.4** - 1 page]
5. Motion 5 Financial Sustainability [**5.3.3.5** - 2 pages]
6. Motion 6 Renewable EV chargers in schools [**5.3.3.6** - 1 page]



**East Gippsland Shire Council  
Draft Motion 1 for MAV State Council Meeting  
17 May 2024**

**Name of Motion:** Telecommunications Infrastructure and Connectivity Resilience

**Motion:** No longer than 250 words / 1,700 characters

That the MAV calls on the Victorian Government to work with the Commonwealth Government to:

1. undertake an independent investigation into the widespread telecommunications infrastructure failures in the early 2024 storm events in the state with clear recommendations to enhance system resilience; and
2. Establish mandatory telecommunications infrastructure reliability standards that consider a contemporary understanding of the use of infrastructure by emergency services, government and community.

**Rationale:** No longer than 350 words / 2,400 characters

A key aspect of the 2019/20 Black Summer Fires (19/20 Fires) was the impact of isolation experienced by communities – due to road closures, and/or loss of power and/or loss of telecommunication. This was particularly traumatising given the heavy reliance of emergency agencies on the provision of emergency information by digital means. Lack of information contributes to the sense of “loss of control” during an event, increasing trauma.

Telecommunication systems were reviewed and upgraded following the 19/20 Fires, resulting in increased provision of batteries, generators, and other things to address service reliability. However, the experience of the most recent storms on 13 February 2024 is contrary to the “promise” offered by the system upgrades following the 19/20 Fires. In effect, the promised minimum 8 hours of battery life was not reflected in the service received on the 13 February 2024. This was experienced by several municipalities including East Gippsland, but possibly none more acutely than South Gippsland.

Large, widespread events that impact infrastructure are not “black swan” events – they are entirely foreseeable examples include the 19/20 Fires, recent major flooding in the north of Victoria, and the storm event in February 2024.

Telecommunications is currently regulated as a commercial service and does not have mandated levels of service reliability and coverage. The [Universal Service Obligation](#) (USO) is currently under review (this relates to voice service through copper wires only). The future of the USO needs to reflect changes in technology and the use of telecommunications, not just by consumers, but also by emergency services and other government service providers.

COVID 19 accelerated the shift of government service provision to online so there is a need to rethink service expectations for telecommunication and other infrastructure services that support interactions with government. Ironically, the key source of information about power outages is online outage trackers. However, the key cause of loss of telecommunications was loss of power and information on outages was not accessible.

Relevance to [MAV Strategy 2021-25](#) priorities themes (nominate relevant priority):

MAV Strategy 2021-25 Priority	Relevant
1. Economically sound councils	
2. Healthy, diverse and thriving communities	
3. Well-planned, connected and resilient built environment	
4. Changing climate and circular economy	Yes
5. Sector capability and good governance	Yes
6. Effective and responsive MAV	
Other – Of local government significance*	

\* If Other is selection, supporting commentary must be included

**East Gippsland Shire Council  
Draft Motion 2 for MAV State Council Meeting  
17 May 2024**

**Name of Motion:** Review the unintended consequences of the *Environment Protection and Biodiversity Conservation Act 1999* on management of key infrastructure and community services.

**Motion:** No longer than 250 words / 1,700 characters

That the MAV calls on the Victorian Government to:

- advocate on behalf of the sector to the Australian Government to review the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act); and
- review the Flora and Fauna Guarantee (FFG)

so that these instruments are more effectively applied without unintended consequences and duplication.

**Rationale:** No longer than 350 words / 2,400 characters

1. Whilst the EPBC Act framework for the protection and management of unique plants, animals, habitats and places is supported, its application requires review and refinement. Specifically:

- The implementation timeframes are unwieldy and can cause substantial delays to the design and delivery of critical public infrastructure projects. More reasonable timeframes for consideration of EPBC applications are needed – consistent with other authorising and referral agencies.
- It does not consider the type of project for which Native Vegetation may require removal and the implications of delays in these projects on public safety – for example vegetation removal to ensure regional airfields meet the changed requirements of other legislation such as the CASA.
- It places an unreasonable burden on small rural communities, where native vegetation has been preserved and is often in abundance.

2. The EPBC Act was independently reviewed in 2020, but major change has not been implemented. The review found it to be both ineffective and a costly duplication of State responsibilities, which should be devolved to the State authorities.

- The FFG is administered by the State and whilst it has clearer processes and timeframes, it often applies to development that also triggers EPBC Act considerations, resulting in costly duplications and delays.
- The present approach both duplicates State and Commonwealth processes and unintentionally focuses on public land often ear-marked for essential safety measures (road widening, airstrip development etc.) and development of new community facilities such as ovals and passive recreation trails. As such important local government projects are often compromised by lengthy assessment processes by the non-discerning nature of the EPBC Act.

Relevance to [MAV Strategy 2021-25](#) priorities themes (nominate relevant priority):

MAV Strategy 2021-25 Priority	Relevant
1. Economically sound councils	
2. Healthy, diverse and thriving communities	
3. Well-planned, connected and resilient built environment	Yes
4. Changing climate and circular economy	
5. Sector capability and good governance	
6. Effective and responsive MAV	
Other – Of local government significance*	

\* If Other is selection, supporting commentary must be included



**East Gippsland Shire Council**  
**Draft Motion 3 for MAV State Council Meeting**  
**17 May 2024**

**Name of Motion:** Housing Affordability and Funding

**Motion:** No longer than 250 words / 1,700 characters

That the MAV calls on the Victorian Government to provide equitable support across the state for affordable housing, based on need not just population.

**Rationale:** No longer than 350 words / 2,400 characters

Support for social and affordable housing that is fair and principle-based is critical.

Victoria's specialist homelessness services, funded through a combination of Commonwealth and State Government funding, have responsibility for responding to homelessness across the State.

Recent funding programs, with funding guarantees for some municipalities and competitive processes for others, do not reflect need, cost and availability of options in more remote areas or the capacities to compete for funding.

Further, some of the services that contribute to reducing homelessness by addressing drivers such as mental health and family violence are more difficult to access in rural areas. A more equitable approach is required.

**Relevance to [MAV Strategy 2021-25](#) priorities themes (nominate relevant priority):**

MAV Strategy 2021-25 Priority	Relevant
1. Economically sound councils	
2. Healthy, diverse and thriving communities	Yes
3. Well-planned, connected and resilient built environment	
4. Changing climate and circular economy	
5. Sector capability and good governance	
6. Effective and responsive MAV	
Other – Of local government significance*	

\* If Other is selection, supporting commentary must be included

**East Gippsland Shire Council**  
**Draft Motion 4 for MAV State Council Meeting**  
**17 May 2024**

**Name of Motion:** Local Government Consultation – *Local Government Act 2020* Reform

**Motion:**

That the MAV calls on the Victorian Government to revise and reframe its consultation approach to the local government legislative reforms.

**Rationale:** No longer than 350 words / 2,400 characters

In January 2024 Local Government Victoria (LGV) released a Consultation Paper on the Local Government Reforms 2024. Contained within is the consultation approach. This stated that feedback was due by 29 February 2024 and that:

*'the Municipal Association of Victoria (MAV), the Victorian Local Governance Association (VLGA) and the Local Government Professionals Inc (LGPro) will actively seek feedback and comments and submit this to LGV by the closing date.*

*The peak bodies will coordinate feedback from Mayors and elected representatives, CEOs, and council staff. Noting the tight timeframes, the peak bodies will determine the most appropriate engagement strategies.*

*Individual, sensitive, and confidential submissions can be sent directly to LGV via email at [lgv@ecodev.vic.gov.au](mailto:lgv@ecodev.vic.gov.au).'*

While the sector and the peak bodies are keen to partner with LGV on the proposed local government legislative reforms, the timing allocated to, and the approach applied to garnering insights was not conducive to such a relationship and did not imbue trust that the resultant reforms will be beneficial for the sector.

**Relevance to [MAV Strategy 2021-25](#) priorities themes (nominate relevant priority):**

MAV Strategy 2021-25 Priority	Relevant
1. Economically sound councils	
2. Healthy, diverse and thriving communities	
3. Well-planned, connected and resilient built environment	
4. Changing climate and circular economy	
5. Sector capability and good governance	Yes
6. Effective and responsive MAV	
Other – Of local government significance*	

\* If Other is selection, supporting commentary must be included

**East Gippsland Shire Council**  
**Draft Motion 5 for MAV State Council Meeting**  
**17 May 2024**

**Name of Motion:** Financial Sustainability

**Motion:** No longer than 250 words / 1,700 characters

That the MAV calls on the Victorian Government to establish an inquiry into rate capping with a view to establishing a set of principles that could be applied, to ensure there is a consistent, principle-based approach to rate capping across local government, that supports financial sustainability.

**Rationale:** No longer than 350 words / 2,400 characters

The Essential Services Commission (ESC) is responsible for administering the Fair Go Rates system and providing advice to the Minister for Local Government on the average rate cap for councils. For the 2024/25 financial year, [council rate rises](#) are capped at 2.75%.

When setting the rate cap the ESC analysed council financial data, price indices relevant to the sector, and economic forecasts from the RBA and the DTF, met with stakeholders, reviewed the 2023–24 analysis of council budgets conducted by Local Government Victoria (LGV) and the results of 2021–22 audits of the local government sector conducted by the Victorian Auditor General's Office (VAGO).

A key observation in the Letter to the Minister for Local Government ([lg-highercap-advice to lg minister 2024-25-20231102 \(2\).pdf](#)) was 'that when updated with price inputs relevant to the Victorian setting, the three indices estimate that Victorian council costs increased by around 3.9 to 4.3 per cent from September 2022 to September 2023.' The corresponding rate cap for those years that Councils could apply was 1.75% for 2022/23 and 3.5% for 2023/24.

Further to this, for 2024/25 the Essential Services Commission advice to the Minister included the following:

*'In our view, the gap between the rate cap and inflation, rising construction costs, and the expectation of future wage increases have the potential to present major cost pressures on councils going forward.'*

The effects of the ongoing lower rate cap when compared to the increases in Council costs are:

- Council's costs increasing at a greater rate than the rate cap for the last three years
- There is a compounding impact on rate revenue in all future years
- Services to the community may be impacted to reduce costs and balance out the reduction in rate revenue.

Therefore, it is considered reasonable to establish a consistent, principle-based approach to rate capping across local government that enables sustainable financial practices for Councils that are equitable to the community.

Relevance to [MAV Strategy 2021-25](#) priorities themes (nominate relevant priority):

MAV Strategy 2021-25 Priority	Relevant
1. Economically sound councils	Yes
2. Healthy, diverse and thriving communities	
3. Well-planned, connected and resilient built environment	
4. Changing climate and circular economy	
5. Sector capability and good governance	
6. Effective and responsive MAV	
Other – Of local government significance*	

\* If Other is selection, supporting commentary must be included



**East Gippsland Shire Council**  
**Draft Motion 6 for MAV State Council Meeting**  
**17 May 2024**

**Name of Motion:** Renewable electronic vehicle (EV) chargers in Schools

**Motion:** No longer than 250 words / 1,700 characters

That the MAV calls on the Victorian Government, and specifically the Department of Education to partner with local government to enable power generated from school solar to be integrated in rural EV charging infrastructure.

**Rationale:** No longer than 350 words / 2,400 characters

The Victorian Government supports more than 1,600 schools across Victoria. 1/3 or more of those schools are in remote, rural and regional Victoria. Most, if not all, of those schools have significant solar PV infrastructure. The generation capacity of this power source is quantifiable and significant.

This infrastructure is either under or not utilised for at least 12 weeks per year during school holidays, during which time the visitor economy could be targeted for use of this power resource, especially in rural areas.

Once this infrastructure is installed, this EV charging infrastructure could be used by teachers to charge their EVs in school time. This could be combined with EV lease incentives from the Victorian government, which will aid carbon production reduction and provide incentives for teachers to move to and work in regional and rural schools, which are currently difficult to fill.

Additionally, schools could sell their feed-in power to EV chargers, to generate an income source.

**Relevance to [MAV Strategy 2021-25](#) priorities themes (nominate relevant priority):**

MAV Strategy 2021-25 Priority	Relevant
1. Economically sound councils	
2. Healthy, diverse and thriving communities	
3. Well-planned, connected and resilient built environment	
4. Changing climate and circular economy	Yes
5. Sector capability and good governance	
6. Effective and responsive MAV	
Other – Of local government significance*	

\* If Other is selection, supporting commentary must be included

### 5.3.4 Australian Local Government Association National General Assembly 2024 – Notices of Motion

Authorised by General Manager Business Excellence

---

#### Conflict of Interest

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

#### Executive Summary

The 2024 National General Assembly (NGA) of the Australian Local Government Association (ALGA) will be conducted 2 – 4 July 2024. The theme for the 2024 NGA is 'Building Community Trust', which aims to explore the critical importance of trust in government, between governments, its institutions, and its citizens. This trust is a fundamental building block of our nation's democracy.

This year's call for motions focusses on the twelve priority areas being Intergovernmental relations, financial sustainability, roads and infrastructure, emergency management; housing and homelessness, jobs and skills, community services; closing the gap and Aboriginal and Torres Strait Islander reconciliation, data, digital technology and cyber security, climate change and renewable energy, environment, and circular economy. These are further explored in the [Discussion Paper](#).

The proposed motions, provided at **Attachments 1 and 2**, are as follows.

**Motion 1      Increase the resilience of telecommunications infrastructure during disasters, improve the quality and extent of coverage to support regional living, provide equitable access to services and digital technologies.**

**Motion 2      Accelerate investment in disaster risk reduction.**

If approved, the motions will proceed to submission by 29 March 2024. After which, they will be considered by ALGA for inclusion in the agenda for the NGA from 2 – 4 July 2024.

#### Officer Recommendation

***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. approves the submission of the proposed motions, as provided at Attachment 1 and 2, to the Australian Local Government Association for consideration to be included in the agenda for the 2024 National General Assembly.***

## Background

The theme for the 2024 NGA is 'Building Community Trust', which aims to explore the critical importance of trust in government, between governments, its institutions, and its citizens. This trust is a fundamental building block of our nation's democracy. A notice of motion to this year's NGA should either:

- how all levels of government in Australia can build trust in each other and earn greater trust from the community;
- practical opportunities for the Australian Government to leverage the trust that local communities have in their local council;
- focus on practical programs that can strengthen the system of local government nationally to provide the services and infrastructure required to support and strengthen our communities; and
- new program ideas that that would help the local government sector to deliver the Australian Government's objectives.

This year's call for motions focusses on the following eight priority areas. These are further explored in the [Discussion Paper](#):

1. Intergovernmental relations;
2. Financial sustainability;
3. Roads and infrastructure;
4. Emergency management;
5. Housing and homelessness;
6. Jobs and skills;
7. Community services;
8. Closing the Gap and Aboriginal and Torres Strait Islander Reconciliation;
9. Data, digital technology and cyber security;
10. Climate change and renewable energy;
11. Environment; and
12. Circular economy.

For a motion to be eligible, it must meet the following criteria:

1. be relevant to the work of local government nationally;
2. not be focused on a specific jurisdiction, location or region – unless the project or issue has national implications;
3. be consistent with the themes of the NGA;
4. complement or build on the policy objectives of ALGA and your state or territory local government association;
5. be submitted by a Council which is a financial member of their state or territory local government association;
6. propose a clear action and outcome i.e. call on the Australian Government to act on something;
7. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, Local Government;
8. address issues that will directly improve the capacity of Local Government to deliver services and infrastructure for the benefit of all Australian communities;
9. not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another; and
10. be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.

## Proposed Motions

It is proposed that Council submit two motions, which are summarised below and available in **Attachments 1** and **2**.

### **Motion 1      Increase the resilience of telecommunications infrastructure during disasters, improve the quality and extent of coverage to support regional living, provide equitable access to services and digital technologies.**

This National General Assembly calls on the Australian Government to support the urgent need:

- to manage and regulate voice and data telecommunications as an essential service, with emergency roaming mandated for all carriers;
- to develop mandatory service reliability standards that support emergency services, government and community;
- for partnerships between all levels of government and telecommunication carriers and electricity suppliers to support investment to enhance the resilience of infrastructure in the context of climate change;
- to develop a community partnership model in remote areas that maintains back-up infrastructure (i.e., generators) prior to and during events, improving reliability; and
- to ensure universal service obligations provide for baseline access to voice and data services at an affordable cost for all Australians to support community safety, access government services and support community and economic participation.

### **Motion 2      Accelerate investment in disaster risk reduction.**

This National General Assembly calls on the Australian Government to support the urgent need to:

- accelerate investment in disaster risk reduction including mitigation and resilience and preparedness to reduce the cost of disaster recovery;
- move investment to a funding allocation model based on need informed by disaster risk and consequence and community capacity rather than competitive funding models;
- support proactive co-investment to increase infrastructure resilience and incorporate an expectation for betterment (for resilience) as part of the Disaster Recovery Funding Arrangements (DRFA);
- support partnerships to increase resilience through social infrastructure; and
- develop a plan to support individuals and communities through change where their current homes are in high-risk locations.



## **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 related sections 90(1)(e) and 92(3)(g) in the new Act.

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

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

## **Consultation**

Discussions have occurred and information garnered from the Executive Leadership Team and Councillors.

## **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 has been prepared and aligned with the following policies:

- Advocacy:
- Asset Management; and
- Risk Management.

## **Options**

It is considered that all Motions can be submitted for consideration by ALGA.

## **Resourcing**

### *Financial*

There are no financial implications to submitting these motions.

### *Plant and equipment*

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

### *Human Resources*

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

### *Risk*

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

### **Economic**

There are no economic benefits to Council or the community in submitting these motions.

### **Social**

There are no social impact implications associated with this report.

### **Environmental**

There are no environmental implications associated with the report.

### *Climate change*

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

### **Engagement**

There is no requirement to undertake community engagement to submit these motions.

### **Attachments**

1. Motion 1 [5.3.4.1 - 2 pages]
2. Motion 2 [5.3.4.2 - 2 pages]

**East Gippsland Shire Council**  
**Draft Motion 1 for ALGA National General Assembly**  
**2-4 July 2024**

<b>Motion 1 Details</b>	
<b>2024 NGA Theme:</b>	Building Community Trust
<b>Motions Subject:</b> Short summary of the specific topic or issue	<b>Increase the resilience of telecommunications infrastructure during disasters, improve the quality and extent of coverage to support regional living, provide equitable access to services and digital technologies.</b>
<b>Motion:</b> Max 500 words	<p>This National General Assembly calls on the Australian Government to support the urgent need:</p> <ul style="list-style-type: none"> <li>• to manage and regulate voice and data telecommunications as an essential service, with emergency roaming mandated for all carriers;</li> <li>• to develop mandatory service reliability standards that support emergency services, government and community;</li> <li>• for partnerships between all levels of government and telecommunication carriers and electricity suppliers to support investment to enhance the resilience of infrastructure in the context of climate change;</li> <li>• to develop a community partnership model in remote areas that maintains back-up infrastructure (i.e., generators) prior to and during events, improving reliability; and</li> <li>• to ensure universal service obligations provide for baseline access to voice and data services at an affordable cost for all Australians to support community safety, access government services and support community and economic participation.</li> </ul>
<b>National Objective:</b> Why is this a national issue and why should this be debated at the NGA? Max 200 words	<p>In recognition of the impact of extreme weather events over the past three years across the nation, the Federal Government is requested to establish policy settings and invest that increase the resilience of telecommunications infrastructure during disasters, improves the quality and extent of coverage to support regional living, and provides equitable access to services and digital technologies.</p>
<b>Key Arguments:</b> Background information and supporting arguments. Max 500 words	<p>The key arguments behind this motion are:</p> <ol style="list-style-type: none"> <li>1. Digital communications in the modern world are essential services.</li> <li>2. Digital inclusion is tracked by the Australian Digital Inclusion Index (ADII) measuring access, affordability and digital ability, the results of which show it should be significantly higher across Australia.</li> </ol>

	<p>3. Disaster management - Digital connectivity is a key component of disaster management, where mobile and internet services are critical to community safety. Disasters are experienced as a loss of control and trauma from such events can be reduced where reliable and timely information is available.</p> <p>4. Governments now place significant reliance on digital communications to provide warnings, updates on service restoration and to access support services. Ironically for those impacted by the February 2024 Victoria storms which resulted in significant power and telecommunication outages, a primary source of information was power company outage websites which were not accessible to those impacted.</p> <p>5. Foreseeable events - Large, widespread events that impact infrastructure are not “black swan” events - they are entirely foreseeable. Examples in Victoria include the Black Summer Fires, recent major flooding in the north of Victoria, and the February 2024 storms are consistent with forecast impacts of climate change. There are many other national examples.</p> <p>6. While there has been significant investment in infrastructure hardening following the 2019/20 Black Summer fires, recent events have shown this does not go far enough. Current strategies can be expensive which progressed facility by facility. There is the opportunity for partnerships to drive investment at a national scale, bringing the unit cost of resilient telecommunication systems down.</p> <p>7. The COVID 19 pandemic accelerated the transition of governments and other services online. This can have advantages in areas remote from government service centres, but it does rely on effective digital participation by all members of the community, and so it is critical that baseline services are available to all at an affordable cost.</p>
--	---

ALGA Priority Areas	Relevant
Intergovernmental Relations	
Financial Sustainability	
Roads and Infrastructure	Yes
Emergency Management	Yes
Housing and Homelessness	
Jobs and Skills	
Community Services	Yes
Closing the Gap and Aboriginal and Torres Strait Islander Reconciliation	Yes
Data, Digital Technology and Cyber Security	Yes
Climate Change and Renewable Energy	Yes
Environment	
Circular Economy	
Other Issues	



**East Gippsland Shire Council**  
**Draft Motion 2 for ALGA National General Assembly**  
**2-4 July 2024**

Motion 2 Details	
<b>2024 NGA Theme:</b>	Building Community Trust
<b>Motions Subject:</b> Short summary of the specific topic or issue	<b>Accelerate investment in disaster risk reduction.</b>
<b>Motion:</b> Max 500 words	<p>This National General Assembly calls on the Australian Government to support the urgent need to:</p> <ul style="list-style-type: none"> <li>• accelerate investment in disaster risk reduction including mitigation and resilience and preparedness to reduce the cost of disaster recovery;</li> <li>• move investment to a funding allocation model based on need informed by disaster risk and consequence and community capacity rather than competitive funding models;</li> <li>• support proactive co-investment to increase infrastructure resilience and incorporate an expectation for betterment (for resilience) as part of the Disaster Recovery Funding Arrangements (DRFA);</li> <li>• support partnerships to increase resilience through social infrastructure; and</li> <li>• develop a plan to support individuals and communities through change where their current homes are in high-risk locations.</li> </ul>
<b>National Objective:</b> Why is this a national issue and why should this be debated at the NGA? Max 200 words	<p>The severe impacts of disasters have been felt across Australia in the last 5 years. All levels of government are impacted by the escalating costs of recovery from disasters. Similarly, individuals, businesses and insurers are similarly impacted by escalating costs associated with the impact of disasters. While some good initial steps have been taken to invest in disaster risk reduction through the Disaster Ready Fund, there is a need to accelerate action and ensure that vulnerable communities are not left behind. Failure to do so will incur significant social and economic costs.</p>
<b>Key Arguments:</b> Background information and supporting arguments. Max 500 words	<p>The key arguments behind this motion are:</p> <ol style="list-style-type: none"> <li>1. The last 5 years have demonstrated that our current approach to responding to disasters is not sustainable, with increasing costs of recovery associated with more frequent and severe disaster events.</li> <li>2. The establishment of the Disaster Ready Fund is an important first step, however much more is required to deliver the change needed to support the Australian community.</li> </ol>

	<p>3. There is a need to accelerate action and current models where funding for initiatives is delivered primarily based on competitive grant funding will not deliver the outcomes required. Competitive funding model support action by those who already have high levels of capability but not necessarily aligned to need.</p> <p>4. A needs-based allocation method is required to deliver equitable and effective investment in disaster risk reduction – informed by disaster risk (and consequence), community capacity and local plans for risk reduction.</p> <p>5. The Australian Government has used needs-based funding models to effectively partner with local government on other issues and this is another opportunity.</p>
--	--

ALGA Priority Areas	Relevant
Intergovernmental Relations	
Financial Sustainability	Yes
Roads and Infrastructure	
Emergency Management	Yes
Housing and Homelessness	
Jobs and Skills	Yes
Community Services	Yes
Closing the Gap and Aboriginal and Torres Strait Islander Reconciliation	
Data, Digital Technology and Cyber Security	
Climate Change and Renewable Energy	Yes
Environment	Yes
Circular Economy	
Other Issues	

## 6 Urgent Business

## 7 Confidential Business

### 7.1 Economic Development Advisory Committee - Member Appointment

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in this report is confidential because it contains personal information that would, if released, result in the unreasonable disclosure of information about personal affairs.

## 8 Close of Meeting