

177/2011/P - 54 Thorpes Lane LAKES ENTRANCE

Lot 2 on PS 712500K

Multiple lot subdivision, roadworks, removal of an easement and removal native vegetation

Responsible Authority Conditions

Amended Plans Required

1. Before the plan of subdivision for Stage 1 is certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions. The plans must generally be in accordance with the plans submitted with the application but modified to show:
 - a) Surface Water Management Assessment and Stormwater Management Plan (Water Technology, May 2008) modified to demonstrate consistency with current best practice and Lakes Entrance Northern Growth Area (LENGA) Development Concept Plan Hydrology (Water Technology, 2013).
 - b) Road Network and Traffic Management Plan, Residential Development Stirling Drive, Lakes Entrance (Crossco Consulting Pty Ltd , 7 March 2012) modified to comply with the Lakes Entrance Northern Growth Area Outline Development Plan, October 2013.
 - c) Staging Plan v.1 (Crowther & Sadler Pty Ltd, 11 July 2017) modified to show:
 - Lots 1-5, 38, 39, 91-105 inclusive, a 40 metre width on the western portion of Lot A and the public open space in stage 7 to be included in the final stage of development.

Endorsed Plans

2. The subdivision, works and vegetation removal as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Staging

3. The subdivision must proceed in the order of stages as shown on the endorsed plans unless otherwise agreed in writing by the Responsible Authority.

Cultural Heritage Management Plan

4. All works and activities must be undertaken in accordance with the approved cultural heritage plan.

Permit Expiry

5. This permit will expire if one of the following circumstances applies:
 - The plan of subdivision for stage 1 is not certified within five years.

- A Statement of Compliance for all stages is not issued within ten years of the date of the plan of subdivision for stage 1 being certified.

The responsible authority may extend the period for certification if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

Section 173 Legal Agreements

6. Before the issue of a Statement of Compliance for all lots located in the Environmental Audit Overlay, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning & Environment Act 1987, which will provide that:

- d) The lots must implement and demonstrate compliance with all conditions in the statement of environmental audit (LanePiper, 28 May 2010) in accordance with Section 53X of the *Environmental Protection Act 1970*.

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

7. Before the issue of a Statement of Compliance for all lots located in the Bushfire Management Overlay, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning & Environment Act 1987. The agreement must:

- a) State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the East Gippsland Shire Planning Scheme.
- b) Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
- c) State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

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

8. Before the issue of a Statement of Compliance for Lots 2, 57-80, 90, and 91 all inclusive the owner of the land must enter into an agreement with the responsible authority in accordance with Section 173 of the Planning & Environment Act 1987, which will provide that:

- a) All fencing along a common boundary with a reserve must be consistent with the landscaping plan reserve fencing detail endorsed pursuant to the conditions of the permit and maintained by the landowner into perpetuity to the satisfaction of the Responsible Authority.

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

9. Before the issue of a Statement of Compliance for Stage 1, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning & Environment Act 1987, which will provide that:
 - a) Lots 1-5, 38, 39, 91-105 inclusive, a 40 metre width on the western portion of Lot A and the public open space in stage 7, must be maintained by the land owner for defensible space for the subdivision until such time as defensible space or development is established on adjacent land to allow for development of dwellings on the aforementioned lots at a Bushfire Attack Level 12.5 to the Satisfaction of the Responsible Authority; and
 - b) Lots 1-5, 38, 39, 91-105 inclusive, a 40 metre width on the western portion of Lot A and the public open space in stage 7, must form the final stage of the subdivision unless otherwise approved to the satisfaction of the Responsible Authority.

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

10. Before the issue of a Statement of Compliance for Lots 55-80 inclusive, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning & Environment Act 1987, which will provide that:
 - a) Lots 55-80 inclusive must have a restriction on title for creation and maintenance of defensible space to achieve a Bushfire Attack Level 12.5, considering the reserve management and landscape plans approved in relation to the adjacent reserve to the satisfaction of the responsible authority.

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

11. Before the issue of a Statement of Compliance for Stage 1, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning & Environment Act 1987, which will provide that:
 - a) Temporary drainage basins in accordance with condition 14 must be removed and the land reinstated by the land owner within 3 months of the permanent drainage basins commencing operation in accordance with the endorsed drainage management plan.

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

12. Before the issue of a Statement of Compliance for Stage 1, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning & Environment Act 1987, which must provide that:
- b) The development of a dwelling on each lot must include a rain water tank having a minimum storage capacity of 10,000 litres;
 - c) The rain water tank must be plumbed to collect rain water runoff from the roof of the dwelling;
 - d) The rainwater tank must be used as a primary water source for flushing of toilets, laundry services, and to include an external tap for garden irrigation; and

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

Construction Management Plan

13. Before any works associated with the subdivision start, a Construction and Site Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
- a) Location of any temporary construction works office and machinery storage area;
 - b) The vehicular entry, exits and internal driveways. All machinery must enter and exit the site along defined routes that do not impact upon native vegetation or cause soil disturbance and weed spread. All machinery brought on site must be weed and pathogen free;
 - c) Details of construction days and hours;
 - d) Vehicle and machinery exclusion zones;
 - e) Location and management requirements of stockpiled soil;
 - f) Measures and techniques to protect drainage lines and watercourses from sediment runoff from disturbed or under construction areas. The use of sediment fences downslope of exposed soil and stockpiles, and best practice erosion control must be installed;
 - g) Measures and methods to be employed to protect sites of conservation importance, native vegetation and areas of archaeological significance;
 - h) Measures and techniques to manage dust, noise and other emissions created during the construction process;
 - i) The location of a machinery and vehicle wash down area and requirements for the ongoing use of the of the machinery and vehicle wash down area by contractors;

- j) Location and management of litter storage areas, construction waste areas and chemical storage areas;
- k) Methods of ensuring all contractors are informed of the requirements of the construction management plan and persons responsible for ensuring the construction management plan is adhered to;
- l) Address any recommendations of any approved Cultural Heritage Management Plan applying to the land; and,
- m) staging plan for all construction phases.

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

Storm Water Drainage

14. Before any works associated with the subdivision start, detailed drainage management plans generally in accordance with the plans endorsed under Condition 1.a) and to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will then form part of the permit. The design and documentation for the drainage works must be prepared in line with standard engineering practice to provide for the collection, control and disposal of all stormwater runoff, and show:
- a) Permanent and temporary drainage infrastructure, including swale drains and culverts, piping/drains and pits (where required);
 - b) Any modification to the terrain, such as filling and excavation;
 - c) Easements and legal points of discharge;
 - d) Methods of on-site detention, including the provision of sediment traps, wetlands, permanent and temporary detention basins and gross pollutant traps;
 - e) Identify all aspects of the stormwater drainage systems including drainage reserves and retarding basins, wetlands, storm water connections and outfalls, and any Water Sensitive Urban Design measures; and
 - f) Demonstrate consistency with Northern Growth Area – Lakes Entrance Development Concept Plan Hydrology (Water Technology, October 2013).

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

All works must be subject to a twelve month defects liability period.

15. Before the issue of a Statement of Compliance for each subdivision stage, each lot as shown on the endorsed plans must be drained to the satisfaction of the Responsible Authority.

Road Works

16. A Road Hierarchy Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the

plan will then form part of the permit. The plan must be consistent with Lakes Entrance Northern Growth Area – Outline Development Plan (October 2013) and must show:

- a) Road hierarchy for the Residential Estate.
 - b) Road Cross Sections.
 - c) Pedestrian and cycle paths and shared trails.
 - d) Provide for a permeable street network must be provided.
 - e) Road cross sections must meet the requirements of Public Transport Victoria. Bus Routes and bus stop must be provided as directed by the Director of Public Transport
 - f) Cycling parking facilities must be provided throughout the Estate to accord with bus stops.
 - g) Design must provide for emergency services requirements.
17. Before any road works associated with the subdivision start, detailed construction plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must show:
- a) Fully sealed pavement for all new roads, with formed shoulders on each side of the road with kerb and channel;
 - b) Pavements widths for access streets consistent with the Lakes Entrance Northern Growth Area - Outline Development Plan (October 2013);
 - c) Pavements widths for the collector street level 1 consistent with the Cardno Traffic Report July 2016;
 - d) Court bowls with fully sealed pavement and a turning area with a minimum radius of ten metres;
 - e) Verge areas with a width sufficient for the construction of drainage infrastructure and for pedestrian access;
 - f) Concrete footpaths a minimum of 1.5 metres wide on both sides of access streets and 2.5 metres wide on one side and 1.5 metres wide on the other side for the connector street in the subdivision;
 - g) Vehicular crossings;
 - h) Street lighting using LED technology;
 - i) Statutory signage and traffic control devices and line marking;
 - j) Upgrade intersection of Thorpes Lane and Stirling Drive before the completion of Stage 9 of the development; and,

- k) Temporary vehicle turning areas.

The documentation for the road works must include provision for maintenance and repair of damage to any existing road and drainage infrastructure.

The works must be subject to a twelve month defects liability period.

18. Any temporary vehicle turning areas provided on the roads which are intended to be continued at a future time must be constructed and maintained in accordance with the endorsed plans to the satisfaction of the Responsible Authority.
19. Before the issue of a Statement of Compliance for the adjacent stage containing a connected road or at any other time which the Responsible Authority agrees, the temporary vehicle turning areas must be removed and the area, together with all nature strips, footpaths and the like must be reinstated to the satisfaction of the Responsible Authority.
20. Before the issue of Statement of Compliance for each stage, all road works and requirements of the endorsed plans for each stage must be undertaken and completed to the satisfaction of the Responsible Authority.

Landscaping

21. Before the commencement of works, a landscape master plan for the entire estate to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plan must show and include:
 - a) The landscaping theme and graphical concepts to be developed for the subdivision;
 - b) The type of species to be used for street tree planting in the various stages of the subdivision;
 - c) The areas which will be available for landscaping;
 - d) The principles of graphical concepts of the proposed treatment of the open space and drainage reserves;
 - e) The landscape requirements or guidelines from the Lakes Entrance Northern Growth Area - Outline Development Plan (October 2013) are proposed to be implemented;
 - f) Integration of open spaces with reserves, streetscapes, pathways, buffers, entrance features, protection of and retention of key existing native vegetation including offset areas;
 - g) Pathways and passive open space;
 - h) Compliance with Cultural Heritage Management Plan;
 - i) The proposed staging of works;
 - j) Fencing plans for the boundaries between reserves and private land; and,

- k) Provision of passive open space to include: playgrounds, trees, garden beds, shared paths, links to established walking paths, planting set back from reserve fences, playground shade and shelter structures, BBQ, passive informal space and drinking water fountains.
22. Before any works associated with the subdivision starts, a public open space reserve landscaping plan to the satisfaction of the Responsible Authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plan must be generally in accordance with the landscape master plan and must show:
- a) Benching of the eastern reserve, designed specifically to minimise bushfire risk and to allow for the ongoing maintenance of the reserve by the municipal council, utilising standard slashing equipment;
 - b) Provision of a walking path within the Public Open Space Reserve connecting to existing footpaths;
 - c) All walking paths to be constructed of concrete with a minimum width of 2.0 metres ;
 - d) Lighting proposed along the walking paths;
 - e) The inclusion of appropriately positioned seating;
 - f) The inclusion of children's playground equipment within the northern part of the eastern reserve; and
 - g) A schedule of all proposed vegetation (trees, shrubs and ground covers) which includes botanical names, common names, pot size, mature size and total quantities of each plant.
23. All reserve and open space landscaping, structures and supporting infrastructure must be undertaken and completed to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance for each stage of the subdivision or as agreed with the Responsible Authority.
24. The land owner is required to maintain all reserve and open space vegetation with watering necessary for a period of 24 months following the issue of a certificate of practical completion for each subdivision stage. Any vegetation that dies or becomes diseased during this period must be replaced by the permit holder to the satisfaction of the Responsible Authority.
25. Before the Statement of Compliance is issued for each stage or at any other time which the Responsible Authority agrees, all fencing along a common boundary with land which is or intended to become public open space must be provided in a manner which is consistent with the landscape master plan or otherwise to the satisfaction of the Responsible Authority

26. Prior to the commencement of works, an Environmental Management Plan, to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. The plan must outline methods to be adopted on site during the construction stage, addressing public safety, amenity, site security, vegetation protection, operating hours, noise and emission control, stormwater and sediment runoff, waste, material reuse and traffic management.
27. During construction and maintenance activities, adequate steps must be taken to stop soil erosion and the movement of sediment off site and into drainage lines, watercourses and onto adjoining land to the satisfaction of the responsible authority. Methods include but are not limited to:
 - a) Control of on-site drainage by intercepting and redirecting run-off in a controlled manner to stabilised vegetated areas on site.
 - b) Installation of sediment control structures such as sediment basins, sediment fences and sediment traps when construction commences and maintaining them until the site is stabilised.
 - c) Re-vegetating all disturbed areas as quickly as possible or within 14 days after construction works are complete
28. Cut batters must be no steeper than 1 in 1.5 and fill batters no steeper than 1 in 2 unless retained by structural means. When completed, all batters must have a layer of topsoil, 50mm minimum thickness, spread over them and sown with a suitable grass and clover mixture, or mulched and planted with ground cover plants to the satisfaction of the Responsible Authority.

Utility Installations

29. Utility service substations, kiosk sites and the like must be not be located on any land identified as public open space or land to be used for any municipal purpose unless otherwise agreed by the Responsible Authority.
30. All new services to the subdivision must be placed underground in shared trenching. Design for the installation of services must meet the requirements of the relevant authorities and must be approved by those authorities to the satisfaction of the Responsible Authority.

Service Provider Agreements

31. The owner of the land must enter into an agreement with:
 - A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

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

Reinstatement of Council Infrastructure

33. Before the issue of a Statement of Compliance for each stage any portion of Council's existing infrastructure damaged as a result of work undertaken on the site or associated with the development must be repaired/reinstated to the satisfaction of the Responsible Authority.

Development Contributions

34. Prior to the issue of a statement of compliance for each stage, excepting the stage containing lot A, a development contribution must be paid to the satisfaction of the Responsible Authority. The contribution must be consistent with the Development Contributions Plan (Access Assessment Development East of Palmers Road, Lakes Entrance Northern Growth Area, Cardno, 15 July 2016).

Country Fire Authority Conditions

Hydrants

35. Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:
- Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
 - The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Roads

36. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
 - Curves must have a minimum inner radius of 10 metres.

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

Bushfire Management Plan Endorsed

37. The Bushfire Management Plans (Pages 1 and 2, Appendix Three, Version 1.0, Euca Planning 17 September 2018) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority. When endorsed the plan must be included as an annexure to the section 173 agreement prepared to give effect to the conditions of this permit.

East Gippsland Water Conditions

38. Water reticulation and sewer reticulation infrastructure (including sewer connection points) must be extended to service each lot, to East Gippsland Water's requirements, at the cost of the applicant. Each lot is to be separately serviced by the water and sewer reticulation system and able to be separately metered (water) as appropriate to the satisfaction of East Gippsland Water.
39. Arrangements for the design, construction, commissioning and acceptance of all infrastructure require prior written approval by East Gippsland Water. Such arrangements, where approved by East Gippsland Water, will be by one or more of the following;
 - a) The applicant is to enter into an agreement with East Gippsland Water, in accordance with section 126 of the Water Act 1989, for the provision of required infrastructure. Design, supervision and auditing will be charged at actual cost, payable by the applicant; and/or,
 - b) The applicant is to provide a Bank Guarantee or Fund Deposit or other financial security acceptable to East Gippsland Water for the full estimated cost of the required infrastructure, inclusive of all applicable Development Planning Charges* or other applicable fees, to East Gippsland Water's requirements; and/or,
 - c) The applicant is to arrange works directly with suitably qualified and experienced consultants and contractors, subject to East Gippsland Water's prior written approval. Development Planning Charges* are payable by the applicant. A copy of the final engineering design plans, relevant specifications, cost estimates and construction arrangements for the required infrastructure must be submitted to, and approved by, East Gippsland Water prior to any works commencing.

Once construction is complete and has been inspected, approved and accepted by East Gippsland Water, as-constructed drawings and final actual costs of the new infrastructure must be forwarded to East Gippsland Water within 20 working days.

40. Provide easements on the plan of subdivision, as required by East Gippsland Water, OR pursuant to Section 12(2) of the Subdivision Act 1988, an Owners Corporation is to be created and applicable to all land of this subdivision, such that appropriate easements are in place.

41. Payment of a New Customer Contribution (water) and a New Customer Contribution (sewer) for each additional serviced lot to East Gippsland Water at the rate applicable as at the date of this letter#.

East Gippsland Catchment Management Authority Conditions:

42. Prior to the issue of a Statement of Compliance for each stage, adequate stormwater management infrastructure must be constructed and operating to ensure that each stage of the development has adequate treatment to meet the best practice guidelines.
43. Prior to the issue of a Statement of Compliance for stage 1 a Waterway Management Plan for the reserve on the eastern property boundary must be developed to the satisfaction of the East Gippsland Catchment Management Authority. Any works required to implement the Waterway Management Plan can be staged in accordance with the subdivision.

Transport for Victoria Conditions:

44. Road widths along the Connector Street must be constructed to accommodate public transport access for buses in accordance with the Public Transport Guidelines for Land Use and Development to the satisfaction of Transport for Victoria.

AusNet Electricity Services Pty Ltd Conditions

45. The applicant must enter into an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
46. The applicant must enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
47. The applicant must enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.
48. The applicant must provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
49. The applicant must obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.
50. The applicant must adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey. (E-1)
51. The applicant must set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty Ltd for electric substations.
52. The applicant must provide survey plans for any electric substations required by AusNet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to

extend the lease for a further 30 years. AusNet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88(2) of the Transfer of Land Act prior to the registration of the plan of subdivision.

53. The applicant must provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
54. The applicant must agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
55. The applicant must ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

Notes

1. Lots in the subdivision are subject to the Community Infrastructure Levy, payable at the time of a building permit being issued.

Country Fire Authority Notes

2. CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au)

East Gippsland Water Notes

3. *Development Planning Charges apply where EGW are involved in the developer's works (actual charge is based on the final cost of the works). Development Planning Charges can be found on our website at www.egwater.vic.gov.au/CustomerInfo/Tariffs - Prices Schedule 2014/15.
4. #As the parent property is already rated, the 146 newly serviced lots will incur New Customer Contributions of:
124 lots (>450 sqm, <1350 sqm) = 124 x NCC (water) + 124 x NCC (sewer) = 248 x \$844.03 = \$209,319.44
Plus 22 lots (>1350 sqm) = 22 x NCC (water) + 22 x NCC (sewer) = 44 x \$1,688.08 = \$74,275.52.
Total New Customer Contributions = \$283,594.96.
5. Any specific requirements for water supply or wastewater discharge over and above the available standard levels of service (e.g. pressure, flow rate) will need to be arranged by the owner/developer, at their cost.

AusNet Electricity Services Pty Ltd Notes

6. It is recommended that, at an early date the applicant commences negotiations with AusNet Electricity Services Pty Ltd for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).

7. Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.
8. Prospective purchasers of lots in this subdivision should contact AusNet Electricity Services Pty Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

MGA94, ZONE 55

PALMERS ROAD

THORPES LANE

LAWSON DRIVE

LUKE CT

NORMAN CT

STIRLING DRIVE

MERRANGBAUR HEIGHTS P/L

54 THORPES LANE, LAKES ENTRANCE

Crowther & Sadler Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS
152 MACLEOD STREET, BAINSDALE, VIC., 3875
P. 03 5162 5011 E. contact@crowthersadler.com.au

FILENAME: N:\Jobs\17000-17999\17500-17599\17531 Merrangbaur Heights\17531 Prop V1.pro

SCALE (SHEET SIZE A1)

1 : 2000

SCALE (SHEET SIZE A3)

1 : 4000

SURVEYORS REF.

17531

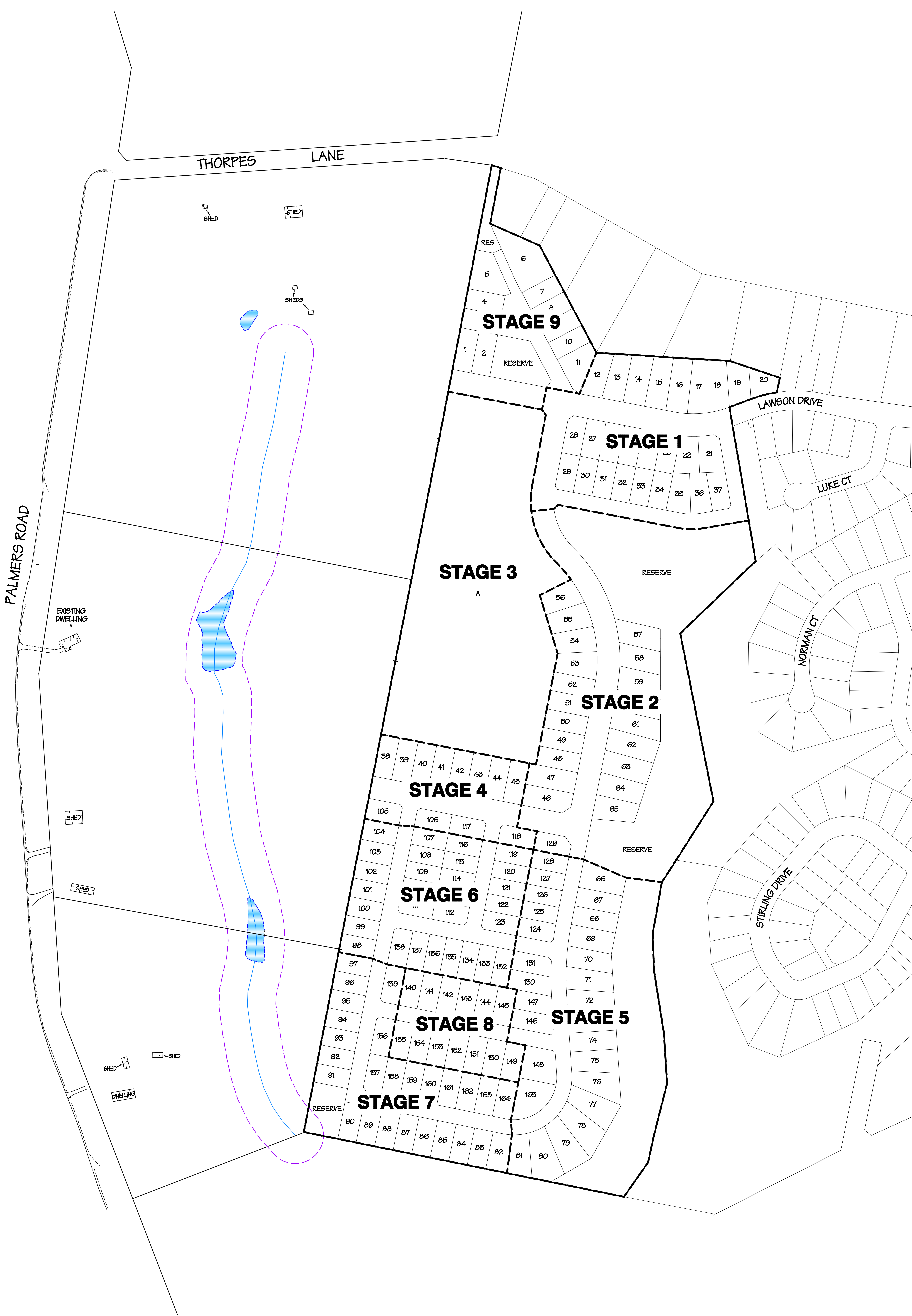
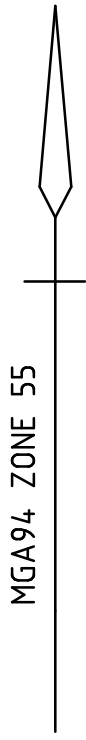
VERSION 1 - DRAWN 11/01/2017

NOTATIONS

AREAS ARE APPROXIMATE ONLY
DIMENSIONS ARE SUBJECT TO SURVEY

PROPOSED SUBDIVISION

PARISH OF COLQUHOUN
CROWN ALLOTMENTS 27A, 28A & 30A (PARTS)
LOT 2 ON PS712500K



MERRANGBAUR HEIGHTS P/L
54 THORPES LANE, LAKES ENTRANCE

Crowther & Sadler Pty. Ltd.
LICENSED SURVEYORS & TOWN PLANNERS
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FILENAME: N:\Jobs\17000-17999\17500-17599\17531 Merrangbaur Heights\17531 Staging V1.pro

SCALE (SHEET SIZE A1)

1 : 2000

SCALE (SHEET SIZE A3)

1 : 4000

SURVEYORS REF.

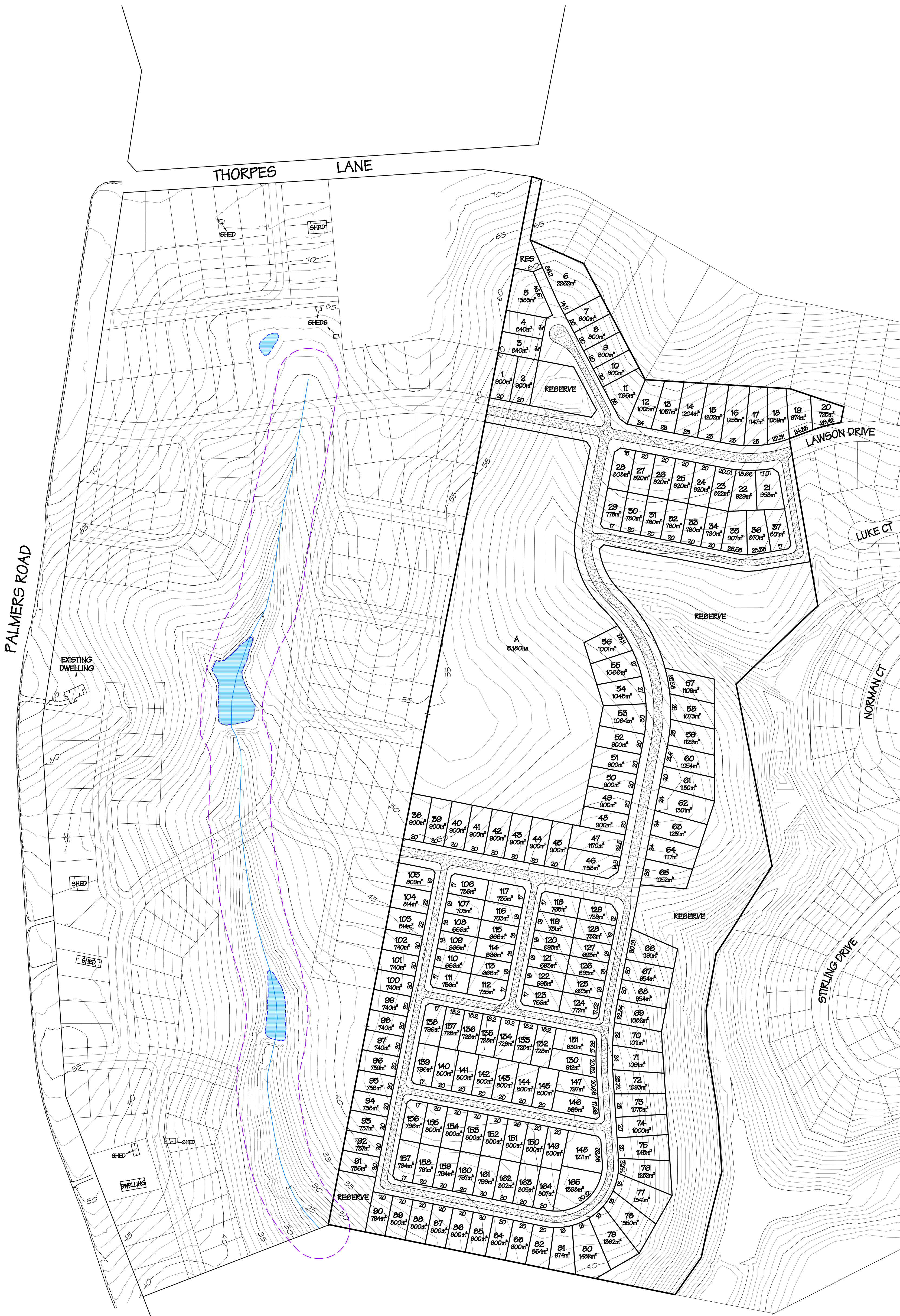
17531

VERSION 1 - DRAWN 11/01/2017

STAGE	#LOTS	ROAD LENGTH
1	26	636.8m
2	21	454.6m
3	1	NIL
4	12	225m
5	27	425.5m
6	29	384.3m
7	26	328.9m
8	13	120m
9	11	205.7m

STAGING PLAN

PARISH OF COLQUHOUN
CROWN ALLOTMENTS 27A, 28A & 30A (PARTS)
LOT 2 ON PST12500K



NOT FOR ENDORSEMENT

MERRANGBAUR HEIGHTS P/L 54 THORPES LANE, LAKES ENTRANCE		NOTATIONS		DESIGN RESPONSE
Crowther & Sadler Pty. Ltd. LICENSED SURVEYORS & TOWN PLANNERS 162 MACLEOD STREET, BAINSDALE, VIC., 3876 P. (03) 5162 5011 E. contact@crowthensadler.com.au		AREAS ARE APPROXIMATE ONLY DIMENSIONS ARE SUBJECT TO SURVEY		
SCALE (SHEET SIZE A1)		SURVEYORS REF.		PARISH OF COLQUHOUN CROWN ALLOTMENTS 27A, 28A & 30A (PARTS) LOT 2 ON PS712500K
1 : 2000				
SCALE (SHEET SIZE A3)		17531 VERSION 1 - DRAWN 11/07/2017		
1 : 4000				

The Town Planner,
East Gippsland Shire Council,
Corporate Centre,
273 Main Street,
Bairnsdale. Vic. 3875

28th. September 2011



Dear Sir,

Re: Planning Permits 54 Thorpes Lane, & 110 Palmers Road
Lakes Entrance.
Reference No's 195/2011/P & 177/2011/P

We reside Lawsons Drive, and from the intersection
of Thorpes Lane in Lakes Entrance.

There are approximately 220 houses and blocks that are in Stirling Drive, and other courts running off the street, and with only one exist point, that is Thorpes and Stirling Drive. The proposed access via Lawson Drive onto Stirling Drive will create a traffic problem worse than exists now. With 186 lots which the developer has estimated to be 1860 traffic movements per day, plus traffic from the proposed retirement village.

Based on the system used by the developer I have calculated that the following movements of traffic may occur

Stirling Drive, and Courts at present	2200
Lawsons Road (186 Lots)	1860
Retirement Village	300
Total of:	<u>4360</u>

If one access point is provided that is 4360 traffic movements per day.

There is no shops, postal boxes, schools etc in the area and this creates more traffic movements. How are we expected to get out of our driveway? When we purchased the property in 2003 we were advised by the Real Estate Agent and the Shire that Lawson's Road was not to proceed, and I have a map obtained from the shire showing no roadway. If we had known that this road was to proceed we would not have purchased the property.

It should be noted that in 2005 an application was submitted and objections were heard by the Council in October 2005, and from this council granted a permit for 18 lots and agreed to address the traffic concerns raised by the residents. The traffic problem has not been addressed to date. These concerns were raised again in December 2010

and the council replied 17th.January 2011 by saying that the 18 lots were to proceed, and the other two larger plans were not proceeding. Now we have received notice stating that they intend to proceed with the larger subdivisions.


The Palmers Road access is referred to in these permits, but has been on the drawing board since and as far as we know 2005 and with no agreement being reached with the various authorities or land owner. This Road may never proceed and all roads will lead out onto Stirling Drive. In 2005 a road access was considered onto Thorpes Lane and this has now been marked on the plan as a walkway.

It should be noted that the Estate Agent King and Heath has been in the past advertising the sale of land for the Retirement Village with Road access via Palmers Road and Thorpes Lane. What happened these sales and road permits.

We also note the issue of safety in the case of emergency e.g. fire or accidents. A fire would most likely come from the forest area and all traffic would have to travel towards the fire before turning towards the town. This would create panic. We refer to the review by Climate Commission as per the Lakes Post dated 28th. September 2011 that states wild fires are more likely to happen in the future. Has the Shire considered the safety issue.

We would appreciate if the council would consider the residents objections and advise of further developments in this matter. For your reference we intend to forward a copy of this letter to Mr. T. Bull and Mr. D. Chester our government representatives.

Yours faithfully

A handwritten signature in black ink, appearing to read 'A and L. Tiziani', with a long horizontal flourish extending to the right.

A and L. Tiziani

Lakes Entrance. 3909

OBJECTION TO PLANNING PERMIT APPLICATION

Planning and Environment Act 1987

9-3-2

3	8	15	T	F	C	P
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12 OCT 2011

EGSC - Corporate Records Unit

OFFICE USE ONLY
Application Number

Date Received

OBJECTOR DETAILS:

Name: MK + DJ McTighe

Address:

Postal Address (if different to above):

Telephone Number

Received EGSC

10 OCT 2011

Lakes BC Lib

PERMIT APPLICATION DETAILS:

What is the permit application number? 177/2011/P

What is proposed? Multiple lot subdivision removal of
removal of native vegetation Easement

What land is proposed to be used or developed? 54 Thorpes Lane + 110 Palmers
Road Lakes Entrance

Who has applied for the permit? Merranghau Heights P/L

OBJECTION DETAILS:

What are the reasons for your objection?

Eastern Creek Storm Water Drain inadequate
Southern Wall of drain is collapsing
Infrastructure damage is occurring
Further Development + removal of Native
Vegetation will impact negatively to our property

How will you be affected by the grant of a permit?

Flooding from Eastern Creek Storm Water
drain
Infrastructure damage

(If there is not enough space, attach a separate page)

Signature: J. Tighe

Date: 10.10.2001

1/4.

6/10/11

LAKES ENTRANCE.

3909.

DEAR SIR,

I SPOKE TO YOU ON WEDNESDAY 5/10/11
ABOUT MY CONCERN'S WITH PLANNING PERMITS
REFERENCE N^os 195/2011/P AND 177/2011/P.

I HAND DELIVERED A LETTER TO THE
CORPORATE CENTRE ADDRESSED TO THE CHIEF
PLANNER, EXPRESSING THESE CONCERN'S.

SINCE MY PHONE CALL TO YOU I
THOUGHT THAT I SHOULD SEND YOU A COPY OF THE
LETTER FOR YOUR INFORMATION.

3	8	THANK U	OC	PA. SHORT.
Director Dev.				
Planning - permit				
J - G.M.				
11 OCT 2011				
EGSC - Corporate Records Unit				

PA GOV.

27/9/11

LAKE'S ENTRANCE .
3909 .

TO WHOM IT MAY CONCERN,

RE: NOTICE OF AN APPLICATION FOR
PLANNING PERMITS BY MERRANGBAUR P.T.Y LTD.
REFERENCE NO 195/2011/P AND NO 177/2011/P.

I NOTED THAT THE ROAD ACCESS POINT'S
WHERE THE SAME AS THEIR PREVIOUS APPLICATION.
NAMELY LAWSON DRIVE INTO STIRLING DRIVE AND A
ROAD THROUGH PROPERTY INTO
PALMER'S RD. THIS APPLICATION WAS TAKEN OFF
THE TABLE FOR WHATEVER REASON.

AS MY PROPERTY IS SITUATED ON
THORPE'S LANE WITH
ACCESS OFF I AM CONCERNED ABOUT ANY
EXTRA TRAFFIC. IT IS ALREADY A PROBLEM AT TIMES
BECAUSE OF THE EXTRA BUILDING OVER THE LAST

(2)

FEW YEARS, IN AND OFF STIRLING DRIVE.

I WAS TOLD BY THE SHIRE THE PREVIOUS APPLICATION WOULD NOT BE GRANTED UNLESS THERE WAS ACCESS ONTO PALMERS RD.

I HOPE THIS STILL STANDS FOR THIS APPLICATION.

I WAS ALSO TOLD THAT ANY CONSTRUCTION WOULD BEGIN FROM PALMERS RD AND WORK BACK TO LAWSON DRIVE.

AFTER VIEWING THE PLANNING APPLICATION I HAD OCCASION TO SPEAK TO

ABOUT THE APPLICATION. I WAS SURPRISED TO BE TOLD THAT HE DIDN'T KNOW ANYTHING ABOUT IT.

SO I WAS WONDERING IF YOU CAN TELL ME WHAT'S GOING ON. WHY WAS THIS PROPOSED ACCESS THROUGH LAND INCLUDED IN THIS APPLICATION, WHEN IT IS OBVIOUSLY NOT AN OPTION. OR AT LEAST NOT AT THIS STAGE. THIS LAND I AM TOLD IS CURRENTLY ZONED RURAL/FARM.

(3)

I RANG YOUR PLANNING DEPT
YESTERDAY 26/9/11 AND SPOKE TO HE SAID
HE WOULD FOLLOW UP ABOUT LAND, HE ALSO
INDICATED THAT HE BELIEVED APPROVAL FOR BOTH
APPLICATIONS WOULD BE DEPENDANT ON ACCESS OTHER
THAN LAWSON DRIVE. I HOPE THIS IS THE CASE.

IN A PREVIOUS PLANNING APPLICATION
Nº115/2005/P THIS DEVELOPER STATED THAT THEY HAD
A LONG TERM STRATEGY TO PROVIDE 3 ACCESS POINTS.
MAYBE THEY SHOULD MOVE THAT STRATEGY FORWARD.

IF THIS APPLICATION GOES AHEAD
AND LAWSON DRIVE IS THE ONLY ACCESS, CONSIDER
THIS LETTER AN OBJECTION TO THE PLANNING
APPLICATIONS.

YOURS FAITHFULLY

A. V. SHORT.

A. V. Short

The Town Planner
East Gippsland Shire Council
Corporate Centre
273 Main Street
Bairnsdale Vic 3875

9.3.2.

3	8	15	1	(C)
Plan Receipts				
Plan - Perm				
Road - Safety				
14 OCT 2011				
EGSC - Corporate Records Unit				
Road & Tech Officer				

T.W and B Speedie

Lakes Entrance

Dear Sir,
Planning Application 177/2011/P
54 Thorpes Lane & 110 Palmers Road Lakes Entrance

We reside Lakes Entrance on the east side of the above proposed subdivision.

In general terms this proposal is an expected extension of the current 17 lot subdivision our property.

We are currently experiencing very dusty and elevated noise levels and movement of heavy machinery on a daily basis. Whilst this is undesirable, it is understood and that this is all part of the construction process. From our view and that of our neighbours the quicker it is completed the better.

With this larger proposal, dust, noise and machinery movement will be on a very much larger scale and over a much longer period of time.

The worst case scenario for the residents of Stirling Drive is the use of Lawsons Drive as construction access for any period of time.

It is therefore vital that the access road to Palmers Road as indicated on the planning documents be organised and established prior to the commencement of the subdivision construction.

It is noted in the Traffic Group report that low traffic volumes are eventually expected to use Lawsons Drive (15%). This seems a reasonable outcome but this will be overshadowed if during the construction stage Lawsons Drive is used as a construction access.

On the detail of the access to Palmers Road, it is noted that turn off lanes will be utilised to meet the ASD and SISD requirements and a 70 kph speed limit introduced. Speeding in that area is an issue and rather than confuse drivers with three different speed limits a conservative and safe approach would be to have a 60kph right through to the Thorpes Lane and Palmers Road intersection.

Thank you for the opportunity to comment

TW Speedie

11.10.2011

9.3.2.

3	8	15	T	F	C	P
Director Development.						
Planning - Permit						
- 5 MAR 2013						
EGSC - Corporate Records Unit						

Councillor Support.

A/N.

1st. March 2013

Cr. Richard Ellis
Mayor for East Gippsland
Corporate Centre,
P.O. Box 1618,
Bairnsdale Vic. 3875

Dear Sir,

Re: Planning Application 177/2011/P
Thorpes Lane Lakes Entrance.

We refer to our previous correspondence concerning this subdivision and a copy of previous correspondence is enclosed, along with the new planning proposal. We would be pleased if you could consider this matter with a view to residents concerns, and advise us accordingly.

Yours faithfully,


Tony and Lorna Tiziani

Lakes Entrance. Vic. 3909

T. & L. Tiziani

Lakes Entrance. 3909
1st. March 2013

The Town Planner,
East Gippsland Shire Council
Corporate Centre,
273 Main Street,
Bairnsdale. Vic. 3875

Attention Mr. R. Smith

Dear Sir,

Planning Application – Subdivision and removal of
Easement and Native Vegetation
Planning Application: 177/2011/P
54 Thorpes Lane, Lakes Entrance
Merrangbaur Heights Pty. Ltd.

We wish to advise that we object to this subdivision on the grounds that there is no guarantee that of a second access road approved and developed in the next stage of the subdivision. This second access road would create less traffic even during construction in Stirling Drive.

The company has in the past changed plans on a number of occasions, and have now only one access road. This would create many dangers, and traffic hazards for the people living in Stirling Drive. You will note that from previous plans a block was subdivided in Thorpes Lane thus leaving no reasonable exit from this proposed subdivision. It seems that exits from a subdivision should be carefully considered. We understand that the Retirement Village previously proposed is not going ahead and this would mean that more cars will be using the one access road than previously calculated..

We refer to our previous letter dated 28th. September 2011 to the shire in which we objected to this subdivision. We have enclosed a copy of this correspondence for your reference. Our main concerns are traffic leaving Stirling Drive, and safety in case of fire and accidents how will all persons leave the estate.

A copy of this correspondence has been sent to the Mayor, and our members of Parliament.

We await your comments regarding this new plan..

Yours faithfully,

Tony and Lorna Tiziani

Planning Notices R Us ACN. 127 214 279

15 Chetwyn Court
FRANKSTON SOUTH 3199
Ph: 0407 840 329
E: info@planningnotices.com.au
W: www.planningnotices.com.au

25 February 2013

A Tiziani and L Tiziani

LAKES ENTRANCE VIC 3909

Dear Sir/Madam,

**Planning Application – Subdivision and removal of
Easement and Native Vegetation
Planning Application: 177/2011/P
54 Thorpes Lane, Lakes Entrance
Merrangbaur Heights Pty Ltd**

Merrangbaur Heights Pty Ltd c/- Watsons Pty Ltd have applied to East Gippsland Shire Council for a Planning Permit to subdivide 54 Thorpes Lane, Lakes Entrance into multiple lots and remove an existing easement and native vegetation.

Council has directed that notice of the application be given to you in accordance with the attached Notice of Application for a Planning Permit.

Any questions regarding the application or the planning process should be directed to Mr Ray Smith of Council on (03) 5153 9500.

Please note that Planning Notices R Us have been engaged to serve the enclosed Application for Review upon you in accordance with Council's instructions and we are not in a position to answer queries about the Application or the planning process.

Yours sincerely



**Belinda Morcombe
Manager – Planning Notices R Us**

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	54 Thorpes Lane LAKES ENTRANCE Lot A LP 517816
The application is for a permit to:	Multiple lot subdivision, removal of an easement and removal of native vegetation
The applicant for the permit is:	Merrangbaur Heights Pty Ltd
The application reference number is:	177/2011/P
You may look at the application and any documents that support the application at the office of the responsible authority.	East Gippsland Shire Council, Corporate Centre, 273 Main Street, Bairnsdale Lakes Entrance Library & Business Centre Mechanics Street, Lakes Entrance

This can be done during office hours and is free of charge.

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

An objection must

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

The Responsible Authority will not decide on the application before:	14 MARCH 2013
-----------------------------------------------------------------------------	----------------------

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

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

The Town Planner,
East Gippsland Shire Council,
Corporate Centre,
273 Main Street,
Bairnsdale. Vic. 3875

28th. September 2011

Dear Sir,

Re: Planning Permits 54 Thorpes Lane, & 110 Palmers Road
Lakes Entrance.

Reference No's 195/2011/P & 177/2011/P

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of Thorpes Lane in Lakes Entrance.

There are approximately 220 houses and blocks that are in Stirling Drive, and other courts running off the street, and with only one exist point, that is Thorpes and Stirling Drive. The proposed access via Lawson Drive onto Stirling Drive will create a traffic problem worse than exists now. With 186 lots which the developer has estimated to be 1860 traffic movements per day, plus traffic from the proposed retirement village.

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Total of:	<u>4360</u>

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There is no shops, postal boxes, schools etc in the area and this creates more traffic movements. How are we expected to get out of our driveway? When we purchased the property in 2003 we were advised by the Real Estate Agent and the Shire that Lawson's Road was not to proceed, and I have a map obtained from the shire showing no roadway. If we had known that this road was to proceed we would not have purchased the property.

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and the council replied 17th January 2011 by saying that the 18 lots were to proceed, and the other two larger plans were not proceeding. Now we have received notice stating that they intend to proceed with the larger subdivisions.

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Yours faithfully

A and L. Tiziani

Lakes Entrance. 3909

9.3.2

3	8	15	T	F	©	P
Dir Dr						
Plan - permit - 7 MAR 2013						
EGSC - Corporate Records Unit						

6/3/13

LAKES ENTRANCE

3909.

THE TOWN PLANNER, ^{or support}
EAST GIPPSLAND SHIRE COUNCIL.

DEAR SIR,

RE - PLANNING APPLICATION 177/2011/P.

I WISH TO REGISTER AN OBJECTION
TO THIS PLANNED DEVELOPMENT FOR THE FOLLOWING
REASONS:-

① I LIVE 0 THORPES LANE
AND E WITH ACCESS OFF
I AM ALREADY CONCERNED ABOUT THE AMOUNT
AND SPEED OF TRAFFIC IN STIRLING DRIVE AND
THORPES LANE. AND IF THIS 150 LOT SUB-DIVISION
GOES AHEAD WITH LAWSON DRIVE AS THE ONLY
ACCESS, THE TRAFFIC IN STIRLING DRIVE/THORPES LANE
WILL BE CHAOTIC.

② THE SCHOOL BUS ALSO PICKS UP AND
DROPS OFF AT THIS INTERSECTION, WHICH CAUSES
CONGESTION AT TIMES. ESPECIALLY WHEN IT'S WET.

②

③ I ALSO WONDER ABOUT SAFETY ISSUES.
IF A WILD FIRE EVER BURNED DOWN THROUGH
COLQUHOUN FOREST THE ONLY WAY OUT OF THE
ENTIRE STIRLING DRIVE ESTATE WOULD BE INTO THE
FIRE.

ALSO IF THERE WAS A MAJOR
ACCIDENT OR INCIDENT ON THE CORNER OF
TADROPES LANE AND STIRLING DRIVE NO ONE WOULD
GET IN OR OUT.

THIS DEVELOPER SAID IN 2005 WHEN
THEY HAD THEIR 18 LOT SUB-DIVISION APPROVED IN
LAWSON DRIVE THAT THEY HAD A LONG TERM
STRATEGY TO PROVIDE 3 ACCESS POINTS.

HOW LONG IS LONG?

AT THIS TIME I WAS TOLD BY ONE
OF YOUR PLANNERS THAT IN HIS VIEW THERE
WOULD NOT BE ANY FURTHER DEVELOPMENT UNTILL
ADDITIONAL ACCESS IS PROVIDED

I WAS ALSO TOLD IN 2011 BY ONE
OF YOUR PLANNERS WHEN THIS DEVELOPER
LODGED APPLICATIONS FOR THE RETIREMENT
HOME AND THE MULTIPLE LOT SUB-DIVISION, (AND
THE ROAD THROUGH S T LAND

③

WAS STILL ON THE TABLE.) THAT ANY FURTHER DEVELOPMENT WOULD BE TOWARD STIRLING DRIVE, NOT FROM.

I BELIEVE THAT NO FURTHER SUB-DIVISION (EVEN A REDUCED SUB-DIVISION) SHOULD GO AHEAD UNTIL AT LEAST ONE MORE ACCESS POINT IS PROVIDED.

THE DEVELOPER COULD EVEN BUY THE BLOCK OF LAND IN THORPE'S LANE. THE BLOCK BESIDE THE FARM DRIVE, WHERE THE APPLICATION FOR THE SUB-DIVISION IS DISPLAYED. AND IT IS UP FOR SALE! (UNLESS THEY ALREADY OWN IT.)


THE DEVELOPER EFFECTIVELY LAND-LOCKED THEMSELVES BY SUB-DIVIDING THE LAND FRONTING THORPE'S LANE. MAYBE IN THE HOPE OF GETTING AWAY WITH THEIR CHEAPEST OPTION. LAWSON DRIVE.

THIS STIRLING DRIVE SUB-DIVISION SHOULD NEVER HAVE BEEN APPROVED WITHOUT ADDITIONAL ACCESS POINTS. BUT THAT BEING SAID THE DEVELOPER AND THIS SHIRE COUNCIL HAVE HAD 20 YEARS TO PLAN FOR THIS.

YOURS FAITHFULLY
A. U. SHORT
A. U. Short

P.S

COPIES HAVE
BEEN SENT TO
MR. DARREN CHESTER
MR. TIM BULL

 COPY FOR
MR D. ELLIS.

13
The Town Planner
East Gippsland Shire Council
Corporate Centre
273 Main Street
Bairnsdale Vic 3875

T.W and B Speedie

9.3.2 Lakes Entrance						
3	8	15	T	F	U	F
Planning - Rec						
Plan - Permit						
12 MAR 2013						
Corporate Records Unit						

Dear Sir,
Planning Application 177/2011/P
54 Thorpes Lane Lakes Entrance

We reside Lakes Entrance on the east side of the above proposed subdivision.

Our back fence adjoins the 17 lot subdivision which has just been completed with the exception of the final road surfacing.

Whilst the noise and dust problems associated with the process in establishing this small subdivision was to be expected, the damage done to the existing road surface on Lawson Drive and Stirling Drive was extensive and is currently being replaced presumably at the expense of rate payers.

This latest very large multiple lot subdivision proposal will, in construction phase result in much higher levels of dust and noise with machinery movement on a very much larger scale and over a much longer period of time.

Given the experience of the construction of the 17 lot subdivision, the damage to road surfaces can also be expected to be on a much larger scale.

On viewing the application documents, and specifically the Road Network and Traffic Management Plan (see attached) it appears that access to this latest subdivision area during construction and into the future is limited to Lawson Drive.

The report states that "given it is not practical to provide access onto Thorpes Lane without land acquisition" and "direct road access to Palmers Road will require acquisition of third party land and construction of significant infrastructure **not required for the proposed subdivision**".

Whilst the report goes on to say consideration should be given to access to Palmers Road in the future there is no guarantee of this ever happening.

This is plainly, unprofessional and cheap planning and subdivision
Adequate access to Palmers Road is required for the proposed subdivision

Access through one point for a subdivision of this size is simply not practical and will congest traffic flow. Consider that there are no shops, schools etc in this area and therefor requires daily multi car trips by all householders.

In the event of any emergencies such as fire or accident, Lawson Drive is the furthest point from CFA, Ambulance and Police stations.

What will be the consequences if Lawson Drive is blocked to these emergency services.

Has any of these services been contacted regarding these issues.

Previous planning proposals for this area showed several access roads to Palmers Road. Our comments on that proposal at the time were not only were these access points mandatory, but should be established before subdivision construction commenced.

In summary, the worst case scenario for the residents of the new 17 lot subdivision, Lawson Drive and Stirling Drive is the use of Lawson Drive as construction access and more importantly if Lawson Drive is the sole access to the larger subdivision into the future.

From a planning point of view this is unacceptable for a subdivision of this size to have such limited road access when one considers issues of safety access, traffic flows and noise levels.

Access to Palmers Road is a vital issue for the viability and sensible planning of this proposed large lot subdivision.

It is an issue that has to be considered now and resolved before it proceeds.

Thank you for the opportunity to comment



TW & B Speedie
8th March 2013

3.2 Access

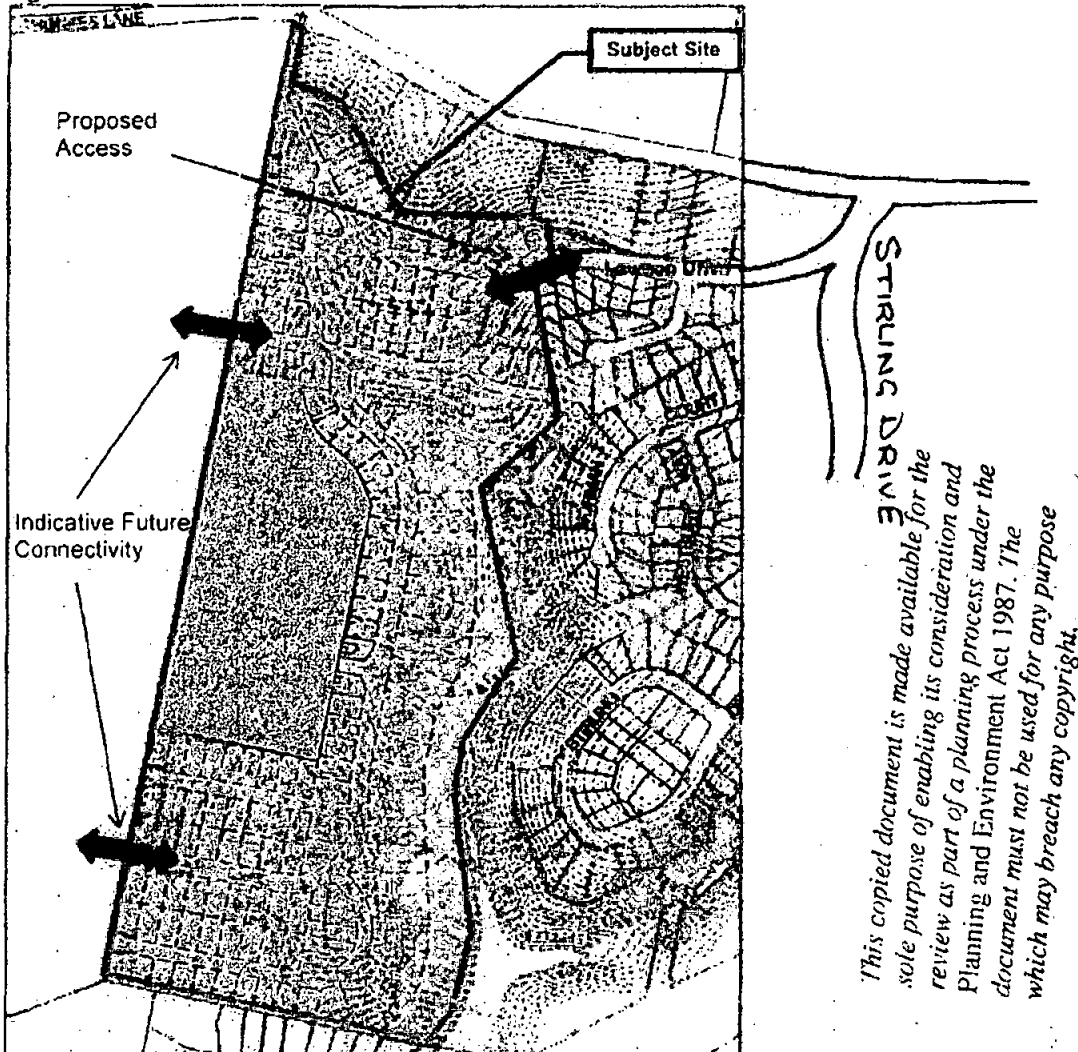
The subject site has a narrow 8 meter wide frontage to Thorpes Lane and direct access onto Lawson Drive which is currently under construction.

Given that it is not practical to provide access onto Thorpes Lane (without land acquisition) due to the narrow frontage it is proposed to provide direct access to the subdivision via Lawson Drive.

Direct road access to Palmers Rd to the west will require acquisition of third party land and construction of significant infrastructure not required for the proposed subdivision. However, consideration should be given in the design of the subdivision to provide possible access and connectivity in association with future development of the third party land. To facilitate this access two possible road connections have been included in the development proposal as shown in Figure 7.

Whilst one or more of these access points may be considered desirable they are not necessary for this development.

Figure 7: Indicative Access



1/4

Darren Chester

Federal Member for Gippsland

March 8, 2013

Mr S Kozlowski
Chief Executive Officer
East Gippsland Shire Council
273 Main St
BAIRNSDALE VIC 3875

9.3.2

3	8	15	T	F	C	P
Dir Dev						
Plan - Permai						
18 MAR 2013						
EGSC - Corporate Records Unit						

CEO.

Dear Minister

I wish to make representations on behalf of Anthony Short, 134 Thorpes Lane, Lakes Entrance in relation to his objection to the planning application 177/2011/P.

Please find enclosed self explanatory correspondence received from Mr Short which I believe has been forwarded to you directly.

I would be grateful to receive your comments on the matters raised.

Yours sincerely



DARREN CHESTER
The Nationals



6/3/13

LAKE'S ENTRANCE

3909

THE TOWN PLANNER,
EAST GIPPSLAND SHIRE COUNCIL.

DEAR SIR,

RE - PLANNING APPLICATION 177/2011/P.

I WISH TO REGISTER AN OBJECTION
TO THIS PLANNED DEVELOPMENT FOR THE FOLLOWING
REASONS:-

① I LIVE _____ THORPE'S LANE
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I AM ALREADY CONCERNED ABOUT THE AMOUNT
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WILL BE CHAOTIC.

② THE SCHOOL BUS ALSO PICKS UP AND
DROPS OFF AT THIS INTERSECTION, WHICH CAUSES
CONGESTION AT TIMES, ESPECIALLY WHEN IT'S WET.

(2)

(3)

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ALSO IF THERE WAS A MAJOR ACCIDENT OR INCIDENT ON THE CORNER OF THORPES LANE AND STIRLING DRIVE NO ONE WOULD GET IN OR OUT.

THIS DEVELOPER SAID IN 2005 WHEN THEY HAD THEIR 18 LOT SUB-DIVISION APPROVED IN LAWSON DRIVE THAT THEY HAD A LONG TERM STRATEGY TO PROVIDE 3 ACCESS POINTS.

HOW LONG IS LONG?

AT THIS TIME I WAS TOLD BY ONE OF YOUR PLANNERS THAT IN HIS VIEW THERE WOULD NOT BE ANY FURTHER DEVELOPMENT UNTILL ADDITIONAL ACCESS IS PROVIDED

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③

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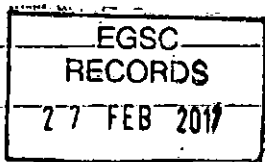
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LAWSON DRIVE.

THIS STIRLING DRIVE SUB-DIVISION SHOULD NEVER HAVE BEEN APPROVED WITHOUT ADDITIONAL ACCESS POINTS. BUT THAT BEING SAID THE DEVELOPER AND THIS SHIRE COUNCIL HAVE HAD 20 YEARS TO PLAN FOR THIS.

YOURS FAITHFULLY
A. U. SHORT



27/2/17

LAKE ENTRANCE.

3909.

DEAR SIR,

REGARDING THE PLANNING PERMIT
GRANTED TO MERRANGBAUR HEIGHTS BY COUNCIL ON
7/2/17.

AS AN OBJECTOR TO THIS DEVELOPMENT
MAINLY BECAUSE OF ONLY ONE ACCESS POINT, THAT BEING
LAWSON/STIRLING DRIVE I WOULD ASK YOU TO ANSWER
A FEW OF MY CONCERNS.

① IF AS STATED IN THE CARDNO REPORT AT
PAGE 19 CLAUSE 5.1 THAT A CONNECTOR ROAD LEVEL 1
SHOULD HAVE A MINIMUM WIDTH OF 11 METRES TO COMPLY
WITH THE DEPARTMENT OF TRANSPORT GUIDELINES. AND
IN FACT IT WAS ADMITTED BY CARDNO THAT LAWSON AND
STIRLING DRIVE DO NOT CONFORM TO THIS STANDARD AS
THEY ARE ONLY APPROXIMATELY 9.5 METRES WIDE.

MY QUESTION IS, HAS CARDNO AND THE SHIRE
THE POWER TO OVERRIDE THE DEPARTMENT OF TRANSPORT?
AND WHY WOULD COUNCIL ACCEPT A SUB STANDARD
OUTCOME FOR THEIR RATEPAYERS?

(2)

(2) WHY WAS THE RETIREMENT VILLAGE/STAND ALONE SUPER BLOCK NOT INCLUDED IN THIS SUB DIVISION? AND WHY IS THE DRAINAGE LEVY ONLY PAYABLE ON THIS BLOCK WHEN IT IS DEVELOPED? THUS SAVING THIS DEVELOPER APPROXIMATELY 1.6 MILLION DOLLARS. OTHER FUTURE DEVELOPERS WILL BE CHARGED ON THE TOTAL ALLOTMENTS.

(3) CAN YOU EXPLAIN TO ME HOW AND WHY THIS SHIRE COUNCIL CAN STATE THAT THERE CAN BE NO THIRD PARTY OBJECTIONS TO ANY SHIRE DECISIONS WITH REGARD TO THE NORTHERN GROWTH AREA?

(4) HOW IS ANY FUTURE INTERSECTION UPGRADE ON THE CORNER OF THORPES LANE AND STIRLING DRIVE GOING TO LESSEN THE ESTIMATED 3000 TRAFFIC MOVEMENTS ON STIRLING DRIVE BETWEEN LAWSON DRIVE AND THORPES LANE?

A.V. SHORT
A.V. Short

P.S. EMAIL ADDRESS

7

Received EGCS

Hing B.

27 FEB 2017

Lakes Entrance
Service Centre

ATT MR GARNNEY

EAST GIPPSLAND SHIRE COUNCIL.

P.O BOX 1618,
BAIRNSDALE,
VIC

POSTCODE

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LAKE ENTRANCE
3909

A.V. SHORT

From:**Sent:** Tuesday, 6 December 2016 4:43:12 PM**To:** Feedback Address For Web Page**Subject:** Complaint regarding 54 Thorpes Lane Development Plan

I wish to make a formal objection to the 'Cardno Access Assessment – Development East of Palmers Road report'. The fact that the Shire would even consider the findings of this report 'appropriate' as Cardno has, indicates to me that the Shire is not looking after the best interests of its ratepayers and residents at all.

How can any company commissioned to do a traffic management report for a developer, take into account a 'provision for future connection' to an existing road network through land that is not owned by the developer?? What if the owners of lots 27, 28, 29 and 30 choose to develop their land without providing access to Merrangbaur Heights subdivision?? If the owners of lot 27 decide they would rather keep their horses, meaning that the 'central connection' through lot 28 is the only option left. As per scenario 5 and 6, 1500 Vehicles Per Day from the northern connector will add to the 1700 VPD from the central connector. This means the owners of lot 28 will be providing access through their subdivision for over 3200 VPD. Why would the developer of lot 28 allow this?? How does it benefit lot 28?? I think it is fairly safe to assume that ALL traffic for the Merrangbaur Heights development will be using Lawson Drive for access.

I also think that to classify Palmers Road as an 'urban collector road' is an absolute joke. Palmers Road in my opinion has to be close to the top on the list of the 10 worst roads in the Shire. Palmers Road cannot handle the existing traffic on it and is constantly being repaired. The edges of the road constantly have up to 100mm deep trenches where cars have had to get off the road to avoid trucks/buses coming the other way. There is no kerb and channel to provide adequate drainage and blind corners. Access to some of the properties to the West of Palmers road including the cemetery is life threatening at best. At 7 metres wide, it doesn't even meet the requirements of an 'Access' street yet carries 1500 VPD. And as per scenarios 5 and 6 you want to increase this to over 4000 VPD?? There is no provision for upgrading Palmers road anywhere in the report although it does talk about some intersections.

In the 'Street Classification and Function' the report states the road width at 9.5 metres DOES NOT conform to the recommended standard of 11 metres. At 9.5 metres there is room for 2 car lanes and intermittent parking, however the report fails to identify that during peak periods such as Christmas time, both sides of Lawson Drive are used for parking. This means that the 1861 VPD as per scenario 3 will have to jam down a one lane road to service the proposed subdivision. Who in their right mind would deem that sort of access 'appropriate'??

It also claims that a bus service is highly unlikely to be established. There is already an established bus route in Stirling Drive. Did Cardno even come down to look at the site before fantasising their report??

In addition to the 'established' bus service, there is also an 'established' school bus stop at the corner of Thorpes Lane and Stirling Drive. This is a dangerous stop with the current level of traffic, let alone the projected 1302 VPD when the existing Merrangbaur Estate fills up. I hate to think how unsafe it would be when you have 2981 VPD using this intersection as per scenario 3. This has not been factored into any of the report at all.

Also, the speed limit of Thorpes Lane changes from 80km/hr to 60km/hr immediately adjacent to Stirling Drive. Cars travelling East are almost always exceeding the 60km/hr as they slow down, and cars travelling West are almost always exceeding the 60km/hr as they speed up for the 80km/hr zone. To add to the amount of VPD already playing Russian roulette trying to get onto Thorpes lane is asking for trouble. The report mentions nothing about altering any intersection to accommodate the extra traffic. No traffic islands, no 'Stop' sign, no roundabout, no reduction in speed limit. Who in the Shire is going to be responsible for the fatal accident that occurs as a result of the increased traffic that Cardno said was 'considered appropriate'??

The other issue not considered in the report is emergency evacuation as a result of a fast moving fire. Thorpes Lane is a designated town fire break which is not addressed at all in the Cardno report. In the event of a fast moving bushfire/grassfire, the Shire will have allowed a developer to create a subdivision of almost 500 dwellings (including over 150 aged care units that most certainly will need assistance to evacuate) with only one way in and one way out. What makes this unique to other areas is that to evacuate, residents will have to drive towards the fire to get out. Surely if nothing else has the alarm bells ringing by now then this must. The report says there is a 'peak hourly volume of 85 vehicle movements'. How do you think that is going to look when there are 1000 cars trying to get out of Stirling Drive in 5 minutes because a fire is racing out of the Colquhoun Forest??

I also find it interesting that the first stage of the subdivision is within the 500 metres EPA buffer for the Lakes Entrance Landfill. Why haven't Merrangbaur heights been made to leave that stage of the subdivision until last??, allowing sufficient time for the closure and rehabilitation of the landfill site.

I also think it is deceitful of the Shire to advertise this as '54 Thorpes Lane Development Plan' when it has no access to Thorpes Lane at all. The people of Lawson Drive and Stirling Drive may have missed the opportunity to provide feedback on this plan as they weren't even aware that this plan affected them.

In summary;

I do not think that proposed 'provision for future connection' at Palmers Road is realistic and would be extremely surprised if the owners of lot 27, 28 and 29 agreed to said proposal. As such, this 'future connection' must be disregarded from the plan.

I do not believe Lawson Drive and Stirling Drive have been constructed wide enough to accommodate the extra volume of traffic and will result in heavy congestion, especially at peak times.

I believe the extra traffic volume at the corner of Thorpes Lane and Stirling Drive will become extremely dangerous and an accident hotspot without modifying the existing intersection and slowing all of Thorpes Lane to 60km/hr.

I think that 500 dwellings with only one way out in a fire is a risk to great to take and I certainly would not sign my name to such a dangerous plan.

Regards

Ewan Fotheringham

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CFA Fire Safety
Fire & Emergency Management
Email: firesafetyreferrals@cfa.vic.gov.au
Telephone: 03 9262 8578



Our Ref: 10000-483522-85480
Council Ref: 177/2011/P/A

14 December 2018

Nicole Reynolds
East Gippsland Shire Council
Po Box 1618
BAIRNSDALE VIC 3875

Dear Nicole

LETTER OF ADVICE

Application No: 177/2011/P/A
Site address: 54 Thorpes Lane, Lakes Entrance
Proposal: Subdivision of land

CFA has reviewed the submitted Bushfire Management Statement (BMS) provided in response to CFA's request for additional information. CFA seeks to provide the following comments on the proposal for Council's consideration (A summary of CFA's views can be found on page 3):

Background

CFA acknowledges the extensive background to this application and the level of community engagement and consultation in developing and preparing a relevant Development Plan and subsequent subdivision proposal.

Bushfire planning policy has seen two major changes since the development of the original planning scheme amendment (PSA C112 PART 1) affecting the site, the most recent being the changes to state planning policy at Clause 13.02 towards the end of 2017 via Planning Scheme Amendment VC140.

CFA has viewed the application in light of current policy, with a particular focus on policy at Clause 71.02-3 (integrated decision making) which requires that in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations. CFA has also given particular weight to planning policy at Clause 13.02 around the use and development control in the Bushfire Prone Area in addition to the requirements of the Bushfire Management Overlay (where applicable).

Bushfire Management Overlay, Bushfire Prone Area and Bushfire Hazard Assessment

The site is partly located in the Bushfire Management Overlay (BMO) and is wholly located in the Bushfire Prone Area. The BMS includes a bushfire hazard assessment and slope assessment that appropriately describes the vegetation in the surrounds of the land.

CFA notes that an additional landscape hazard assessment was not required to be submitted given the extensive landscape assessment that was developed in association with the original Lakes Entrance Northern Grown Area (LENGA) project. CFA offers no objection to this approach being adopted in the assessment of the proposal.

Vegetation Management and Defendable Space

The BMS relies on a number of assumptions regarding the maintenance of defendable space within the reserves. Whilst these assumptions appear reasonable in nature and CFA believe are likely to equate to either low threat or vegetation management in line with defendable space prescriptions, more information will be required to be submitted that confirms that Council will be undertaking this level of management on reserves.

The BMS states that permit conditions can be used to manage the timing of the subdivision to ensure that development does not proceed until the grassland risk has been managed on the land located to the west. CFA supports Council to develop conditions that would prevent any development until the risk has been adequately addressed. CFA recommends that a permit is not issued until there is certainty regarding the management of this risk.

The BMS makes no specific comment regarding the reserve located to the east. As per the comments above, CFA requires additional confirmation that this reserve will be managed as mown grass with limited plantings.

Council will need to confirm that vegetation management in the reserves will be managed in either a low threat condition in accordance with AS3959-2009 or in maintained and managed to defendable space standards (i.e. Table 6 of Clause 53.02).

The issues identified above are likely to be resolved subject to this advice being received from Council.

Perimeter Roads

The BMS relies on precinct perimeter roads being Palmers Road and Thorpes Lane and that these roads provide adequate separation between the hazard and the precinct.

CFA's views on the provision and use of perimeter roads for this subdivision are dependent on clarification on vegetation management.

However, without this additional confirmation, CFA would maintain its recommendation for a perimeter road. Further separating the lots adjacent to the northern boundary is also the preferred outcome for CFA.

Perimeter roads are a preferred design element that creates a defined separation from existing hazards and areas of vegetation that may cause a future hazard if not managed appropriately. They enable a no-fuel area to form part of the interface and can readily be managed to comply with either low fuel conditions or defendable space requirements.

Bushfire Management Plan (BMP)

Notwithstanding the above comments about perimeter roads and current uncertainty about defendable space and vegetation management, CFA generally agrees with the submitted Bushfire Management Plan and the proposed bushfire protection measures as they apply to the relevant lots, including the provision of defendable space, construction standards, water supply levels and access requirements.

Use of Mandatory Condition at Clause 44.06-5

The original referral of the application in May 2018 sought to effectively waive the use of this condition for the lots located within the BMO. Given that the application has been updated and now includes a Bushfire Management Plan, CFA recommends that should a permit be issued, the mandatory condition be included on the permit. This will negate the need to obtain an additional permit for development under the BMO in the future.

Conclusion

CFA provides the following summary of its views on the application:

- In principle, CFA offers no objection to the subdivision of land on this site. However, there are opportunities to better address bushfire risk and improve community resilience to bushfire.
- CFA agrees with the vegetation and slope assessment provided in support of the application.
- Additional information is required to be submitted that demonstrates that vegetation management in the reserves will be managed in either a low threat condition in accordance with AS3959-2009 or in maintained and managed to defensible space standards (i.e. Table 6 of Clause 53.02).
- CFA recommends that Council ensure that the fire risk from any unmanaged grassland to the west of the site is resolved before any permit is issued.
- CFA maintains that the layout and design of the proposed subdivision can be improved to reduce bushfire risk and improve community resilience, particularly via the use of perimeter roads to the north, east and west boundaries.
- Issues with vegetation management and lot layout and design aside, CFA generally agrees with the proposed BMP submitted in support of the application for lots located within the BMO. This plan (or an amended version thereof) should ultimately be endorsed as part of any permit that may be issued.
- If a permit was to issue, that the mandatory condition at Clause 44.06-3 should be applied given the submission of a BMP.
- CFA notes that it is a recommending referral authority where the BMO applies and a relevant commentator where the land is within the BPA.

CFA encourages Council to consider our comments regarding the use of perimeter roads, regardless of any redesign it may initiate. Should Council opt to proceed with issuing a permit without incorporating perimeter roads, CFA strongly recommends that any outstanding information or issues around vegetation management to reduce bushfire risk should be addressed before a permit is issued.

Should Council determine to proceed with the application and issue a permit, you may consider ensuring that your conditions cover topics such as:

- Endorsement of the Bushfire Management Plan and ensuring it cannot be amended without CFA and Council approval.
- That defensible space is managed and implemented on every lot that is covered by the BMP before a Statement of Compliance is issued.

- That development on lots that have an interface with the lot to the west of the site cannot be developed until the risk has been mitigated.
- That Council has determined that there is an appropriate level of reasonable assurance that you will manage the reserves to the relevant level to reduce the risk from bushfire to an acceptable level for the future community of this subdivision.
- That the mandatory condition at Clause 44.06-5 is applied.

If you wish to discuss this matter in more detail, please do not hesitate to contact Anne Coxon on 9262 8614

Yours Sincerely,



Anne Coxon
Land Use Planning Coordinator
FIRE & EMERGENCY MANAGEMENT