

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

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Michael Fearnley	<p>No written clarification of whether the new blocks can be further subdivided</p> <p>No written clarification of whether multiple units can be built on these new blocks and may be rented out.</p> <p>18 metres rear setback from boundary stipulated by VCAT has not been written into the latest proposal.</p>	<p>Loosing the serenity of the area, Loosing the view of our amenity is a major concern. An oblique rather than horizontal sight line would be of some help. 1.5 metre sight line is of concern because from a sitting position that is not satisfactory.</p> <p>The height of vegetation was questioned at the Paynesville meeting 7/10. Crowther &amp; Sadler Pty Ltd land surveyors dismissed this saying vegetation growth on northern side has not affected views from the southern side. This is completely irrelevant because the existing house blocks do not back onto one another. So there definitely needs to be height vegetation restrictions placed on purchasers of the new blocks.</p>

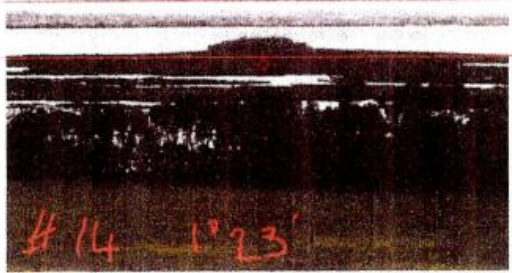
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Elizabeth Fearnley	<p>Concern regarding the significant increase in traffic along Fullarton Drive and impact of increased number of cars entering Burden Place and onto the Paynesville Road</p> <p>Our view will be significantly impacted. With the 1.5m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

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

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

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



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	<p>14 FULLARTON DRIVE LOOKING ACROSS LOT 51</p>  <p>HORIZONTAL LINE 0°00' VERT. ANGLE AT RL 16.16 AHD</p> <p>VIEW LINE MINUS 1°23' VERT. ANGLE</p>	
Pamela Tomlinson	Refer to objection content of <a href="#">John Tomlinson</a>	<p>Complete loss of amenity of magnificent constantly changing panoramic view (horizontal, vertical and oblique), encompassing vulnerable Ramsar wetlands, with a central focus on Fullarton Point (which is directly in line with our property), Lake King, Mitchell River silt jetties (longest in world), with landscape and mountain ranges beyond (refer to photo and building envelope for Lot 51, which show horizontal view of only sky) . Loss of fully open rural aspect with habitat of native flora and fauna (kangaroos, echidnas, Latham Snipes and other migratory shorebirds, native waterfowl, reptiles and amphibians behind our property by being hemmed in at the back by a row of houses which will completely block us off from any horizontal or vertical views, except only the sky above. Loss of property value. Since my retirement and during COVID lockdowns, this wonderful view and watching the native wildlife, especially kangaroos with joeys was a saviour of my mental health</p>



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		<p>(stress, anxiety and clinical depression) from PTSD experienced at work.</p> <p>My husband and I purchased 14 Fullarton Drive, Paynesville, in 2007 for our peaceful retirement because of the amenity of a magnificently panoramic view, especially the central focal viewpoint of Fullarton Point with the wonderful Ramsar wetlands spreading out on both sides and to the front, with Lake King, silt jetties, landscape and mountains beyond, within a fully open rural aspect of a paddock. We greatly value and have enjoyed this serene panoramic view for many years, which has improved our psychological well-being. We would be devastated to lose it and I fear of relapsing.</p>
Lynette Wilkinson	<p><b>This application has not satisfactorily addressed reasonable view sharing with adjoining properties to the south.</b></p> <p>The redesign of lots at the eastern end of the subdivision as strongly suggested by VCAT 2014 has improved the density issues but has caused a severe reasonable view sharing issue for numbers 12 and 14 Fullarton Drive.</p> <p>Although lot 51 is directly in front of 14 Fullarton Drive, it would severely affect my panoramic view at number 12 as the viewing line to the wetland is oriented over lot 51. This lot has an AHD of 16 metres which means I do not have an oblique viewing line towards the wetland and lake.</p> <p>This issue could be easily alleviated by following VCAT's subsequent suggestion of locating lot number 51's building envelope further downslope whilst maintaining proposed height restrictions. (paragraph 89 VCAT report 2014) or by lowering the designated AHD height to keep it more in line with the eastern lots.</p> <p><b>Inaccurate information in the application and inaccurate assumptions.</b></p> <p>Search of covenants - statement (application P23) "Properties on the higher (south western) side of Fullarton Drive have no limitations with no covenants imposed"</p> <p>This assumption was made after searching one title on the high side of Fullarton Drive.</p> <p>Houses on the high side in section LP142745 as shown on the plan on application page 25, all have the same restrictive covenant as the houses on the northern side of Fullarton Drive.</p>	<p>My amenity of a glorious panoramic view of the RAMSAR wetland, lake and hills beyond as well as the native vegetation and including an uninterrupted view of the superb Gippsland red gum will be obliterated, especially by height of the AHD placed on Lot 51 (16 AHD) which is one whole metre higher than the Lot 52 (15 AHD) directly in front of me.</p> <p>Unfortunately our viewing line towards the RAMSAR wetland and lake is angled towards the west and a roofline to 16 AHD would completely remove any view of the wetland and lake to the west of the tip of Point Fullarton.</p> <p>VCAT outlined the important aspects of the view giving weight to the panoramic view (or horizontal view) Paragraph 83 2014 decision. "The current view is what we would describe as a whole view in which the interface between land and water is visible and appreciated in a wide often panoramic viewshed"</p>

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	<p>The MODAN cross sectional drawings for numbers 12 and 28 Fullarton Drive have incorrect heights labelled and show that an 11 metre house could be constructed to the north of number 12 Fullarton drive. (Application Page 75/76)</p> <p>The worst case scenario, a house up to 11 metres as detailed on page 31 of the application is only possible due to the incorrect ffl height of number 12 Fullarton Drive.</p> <p>These cross section drawings apart from being inaccurate do not demonstrate how views will continue to be shared and enjoyed by adjacent properties and the proposed allotments as stated on application Page 31. There is no outcome to the horizontal viewing line shown.</p> <p><b>The incorrect assumption that a horizontal viewing line gives properties a view sharing opportunity.</b></p> <p>Statement( page 31 application) The maximum height will not exceed the standing eye level of the immediately adjacent building.</p> <p>A horizontal viewing line from a standing eye level of 1.5 metres above floor level gives at best a view of part of the hills beyond the lake and the sky. It does not include the lake or any wetland view. The importance of the viewing line angle is vital. To obtain a view, the viewing line must be angled towards the view required. (see included photos)</p> <p>The photos included were taken by Bruce Bowden of Austech Surveying in Bairnsdale and were used at VCAT 2014 to illustrate the problem of a horizontal viewing line. The theodolite he used had a built in camera. The horizontal view in both photos demonstrate that the views obtained do not include the lake or Ramsar wetland.</p> <p>An oblique viewing line suitable to each individual house is required and the appropriate AHD designated.</p> <p><b>There is nothing in the plan to prevent further subdivision of blocks into battle axe style blocks which would increase density to an unacceptable level as well as threaten any view sharing opportunities.</b></p> <p>Battle axe blocks do not fit with the neighbourhood character of this area as described in the application page 39 - The neighbourhood character of northern Paynesville district area is categorised in general by single lots with detached dwellings. A restriction on the title is required to ensure that further subdivision is not possible.</p>	<p>This panorama of very high quality needs to be considered in terms of what views will be lost and what views would be retained.</p> <p>In addition my enjoyment of observing the variety of wildlife in the adjoining paddock, including mobs of kangaroos, endangered JAMBA migratory bird the Latham's snipe which forages in the wet grasses and shelters in the low bushes, echidnas and bluetongue lizards will only in future be a memory. As a long time resident I care deeply about this special environment and request that council consider carefully the environmental values of the whole area.</p> <p>If this application is approved the reserve and wetland area will become the exclusive and unencumbered view and amenity of the dwellings to our north.</p> <p>The applicant should be made to prove to adjacent owners just how much view we will retain in the view sharing situation that the application proposes. The VCAT panel visited my property in 2014 and made an assessment using 4.5 metre poles which did give me an indication of the amount of view I would lose. Since that assessment the subdivision has been redesigned which has significantly changed the lots immediately to the north of my home. Therefore before any approval is given council must require at least a similar assessment.</p> <p>The block next door to me on the eastern side was designated to be the road into the subdivision in the previous design. It is now to be a regular house block (Lot 59) and will be offered for sale after approval of this subdivision. It is interesting to note that the</p>

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	<p><b>All restrictions must be required to be registered on the titles of the new lots.</b></p>	<p>designated AHD for the lot 53 to the north of this block allows for an oblique view towards the lake from a balcony or veranda of a similar height to my veranda. If this block can be afforded with a viewing line that will give a reasonable view share so can all houses on Fullarton Drive.</p>

12 FULLARTON DRIVE  
LOOKING ACROSS LOTS 11 AND 29



HORIZONTAL LINE 0°00' VERT. A  
AT RL 15.96 AHD

VIEW LINE MINUS 1°45' VERT.

14 FULLARTON DRIVE  
LOOKING ACROSS LOTS 12 AND 30



HORIZONTAL LINE 0°00' VERT. AN  
AT RL 16.16 AHD

VIEW LINE MINUS 1°23' VERT. AN

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

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

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		<p>This will mean that there will be an increase in the built form bulk and prevent reasonable view sharing from my residence.</p> <p>For this reason, the EGSC should consider adding 'no further lot subdivision' within a Section 173 agreement or on title as a restrictive covenant.</p> <p>3. 1.5 metre horizontal site lines - Amenity Do we really have to be standing to see the limited view? Applying 1.5m on all lots is contrary to the VCAT reasons about view sharing.</p> <p>1.5m horizontal sight lines from the floor level of adjoining residences does not guarantee a fair or reasonable view for everyone. View sharing in my case is too limited and unreasonable.</p> <p>Reducing the sight line height to 1.2m at an oblique angle which will include lake views as well as the background hills is more appropriate.</p> <p>Each of the adjoining residences should be surveyed and sight lines adjusted to ensure reasonable view sharing of the amenity for each residence.</p> <p>Council should reject this application and seek to receive an amended planning permit application which reflect these provisions.</p>
Rhonda Albrecht	<p>As a resident of Fullarton Drive, I have received correspondence and a notice of planning permit application for subdivision of 10 Fullarton Drive Paynesville. I have reviewed the application proposal and attachments and make the following objections to the granting of a permit.</p> <p>Objection:</p> <ol style="list-style-type: none"> <li>1. Building Envelopes</li> <li>a. Setbacks</li> </ol>	<p>I urge Council:</p> <ol style="list-style-type: none"> <li>a. to conclude that amendments to the plan to satisfy the points made here in relation to building envelopes, Section 173 and further subdivision should be applied.</li> </ol>

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	<p>Absence of 18 metre setback on the lots abutting northern boundary residences 18-42 is inconsistent with the VCAT decision.</p> <p>b. Horizontal Sight Lines - Appropriateness 1.5 metre horizontal sight lines on all lots are inconsistent with the VCAT decision</p> <p>c. Inaccurate sight/view line drawings - MODAN - Proposed site/view lines</p> <p>2. Potential for new landowners to further subdivide individual lots</p> <p>3. Environmental degradation - Ramsar Wetland &amp;: Lakes</p> <p>Impact:</p> <p>1. Building Envelopes a. 10m setback on lots 50-39 does not concur with the VCAT decision based on a revised plan <b>[Appendix 1]</b> submitted by One Plan for the Applicant Lake Park Holdings at the VCAT hearing of 14 August 2014 and endorsed by EGSC planning officer [NAME REDACTED] as the new plan of subdivision building envelope design.</p> <p>The VCAT order clearly accepted these setbacks in its decision, and I refer you to the Order dated 21 November 2014.</p> <p>Extract: Pg.23 Para, 77 - Additional materials provided during hearing</p> <p><i>The hearing did not finish within the allocated four days.... We provided the applicant with a further opportunity to address us on the issue of view sharing, including the preparation of further material to support its submission and Mr Glossop's evidence that the sharing of view is achieved by the proposed lot boundaries and building envelopes<sup>20</sup>. This material was circulated prior to the resumption of the hearing and the other parties were given the opportunity to respond to this material. This meant at the resumption of the hearing and during our subsequent inspection we had the benefit of:</i></p> <ul style="list-style-type: none"> <li><i>Revised building envelope plans from the applicant that increased the rear setback of the building envelopes on proposed lots 14-24 from 10 to 18 metres to position the future building lower down the land slope.</i></li> </ul>	<p>b. To consider whether or not this plan meets the VCAT decisions of Orders 4 August 2011 and 21 November 2014; and</p> <p>c. other planning requirements for GRZ1 and other statutory requirements within the planning scheme framework.</p>



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	<ul style="list-style-type: none"> <li>• <i>A view line section of each Fullarton Drive property from the applicant based on a survey of floor level at the centre of the north façade of each Fullarton Drive house; and</i></li> <li>• Served view lines of seven Fullarton drive houses from the residents.</li> </ul> <p><i>Footnote 20: This was discussed orally in the hearing on 18 July 2014. Our order dated 23 July 2014 gave leave to the applicant to provide any further materials (such as illustrations, facts relied upon and methodology of preparation) that it wishes to rely upon in regard to the issue of view sharing.</i></p> <p>This plan was supported by Section site line drawings showing the 18 metre setback for northern resident lots 18-42. [Appendix 2] For this purpose, I provide drawings for 28 Fullarton Drive.</p> <p>This evidence supports the amendment to the newly proposed building envelopes from 10m to 18m rear setback for the lots 50-39.</p> <p>1. Building envelopes In its finding in VCAT Order dated 4 August 2011, after considering the first application for a planning permit by Lake Park Holdings, the members found in favour of the residents' submission that views of Lake King form part of the resident's amenity</p> <p>This outcome was influenced by the 'in perpetuity covenant of a building height of 4.5m at highest part of the land' on titles for houses on the southern side of the new subdivision. The covenant still limits any improvement in our ability to address the view amenity in a different way.</p> <p>Extract: Page 17 Para 56 <i>The Council explained DDO14 contains no reference to the sharing of views but submitted that this could be achieved through the incorporation of appropriate building envelopes in the subdivision. The Council did acknowledge that the lack of any reference to the sharing of view in the planning scheme limits the amount of weight that can be given to this issue in considering the planning merits of this proposal. Nevertheless, we appreciate the Lake King views from part of the amenity of the residents' properties.</i></p> <p>b. View [sight] lines In response to the revised building envelope plan, approved at the VCAT hearing of 14 August 2014, the residents engaged Austec Surveying, Bruce Bowden, and submitted his methodology report and a copy of the plan of the subdivision</p>	

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

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	<p>Ref: date 6/8/2022 Version 3 – 28-30 Fullarton Drive [Appendix 5] Clearly the data shown on the view line section drawings for houses 12 and 28 are incorrect.</p> <p>These drawings may not be excused as [refer to note on drawing]</p> <ul style="list-style-type: none"> <li>Plans are indicative only</li> <li>Finished surface levels are subject to engineering design</li> <li>Survey produced by Crowther and Sadler</li> </ul> <p>That this practice may be the ‘norm’ under planning permit application processes, it does not provide an accurate representation to affected residents nor the EGSC.</p> <p>It is not acceptable that inaccurate information or resources affecting the permit decision process are submitted to EG Shire Council</p> <p>2. Potential for new landowners to further subdivide individual lots Although this new subdivision plan is conceived and designed by the Planners and Developer to meet planning scheme policy and guidelines, I submit that the planned subdivision does not meet all the criteria. The future subdivision by new lot owners on the larger m<sup>2</sup> lots [or any other] should be avoided due to the potential of increased built form bulk, landscaping intrusion and impact on the Ramsar Wetland and adjacent Crown lands.</p> <p>The DDO14 clearly provides guidelines for design objectives and Councils decision Schedule 14 to the Design and Development Overlay – DDO14 Residential Development in Coastal Settlements: Paynesville</p> <p>Significant Landscape Overlay The Paynesville Growth Area Structure Plan was adopted by EGSC on 2 August 2016. On Page 28, under sub heading Statutory Implementation, details of the process for implementation are stated including: <i>3.2 Amend the Municipal Strategic Statements – amongst others</i></p> <p><i>3.2.3 Removal of the Significant Landscape Overlay Remove the SLO affection land within the Structure Plan areas.</i></p> <p><i>3.2.4 Apply a DPO and Schedule for Residential areas a. Apply Development Plan Overlay [DPO] to land affected by the Paynesville Growth Area Structure Plan.</i></p>	

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

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	<p>Extract: Pg18 Para 59 - Any future application  <i>We are of the view that layout of the subdivision should consider lot orientation and size coupled with three dimensional building envelopes. This may provide scope to avoid new buildings dominating the view from the Lake, while concurrently providing some opportunities for reasonable view sharing for the existing development behind the south, specifically in Fullarton Drive and Eagle Bay Terrace.</i></p> <p>3. Environmental degradation - Ramsar Wetland and Lake King  The Paynesville community quite rightly has concerns about the sustainable 'wellbeing' of the Ramsar Convention protected, Lake King and Lake Wellington, and more broadly the Gippsland Lakes system.</p> <p>Residents of Fullarton Drive, Burden Place and the Inlet are fortunate to reside in the close proximity of the lakes and Point Fullarton Wetland and consider the development by subdivision for housing or other purposes as a threat to local waterways and features.</p> <p>As a resident in the close proximity of Point Fullarton Wetlands and Crown lands, I am concerned that the natural habitat will be diminished by the proposed new subdivision and the future development of parcels of land on the Lake King foreshore up to the Paynesville Road.</p> <p>On the EGSC website states: 'Water Sensitive Urban Design [WSUD] provides a range of benefits such as a clean environment, lush vegetation, improved amenity for recreation and health habitat for native birds and wildlife. WSUD are stormwater strategies to reduce hydrology impacts by slowing, capturing, treating, and using rainwater.'</p> <p>The development of the Urban Waterway Guidelines is a step towards the prevention of the degradation of East Gippsland significant waterways.</p> <p>The Point Fullarton Wetlands have an 'Environmental Significant Overlay' implying that it should be managed and maintained to enhance its natural attributes. As a layperson I am concerned that the proposed new plan of subdivision does not meet best practice standards for waterway design and ultimate protections. Erosion is also a significant factor during any future works adjacent to the wetland and Lake King.</p> <p>The handing over of the proposed reserve to the EGSC as an asset raises issues about habitat management and water quality monitoring for instance. The Applicant</p>	

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

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		assessment using 4.5 metre poles which did give me an indication of the amount of view I would lose. Since that assessment the subdivision has been redesigned which has significantly changed the lots immediately to the north of my home. Therefore before any approval is given council must require at least a similar assessment.
Ross McGregor	<p>My objection relates to the following negative impacts to the current precinct</p> <p>A. Traffic Management provisions for the precinct and the new Multi - Lot Subdivision</p> <p>B. Restricted access for disabled people</p> <p>C. On flow of traffic dangers Burden Place and Paynesville Rd.</p> <p>A Traffic Management provisions for the precinct and the new Multi - Lot Subdivision</p> <p>Currently in this precinct there is only <b><u>One way In - One way out.</u></b></p> <ul style="list-style-type: none"> <li>• The Planning Department should be acutely aware of the dangers and liabilities of impacts for not enabling alternatives. There are many case histories of where have caused significant impacts to the detriments of their communities ego Mallacoota, Bemm River, Banksia Peninsula, Wattle Point</li> <li>• Burden Place is the only access point for vehicles for current subdivisions only access</li> <li>• A new subdivision will place a greater strain on Burden Place</li> <li>• No alternative means of access for responding emergency appliances</li> <li>• No alternative means of escape from emergencies <ul style="list-style-type: none"> <li>○ Fires - internal and external</li> <li>○ Emergencies in and abutting Burden Place - fallen powerlines , structure fire hazardous materials incident -</li> <li>○ Service station has inherent dangers - above ground diesel storage, above ground LPG storage - creation of traffic hazards particularly in summer time</li> <li>○ At least 10 people who reside currently are emergency service workers and require constant egress</li> <li>○ Impact of construction vehicles using local street network- direct effect on eastern land parcels.</li> </ul> </li> </ul> <p>Recommendation:- That the Council does not allow this subdivision to proceed until alternative means of access and egress has been provided.</p>	<p>. Being a retired local senior officer of an emergency organization one of our key requirements for risk management recommendations was that residents and the public have the right to safely egress an area in case of emergencies. This has been a long held principle.</p> <p>The Building Code requires that people are entitled to make safe egress from buildings.</p> <p>Emergency services should alternative means of access and egress to all areas that is their responsibility.</p> <p>Fire Access Roads are constructed to provide to comply these principles</p> <p>Therefore it should be reasonable to expect subdivisions to comply.</p> <p>. As an emergency service provider (volunteer) for 3 different organizations it is my belief that I should entitled to able to egress my home and residential area to provide this essential community based service.</p> <p>There are at least 10 volunteer emergency service providers currently live in this precinct who should afforded the same rights</p>

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	<p>B. Restricted access to people with disabilities</p> <ul style="list-style-type: none"> <li>• Burden Place is only entry (on road Only) for people with disabilities</li> <li>• No hard standing pathways provided on Burden Place.</li> <li>• Enhanced danger to persons using Burden Place with mobility aides - wheelchairs, mobility scooters, wheeled walkers, walking sticks and crutches</li> </ul> <p>Recommendation:- That the Council does not allow this subdivision to proceed until a properly constructed hard standing footpath has initially been constructed for Burden Place. Alternative access points should be provided with equivalent facilities</p> <p>C. Dangers of Paynesville Rd. / Burden Place intersection</p> <ul style="list-style-type: none"> <li>• Limited Visibility in both direction for departing vehicles</li> <li>• Enhanced danger and restricted vision with current permissible parking ie outside service station and both sides of Paynesville Rd.</li> </ul> <p>Recommendation :- That the Council does not allow this subdivision to proceed until successful safety issues have been achieved in cooperation with VicRoads and other statutory Authorities</p>	<p>. Because of no provision of a hard standing footpath in Burden Place, I have felt threatened when assisting a non-ambulant person (wheelchair) in Burden Place. No one in that position, either alone or accompanied should feel vulnerable when traversing this area.</p> <p>CONCLUSION I have attempted to take a more broadened overview of the impact of this subdivision on this community. It is my beliefs that, until the global issues I have outlined have been resolved it would be inappropriate and dangerous to proceed.</p>
Barry Buntine	<p>1. The current permit application does not fulfil some recommended conditions previously identified as important through the VCAT process, in particular that there is at least an 18 metre rear set back from the property boundary at the rear of 26 Fullarton Drive and neighboring lots (18-42 Fullarton Drive). This is important to explicitly embed in the planning permit to ensure any future construction does not unduly impact on the values of the existing properties. 2. The proposal for 1.5 metre horizontal sight lines from the floor level height of existing building at 26 Fullarton Drive does not retain a fair share of the view from our family property. The 1.5 metres should be significantly lower. 3. The proposal does not explicitly exclude future subdivision of the new lots. This should be included as a condition of the permit and recorded on title for the proposed new lots. 4. The removal of native vegetation and subsequent impact on local environmental values including resident flora and fauna populations is proposed to occur directly adjacent to an internationally-recognised and protected Ramsar wetland site. This would result in incremental degradation of the local site and of the overall values of the Ramsar site. It would be a lost opportunity to retain and protect locally-important environmental values for the benefit of the Ramsar wetland and for the local community.</p>	<p>I have a family and financial interest in a residential property at 26 Fullarton Drive. It is owned and resided in by my family (parents). The permit will have numerous impacts on the local values and services currently in place (view, traffic, environment, etc.) and will affect the financial value of the property.</p>
Heather Buntine	<p>1. The current permit application does not fulfil some recommended conditions previously identified as important through the VCAT process, in particular that there is at least an 18 metre rear set back from the property boundary at the rear of</p>	<p>I have a family and financial interest in a residential property at 26 Fullarton Drive. It is owned and resided in by my family (parents).</p>



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	<p>26 Fullarton Drive and neighboring lots (18-42 Fullarton Drive). This is important to explicitly embed in the planning permit to ensure any future construction does not unduly impact on the values of the existing properties. 2. The proposal for 1.5 metre horizontal sight lines from the floor level height of existing building at 26 Fullarton Drive does not retain a fair share of the view from our family property. The 1.5 metres should be significantly lower. 3. The proposal does not explicitly exclude future subdivision of the new lots. This should be included as a condition of the permit and recorded on title for the proposed new lots. 4. The removal of native vegetation and subsequent impact on local environmental values including resident flora and fauna populations is proposed to occur directly adjacent to an internationally-recognised and protected Ramsar wetland site. This would result in incremental degradation of the local site and of the overall values of the Ramsar site. It would be a lost opportunity to retain and protect locally-important environmental values for the benefit of the Ramsar wetland and for the local community.</p>	<p>The permit will have numerous impacts on the local values and services currently in place (view, traffic, environment, etc.) and will affect the financial value of the property.</p>
Peter Berry	<p>Traffic in Fullarton Drive and Burden St likely to double resulting in high increase traffic noise and increase difficulty entering and leaving Burden St at its junction with Paynesville Rd which is further confused by traffic from the west indicating a left-hand turn – it is not clear if they are turning right into Burden or passing Burden and turning into the service station. Also pedestrian traffic in Burden (walking on the road – no footpaths) at increased danger.</p>	<p>Double vehicle traffic would lead to double noise, double pollution</p>
Marlene Forrester	<ol style="list-style-type: none"> <li>1. Traffic increase in Fullarton Drive               <ol style="list-style-type: none"> <li>a. Narrow Street</li> <li>b. Footpath on only one side</li> <li>c. Traffic noise</li> <li>d. Increased danger for residents entering and exiting driveways</li> <li>e. Holiday time and children on bikes</li> <li>f. Traffic fumes</li> </ol> </li> <li>2. Traffic increase in Burden Place               <ol style="list-style-type: none"> <li>a. Access from Fullarton Drive into Burden Place lessened</li> <li>b. Access from Burden Place into Paynesville Road lessened</li> <li>c. Vehicle from Bairnsdale direction have left-hand indicators which could mean either left into Burden Place or left into Service Station (ie, possible collision or holdup)</li> </ol> </li> <li>3. Vegetation Loss               <ol style="list-style-type: none"> <li>a. Mandy birds and animals in danger of habitat loss</li> <li>b. Bees, water birds, bats, insects, many Native birds</li> <li>c. Hopefully sea level rise is on the agenda!</li> </ol> </li> <li>4. Concerns for friends and neighbours who overlook the area and obviously purchased their property for the lovely view, nature and peace</li> </ol> <p>With all the developments proposed and in progress (or completed) for the whole area of Paynesville and any space left what about the main road to Bairnsdale?</p>	

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Gippsland Environment Group Inc	<p>The proposed multi-lot subdivision abuts the Point Fullarton wetlands, which are generally brackish in character but sometimes freshwater and sometimes hyper saline, and are populated with a diverse range of vascular and non-vascular plants, and rare and threatened wildlife. Point Fullarton forms part of the internationally significant Gippsland Lakes RAMSAR site. The Gippsland Lakes Ramsar site is one of 64 wetland areas in Australia that is listed as a Wetland of International Importance under the Convention on Wetlands of International Importance especially as Waterfowl Habitat or, as it is more commonly referred to, the Ramsar Convention (the Convention). Gippsland Lakes was listed as a Ramsar site under the Convention in 1982 in recognition of its outstanding coastal wetland values and features. The site is now seen as meeting six out of the nine Nomination Criteria recognising its representative wetland habitats at a bio regional level, vulnerable wetland species, support for key ecological life-cycle functions such as waterbird breeding, its importance for supporting waterbird abundance and diversity and its fish nursery and spawning habitats.</p> <p><sup>1</sup> <a href="https://www.dcceew.gov.au/sites/default/files/env/resources/OcO%20185c8-8eOb-4194-a6ca-d0f795bef41%20files/21-ecd-prelims.pdf">https://www.dcceew.gov.au/sites/default/files/env/resources/OcO 185c8-8eOb-4194-a6ca-d0f795bef41 O/files/21-ecd-prelims.pdf</a></p> <p>Key threats to Point Fullarton's wetlands include; altered water regimes, salinity, pollution, pest plants and animals, natural resource utilisation, dredging, activation of acid sulfate soils, recreation and tourism usage, fire and erosion. Contemporary threats include the prevalence and severity of recent algal blooms and the implications of climate change - particularly sea level rise - on the Gippsland Lakes.</p> <p>The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) prohibits actions that are likely to have a significant impact on the ecological character of a Ramsar wetland unless the Commonwealth Environment Minister has approved the taking of the action, or some other provision in the EPBC Act allows the action to be taken.</p> <p>The proposed multi-lot subdivision poses several potential threats to the adjoining Ramsar wetlands, namely;</p> <ul style="list-style-type: none"> <li>a) water and light pollution,</li> <li>b) heightened recreation and tourism pressures</li> <li>c) pest plants and animals,</li> <li>d) activation of acid sulfate soils during construction,</li> </ul> <p>The above threatening process inform our objections to the proposed subdivision.</p>	<p>Gippsland environment group have been lobbying to improve the health of the Gippsland Lakes for decades. We are concerned about the RAMSAR wetlands at Fullerton point. We are concerned about Gippsland Water's ability to manage further sewerage load given the recent multiple local releases into multiple waterways. GEG are also concerned about water run-off loss for the wetlands and run-off contamination. Latham snipe are counted there every year by birdlife Australia. It is one of their snipe count sites. Latham's Snipe is a migratory shorebird listed under the EPBC act. Further encroachment by development will have poor outcome for these migratory birds. A major threat to Latham Snipe is habitat loss caused by wetland drainage, modification, and clearing for agriculture and development. GEG are concerned that this development does not fit with councils 10 year plan to protect the environment. The council has state seven goals in the first being conservation of the natural environment and biodiversity. This development will be in direct conflict with that goal.</p> <p>The development is not a sustainable management of natural resources in that the RAMSAR wetlands will be impacted. Whilst wetlands are important for tourism, biodiversity and climate change mitigation they are not necessarily conducive to building homes next to them. In no way does this development assist community in participating in climate change response. Developing around wetlands shows no respect for traditional custodians of the land.</p>

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

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

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	<p>173 Agreement to avoid the permit obfuscating. by amending permit conditions containing negotiated requirements.</p> <p>Attention also needs to be given to discourage activities that generate excessive noise and disturbance to nearby wildlife (like sporting fields). More educative signage and informative displays similar to those at the Burden Drv parking area would be helpful, especially at raising awareness of the various breeding seasons. Education is a powerful tool that can be employed to reduce human recreational impacts on the wetlands.</p> <p><b>4. PEST PLANTS &amp; ANIMALS</b>  Given the close proximity of the proposed allotments to the Ramsar wetlands, some attention needs to be given by planners on mitigating risks of predatory animals and invasive plants. Responsible pet ownership should be enforced by council, particularly for domestic cats and dogs that pose a direct threat to neighbouring wildlife, such as frogs, birds and smaller mammals. Consideration needs to be given for effective cat curfews at night and early mornings, when wildlife is most vulnerable to predation. Educating future residents of the dangers posed by domestic pets and noxious plants to the Ramsar wetlands would be helpful in reducing these risks to the wetlands. Ways of enforcing responsible pet and plant ownership need to be genuinely explored and actioned upon. Cats roaming freely at night or gardens full of highly invasive noxious weeds for instance; would constitute a clear threat to the wetlands and potentially be subject to an EPBC control order.</p> <p><b>5. ACTIVATION COASTAL ACID SULFATE SOILS (CASS)</b>  GEG is concerned by the potential disturbance of CASS during the construction phase. We will pay close attention to the geo-technical Investigation of the site and recommendations for management if found, noting that CASS mapping confirms its likely presence.<sup>6</sup> Given the history of poor management of CASS by the applicant for the permit in a previous adjoining development (the Canals), we are most concerned by the permit applicant's involvement in this environmentally sensitive project.</p> <p><b>CONCLUSION</b>  Due to the 5 key threats elucidated above, the Gippsland Environment Group believes this is an inappropriate development for Point Fullarton. The General Residential Zoning is an historical misstep, reflecting the lack of concern and/or appreciation for the fragility of internationally important inland waterway habitats to residential development. Our first preference is to see the land compulsorily acquired by the state or federal government and protected from future</p>	

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

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


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Beverley Sharp	<p>Rear setback provisions to proposed building envelope of the 10 metre setback. Clause 89 states that any future subdivision layout should lessen the impact on the properties deemed to have "Moderate to Severe " impacts. As the impact on 24 Fullerton Drive was deemed by VCAT to be Severe, this indicates that for in building in the future development the setback of 18 metre, mentioned in Clause 77 would need to be further down the slope and /or the highest part of the house would need to be less than 4.5 metre high through excavation. The inference from this VCAT decision for 24 Fullerton Drive is that any future development would have to protect the view amenity from the top third of the wetland outwards to the existing lake and mountain vista . Clause 67 identifies that the amenity impact from properties on the north side of Fullerton Drive would be potential loss of views of Lake King and the wetland area. Clause 83 shows that VCAT gave weight to maintaining a reasonable share of the horizontal (panoramic) view enjoyed from the living and deck areas of the houses on the north side of Fullerton Drive.</p>	<p>If the permit is granted in the proposed state it would have a severe impact of our view amenity of the wetlands and part of Lake King and the loss of our bird life watching. The peace of serenity of our area will be understandable lost during any construction, especially to all the wildlife down on the wetlands. Will be more residents and traffic noise. Also with out major alterations to Exit Burden Place onto Paynesville Rd will render it vitally impossible to Exit. It's already hard with the Service station there with people pulling in and out of it and cars ,trucks and boats parking on Paynesville Rd .</p>
Cheryl Romanin	<p>While this application for development has been tweaked around the edges since the previous applications in 2010 and 2014, it remains an essentially inappropriate outer-Melbourne urban style development, similar to many of the existing developments in Paynesville, which are recognized as being detrimental to Paynesville's character and image. The proposed double row of allotments above Fullarton Point, in the western section of the development plan, are crammed into the available space, being only 600-700 sq m in size and are strongly reminiscent of the Coast development, and do nothing to improve the image of Paynesville as a coastal town. The Council and VCAT criticisms of the previous applications are largely still applicable today, particularly with respect to the recognition that the existing open farmland is linked visually to the foreshore reserve and Point Fullarton. The proposed housing development literally crowds the walking track and Fullarton Point and would irrevocably degrade the sense of space which gives the Foreshore reserve and walking/cycling track its special character. While this development application is not substantially different from those that were rejected in 2010 and 2014, in the last 8 years the world has changed in ways that make this development totally unacceptable. Environmental Damage and Ecosystem Collapse: • The World Economic Forum's Global risks report identifies critical global risks, of which 4 of the top 5 risks are related to the environment: extreme weather, climate action failure, human environmental damage, and biodiversity loss and ecosystem collapse. (World Economic Forum 2021). • The Australia State of Environment Report 2021 (SoE Report 2021) states that habitat loss and degradation remain the main threats to land-based species in Australia, impacting nearly 70% of threatened species. This proposed development would result in such habitat loss and degradation. • This development application largely ignores the fact that it is in close proximity to Point Fullarton, a significant Ramsar-designated wetlands area. "The act of designating a wetland as a Ramsar site carries with it</p>	<p>As a resident of Paynesville, I would experience the further destruction of what was once a healthy, unspoiled ecosystem. As an impacted landowner, I would experience a significant loss of enjoyment of my property, as well as a depreciation in value.</p>





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	<p>certain obligations, including managing the site to maintain its ‘ecological character’ and to have procedures in place to detect if any threatening processes are likely to, or have altered the ‘ecological character’. “Gippsland Lakes Ramsar Site Management Plan, East Gippsland Catchment Management Authority, Bairnsdale. 2015 • The location is an environmentally sensitive area which is threatened due to rising sea levels, shoreline retreat and increased frequency and severity of flood events. The compounding pressures caused by building 59 houses on the fringe of the threatened wetlands will place a number of additional stresses on the sensitive area. Past development has resulted in fragmentation of the wetland areas in the Lakes, and the adverse effects on a small remnant wetlands such as Fullarton Point is magnified. • The proposed development would cause “hemming in” or “coastal squeeze” where the ecosystem is eroded by rising sea levels but is unable to migrate inland because of the built environment. • Pressures on Australian biodiversity have not improved since the 2016 state of the environment report, and outcomes for species and ecosystems are generally poor. Our inability to adequately manage pressures will continue to result in species extinctions and deteriorating ecosystem conditions unless current management approaches and investments are substantially improved. Australia State of Environment Report 2021 (SoE Report 2021). We need to better manage our environment by rejecting proposals such as this one. Impacts on human health and wellbeing:</p> <ul style="list-style-type: none"> <li>o The links between biodiversity and human health and wellbeing are becoming increasingly obvious. For example, contact with nature is associated with positive mental health benefits, and can promote physical activity and contribute to overall wellbeing. A major challenge today and into the future is to maintain or enhance beneficial contributions of nature to quality of life and wellbeing for all people.</li> <li>o The ecosystem services framework, which recognises the social, ecological and economic benefits that people derive from nature, has become a cornerstone of conservation</li> <li>o Environmental decline and destruction is harming our well-being (SoE Report 2021) Comments on aspects of this proposal:</li> <li>• There has been insufficient community consultation for a development that is of major importance for all our local areas, in particular Paynesville, Eagle Point and Raymond Island.</li> <li>• The importance of wetlands is increasing recognised in the community, both in the protection of existing wetlands “Environment concerns over wetland.” (Bairnsdale Advertiser Oct 5, 2022) and efforts to create new wetlands “Wetlands project a winner for the environment.” (Bairnsdale Advertiser Oct 12, 2022.)</li> <li>• The proposed residential development will alter the ability of the soil to absorb water. At present, rainwater soaks into the soil. If the area is developed, it will consist of hectares of hard non-porous surfaces – roadways, footpaths, gutters, driveways, roofs, decking, paved and pebbled gardens – which cannot absorb water. This will result in a significant increase in contaminated stormwater and run-off. In a storm event, the pollutants and biological contaminants will end up in the wetlands and the lake,</li> </ul>	

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	<p>promoting further deterioration and algal blooms. The proposed stormwater disposal basins will be inadequate to deal with the kinds of torrential downpours and flood events that are happening with increasing frequency with climate change. • During construction, the ground will become compacted and rainstorm events will carry large sediment loads and pollutants down the slopes to the wetlands below. • The likely presence of Coastal Acid Sulfate soils is a potential hazard. “Soil containing metal sulfides is usually not a concern when it remains undisturbed or covered by water, but if it is exposed to air it can pose a risk to water quality.” <a href="https://www.waterquality.gov.au/issues/acid-sulfate-soils">https://www.waterquality.gov.au/issues/acid-sulfate-soils</a> o “Acid sulfate soil can lead to reduced pH, decreased oxygen concentration in water and the release of heavy metals such as cadmium and lead, and metalloids such as arsenic. o Acid and other contaminants can enter waterways and wetlands when soils are rewetted. o Decline in water and soil quality poses a risk to: • aquatic ecosystems • human health • infrastructure • primary industries • social amenity of waterways.” <a href="https://www.waterquality.gov.au/issues/acid-sulfate-soils">https://www.waterquality.gov.au/issues/acid-sulfate-soils</a> o Best practice in 2010 was to avoid disturbance of the soil. In 2022, in an environmentally sensitive area it should be a required response. • The proposed recreation area is unlikely to be used as such (like the one at Coast). Flood-prone, mosquito-ridden, presence of snakes – not safe or attractive as a playground or community meeting area • The emphasis on retaining one significant Gippsland Red Gum ignores the fact that the area is an ecosystem, and each apparently minor feature plays a part in the whole. All the trees, all the vegetation, the soil, the water, the wildlife, all play a part to protect the whole. Trees do not thrive when they are solitary. • The open farming land is part of the ecosystem – it provides a hunting ground for raptors and grazing for kangaroos. A token narrow strip of land will not provide the scale needed for an ecosystem to thrive. • There is a crisis of available housing in East Gippsland, however this development is not the appropriate response. Firstly, the land that was sold to these developers comprised 320 allotments, therefore there are 261 allotments available in less sensitive sites from this developer alone, along the main Paynesville Rd, for instance. Secondly, the housing shortage is primarily in areas of social housing, affordable housing and rentals, none of which would be served by this particular subdivision. • The proposed proximity of a residential development to the ecosystem below increases multiple risks - disturbing wildlife habitat, introducing invasive species from garden escapes, and predation of domestic animals, particularly cats. Not everyone keeps their animals confined as they should. Pet waste, grass clippings and fertilizers are brought closer to the wetlands, causing eutrophication or algal blooms when they are swept downhill in a rainstorm. o Ecosystems and species seldom respond to pressures in isolation, and the most abrupt changes in ecological systems frequently arise from interactions among multiple pressures rather than changes to a single pressure. Compounding effects erode ecosystem resilience, leaving a system more</p>	

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	<p>susceptible to future change. The cumulative effect of multiple pressures over many decades across whole regions and landscapes and seascapes, especially within and around intensive land-use and marine-use zones, exacerbates fragmentation and further degrades the quality of remnant native habitats, which support many threatened plants and animals. Extreme events can also provide a tipping point that overwhelms systems under multiple pressures. (SoE Report 2021) It is all our children and grandchildren who will suffer or thrive as a result of the decisions we make now about our precious marine and coastal environments. We need to work together to change and adapt to the current environmental, social and political climate.' From &lt;<a href="https://www.marineandcoasts.vic.gov.au/coastal-management/marine-and-coastal-strategy">https://www.marineandcoasts.vic.gov.au/coastal-management/marine-and-coastal-strategy</a>&gt; I propose that a better use of the land in question would be to establish an extensive open green recreation space with plantings of native flora, playground and barbeque area on the hillside, well above the wetlands, with walkways connecting the walking/cycling track below with the established communities above.</p>	
Donald McPhee	<p>1. Increased traffic along Fullarton Drive with negative impacts on neighbourhood safety, amenity and quiet enjoyment of what is currently a no through road. The traffic management plan should consider the impacts of the fully completed development, including planned future developments westward to Bay Road Eagle Point. The number of likely vehicle movements and the potential for Fullarton Drive to be used as an alternative through-route from Eagle Bay to Paynesville should be addressed now, at this stage in the development. Traffic "taming" measures such as chicanes, lowering the speed limit to 40 kmh and other measures to slow or deter through traffic should be set out, to reassure current residents that their rights to road safety and quiet enjoyment of the neighbourhood will not be sacrificed or over-ridden in the planning process. 2. Density of development. The large lot sizes identified in the proposal could potentially see future proposals to further subdivide these lots. Expectations for further subdivision should be prevented as part of the planning determination. The arguments for not allowing closer settlement in this zone, being adjacent to the Ramsar wetland and within an existing neighbourhood settlement pattern, are already well-established. 3. Sight lines to the north over Fullarton Point Wetlands for existing residences should be maintained through establishing meaningful and effective sight lines that minimise the impacts of new structures and garden plantings and allow existing residences to maintain their current views. The sloping nature of the land lends itself to terracing to allow this to happen. Oblique, rather than horizontal sight lines should be established to allow the continuation of this important amenity. 4. The impacts of stormwater runoff and closer settlement on Point Fullarton Wetlands. Being listed under the Ramsar Treaty these wetlands have international significance and deserve the highest standards of protection and enhancement as part of our national obligations under the Treaty. The proposed development should be consistent with the approved</p>	<p>As it currently stands, I fear that the multi-lot development would lead to greatly increased traffic movement along our peaceful street, with the potential for increased vehicle speeds as future developments to the west cumulatively add to the traffic load and would inevitably lead to its use as a through road. I greatly enjoy the special values of the Point Fullarton Wetland and fear that insensitive design or operation of a stormwater detention basin from this development could unintentionally harm those values, perhaps permanently. I highly value local neighbourhood cooperation and the sense of this being a strong, connected community, with considerable social capital. If existing sight-lines are lost, then this will signal lack of respect for existing residents and their own values; which would likely breed resentment and foster division and antagonism between residents. This would indeed be a significant and unnecessary loss of the most important community amenity.</p>

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	<p>plan for management for Ramsar listing of this wetland. The artificial wetland created for stormwater retention and treatment should be designed and operated so that it works to maintain and enhance the biodiversity values of this important locality. As well as managing stormwater nutrient pollution, the plan for this wetland should address aquatic habitat establishment to enhance the function of the adjacent Ramsar wetland; plus establishment of fringing native bushland to extend and enhance the existing strip of foreshore vegetation and provide connectivity. Management of aquatic weeds, pest animal species and garden-escape weeds from house lots should also be addressed. Given the serious nature of our international obligations and the need for performance-reporting on our Ramsar wetlands, these matters should be addressed up-front in the development proposal and not left as an incidental afterthought for the developer after development approval. The Ramsar wetland has already been significantly affected in the past with its area reduced from land-filling from previous development; and the highest exemplary standards should now apply to prevent further impacts on the values that are supposed to be protected under the Treaty. 5. There is an opportunity for this proposed development to work as an example of how community amenity, road safety and environmental amenity can actually be enhanced. Why not?? - If not here now, then where and when could such outcomes be achieved?</p>	
Susan Watson	<p>I was part of the Friends of Fullarton objector group to the two previous applications and subsequent VCAT hearings. I am now a resident of Violet Town Victoria but have an ongoing interest in the current application.</p> <ol style="list-style-type: none"> <li>1. The proposed development does not rectify the inadequate view-sharing deemed by VCAT as unacceptable in the 2014 proposal. This was one of the three reasons VCAT upheld the Council's decision to refuse the application.</li> <li>2. The 2022 application will still result in 'severe' or 'moderate' impacts on the existing residential visual amenity of many of the houses on the north side of Fullarton Drive burdened by the restrictive covenant of 4.5m maximum height. There will be an unacceptable interruption to the panoramic view of the mountains, Lake King and the northern section of the wetland as detailed by VCAT in the 2014 decision (Clause 67).</li> <li>3. The proposal does not achieve a 'reasonable' sharing of the view and fails to adequately assess the negative impact of the proposed building envelopes for each individual lot in Fullarton Drive that is constrained in perpetuity by the 4.5m building height covenant.</li> </ol> <p>Part A of my submission focuses on the points 1 and 2, and Part B on point 3.</p> <p>A. The main issue is one of discrimination</p>	<p>I have examined the current application in the light of the 2014 VCAT decision VCAT REFERENCE NO. P2565/2013, PERMIT APPLICATION NO. 1/2012/P. I want to ensure that the principles around view-sharing are implemented by any future development. The attached document provides full details of my objection, which I have supported by references to the 2014 VCAT Order as well as several relevant VCAT cases.</p> 

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	<p>The boxed information below summarises information from the 2014 VCAT Order that relates to view-sharing. In my opinion there are several basic shortcomings with the 2014 VCAT decision relevant to this:</p> <p>4. At the site meeting, the VCAT members took photos from standing and sitting positions. They explain in Clause 84 why they chose the 1.5m standing position as their basis of assessment while acknowledging in the next Clause 85 that this finding would have a severe impact upon the views of many properties from a 1.2m sitting position. Although VCAT provides four reasons for choosing the 1.5 height, Clause 85 confirms to me that the 1.5m view height is discriminatory and favours the developer over the request of the residents to have a reasonable part of their residential amenity preserved from a sitting position.</p> <p>5. Yes, the entire Fullarton subdivision was rezoned residential in the early 1980s and there was no covenant imposed on the whole site to maintain the views of the properties burdened by the 4.5m height covenant. This was a developer decision so that double-storey houses could be built on the southern side of Fullarton Drive and maximise the price of blocks that would benefit from protected panoramic views. In 2022, there is now the opportunity to ensure that past decisions can be rectified so that there is no discrimination to residents relative to developer interests.</p> <p>6. From the site visit data, VCAT assessed that the impact on 9 of the 19 houses would be either 'severe' or 'moderate' (Clause 86), which they deemed was unacceptable and would need addressing in any future application. But this was based on the 1.5m viewing height. If the usual everyday sitting height had been applied, most of the 19 houses would have fallen into one of these two categories. This would also apply to houses in Fullarton burdened by the 4.5m restrictive covenant that were not visited by VCAT.</p> <p>7. I have attached one of the photos taken by VCAT on 5 September 2014 from a standing position in the lounge room of No 26 Fullarton Drive. This illustrates VCAT's technique of using the surveyor's 4.5m pole to extrapolate the horizontal viewline across the panoramic view. It is clear that the top of the pole 'touches' the bottom of the hills on the northern shore of Lake King. A new house at this height would block all of the view of Lake King and the entire wetlands. This also illustrates that for a resident sitting on the lounge in their everyday viewing position the view towards the sky would be blocked even further upwards.</p> <p>8. The 1.5m viewing height parameter that the 2014 decision has imposed is a form of discrimination on the existing residents whose house height is constrained by the 4.5m covenant. It fails the test of 'reasonableness' to their current panoramic east-west view. It discriminates against residents who do not reach a standing eye-level of 1.5m and are at least 1.62m tall. The average height of Australian females</p>	 

Objector	Grounds of Objection	How Objector will be impacted
	<p>is around 1.62m. Approximately 50% of females alone are not this tall and would have their view blocked. It also discriminates against older people who get shorter as part of the ageing process.</p> <p>9. It is not 'reasonable' to use 1.5m as the measure for view-sharing because it denies the everyday fact that households spend far more time eating at tables, sitting on outdoor furniture, and sitting inside and looking out compared to standing and looking at a view. This is not just true of Fullarton Drive residents, but of the population in general. It is unfair to expect that an existing residential amenity should be enjoyed from the standing position only. Given the demographic composition of Paynesville, many residents are in their older years and spend a lot of time at home. They do not want to and/or are unable to stand for long periods. The requirement of standing to achieve view-sharing adds a layer of discrimination for residents of all ages. Not to mention residents who are currently confined to wheelchairs or may be so in the future. Their existing view sharing amenity will be obliterated if the 1.5m height is adopted over the 1.2m sitting height.</p> <p>10. Ergonomic studies in the UK for seating in theatres use an average eye-level of 44 inches above floor level, which equates to just over 1.1 metres viewing height. This is even less than the 1.2m level that was proposed by the Fullarton Drive residents in 2014 as acceptable for their everyday amenity.</p> <p>11. VCAT acknowledged in Clauses 79, 80 and 82 that the current view amenity is panoramic. However, the horizontal or 180-degree east-west viewline of each property visited was not fully assessed. The VCAT members mostly focused on a view with the pole at the highest point of the block directly in front of an existing house. There was not a full assessment of view impairment of the entire panorama that would result from new houses to the right and left of the one containing the pole.</p> <p>12. The current application does not address this either. In fact, it does not mention 'panoramic' or 'horizontal' views at all. The analysis of view-sharing completely avoids this terminology and form of assessment, despite the VCAT Order clearly describing what constitutes the panoramic view in Clause 80.</p> <p>VCAT REFERENCE NO. P2565/2013 PERMIT APPLICATION NO. 1/2012/P made on 24/11/2014</p> <ul style="list-style-type: none"> <li>• The permit for a multi-lot subdivision was not granted.</li> <li>• Clause 3 states one of the three the aspects of the proposal that were not acceptable to VCAT as: the amenity impact of view sharing.</li> <li>• Clause 5 is about the issue of view sharing. VCAT did a detailed analysis from the inspection of individual houses and found that a reasonable</li> </ul>	

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	<p>sharing of views had not been achieved by the revised plans presented on the final day of the hearing.</p> <ul style="list-style-type: none"> <li>• Clause 60 states that any future 2-storey homes should address the potential amenity impact of view-sharing on existing residences.</li> <li>• Clause 67 identifies that the amenity impact from the properties on the north side of Fullarton Drive would be 'the potential loss of views of Lake King and the wetland areas'. (In other words, the amenity included views of the lake and part of the wetland, not just the mountains and the horizon.)</li> <li>• Clause 79 states that VCAT considered the overall viewshed or panorama.</li> <li>• Clause 80 describes the overall view as 'the vegetation along the foreshore walking track, the wetlands, the lake, the mountains in the distance and the sky above'. (In other words, these are the elements that make up the panoramic view.)</li> <li>• Clause 82 relates to the applicant's proposed building envelopes which they claimed provided adequate view corridors. However, VCAT were 'not persuaded that the vertical view corridors achieve a reasonable sharing of views... given the existing panoramic views currently enjoyed.</li> <li>• Clause 83 shows that VCAT gave weight to maintaining a reasonable share of the horizontal (panoramic) view enjoyed from the living and deck areas of the houses on the north side of Fullarton Drive.</li> <li>• Clause 84 states the reasons the VCAT members deemed the sitting position to be an unreasonable height for assessment of view-sharing.</li> <li>• Clause 85 acknowledges that using the 1.5m viewing height will affect the amenity of many of the properties, and that 'the impact upon their sitting positions will be severe'.</li> <li>• Clause 86 provides the guidelines for assessment the level of impact of the proposed building envelopes. Where the view of the wetland and lake were mostly or totally lost, the assessment was deemed 'severe' (Nos 8, 26, 28, and 42). Where the view of part of the lake is maintained, the assessment was 'moderate' (Nos 12, 18, 22, 24, and 34).</li> <li>• Clause 87 states that 'the subdivision layout should be able to achieve a more acceptable extent of impact across each property than that contained in this proposal.' The VCAT members were not 'persuaded the extent of the impact on view-sharing achieves a reasonable outcome.'</li> <li>• Clause 89 states that any future subdivision layout should lessen the impact on the properties deemed to have 'moderate to severe' impacts at a 1.5m standing view height.</li> </ul> <p>B. Simplistic presentation of view-sharing in the application</p>	



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	<p>13. The application presents on pages 71-76 section plans for 6 proposed new houses juxtaposed with an existing neighbour in Fullarton Drive or Eagle Bay Terrace. Only 3 of these are on the northern side of Fullarton Drive burdened by the 4.5m covenant - Nos 12, 28 and 54. These were also 3 of the 19 houses visited by VCAT in 2014.</p> <p>14. The sectional diagrams are difficult to interpret and contain inaccuracies. Measurements have only been provided for 2 out of the 6 new houses and the data for Nos 12 and 28 Fullarton have been transposed and do not correlate with the map data on page 70. The application should be refused just on this point alone. It contains inaccuracies and should be corrected.</p> <p>15. There are also no similar diagrams for at least the other 16 houses that VCAT visited in 2014. To be fair to all affected properties burdened by the 4.5m covenant - not just the 16 who joined the VCAT action - the same analysis should be made.</p> <p>16. The 6 sectional diagrams are simplistic - they show a viewline extending in a straight-line into infinity. They do not indicate what proportion of the panoramic view of the mountains, Lake King and the wetlands is achieved (or is blocked). They are not an appropriate tool for assessing the full impact on existing views. They are also a completely different technique to the accepted technique that VCAT used.</p> <p>17. It is also disturbing to see that the first and second points of the NOTES section say that the diagrams are 'indicative only' and 'finished surface levels are subject to engineering design'. How trustworthy can they then be, especially where the view just skims the roofs of most of the proposed new houses?</p> <p>18. Sectional diagrams do not take the standing/sitting perspective used by VCAT. Photos using a surveying measurement pole provide a more acceptable way to judge the impact. If a horizontal line is drawn across the 180-degree perspective taken by VCAT in 2014, this gives a clearer and more easily interpreted assessment tool.</p> <p>19. The application does not adequately address the issue of reasonable view-sharing. The 2014 VCAT Order says that 'severe' or 'moderate' impacts are not acceptable. The application does not mention these terms at all. The sectional diagrams do not prove that just because a straight line can be drawn skimming the top of the roof of a new house that views will be acceptable on the VCAT scale.</p>	



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	<p>20. The categories 'minor', 'moderate' and 'severe' are subjective. Clause 86 of the VCAT Order provides the clues to how VCAT arrived at these, but these categories are not used by the applicant. It is obvious that this type of assessment cannot be made from the sections presented.</p> <p>21. The Council should refuse to consider the application further based on the inadequacies of sectional diagrams and the fact that this is a different assessment technique from that used by VCAT. It is not acceptable that VCAT's technique has not been matched.</p> <p>22. The proposed roofing design in the applicant's building envelopes will also impair views. Hip roofs are better for view sharing, giving more space either side of the triangular shape compared to a flat or skillion aligned parallel to the horizon. (See photos.)</p> <p>23. The application does not use any 3D simulation for each house that is restricted by the 4.5m covenant. In fact, for a development of this size and expense, a more sophisticated 3D model providing greater accuracy should be requested.</p> <p>24. 'View sharing has become a significant environmental impact issue for urban development assessment and requires special knowledge of 3D simulation of effects on views and the preparation and use of photomontages as a tool for analysing view loss.' (From the website of Richard Lamb &amp; Associates, providers of expert testimony on the impact of development proposals on view loss and view sharing. Richardlamb.com.au).</p> <p>25. On the final day of the 2014 hearing the applicant provided 18m and 10m setbacks, yet the VCAT site visit proved that there were still 'moderate' and 'severe' impacts on at least 9 houses. The current application has reduced these setbacks to 10m and 5m so the likelihood of this number increasing is strong. The application fails the 'reasonableness' test because the section diagrams are not able to test point (d) in the Victorian benchmark case (in paragraph 27 below) often used in cases where view-sharing is at issue.</p> <p>26. The applicant makes the following statement on page 21 about lessons learnt from the two previous VCAT hearings: 'The proposed subdivision design was considered by VCAT not to achieve appropriate view sharing. VCAT observed that two storey form is acceptable provided reasonable view sharing is incorporated.' However, the simplistic and minimalistic approach taken to assess this is evidence to me that the applicant has not learnt the full lesson about view-sharing, especially</p>	

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

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	<p>This is not the situation for the houses along Fullarton Drive that are burdened by the 4.5m restrictive height covenant and are unable to be built up to rectify any impact of new houses on view-sharing.</p> <p>Conclusion</p> <p>30. EGSC should refuse to grant a permit for Application 344/2022/P at 10 Fullarton Drive Paynesville based on the lack of evidence that the proposed development will provide a reasonable sharing of the existing panoramic view amenity of residents.</p> <p>31. In refusing the application the Council has the opportunity of creating a precedent by requiring that any modification to the plans should be based on the less discriminatory 1.2m sitting level viewline.</p> <p>32. In refusing the application the Council should require that any revised application must use at least the same technique as VCAT for assessing the impacts on views, if not a more sophisticated 3D modelling technique.</p>	
David Morrison	<p>I object to this application (344/2022/P 10 Fullarton Drive, Paynesville) as it does not provide reasonable view sharing to all adjoining residents as determined by VCAT in their decision in the previous development proposal for this land (VCAT Reference P2565/20132 Planning Application 1/2012/P ). The new application states..."To review the appropriateness of the proposed maximum heights, a series of sectional drawings have been prepared by Modan which demonstrate how views will continue to be shared and enjoyed by adjacent properties and the proposed allotments". The sectional drawings demonstrate nothing of the sort. Rather than demonstrating how views will continue to be shared and enjoyed, they show in some cases how the view will be blocked. Unfortunately the Modan drawings use a horizontal line from the viewer's eye line over the new house and off into some unclear ending point. Mathematically the ending point of the horizontal line has to be the AHD ( Australian Height Datum) of the viewers eye line. Where does the horizontal line end? On some land over the other side of the lake. Clause 86 of the last VCAT decision considered a view line that angled down from the viewer (not straight ahead) to a point on the wetland that was deemed as reasonable view-sharing. The decision categorised the impact of the previous proposal on each of the objector's reasonable view-sharing as either severe, moderate or minor. If views did not contain a good panorama of Lake King and part of the wetland they were deemed severe or moderate. VCAT decided that severe or moderate impacts were unacceptable. In this proposal following the process used by VCAT in the last decision (or even the developer's own application on page 70 of 112), lots 48,47,46,45,43,42,41 and 40 will all have severe impacts on view sharing by their southern neighbours. (That is is not to say there may also be others that will cause</p>	<p>I am a previous resident of Fullarton Drive who fought fiercely and successfully against the previous inappropriate development of this land over many years. I continue to care for its appropriate development and I want to ensure a good ( or even better, a great) outcome for this land for the environment, ex-neighbours, friends and new residents. I would be shattered if the application in its current form went ahead after all my hard work in the past. The development application has many excellent features but still needs some serious fine-tuning to be satisfactory. I need to be able to bring my great grand-children down to Paynesville and to be able to say that I was among those who ensured a great development outcome was achieved.</p>


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

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James Sharp	As a result of the narrowness of the subject land between existing Fullarton Rd premises and the protected Point Fullarton Wetlands, Lots 34 and 35 in the proposed subdivision have been designed to be squeezed in, and because of their subsequent shape the setback has been reduced to 5m. The parcels of land are also close to previous Flood water levels - photos taken a day or so after the June 2007 flood peak show the waters nearing proposed Lots 34 and 35. The area of land proposed to be occupied by Lots 34 and 35 does not appear to be suitable and these two lots should be removed from the proposal.	1. Detrimentially effect our view, comfort and enjoyment due to the reduced setback and low gradient of fall of proposed Lots 34 and 35 2. Detrimentially effect enjoyment of the Point Fullarton Wetlands due to the proposed proximity of Lots 34 and 35
James Sharp (first submission )	Lack of clear certainty in the way the limitation of building heights is defined - the use of AHD seems to be an unnecessary complication. The use of 4.5m above a defined point on each lot's building envelope is more easily established and understood and consistent with existing adjacent properties covenants.	Potential loss of view lines - not just directly in front of existing properties but forward to the left and right. Don't want to be relegated to the equivalent of sitting in the backseat rather than being in a front seat!
Jane Wilkie	I object to the construction on three grounds: Firstly I believe they have not taken into consideration the current fencing arrangements of Eagle Bay Terrace neighbours. We currently have a 2 metre open mesh fence. Should development occur this will damaged requiring a replacement fence at our cost. The proposal has three titles adjoining my property and I will be financially and cosmetically disadvantaged. The current traffic along Paynesville Road with construction and residents has resulted in constant damage to the roads surface causing numerous traffic delays and risk of serious injury. Whilst I appreciate the road condition is the responsibility of Vic Roads surely the safety of residents should be a priority for council. In the event of bushfire this may have dire consequences. Lastly no provision has been made for safety of residents as a result of the development with regard to the existing kangaroo population. The development will force far more of them towards the road, surely some plan should be made towards their relocation for their safety and ours.	I believe I would be impacted financially and I also feel my safety will be compromised.
Ronald Preston	<p>We OBJECT to several of the proposed plans for the subdivision and development on several grounds.</p> <p>1. We Object to Burden place being the only access road to this development, one road in and one road out. This will create a living nightmare for all residents of Burden Place, Fullerton Dr, Windermere Tr &amp; The Inlet.</p> <p>The amount of traffic from the onset with various sizes of construction vehicles to get this project off the ground will be an enormous strain for householders in the area.</p> <p>Burden Place Road surface has already been impacted by the recent development to The Inlet and to Windermere</p> <p>2.We OBJECT VERY STRONGLY that another source of access to such a large project has not considered.</p> <p>We object to the findings of the recent traffic assessment and its relativity to time and date of report.</p> <p>EVERY 2nd house has at least 2 cars, a boat or caravan and we all are at risk at the intersection of Burden Place and the Main Road.</p>	



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	<p data-bbox="289 168 1961 266">VERY brave driver who does not looks left and right then right again only to have view blocked by a vehicle pulling in to the poorly situated SERVICE Station on the corner. This also is an issue when an oncoming vehicle indicates he / she is turning Left into Burden Pl, so OK to go NO!! they are turning into SERVICE station and you car boat/ trailer or caravan is stuck midway.</p> <p data-bbox="289 302 642 334">An ACCIDENT will happen!</p>  <p data-bbox="289 714 1142 812">Road surface in Burden Place since recent new housing projects in The Inlet &amp; Windermere Dr. caused by extremely heavy cartage trucks in the last 3 years</p> 	

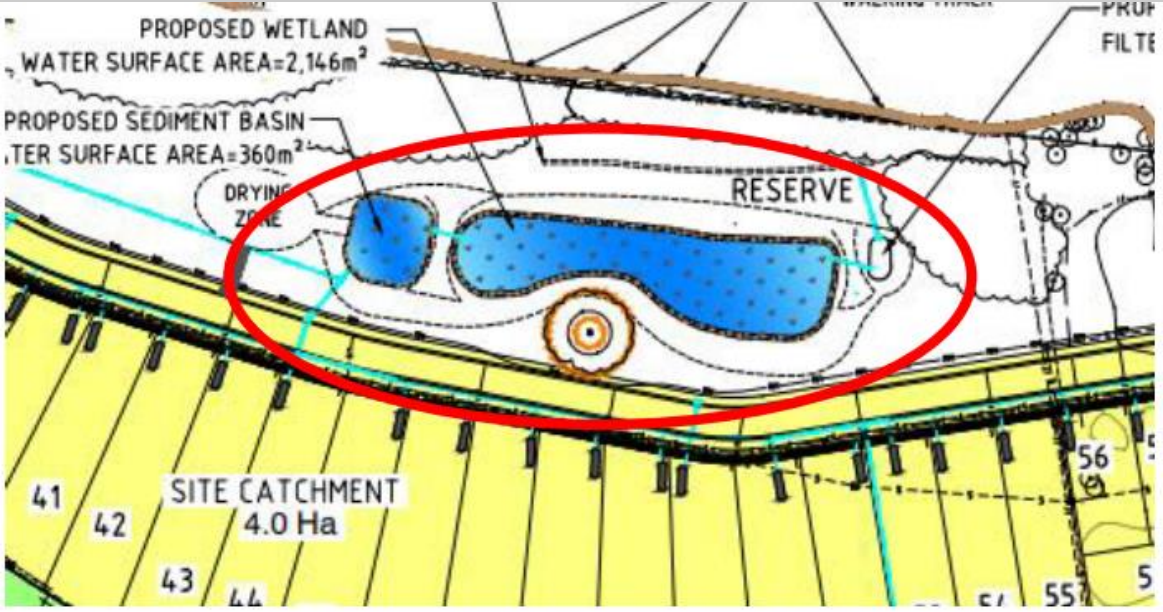
Objector	Grounds of Objection	How Objector will be impacted
	<p>3. We OBJECT to the Alternative" as shown on the "mark up" to install a pole mounted ISO in the proximity of 51 Fullerton Dr and in direct line of sight to our property 14-16 Burden Place.</p> <p>Another object for concrete trucks, steel bearing lorries, road making equipment to negotiate</p> <p>4. We OBJECT to the suggestion of a permanent/semi-permanent wetland area as discussed at our meeting because IT WILL increase mosquito propagation and the increased chance of disease to the immediate population. We have experience with this while living in Qld.</p>	
David Buntine	<p>1. The current permit application does not fulfil some recommended conditions previously identified as important through the VCAT process, in particular that there is at least an 18 metre rear set back from the property boundary at the rear of 26 Fullarton Drive and neighboring lots (18-42 Fullarton Drive). This is important to explicitly embed in the planning permit to ensure any future construction does not unduly impact on the values of the existing properties. 2. The proposal for 1.5 metre horizontal sight lines from the floor level height of existing building at 26 Fullarton Drive does not retain a fair share of the view from our family property. The 1.5 metres should be significantly lower. 3. The proposal does not explicitly exclude future subdivision of the new lots. This should be included as a condition of the permit and recorded on title for the proposed new lots. 4. The removal of native vegetation and subsequent impact on local environmental values including resident flora and fauna populations is proposed to occur directly adjacent to an internationally-recognised and protected Ramsar wetland site. This would result in incremental degradation of the local site and of the overall values of the Ramsar site. It would be a lost opportunity to retain and protect locally-important environmental values for the benefit of the Ramsar wetland and for the local community.</p>	<p>I have a family and financial interest in a residential property at 26 Fullarton Drive. It is owned and resided in by my family (parents). The permit will have numerous impacts on the local values and services currently in place (view, traffic, environment, etc.) and will affect the financial value of the property.</p>
Katherine Cooper and Paul Cook	<p>Blocks 56, 57, 58</p> <p>We object to the placement of lot 58 on several grounds.</p> <p>1. We object to the proposed orientation for lot 58 on the grounds that lot 58 is not in keeping with the block orientation of the proposed development, nor is it in keeping with orientation with houses in The Inlet and Windermere Terrace.</p> <p>2. We object to the orientation of lot 58 (see Diagram below) on the grounds of pedestrian and traffic safety. The drive way to this proposed property will be on Burden Place, (the only property in the proposal to do so). The frontage of lot 58 is very close to the road junction of Burden Place and Windermere Terrace. This junction consists of a sharp bend entering Windermere terrace and a steep drop off in the continuation of Burden Place. The ingress &amp; egress of any drive way position to this lot is significantly visually impaired, increasing the danger to pedestrian, bike riders and vehicle traffic.</p>	

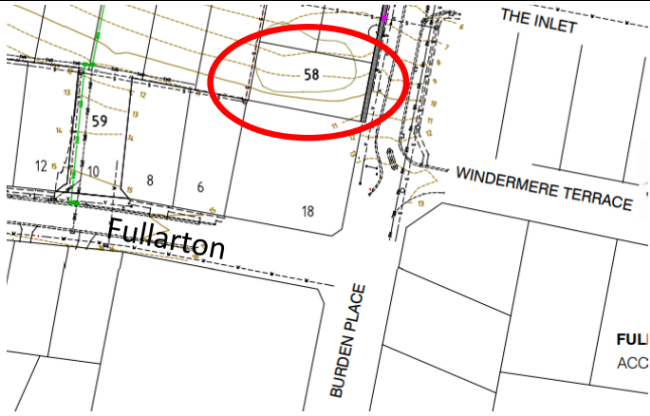





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	 <p>We suggest that the proposal for lot 58 is eliminated and that instead lots 56 &amp; 57 are extended in length in a similar way to lot 55.</p> <p>3. We object to the Burden Place/Windermere Terrace intersection junction (see below diagram) entrance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





Objector	Grounds of Objection	How Objector will be impacted
	 <p data-bbox="289 764 1367 899">4. We object to the "Alternative" shown on the "mark up" to install a pole mounted ISO in proximity to 51 Fullarton Drive, as the required pole mounted infrastructure would be visually obtrusive to the properties in direct line to this new pole. We note that this is not the preferred method of supplying electric power to the development, but we would like it firm written in the approval that this will not happen.</p> 	

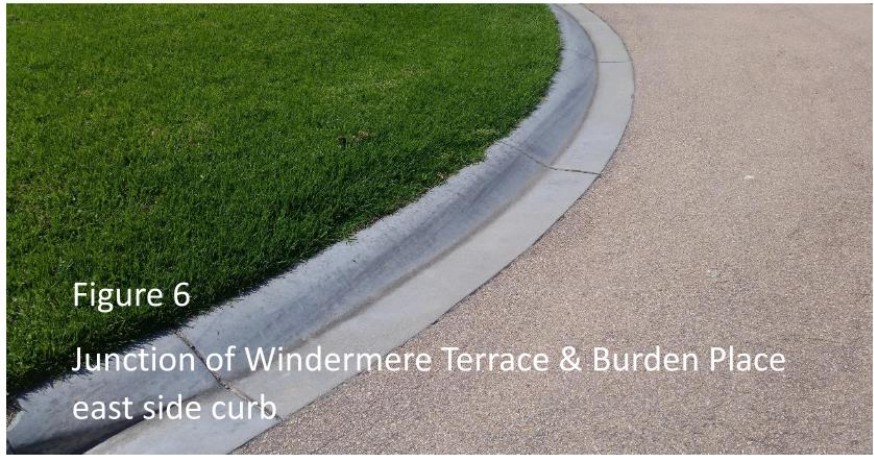
Objector	Grounds of Objection	How Objector will be impacted
	<p>5. We object to the creation of a permanent/semi-permanent wetland area as shown in the diagram below on the grounds of increased mosquito propagation and the subsequent increased chances of incidents of disease transmission to the immediate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

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

Objector	Grounds of Objection	How Objector will be impacted
	<p>Figure 2 the view travelling west on Windermere Terrace, highlighting the road fall off and impeded traffic visibility.</p>  <p>Figure 2 Junction of Windermere Terrace &amp; Burden Place North westerly Facing</p> <p>Figure 3 the view travelling south on Burden place towards the Windermere junction, note the narrowing lane conditions.</p>  <p>Figure 3 Junction of Windermere Terrace &amp; Burden Place South Facing</p> <p>Figure 4 the view travelling north into Burden place off the Windermere junction, note the narrowing lane conditions.</p>	



Objector	Grounds of Objection	How Objector will be impacted
	<div data-bbox="289 142 1079 591"><p>Figure 4 Junction of Windermere Terrace &amp; Burden Place North Facing</p></div> <div data-bbox="289 591 2003 662"><p>Figure 5 the view of the proposed lot 58, the report makes no mention of this access point to Burden Place and the impacts of traffic and safety.</p></div> <div data-bbox="289 662 1079 1117"><p>Figure 5 Junction of Windermere Terrace &amp; Burden Place proposed Lot 58 area</p></div> <div data-bbox="289 1117 2003 1221"><p>Figure 6 Junction of Windermere Terrace &amp; Burden Place east side curb, please note the tyre marks on the curb caused by traffic such as the Waste collection vehicles and similar size vehicles that find the junction tight on width. This damage can extend to the nature strip, which does have the ability to mend itself over time when the traffic frequency is low.</p></div>	

Objector	Grounds of Objection	How Objector will be impacted
	<div data-bbox="289 136 1157 589">  <p>Figure 6 Junction of Windermere Terrace &amp; Burden Place east side curb</p> </div> <p data-bbox="289 597 1965 695">Figure 7 showing damage to existing water drain assets, caused by gradual erosion when vehicles fail to negotiate the junction correctly running over the asset. The erosion shows that this can occur frequently enough now to create damage, increased traffic at this junction can only increase the speed of this asset damage.</p> <div data-bbox="289 703 1171 1203">  <p>Figure 7 Junction of Windermere Terrace &amp; Burden Place east side curb</p> </div> <p data-bbox="289 1211 1976 1243">All the above points are overlooked in the report, including the bike and pedestrian traffic accessing the nature trail via this junction.</p> <p data-bbox="289 1284 1982 1479">C) We object to the validity of the traffic assessment on the grounds of the period that the measured data was taken. The calendar period used does not represent the peak traffic period, during the summer months December through to February the occupancy of properties and traffic volumes significantly increase. The typical types of vehicles changes, with more vehicles towing boats and trailers. The petrol station at the junction of Paynesville Road and Burden place sees a significant increase in activity. We could be affected significantly at the peak seasonal traffic increase times, by significant increased queuing times at the Burden Place/Paynesville Road junction and increased times for emergency vehicle response.</p>	

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

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



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

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	<p>blocks. This is both illogical and poor planning. It displays a lack of sensitivity to homeowners in Fullarton Drive that is frankly without merit given the previous decisions of the Tribunal and early discussions with the developer.</p> <p>Council should not allow this proposal to go ahead unless this matter is appropriately addressed. Rear setbacks should be at the very minimum 18 metres in line with the findings of the Tribunal. With such large blocks the setbacks could easily be greater than that in relative terms to the original blocks proposed in earlier developments. This would continue the sense of space and openness that is currently the hallmark of our neighbourhood. With so much bigger blocks setbacks even greater than 18 metres would be perfectly reasonable.</p> <p><u>There is no protection afforded against more intensive development of these blocks of land resulting in potential overdevelopment of the site.</u></p> <p>This proposal not only provides insufficient rear setbacks to the properties in Fullarton Drive. It also proposes only a 4 metre setback at the front of the blocks which on blocks of 1600m<sup>2</sup> metres is minimal at best. Especially given the houses will front a public reserve and are so close to important facilities like the cycling/walking track and the internationally significant and protected RAMSAR wetlands they will abut.</p> <p>It would seem the proposal is creating the very largest building envelope possible on these blocks. This is despite the fact that a single dwelling does not require it. This begs the question; are these proposed building envelopes being maximized to facilitate further subdivision once planning permission is granted? Whether or not this is the intention it will almost certainly be the effect of this proposal as it stands. The effect on current residents of this occurring would be devastating and it is certainly not in the spirit of previous Tribunal decisions and not within the boundaries of the decisions as they were handed down.</p> <p>The Tribunal made it clear it considered two rows of houses was inappropriate on this land and that the proposed number of dwellings (75) had to be reduced considerably. Sub-divided blocks could subvert that finding and the number of houses actually built could, in fact, be more not less than in previous proposals. This would effectively be in contradiction to the Tribunal ruling that good planning required fewer homes be built on this land not more.</p> <p>If Council is prepared to approve this proposal it should only do so by requiring a Covenant in the S173 Agreement that there will be no further subdivision of this land and that each block will sustain only a single dwelling. A developer who says</p>	

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

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

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	<p>setbacks. This dissipates the effects to a considerable degree of landscaping on each property. As the two rows of houses face each other they are almost all open at the front thus there are not large barriers of vegetation to block the shared views.</p> <p>This will not be the case if this proposed development goes ahead. All that will separate us from potential new neighbours is a fence and a manifestly inadequate setback. The proposal contains a few non-enforceable "guidelines" as to planting on the properties. It is thus perfectly feasible within these guidelines that a 5 metre or 16+ foot hedge could be planted on the other side of my back fence thus effectively growing a green barrier that obliterates my views. Indeed, as they are only guidelines it is perfectly feasible that a much higher barrier could be created.</p> <p>The Tribunal considered some of this in relation to the siting of the road for the proposed new development. It considered putting a road between the properties in the same way as Fullarton Drive was developed was good planning. Thus, mitigating many of the problems discussed above without taking away the ability for new home owners to enjoy views from the rear of their properties as is the modern norm. It would also result in a greater protection of Council infrastructure against future rises in water levels due to climate change which will no doubt affect the lower reaches of the land subject to the proposal.</p> <p>Enforceable controls should be included to ensure current residents of single storey dwellings do not have all their lake views taken away by inappropriate landscaping. If building cannot occur higher than the sight lines then neither should it be possible to block views using greenery instead.</p> <p>In so many ways this proposal fails to achieve good planning outcomes and protections for current residents of our street who, in my opinion, deserve much more consideration and sensitivity.</p>	
Peter Albrecht	<p>A) Setbacks I object that 10 metres setbacks have been applied to all lots. During the last VCAT hearing setbacks of 18 metres were provided for the houses no 18 - 42. This includes our blocks no 28 and no 30. I submit that the new plans must include the 18 metres setback.</p> <p>B) View Sharing / Amenity The 1.5 metres horizontal sight line does not give us (no 28, no 30) any view. During the VCAT hearing the EGSC submitted that either 1.2 metres or 1.5 metres limits should be considered as one size does not fit all blocks. For blocks 28 and</p>	

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

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	<p>basis not taking into account the long weekends and holiday period. I have witnessed on many occasions caravans and boats parked on the side of Paynesville Road and on Burden Place waiting to access the service station. Cars and trucks parked in front of the service station also create blind spots for residents wanting to access Paynesville Road. I have witnessed many accidents waiting to happen.</p> <p>Before the development is approved, I believe council have a duty of care to our residents in appointing Vic Roads to undertake a full assessment over a longer period. This will provide a more accurate summary of the traffic and safety concerns we have. I strongly recommend Council work with the developer to implement another exit/entry point to this development immediately in the case of an emergency. The infrastructure needs to be put in place now, not at a later date.</p>	
Christine Evans	<ul style="list-style-type: none"> <li>• Overdevelopment and increased density and bulk in an area of the Fullarton Point wetlands and RAMSAR Site which will have a significant impact on the ecological character of the wetland.</li> <li>• Increased traffic generation in Fullarton Drive with only one exit point onto Burden Place and Paynesville Road. <ul style="list-style-type: none"> <li>• Likely the majority of the 59 proposed dwellings will have at least two cars adding considerable increase in daily traffic on Fullarton Drive and Burden Place.</li> <li>• All proposed dwellings to travel onto Burden Place to turn left or right onto Paynesville Road. For 59 extra households that will have a least two cars per household.</li> </ul> </li> <li>• There are covenants on existing properties on the lower (north-eastern) side of Fullarton drive (between Burden Place and Molly Drive), and Eagle Bay Village, covenants should also apply to any proposed development in the north-eastern area of Fullarton Drive and north-eastern area of Eagle Bay.</li> <li>• Increased traffic generation in Fullarton Drive with only one exit point onto Burden Place and Paynesville Road</li> </ul>	<ul style="list-style-type: none"> <li>• Loss and reduction of wildlife corridor for native animals and birds in an area that is listed REAMSAR site</li> <li>• Loss of amenity due to overdevelopment and increased density of area and reduction in open space.</li> <li>• Loss of amenity due to removal of native vegetation and no requirement to replace lost native vegetation.</li> <li>• Detrimental impact of increase traffic with only one exit point of the proposed additional 59 dwellings exiting from Burden Place onto Paynesville Road.</li> <li>• Traffic hazard on the corner of Burden Place and Paynesville Road (increased during summer and holiday periods with boats and caravans refueling at the only service station in Paynesville)</li> </ul>
David Griffiths	<ol style="list-style-type: none"> <li>1. Building envelopes - rear set back provisions There is an omission of an 18 metre rear setback on some lots on the proposed plan for some of the adjoining northern lots. The rear setback is proposed to be 10 metres.</li> <li>2. Section 173 - provision of a condition to prevent further subdivision of individual lots. If this condition is not in place there is a high risk that the individual lots may be further subdivided by new owner due to the large m<sup>2</sup> lots.</li> <li>3. 1.5 metre horizontal sight lines – Amenity The 1.5m sight line set at floor level in each northern Fullarton Drive residence adjoining the subdivision is inappropriate and does not provide a fair view sharing across the wetland, lake and distance hills and mountains.</li> <li>4. Potential risk to Ramsay wetland My concerns, in layperson terms, are that there is potential for the spoiling of the natural features and habitat of the wetland and Lake King shores and waters due to best practice standard not being observed, managed, and monitored.</li> </ol>	<ol style="list-style-type: none"> <li>1. At the final VCAT hearing a revised subdivision plan was accepted by the EGSC as part of the hearing procedures. This plan showed building envelopes with both 10m and 18m rear setbacks on the lots adjoining the northern residences. The 10m set back was revised in consideration of the size of the new lot and the potential to block view sharing on a number of abutting northern Fullarton Drive residences. The 10m setback on the new lots abutting my residence will result in the significant reduction of a reasonable view. I strongly urge council to endorse the inclusion of the 18m setback as proposed at VCAT. 3d</li> </ol>

Objector	Grounds of Objection	How Objector will be impacted
		<p>building envelope designs should also be included on a Section 173 agreement.</p> <p>2. Section 173 - provision of a condition to prevent further subdivision of individual lots. Due to the length of some of the larger new lots in the proposal there is some potential for them to be subdivided by the new landholder, this will increase the built form bulk and prevent reasonable view sharing. For this reason, the EGSC should consider adding 'no further lot subdivision' within a Section 173 agreement or on title as a restrictive covenant.</p> <p>3. 1.5m horizontal sight lines from the floor level of adjoining residences does not guarantee a fair or reasonable view for everyone. View sharing in my case is too limited and unreasonable. Further consideration should be given to either reducing the sight line height to 1.2m or 1.5 applied at an oblique angle which will include lake views as well as the background hills is more appropriate. VCAT intended that sight lines were surveyed for each of the residences and adjusted to ensure reasonable view sharing of the amenity for each residence.</p> <p>4. Potential risk to Ramsay wetland / Fullarton Point We are fortunate to live in the vicinity of this spectacular Ramsar wetland and large lake district. This proposed subdivision has the potential to reduce the quality of local habitat and environs. It is important that all measures are taken to ensure this through best practice design and development of all stormwater and run off treatment. Careful monitoring of contamination is vital to the continued health of the proposed reserve and adjoining crown lands. As a major tourist attraction for water activities etc. it is important to ensure our waterways, Ramsar wetlands and lake environs are protected.</p>



Objector	Grounds of Objection	How Objector will be impacted
Dr Derek Russell for Birdlife East Gippsland	<p>The proposed development site is a recognised feeding and roosting area of the migratory Latham's snipe (<i>Gallinago hardwickii</i>), the only migratory snipe species in Victoria. This species breeds in northern Japan and adjacent areas and migrates to S.E. Australia for the northern winter, arriving in Aug/Sept and departing Feb/March. Australia has federal obligations under both the Bonn Convention on the Conservation of Migratory Species of Wild Birds and particularly the Japan-Australia Agreement on Migratory Birds (1981) (JAMBA), under which planning decisions should 'promote the survival and/or enhance the conservation status of each species to which the declaration relates'. Latham's snipe is listed under the Environmental Protection and Biodiversity and Conservation Act 1999-Matters of National Scientific Significance-Migratory Species, which gives effect to these international agreements (amongst others). Proposals for changes to sites holding more than 18 individuals of species on this list, trigger a requirement for 'referral and assessment' under the EPBC Act. The proposed development site has regularly held numbers of Latham's snipe exceeding the trigger number, as recorded for this site (amongst others in the wider East Gippsland area) in the three formal surveys per year carried out by the national Latham's Snipe Project Group and recorded on the database Birdata, from which records are absorbed into the Victorian Biodiversity Atlas used in environmental planning processes. The most recent exceedance of this trigger number was in Jan 2022. The proposed development would reduce the area of this significant site by approximately 50%. The proposal for the management of drainage and runoff from the site (including the amendments proposed by Neil M Cragie Pty Ltd and agreed by the developer) has the capacity to significantly degrade the remaining area of the site down to the footpath and Ramsar boundary. Latham's snipe require damp, rough grassy ground to roost in by day and for some foraging, while providing access to crepuscular and night feeding on the adjacent Ramsar site marshes. It is important that the development of the proposed 'reserve' pond and associated development does not have the effect of drying out and sanitizing the area with manicured grass and concrete pathways as has occurred on the adjacent canal development open land. Birdlife East Gippsland therefore requests that, as required under the EPBC Act, the proposed development be referred for assessment by the Australian Government Department of Climate Change, Energy, the Environment and Water, and the result considered, before any planning approval be given. <i>(A supporting letter from the leader of the National Latham's Snipe Project Group, Dr Birgita Hansen is attached.)</i></p>	<p>Birdlife East Gippsland (covering the shires of Wellington and East Gippsland) is a branch of Birdlife Australia, which is in turn part of Birdlife International. We have a responsibility to ensure that matters of environmental significance affecting all birdlife is properly considered by planning processes in the region. Inappropriate development has the potential to adversely impact on the non-breeding habitat of this listed migratory species and beneficiary of the adjacent Ramsar site.</p>
David Nicastro	<p><b>1. VISUAL AMENITY &amp; VIEW SHARING</b></p> <p>The proposed multi-lot subdivision will negatively impact on our views overlooking the wetlands and Lake King. Our property currently has limited views across the lake, with limited vertical corridor views of the wetlands <i>only</i> occurring between 46 and 48 Fullarton Drive. We fear our vertical corridor views of the wetlands will be completely obliterated if this development goes ahead. The views of the wetlands, lake and mountains that we currently enjoy from our front porch, main bedroom and lounge are a very</p>	

Objector	Grounds of Objection	How Objector will be impacted
	<p>significant reason for us choosing to live here. We paid a premium for our home over others in Paynesville because of these precious wetland, lake and mountain views.</p> <p>We are greatly concerned that Lot 37's proposed building envelope's height controls and setbacks won't prevent our vertical corridor views of the wetlands from being completely obliterated. It's important to note that residents on the northern side of Fullarton Drive face a catastrophic impact on their unlimited panoramic views compared to residents to their south. However, the limited views of on the southern side of Fullarton Drive only adds to the visual amenity value for these residents. Greater consideration needs to be given to retaining and preserving the existing views of residents on the southern side of Fullarton Drive as they are at greater risk of having their limited views either completely obliterated or significantly reduced even further.</p> <p>The draft Design Guidelines for proposed lots, currently offer relatively weak protection of views, often using nebulous terms like "should", "are encouraged" and "preferred" rather than "required" or "must" and "will" and so forth. The Landscape Guidelines for lots in particular, appear to offer little protection or consideration to view sharing for properties with already limited vistas on the southern side of Fullarton Drive. For instance, The 5m height control on tree and shrub vegetation, can still result in the complete obliteration of wetland and lake views for homes with limited vertical corridor views on the southern side of Fullarton Drive. In sum, the proposed building envelopes and design guidelines are not equally sympathetic to existing development. In fact, the proposed development appears grossly detrimental to vertical corridor view sharing for properties on the southern side of Fullarton Drive.</p> <p>Another consideration is the loss of the 18m rear setback proposed for adjoining properties (nos. 18-42) to a rear setback of just 10m on the current proposed plans. Any reduction in setback distances is a retrograde step that is highly likely to lead to a greater loss of visual amenity for all residents. Though properties abutting the new lots will no doubt be most severely affected by the reduction in rear setbacks, properties on the southern side of Fullarton Drive will also suffer an additional loss of vertical corridor views, and potentially further degradation of views across the lake.</p> <p>Finally, future subdivisions of the proposed lots could also impact negatively on view sharing and neighbourhood character. Consideration should be given to no further subdivision of individual lots and this should be included in the Section 173 or as a restrictive covenant on all lot titles.</p> <p><b>2. LIGHT POLLUTION</b></p> <p>Scientists, Government departments, along with the Australian Institute of Landscape Architects among others, have all recognised how <u>light pollution</u> negatively affects humans and the natural environment.<sup>1</sup> Scientific evidence suggests that artificial light at night has negative and deadly effects on many creatures including amphibians, birds, mammals, insects and plants.<sup>2</sup> Glare from artificial lights can also impact wetland habitats that are home to amphibians such as frogs and toads, whose nighttime croaking is part of the breeding ritual. Artificial lights disrupt this nocturnal activity, interfering with reproduction and reducing populations. Unfortunately, no consideration appears to have been given in the proposed development for minimising light pollution, particularly in the adjoining Ramsar-listed, internationally significant wetlands. The U.N. Convention on the Conservation of Migratory Species</p>	

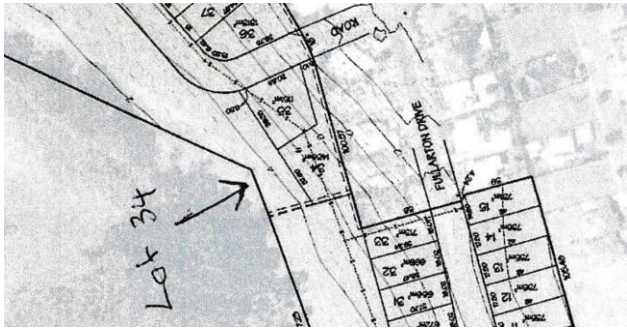
<sup>1</sup> <https://www.dcceew.gov.au/environment/biodiversity/conservation/light-pollution>; <https://www.foreground.com.au/agriculture-environment/the-perils-of-light-pollution/>

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

Objector	Grounds of Objection	How Objector will be impacted
	<p>of Wild Animals of which Australia is a signatory, highlights how migratory birds are at particular risk of light pollution-related disturbances to breeding and migratory cycles.<sup>3</sup></p> <p>The subdivision's proposed street lighting plan should incorporate the Australian Government's recently released National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds.<sup>4</sup> How will light spill from street lighting be controlled to a) preserve neighbourhood amenity and character; and b) protect wildlife and other environmental values? We'd like to see best practice street lighting, incorporating the latest, environmentally-friendly LED technology and state-of-the-art directional light spill control to minimise impacts on visual amenity and wildlife; whilst still meeting statutory public safety standards.</p> <p><b>3. NEW ROAD DESIGN</b></p> <p>The road construction design does not appear to incorporate any water sensitive urban design features; such as porous paving, vegetated bio-retention swales and roadside rain gardens and filter strips etc. Given the highly sensitive location of the proposed development abutting an internationally significant wetland and previous VCAT decisions recognising this, we would expect nothing less than best practice in water-sensitive urban road design. The current road reserve plans are clearly substandard, and fail to align with best practice water sensitive road design principles.</p> <p><b>4. WATER CONSERVATION</b></p> <p>The proposal to treat storm water runoff from internal and external catchments via wetland, bio-retention, sediment basins and swales in accordance with water sensitive urban design principles is to be commended. However, as noted by the Water Quality Treatment Performance Table (Site Drainage Plan, p.103) the % reduction in Total Nitrogen and Total Suspended Solids projected by CROSSCO barely meets best practice. Given the internationally significant RAMSAR values at stake, the developer can and must do better to exceed the best practice minimums.</p> <p>The application offers some water treatment scenarios that do not incorporate water conservation measures for <i>all</i> future houses on the proposed lots. In accordance with water-sensitive urban design principles, the proposed development ought to reduce the demand for potable (fit for drinking) water by using alternative sources of water such as rainwater, storm water and treated wastewater and encouraging water efficient appliances, and low water use gardens and landscaping. The subdivision should incorporate plumbed 2000lt water tanks as per the CROSSCO report for <i>all</i> allotments, and this should be secured in a Section 173 Agreement to avoid the permit obfuscating by amending permit conditions containing negotiated requirements.</p> <p><b>5. PROPOSED RESERVE</b></p> <p>The proposal does not appear to explain what role the proposed reserve will play from an environmental or community aspect. The landscape design proposal for the reserve has been omitted from subdivision plans, prohibiting any meaningful public scrutiny and feedback. The community would benefit from a low-key, natural play space/seating area for families and a level, hard surface, attractive path (not concrete or gravel). Again, this should be secured in a Section 173 Agreement to avoid the permit obfuscating by amending permit conditions containing negotiated requirements.</p>	

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

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

Objector	Grounds of Objection	How Objector will be impacted
	<p><b>6. ELECTRICITY INFRASTRUCTURE</b></p> <p>The proposed electrical plans don't acknowledge the existing Ausnet network is already congested and unable to handle solar exports from residential roof top solar systems. As things stand, any new properties will not be able to export excess solar power to the grid, discouraging solar uptake in the community. Without an upgrade of the existing Ausnet sub-station, future lot owners will be in a <u>solar export dead-zone</u>, and face far higher pay-back times on their roof top solar investments. We implore Council and the developer to champion this issue with Ausnet; so that future Paynesville residents can participate more fully in the switch to clean renewable energy. It is clearly in-congruent to build and promote a development encompassing best practice environmental urban design, yet attempt to sell lots in a solar export dead-zone.</p>	
Nicastro – How impacted	Loss of visual amenity and view sharing across the wetlands, lakes and mountains, Light pollution harming existing views of the night sky and vistas across the lake, Loss of enjoyment of nature walks to Point Fullarton, I strongly feel any environmental harm to our beloved wetlands and wildlife as a violent act requiring strong legal action	
Nawaluck Lanja	Refer to reasons outlined in <a href="#">David Nicastro</a> submission above.	<p>1. Loss of visual amenity and view sharing across Point Fullarton wetlands, Lake King and distant mountains. 2. Extra noise and traffic 3. Anxiety from light and noise pollution 4. Stress if environmental best practice principles are not followed</p>
Bernard Walsh	<p>They have proposed developing of Lot 34 which is in front of 60 Fullarton Drive, Paynesville. There is a huge storm water drain running through this property and I have witnessed a 2 meter wall of water at the boundary near the wetlands. How could anyone buy this block of land and put a house on it or shed. I believe they should adjust there proposal and remove Lot 34 from their plan. This lot 34 is useless to everyone and should be scrapped as you cannot build on it.</p> 	<p>If the council wants access to this drain, they wont be able to if it is built on. And why is their only one road back to Paynesville Road, with all the additional houses, how can you rely on Burden Place to cope with this traffic problem. This plan needs another access to Paynesville Road from the Eagle Point location.</p>
Gary and Robyn Veitch	<p><b>1. AMENITY - HORIZONTAL VIEW LINES</b> 1.5m horizontal view lines at a standing height from inside our home applied to the residences on the north side of Fullarton Drive.</p> <p><b>2. BUILDING ENVELOPES - REAR SETBACK</b> The setback of 10m on the northern boundary of adjoining properties on the proposed subdivision.</p>	<p><b>1. AMENITY - HORIZONTAL VIEW LINES</b> My husband and I would be disadvantaged by the proposed plans 1.5m site line from a standing position in our home. My husband is disabled and is mostly seated in our living area during daylight hours and the outlook is comforting to him and his sense of wellbeing.</p>

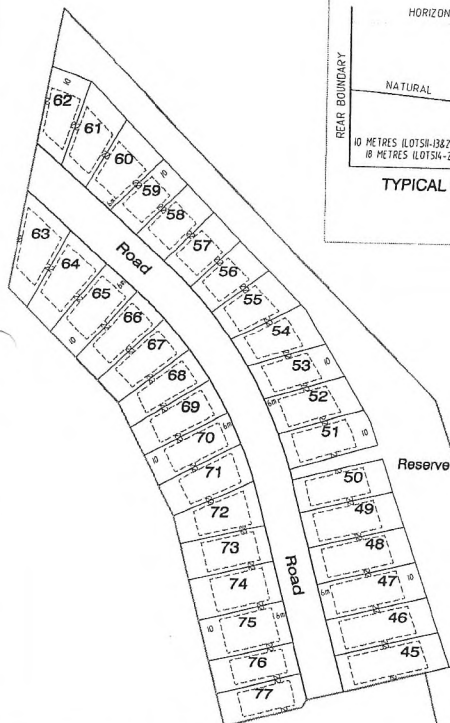
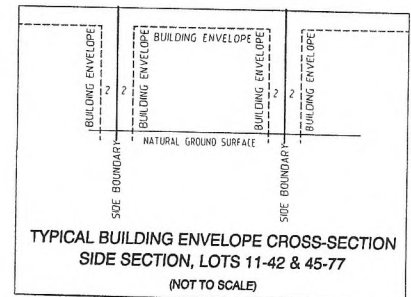
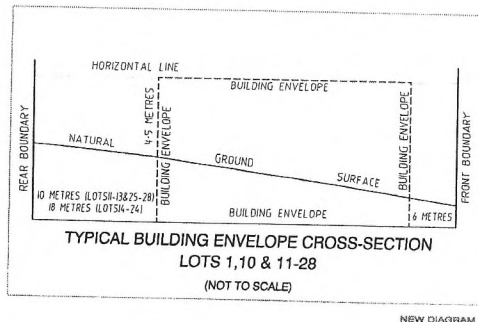
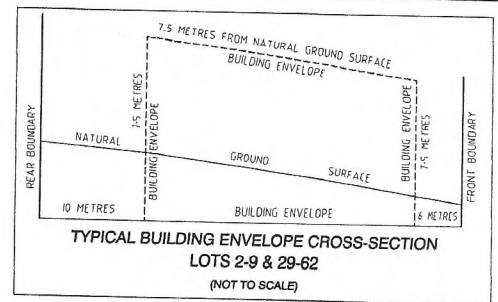
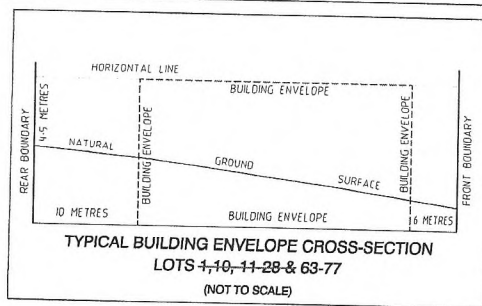
Objector	Grounds of Objection	How Objector will be impacted
	<p>3. FURTHER SUBDIVISION</p> <p>Absence of provision for no further subdivision of individual lots by new landowners.</p>	<p>I understand the subject land is zoned residential and can be built on, but with the covenants on our property we are not able to remedy this situation by adding height to our home. The 'shared view' of the amenity is significantly reduced and this is unreasonable and is unacceptable.</p> <p>Properties on the 'south' side of Fullarton Drive retain their unrestricted view of the amenity, and prospective owners of the new lots will eventually enjoy uninterrupted views.</p> <p>This approach to all homes on the south of the subdivision is, in my view, discriminatory and does not provide suitable views to most elderly residents and anyone under 5ft tall, including children.</p> <p>Council should consider seeking amendments to this plan for lower site lines set on an oblique angle that affords us a reasonable view sharing position.</p> <p>2. BUILDING ENVELOPES - REAR SETBACKS</p> <p>My understanding is that on the last Armstrong application, an 18 m setback was planned for some lots adjoining the new subdivision. Our property is one of these and we are disadvantaged by a reduction to 10m. 18m will provide some relief from the reduction of our present view. I also have concerns about privacy [from both new residence upwards and ours downwards] as my main living and dining rooms have full height and width glass windows overlooking the proposed subdivision.</p>

Objector	Grounds of Objection	How Objector will be impacted
		<p>The 18m rear setback should be reinstated on this proposed subdivision.</p> <p><b>3. FURTHER SUBDIVISION</b>  Further subdivision of the new lots will have an impact on Paynesville future infrastructure and potential risk to the wetlands and habitat. Increased housing density on this site does not meet planning scheme provision for this area and should be avoided.</p> <p>We ask Council to ensure that this subdivisions' building envelope designs are amended to comply with the VCAT orders and that 'no further subdivision of any lot' is included on a Section 173 agreement registered on each new lot or as a restrictive covenant of all lot titles.</p>
Steven and Christine Hardy	<p>1. Lots 1 to 33 are not in keeping with the block sizes as per the Paynesville Growth Area Plan Understanding that the development in question was not actually part of the PGA it is my opinion that the block sizes should at least be adopted thus going somewhat towards maintaining the special character of Paynesville</p> <p>2. The boundaries of Lots 1 to 33 should be aligned to the existing blocks in Eagle Bay Terrace. By doing this it would erase the need for some residences to have multiple rear fence neighbours. The current plan has up to 3 in one instance.</p> <p>3. Some blocks are shown to have only an 18 meter frontage. Given the fact that there is a proposed set back on one side and a standard 1 metre setback on the other side this significantly reduces the building envelope especially on the long blocks 36 to 55.</p> <p>4. Section 173 not documented. At the recent meeting in Paynesville there was a considerable amount of statements made in relation to what would "potentially" be contained in the section 173 documents in relation to set backs from the rear boundary. There is no evidence of this in any documentation.</p> <p>5. There is no provision for public useable space. The reserve/wetlands are simply not suitable for children to play in especially considering the statement made at the meeting that the area would be left to regenerate. In keeping with the Paynesville</p>	<p>The direct effects to us are through the loss of our view to the East due to housing and the reduction of the wild life transition.</p> <p>Through the construction phase we anticipate that there would be considerable disruption to our peace and tranquility should the proposed access through the paddocks be adopted.</p> <p>Tip trucks and cement trucks are not quiet pieces of equipment</p> <p>There is also potential for significant dust storms generated while the heavy equipment is traversing through the paddocks.</p>

Objector	Grounds of Objection	How Objector will be impacted
	<p>Development Plan there is call for public useable space to be within 400 meters of each home.</p> <p>6. Access Road for construction. At the information meeting we were advised that the access for construction would be through the property to the west running along under properties 52 to 34 on Eagle Bay Terrace. This is not acceptable. Having heavy trucks running along an unmade road creating considerable noise and raising dust for the duration of the construction places considerable burden on the residences.</p> <p>7. View retention for existing residences Consideration has been given to the shared views of the existing residence stating that the new building height of 4.5 meters and a set back of 5 meters for blocks 1 to 33. This is only a verbal statement making reference to the section 173. Taking a level from standing height at floor level will not accommodate a view of the water over the roof height of the new builds. The set back from the back boundary needs of be greater than 5 meters. The datum should be taken from floor level of existing building. Increasing the setback would address this issue.</p> <p>8. Understanding that growth and development is healthy for the township and in some ways inevitable it is vitally important that we do not lose the character that has made this town what it is. Therefore it is important that new subdivisions of this magnitude do consider wild life corridors and retain significant areas for both wildlife habitat and recreation. I don't believe this is the case as the subdivision move further west.</p> <p>9. Storm water management strategy. Although not directly part of the proposal I note that there are proposed blocks running to the south of the continuation of Fullarton and north of Eaglebay Terrace blocks 32 to 52 into what is currently Rural Zoned land. To address the shortage of useable park land and play grounds I suggest consideration be given to allocating this space to such activities</p>	







**Lots 45 to 62**  
 Dwellings restricted to a height no greater than 7.5 metres from the natural ground level measured from within the building footprint.

**Lots 43 to 44**  
 Dwellings restricted to a height no greater than 7.5 metres from the natural ground level measured from within the building footprint.

**Lots 29 to 42**  
 Dwellings restricted to a height no greater than 7.5 metres from the natural ground level measured from within the building footprint.

**Lots 2 to 9**  
 Dwellings restricted to a height no greater than 7.5 metres from the natural ground level measured from within the building footprint.

**Lots 63 to 77**  
 Dwellings restricted to a height no greater than 4.5 metres from the natural surface of the ground at the highest point of the lot.  
 (restriction consistent with that already existing on abutting lots fronting Fullarton Drive)

Dwellings also restricted to a height no greater than 7.5 metres from the natural ground level measured from within the building footprint.

Increase rear setback for lots 14 to 24 from 10 metres to 18 metres

**Lots 11 to 28**  
 Dwellings restricted to a height no greater than 4.5 metres from the natural surface of the ground at the highest point of the lot.  
 (restriction consistent with that already existing on abutting lots fronting Fullarton Drive)

Dwellings also restricted to a height no greater than 7.5 metres from the natural ground level measured from within the building footprint.

**Lots 1 & 10**  
 Dwellings restricted to a height no greater than 4.5 metres from the natural surface of the ground at the highest point of the lot.  
 (restriction consistent with that already existing on abutting lots fronting Fullarton Drive)

# Changes to Building Envelope Plan to provide existing residents with views over rooftops

**Notations**  
 Blue dashed line indicates building envelope

**Northviews**  
 Fullarton Drive, Paynesville, Vic.3680  
 East Gippsland Shire  
 Drawn : 31/7/2014, Scott Charles Kimm L.B.

**Parish of Balmssdale**  
 Lot C on PS311448U  
 Paracentroid (MGA84)  
 E 502 100, N 5804 800

**Plan No.**  
 08023A CP-1  
**Scale**  
 1:1250 - A1  
 1:2500 - A3  
**Lengths are in metres**





ground +7.5m

HP +4.5m

horizontal view line

1.5  
high

16.8m

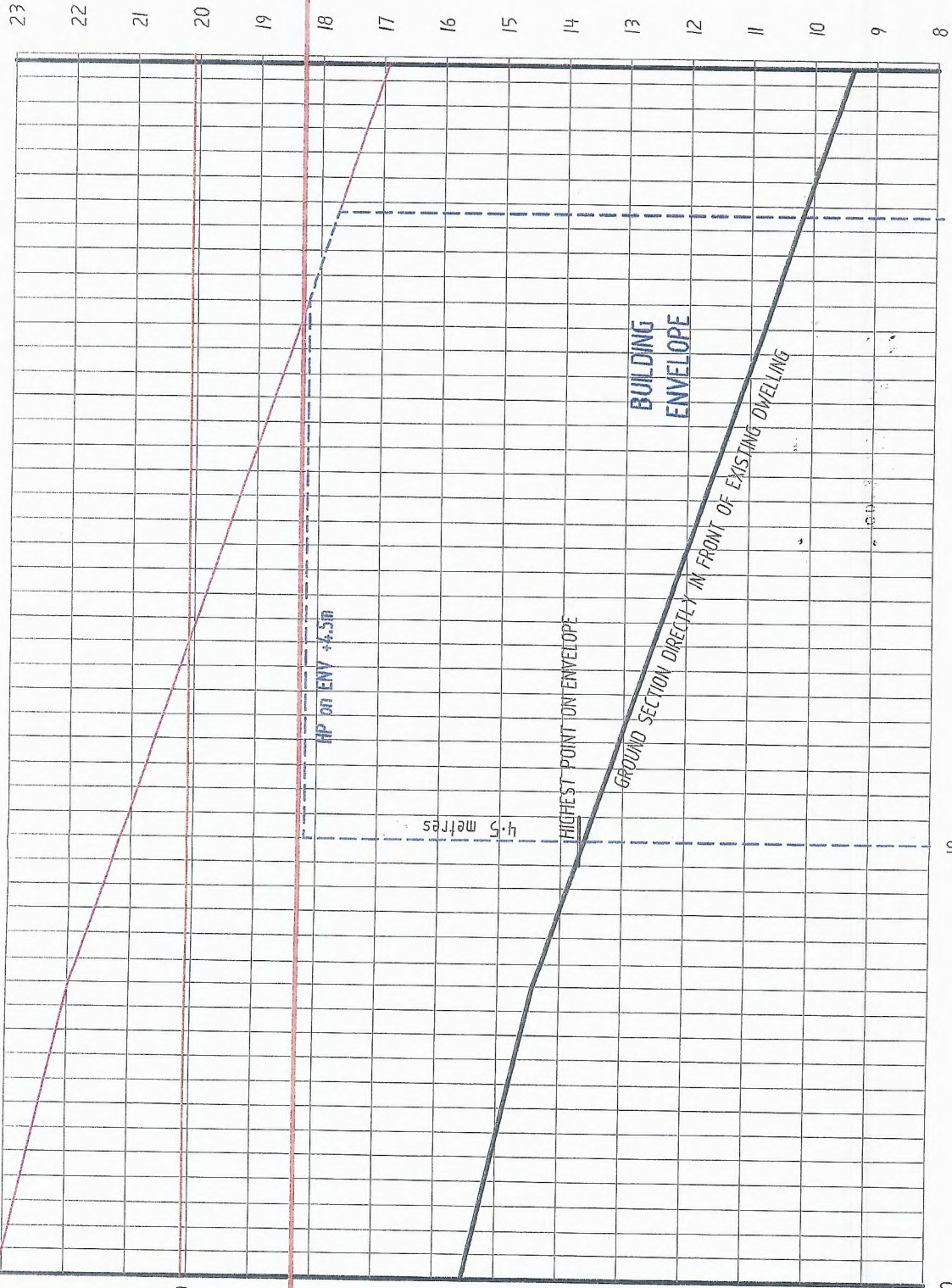
ground

boundary

#28  
Fullarton Drive

### LEGEND

- HP +4.5m  
4.5m FROM THE NATURAL SURFACE OF THE GROUND  
AT THE HIGHEST POINT OF THE LOT
- HP on ENV +4.5m  
4.5m FROM THE NATURAL SURFACE OF THE GROUND  
AT THE HIGHEST POINT OF THE BUILDING ENVELOPE



building envelope

building envelope

Lot 19

Sheet 14 of 30

Scale  
1:250 - HORIZ  
1:100 - VERT

SECTION FROM CENTRE OF EXISTING DWELLING LOOKING DIRECTLY FORWARD





### LEGEND

- HP +4.5m 4.5m FROM THE NATURAL SURFACE OF THE GROUND AT THE HIGHEST POINT OF THE LOT
- HP on ENV +4.5m 4.5m FROM THE NATURAL SURFACE OF THE GROUND AT THE HIGHEST POINT OF THE BUILDING ENVELOPE

SECTION FROM CENTRE OF EXISTING DWELLING LOOKING DIRECTLY FORWARD

Sheet 13 of 30

Scale  
1:250 - HORIZ  
1:100 - VERT







# AUSTEC SURVEYING Bruce Bowden LS

ABN 58703397201

TITLE & ENGINEERING SURVEYORS & LAND DEVELOPMENT CONSULTANTS

## VCAT Ref. No. P 2565/2013 LICENSED SURVEYORS REPORT

### PURPOSE

To describe methods and particulars of the provision of cross section diagrams to support a VCAT hearing

### Surveyor

Bruce Bowden LS

43B Nicholson Street, Bairnsdale, 3875.

### The Brief

To provide cross section diagrams showing the view lines from 7 properties in Fullarton drive, Paynesville.

The ultimate purpose was to show how restricted horizontal views are, compared to the "normal" reality of an oblique view line.

### Method and Procedures

Vertical angles and photos were taken from the relevant verandah/balcony using a properly calibrated Leica TS15 Total Station (Serial No. 1611387). The vertical angle was manually over-written on each image during data collection. The Cross Hair is visible in each photo.

The level value on each verandah was accepted as provided by S.K. Spatial, and the contours as provided by same are accepted as the basis for these further calculations.

At each location, the instrument was set up at about the midpoint of the veranda, about 1m from the edge at a known height. The observation direction was generally at right angles to the building and generally in accordance with the direction depicted on the provided sections by S.K. Spatial.

The calculations show distances from the common boundary line in the direction observed. The heights are calculated up to the oblique view lines from the interpolated contours as provided.

Signature

A handwritten signature in blue ink that reads "Bruce Bowden".

Licensed Surveyor: Bruce Bowden LS

Date

Principal: BRUCE BOWDEN B App Sc (SURV) LS

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P.O. Box 947 BAIRNSDALE, 3875.

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Mobile 0408521197

NOAH ZONE 50

- This is not a title survey.  
 - Lot dimensions & areas are approximate only.  
 - It is subject to survey.  
 - Only significant roads are shown on this plan.  
 - Data on this plan may only be manipulated with permission from SK Spatial Pty Ltd.



NOTES  
 PHOTO VIEW POINTS & DIRECTION  
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THUS →



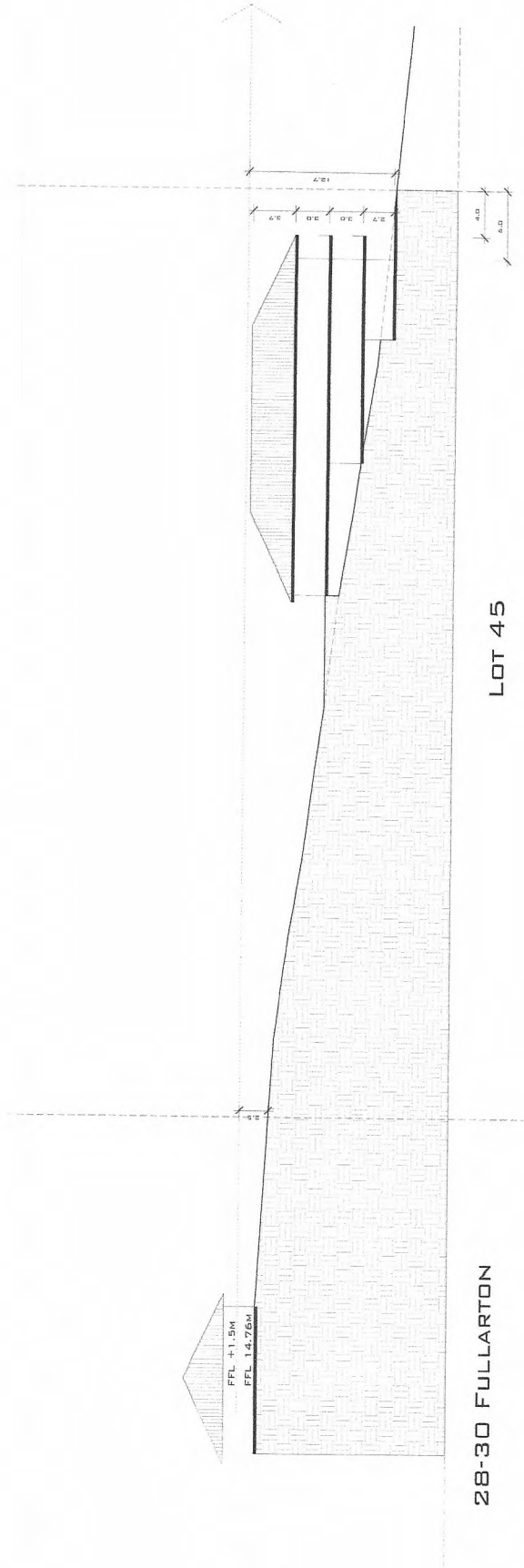


REF 14120/28  
SHEET 2 of 7 SHEETS



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NOTES:

- PLANS ARE INDICATIVE ONLY
- FINISHED SURFACE LEVELS ARE SUBJECT TO ENGINEERING DESIGN
- SURVEY PRODUCED BY CROWTHER & SADLER

28-30 Fullarton

CLIENT  
Real Ventures

ADDRESS  
Payneville, Victoria

DATE  
8/8/2022

Scale 1:200 @A1

PROJECT  
Payneville

STATUS  
DRAFT

VERSION  
3

UD105

MODAN

M 0400542347

Printed 14/09/2022

Enquiries: info@modan.com.au



7 October 2022

Dr Birgita Hansen  
Centre for eResearch and Digital Innovation  
Federation University, Ballarat  
Victoria, 3353

Dear Derek

**Re: Development application 344/2022/P-10 Fullarton Drive Paynesville and Latham's Snipe**

I am writing to you concerning the proposed housing development for 10 Fullarton Drive, which provides important habitat for Latham's Snipe.

I am leading a national research project on Latham's Snipe *Gallinago hardwickii*. Latham's Snipe is a migratory shorebird that breeds in northern Japan and migrates to eastern Australia in spring where it spends its non-breeding season feeding in preparation for its return migration in autumn. This species has one of the fastest migrations on record and undertakes extreme endurance long-distance flights of over 7000km non-stop to travel between its breeding and non-breeding grounds. Therefore, the protection of wetland habitats in Australia is a high priority to ensure that snipe are in adequate condition to survive their long-distance migration.

Knowledge about Latham's Snipe is relatively low compared to other migratory species, as a consequence of their cryptic behaviours. Therefore, the population size and stability of the species in Australia is still unknown. However, in the last decade the species has been documented as declining in Japan and anecdotal evidence suggests it is also declining in Australia. Therefore, it is critically urgent that sites supporting snipe in Australia are afforded protection, to ensure they remain available to impacted snipe populations.

Latham's Snipe is listed as Near Threatened, and is also listed among 36 other migratory shorebirds as a matter of national environmental significance under the *Environment Protection and Biodiversity Conservation Act 1999*. Therefore, any sites that support or might support this species should be subject to a detailed assessment prior to any development that could cause significant impact on the population. If numbers exceed the minimum threshold for national importance (18 snipe) under the *EPBC Act*, a referral will be required to the Australian Government Department of Climate Change, Energy, the Environment and Water.

**Key points in relation to Point Fullarton Wetlands and surrounds:**

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

- Furthermore, construction conducted during the period when snipe are in Australia will cause additional disturbance through movement of heavy machinery and displacement of birds
- The East Gippsland region occurs within the core of the non-breeding distribution of Latham's Snipe in south-eastern Australia, and it provides habitat for snipe to refuel in order to survive their northward migration back to Japan.

As the site meets the criteria for national importance under the *EPBC Act*, then the proposed housing development should be referred to the Department of Climate Change, Energy, the Environment and Water for assessment. This would include the need to conduct a proper impact assessment to determine the extent and likelihood of significant impact on Latham's Snipe.

I recommend conducting targeted surveys for Latham's Snipe during the current spring-summer season (2022-2023) to determine the way in which snipe use different habitats within the area at different periods in the season (e.g. night time versus day time use).

Please do not hesitate to contact me if you require further information.

Yours Sincerely

Birgita Hansen

Senior Research Fellow  
Centre for eResearch and Digital Innovation

Contact [b.hansen@federation.edu.au](mailto:b.hansen@federation.edu.au)