

Our ref: 18468

12 November 2019

Land Use Planner
East Gippsland Shire Council
Via email: planning@egipps.vic.gov.au

Attention: Ben McGeehan

Dear Ben,

**Re: Planning Application 319/2019/P
Multi lot subdivision
31 Boyd Court, Eagle Point**

We refer to your correspondence dated 7 November 2019 requesting additional information to assist with the consideration of our Planning Application.

Please find attached an amended Planning Report (Version 2) that corrects the errors noted on pages 10 and 11 relating to permit triggers and cultural heritage respectively.

With respect to Council's queries in relation to wastewater, we confirm that detailed pre-application discussions were undertaken with East Gippsland Water ('EGW') and consulting Engineers, Crossco Consulting prior to the preparation of our Proposed Subdivision Plan to confirm the ability for the property to be sewered. These types of discussions are standard practice for our firm, particularly where the subdivision yield permissible under the Zone provisions are inextricably linked to sewer capacity. The Application has been made with confidence that the property is able to be sewered.

Upon receipt of Council's correspondence, we engaged in further discussions with EGW who has confirmed there are multiple options available for the servicing of this property. Our discussions with the Manager – Development Assets and the Technical Officer Property Connections indicate that EGW do not share Council's view that *"significant capacity constraints exist in the area"*.

The initial preference of the Sewer Authority would be for the property to connect to the gravity sewer in Paynesville Road approximately 360m east of the subject land, commencing at the intersection of McTaggart's Road. Contour information provided by EGW confirms the property is draining generally to the south-east, which is demonstrated by conditions on ground with respect to drainage, which discharges to the adjacent swale within the Paynesville Road reserve. We are advised the depth of this asset at its westernmost extent is 17.6m AHD, which is 5.4m below the lowest point of the subject land.

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Bairnsdale, VIC 3875

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Another option for sewer is that outlined within our Planning Application, which would involve servicing via low pressure sewer connecting to the sewer main to the north-east. The benefit of a low-pressure sewer system is that levels are irrelevant, as outfall is not dependent on gravity. EGW has confirmed there would be no capacity issues achieving sewer outfall using this method, with detailed design able to consider appropriate sizing of pumps and pipes to the satisfaction of EGW.

On that basis we are confident that there is ability to achieve outfall from the site and expect that the likely solution may involve a combination of gravity and pressurised sewer.

EGW is the Statutory Authority under the *Water Act 1989* responsible for sewer services, and a Determining Authority under Clause 66 of the *East Gippsland Planning Scheme*. We suggest that Council commence the referral process to determine whether EGW hold any concerns with respect to sewer capacity. In the event that EGW raise concerns at the Planning process, further discussion would be entered into that may involve a review of lot yield.

In the event that a Planning Permit was granted and it was subsequently determined that the property could not be sewered, EGW would not provide consent to the issue of Statement of Compliance. On that basis we believe there is no risk whatsoever of lots being created that cannot be sewered, and that Council's concerns are unfounded.

Please find attached a copy of correspondence from EGW confirming their understanding of the appropriate process for consideration of a Planning Application, together with an extract from the GIS base confirming existing contours for the subject land and sewer infrastructure within the surrounding precinct.

We trust this information satisfies Council's request pursuant to Section 54(1) of the *Planning & Environment Act 1987*.

We acknowledge Council's concerns with the proposal following the initial assessment of the Application. Respectfully, we do not share Council's view and believe the proposal has merit having regard for the varied character of the surrounding properties, in particular in light of relatively recent approvals to the immediate east of the subject land. We believe the proposal responds soundly to the provisions of the Low Density Residential Zone, reflects landscape character objectives with respect to the retention of vegetation, and that the proposal will facilitate development that is substantially in accordance with the Eagle Point Structure Plan.

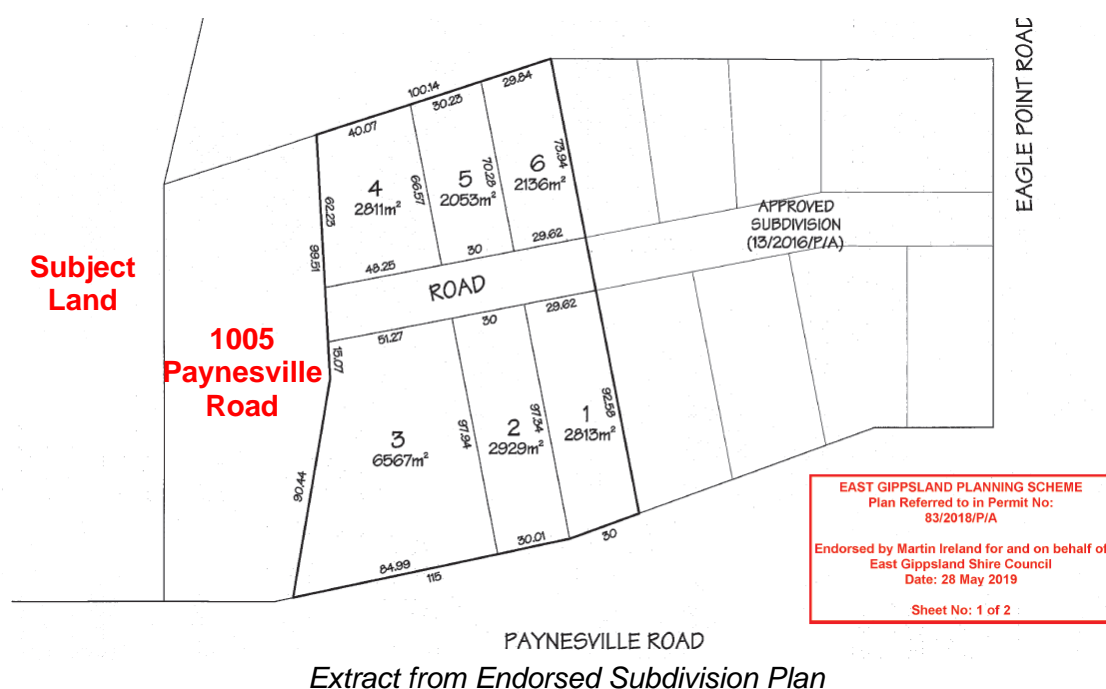
We do not support Council's application of a 4,000m² minimum lot size, as referenced within the Appendix to the Eagle Point Structure Plan, and believe such a broad brushed limitation has been proposed without appropriate regard for or assessment of the development capacity of individual properties, with respect to landform, servicing capacity and connectivity.

We disagree with Council's suggestion that the proposal does not have regard for the connectivity objectives of the Eagle Point Structure Plan. The alignment of the proposed road that will facilitate access through to the adjacent property to the west (35 Lake Victoria Road) has been specifically drawn with future connectivity in mind, with consideration given to the manner in which this adjacent property may be developed.

The proposed alignment in our opinion provides for a more logical development pattern for the adjoining property, and avoids the need to construct an uneconomical one-sided road that would see existing lots to the south sandwiched between an ad-hoc network of driveways and a new roadway to the north, and would be likely to result in ribbon style allotments sharing frontage to the new road, or a series of sequestered allotments with a potentially poor sense of address.

With respect to pedestrian connectivity towards the east, we believe the proposed layout retains the ability for future connectivity.

In granting Planning Permit 83/2018/P/A for the property at 1007 Paynesville Road, Council did not require any provision for future pedestrian connection. Opportunity remains should Council wish to acquire land to facilitate pedestrian connection from the western termination of Morecroft Rise through the adjacent property at 1005 Paynesville Road.



The same situation would apply in this instance, where pedestrian access through proposed Lot 17 to the adjacent property at 1005 Paynesville Road can be achieved, should Council wish to acquire land if and when the adjacent property is to be developed.

We understand that the owner of 1005 Paynesville Road was vocal in their opposition to the Eagle Point Structure Plan, particularly to the proposed road and path connections that would impact their property, and that Council responded to these concerns by making adjustments to previous concepts to achieve the adopted position. Whilst ownership and opinions can change, we do not believe there is any immediate desire to develop this property.

With respect to the provision of what Council has described as a 'pocket-park', the subdivision layout as proposed includes provision for passive open space adjoining the proposed accessway, which can serve the purpose of a proposed secondary recreation meeting place as indicated at Figure 5 of the Eagle Point Structure Plan.

The generous 30m width of the proposed road reserve at its abuttal to Boyd Court, which extends southward into the property at full width for a depth of 60m before gradually tapering down to a width of 16m provides more than sufficient area to accommodate passive open space as anticipated by the Structure Plan. It would be our expectation that should Council determine the Application favourably, that a Condition of Permit would require the preparation of a Reserve Landscape Plan to the satisfaction of Council to detail how this area would be presented to achieve the intended outcome.

Whilst we note the concerns of the Planning Department with respect to this Application, we retain our position that the proposal will achieve a fair and orderly outcome.

We look forward to receiving your instructions for public notification at your earliest convenience.

Regards,



KATE YOUNG

*Encl. Planning Report (Version 2)
EGW correspondence
EGW sewer services location diagram*

*cc. Trevor & Karen Bird
East Gippsland Water*



133 Macleod Street, PO Box 52, Bairnsdale Victoria 3875
Tel: (03) 5150 4444 **Fax:** (03) 5150 4477
Email: egw@egwater.vic.gov.au **Web:** www.egwater.vic.gov.au

Our Ref: DOC/19/52604

7 November 2019

Ms Kate Young
Crowther & Sadler Pty Ltd
(kate@crowthersadler.com.au)

Dear Ms Young,

Re: Planning Application 319/2019/P 31 Boyd Court Eagle Point multi-lot subdivision
- servicing requirements

Following our discussion regarding the above proposed subdivision, upon referral to East Gippsland Water (as the Determining Authority in accordance with Clause 66 - subdivision), the ability/capacity of our reticulation network systems in relation to sewer and water servicing will be assessed. The results of this assessment will be conveyed to the Developer/Applicant for their information and action.

If the proposed development is capable of being serviced, East Gippsland Water's standard conditions would be that each proposed Lot must be separately connected to sewer and capable of being separately connected/metered for water services. Any additional infrastructure required to adequately service the development would need to be provided by the Developer at the Developer's cost. The type and extent of additional infrastructure, if needed, is also subject to detailed engineering design and approval by East Gippsland Water

East Gippsland Water will enter into discussions with the Developer/Applicant in regards to our requirements for the design, construction, commissioning and acceptance of all relevant infrastructure.

Yours faithfully,

KRISTINE HUNTER
MANAGER - DEVELOPMENT ASSESSMENTS



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

Page 1 of 1

VOLUME 10096 FOLIO 142

Security no : 124079665783L
Produced 09/10/2019 02:56 PM

LAND DESCRIPTION

Lot 10 on Plan of Subdivision 319780S.

PARENT TITLES :

Volume 09715 Folio 233 Volume 09715 Folio 235

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

TREVOR ANDREW BIRD

KAREN ANNE BIRD both of 165 NEWLANDS DR. PAYNESVILLE 3880

U940772K 21/08/1997

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE X367455M 15/03/2001

MEMBERS EQUITY BANK PTY LTD

TRANSFER OF MORTGAGE AJ516330C 27/02/2012

COVENANT (as to whole or part of the land) in instrument T389084K 02/11/1994

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

DIAGRAM LOCATION

SEE PS319780S FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 31 BOYD COURT EAGLE POINT VIC 3878

DOCUMENT END

PLAN OF SUBDIVISION		STAGE No. <div style="border: 1px solid black; width: 50px; height: 20px; margin: 0 auto;"></div>	LTO USE ONLY EDITION 1	PLAN NUMBER PS 319780 S
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<p style="text-align: center;">LOCATION OF LAND</p> <p>PARISH: BAIRNSDALE</p> <p>TOWNSHIP: —</p> <p>SECTION: A</p> <p>CROWN ALLOTMENT: 53 & (PARTS) 50, 51, 52, 54, 55 & PART OF FORMER GOVT ROAD</p> <p>CROWN PORTION: —</p> <p>LTO BASE RECORD: PARISH 1 (2042)</p> <p>TITLE REFERENCES:</p> <p>LAST PLAN REFERENCE/S: PS 319779 B LOT 2</p> <p>POSTAL ADDRESS: EAGLE POINT ROAD, (At time of subdivision) EAGLE POINT 3878</p> <p>AMG Co-ordinates E 559 200 ZONE: 55 (of approx centre of land in plan) N 5805 100</p>	<p style="text-align: center;">COUNCIL CERTIFICATION AND ENDORSEMENT</p> <p>COUNCIL NAME: SHIRE OF BAIRNSDALE REF: 77 - 92 - 0016</p> <p>1. This plan is certified under Section 6 of the Subdivision Act 1988.</p> <p>2. This plan is certified under Section 11(7) of the Subdivision Act 1988.</p> <p>Date of original certification under Section 6. / /</p> <p>3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988.</p> <p>OPEN SPACE</p> <p>(i) A requirement for public open space under Section 18 of the Subdivision Act 1988 has has not been made.</p> <p>(ii) The requirement has been satisfied.</p> <p>(iii) The requirement is to be satisfied in Stage</p> <p>Council Delegate Council Seal Date 17 / 8 / 92</p> <p>Re-certified under Section 11(7) of the Subdivision Act 1988.</p> <p>Council Delegate Council Seal Date / /</p>
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VESTING OF ROADS AND/OR RESERVES	
IDENTIFIER	COUNCIL/BODY/PERSON
R1 ROAD	SHIRE OF BAIRNSDALE

NOTATIONS	
STAGING	This is/is not a staged subdivision. Planning permit No. 77 - 92 - 0016
DEPTH LIMITATION	DOES NOT APPLY

SURVEY THIS PLAN IS ~~IS NOT~~ BASED ON SURVEY

THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No.(s)
IN PROCLAIMED SURVEY AREA No.

EASEMENT INFORMATION					LTO USE ONLY
LEGEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)					STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	RECEIVED <input checked="" type="checkbox"/>
R1	WAY, DRAINAGE, SEWERAGE, WATER, ELECTRICITY, DATA TRANSMISSION & TELEPHONE	SEE DIAG.	THIS PLAN	LOTS IN THIS PLAN	DATE 30 / 12 / 92
E-1	DRAINAGE	SEE DIAG.	THIS PLAN	LAND IN THIS PLAN	LTO USE ONLY PLAN REGISTERED TIME 2:50 DATE 4 / 1 / 93 <i>GS Neuma</i> Assistant Registrar of Titles

<p>CROWTHER & SADLER PTY. LTD. <i>Licensed Surveyors and Town Planners</i> 152 Macleod Street, P.O. Box 722, BAIRNSDALE, 3875. Phone (051) 52 5011</p>	<p>LICENSED SURVEYOR (PRINT) JON MARK BRODZIK</p> <p>SIGNATURE DATE / /</p> <p>REF 6336 VERSION</p>	<p>DATE / /</p> <p>COUNCIL DELEGATE SIGNATURE</p> <p>ORIGINAL SHEET SIZE A3</p>
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PLAN OF SUBDIVISION

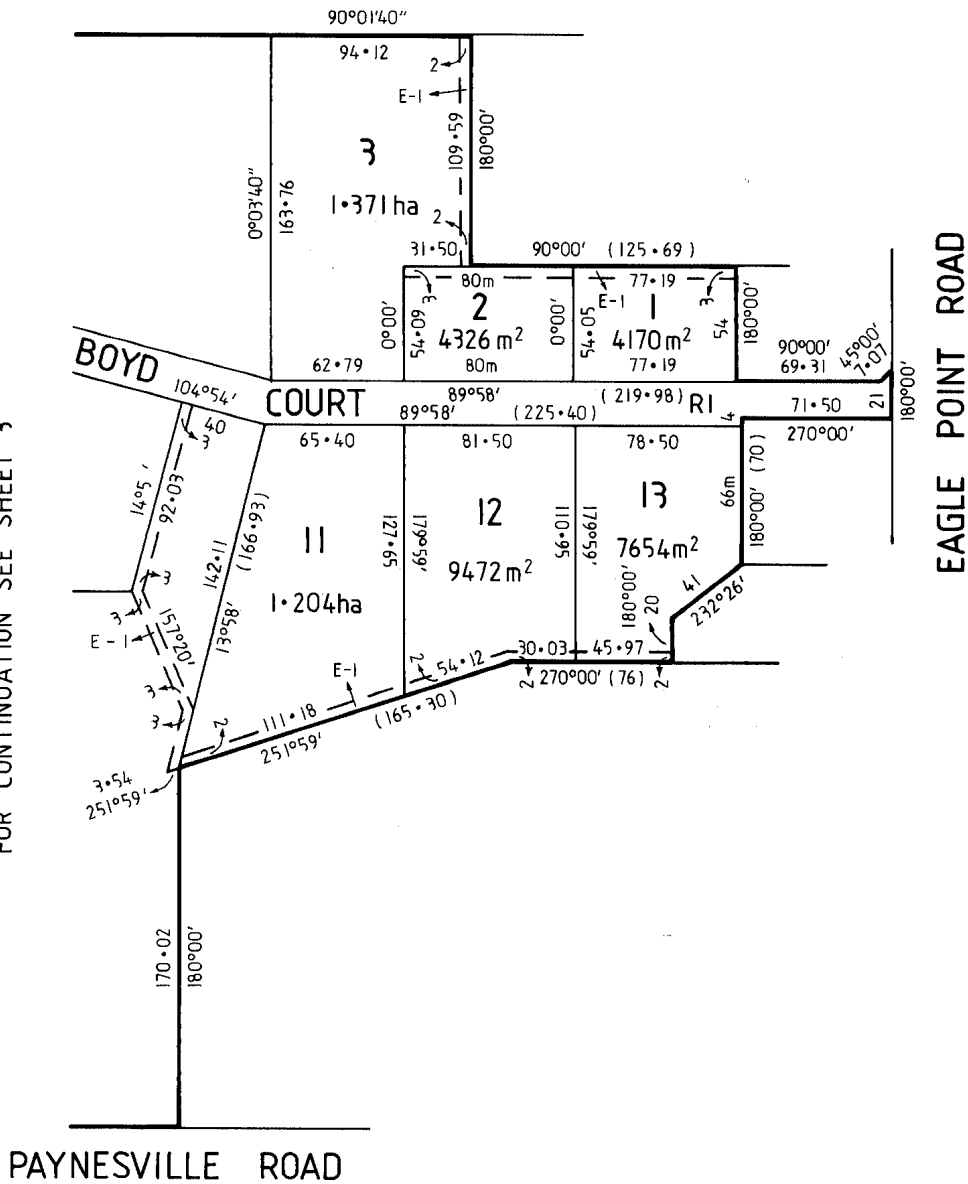
STAGE No.

PLAN NUMBER

PS 319780S

APPROX TRUE NORTH

FOR CONTINUATION SEE SHEET 3



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Licensed Surveyors and Town Planners

152 Macleod Street,
BAIRNSDALE, 3875.

P.O. Box 722,

Phone (051) 52 5011

25 0 50 100
LENGTHS ARE IN METRES

ORIGINAL

SCALE SHEET
1: 2500 SIZE
A3

LICENSED SURVEYOR (PRINT) JON MARK BRODZIK

SIGNATURE DATE / /

REF 6336

VERSION

SHEET 2 OF 3 SHEETS

DATE / /
COUNCIL DELEGATE SIGNATURE

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Creffields PS03

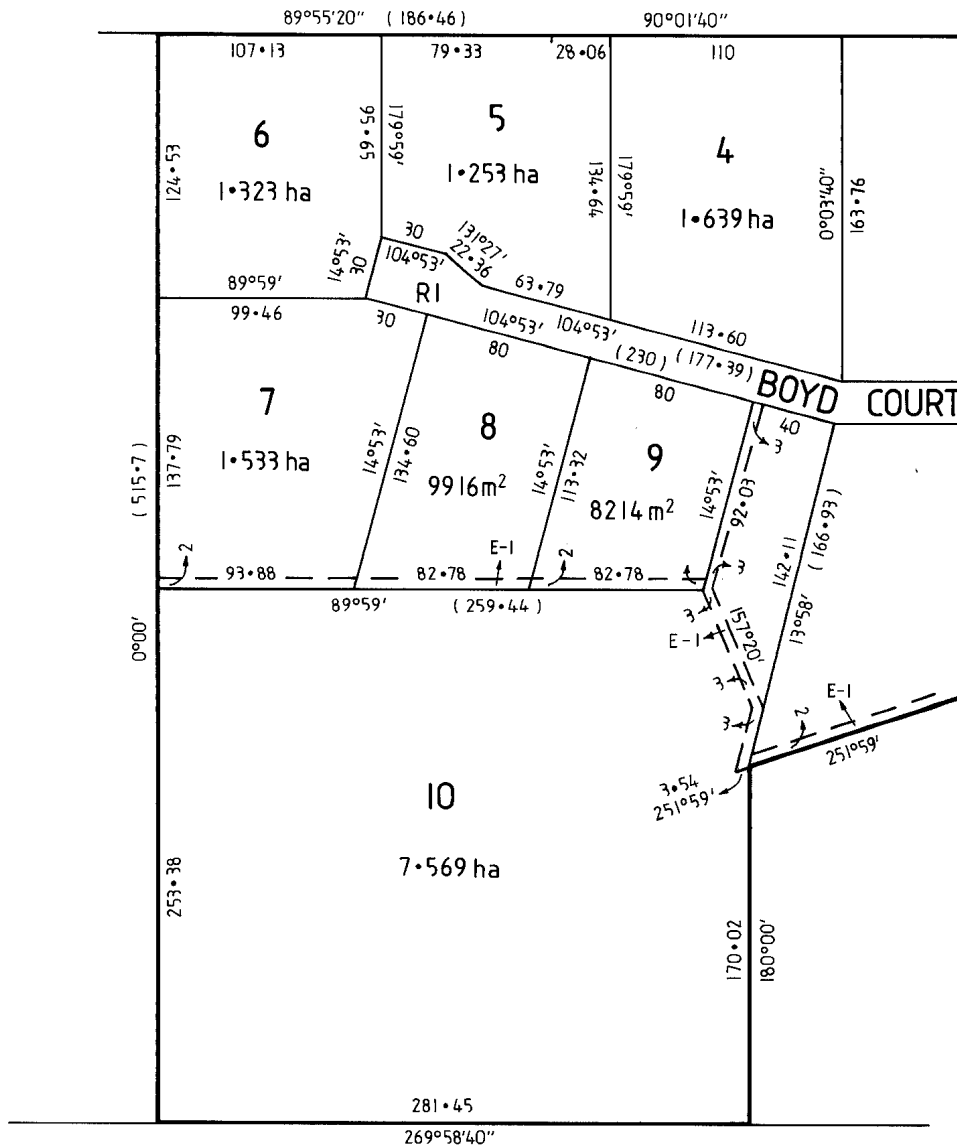
PLAN OF SUBDIVISION

STAGE No.

PLAN NUMBER

PS 319780S

APPROX TRUE NORTH



FOR CONTINUATION SEE SHEET 2

PAYNESVILLE ROAD

CROWTHER & SADLER PTY. LTD.

Licensed Surveyors and Town Planners

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BAIRNSDALE, 3875. Phone (051) 52 5011

25 0 50 100
LENGTHS ARE IN METRES

ORIGINAL

SCALE SHEET

SIZE

1:2500

A3

LICENSED SURVEYOR (PRINT) JON MARK BRODZIK

SIGNATURE DATE / /

REF 6336

VERSION

SHEET 3 OF 3 SHEETS

DATE / /

COUNCIL DELEGATE SIGNATURE

0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150mm

Crefields PS03

VICTORIAN LAND TITLES OFFICE

Transfer of Land Containing a Covenant and/or Easement

Section 45 Transfer of Land Act 1958

Lodged at the Land Titles Office by:

Name: ~~WARREN GRAHAM & MURPHY~~

Phone: (051) 55 1286

Ref: JCH:mg Customer Code 1716W

021194 0920 45 75 T389084K

MADE AVAILABLE / CHANGE CONTROL

Land Titles Office Use Only

The Transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed-

- together with any easement created by this transfer;
- subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer; and
- subject to any easement reserved by this transfer or restrictive covenant contained or covenant created pursuant to statute and included in this transfer.

Land (Title)

CERTIFICATE OF TITLE VOLUME 10096 FOLIO 142

Estate and Interest (e.g. "all my estate in fee simple")

ALL MY ESTATE IN FEE SIMPLE

Consideration

SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00)

Transferor (Full name)

COLIN JOHN BOYD

Transferee (Full name and address for future notices including postcode)

RONALD WILLIAM CUTTRISS
of 34-48 Lake Bunga Beach Road, Lake Bunga 3909 as sole proprietor

Directing Party (Full name)

NIL

Creation and/or Reservation of Easement and/or Covenant

(see reverse)

Land Titles Office Use Only



Licence No. 2926L

Stamp Duty

Trn 070740796 Cde 52 28/10/94
Ref 1050 Amt \$1,600.00
Stamp Duty, Victoria
166771815646177

ORDER TO REGISTER

To the Registrar of Titles

Please register this dealing and upon completion issue the documents as follows :-

Signed.....

Firm's Name.....

Customer code.....

Creation and/or Reservation of Easement and/or Covenant (continuation if necessary)

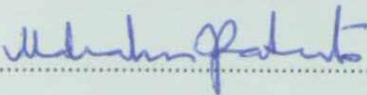
Dated: 19/10/1994

Execution and Attestation

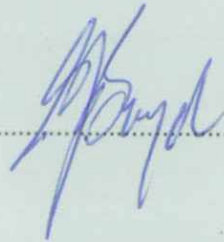
SIGNED by the said COLIN JOHN BOYD
in the presence of:

)

)



Witness



SIGNED by the said RONALD WILLIAM
CUTTRISS in the presence of:

)

)



Witness



See Annexure Sheet marked "A".....

VICTORIAN LAND TITLES OFFICE

Annexure Sheet

See notes
on reverse

This is the annexure marked "A" referred to in instrument of Transfer dated 19.10.94 between C.J. BOYD and R.W. CUTTRISS

Signatures of parties

X
C.J. Boyd

RC
X
R.W. Cuttriss

Panel Heading

And the Transferee with the intent that the benefit of this covenant shall until the 31st December 2012 be attached to and run at law and in equity with every Lot on Plan of Subdivision No. 319780S other than the Lot now transferred and that the burden of this covenant shall be annexed to and run at law and in equity with the land now transferred does for himself and his transferees, executors, administrators and assignees and as separate covenant with the Transferor and other the registered proprietor or proprietors for the time being of the land comprised in Plan of Subdivision No. 319780S or any part or parts of it (other than the lot(s) now transferred) that the Transferee shall not at any time erect or build or cause or suffer to be erected or built on the lot(s) now transferred or any part or parts of any one lot(s) more than one main building being a dwelling house and outbuildings relating to that dwelling house unless:-

- (i) the dwelling house shall be constructed of new material; and
- (ii) sixty (60%) per centum of the external walls (excluding windows) of the dwelling house shall be constructed of brick, brick veneer, stone or like material; and
- (iii) the roof of the dwelling house and the roof and walls of any out building shall be constructed of some material other than cement sheet or unpainted or exposed metal; and
- (iv) in respect of Lots 3 to 13 no dwelling house and any outbuilding shall be positioned on the land within a distance of 30 metres from the front of the land, or within a distance of 10 metres of any other boundaries of the land and in respect of Lots 1 and 2 no dwelling house any any outbuilding shall be positioned on the land within a distance of 15 metres from the front of the land, or within a distance of 5 metres of any other boundaries of the land.
- (v) no storage tank or tanks shall be mounted other than underground or at a level where the base of the tank shall be not higher than the floor level of the dwelling house unless such tank or tanks is screened from view from any roadway or reserve.

The Transferee further covenants:-

- (vi) not to erect or build or cause or suffer to be erected or built on any lot hereby sold or on any boundary or part thereof -
 - (a) any fence clad with sheet metal; or
 - (b) any paling fence any part of which shall be sited within 4.5 metres of any road reserve abutting the Lot; or
 - (c) any boundary fence which shall be constructed of other than with treated pine posts, steel droppers and wire;
- (vii) not to store or site nor to cause or permit to be stored or sited on the any lot any caravan or boat or any commercial motor vehicle or any tractor or farm equipment or any motor car, car body or parts within 12 metres of any road reserve abutting any the lot unless the same shall be housed in an outbuilding or screened from view from any roadway or reserve;

(continue on reverse)

Land Titles Office Use Only

A1



Licence No. 2926L

Continuation

- (viii) use or permit to be used any lot(s) or any part thereof for the purpose of commercial breeding, or boarding of or training kennels for cats or dogs or for the purpose of keeping poultry, pigeons or pigs.

NOTES

1. If there is insufficient space to accommodate the required information in a **panel**, or on the reverse of the parent instrument insert the words "See Annexure A" (or as the case may be) and enter all the information on the annexure sheet under the appropriate **panel** heading.
2. If multiple copies of the instrument are lodged, original annexure sheets must be attached to each. Annexure sheet(s) attached to the original must be typed or legibly written in ink. The use of self correcting typewriter ribbon or correction fluid is not permitted. Text contained in annexure sheet(s) attached to the duplicate may be a copy of the original. The signature of all parties must be in ink on both the original and any copy.
3. The annexure sheet must be properly identified, signed by the parties to the instrument to which it is annexed and securely attached thereto.

Planning Report

Multi Lot Subdivision (Staged)
31 Boyd Court, Eagle Point

Reference – 18468

Version 2
12 November 2019



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	Application Form	
	Proposed Subdivision Plan (Version 2 – Drawn 12 August 2019)	
	Building Envelope Plan (Version 1 – Drawn 12 August 2019)	
	Staging Plan (Version 2 – Drawn 12 August 2019)	
	Bushfire Hazard Assessment Report	
	Copy of Title (Lot 10 on PS319780S)	

Note: Applicable Planning Application fee is \$1,318.10

1. Introduction

This Planning Report is prepared in support of a proposed multi-lot subdivision at 31 Boyd Court, Eagle Point. The report addresses the provisions of the Low Density Residential Zone, Design and Development Overlay – Schedule 11, and Vegetation Protection Overlay – Schedule 1 of the *East Gippsland Planning Scheme*.



Aerial image of township with site outlined (Source: GeoVic)



Aerial image with site outlined (Source: GeoVic)

2. Subject Land & Surrounding Context

The subject land is formally described as Lot 10 on Plan of Subdivision PS319780S and is approximately 7.569 hectares in area.



Subject land aerial (Source: GeoVic)

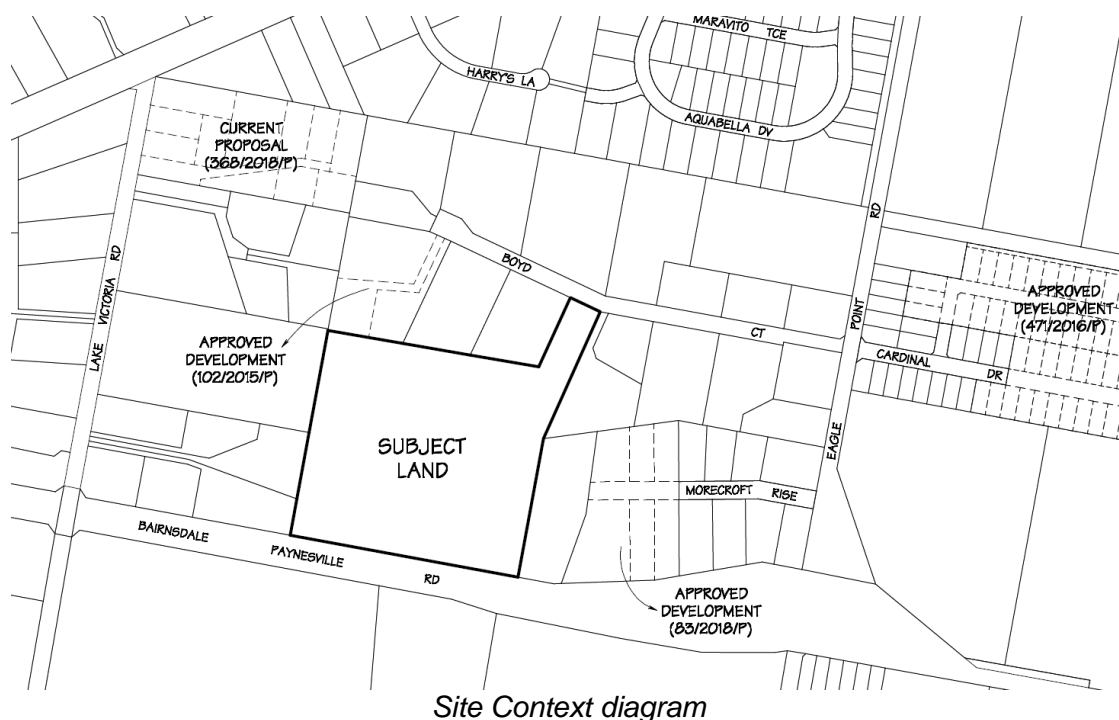
The site contains a well maintained substantial family home provided with all-weather access running south from Boyd Court lined by established trees. The landform is predominantly flat, draining gently downwards in a south-easterly direction toward an existing drainage line located to the east of the site, draining towards an existing dam located in the south-eastern corner of the allotment.



Existing access from Boyd Court

Vegetation on site typically consists of perimeter plantings carefully placed to delineate property boundaries and paddocks, landscaping in a garden context surrounding the existing dwelling, and a good coverage of pastoral grasses.

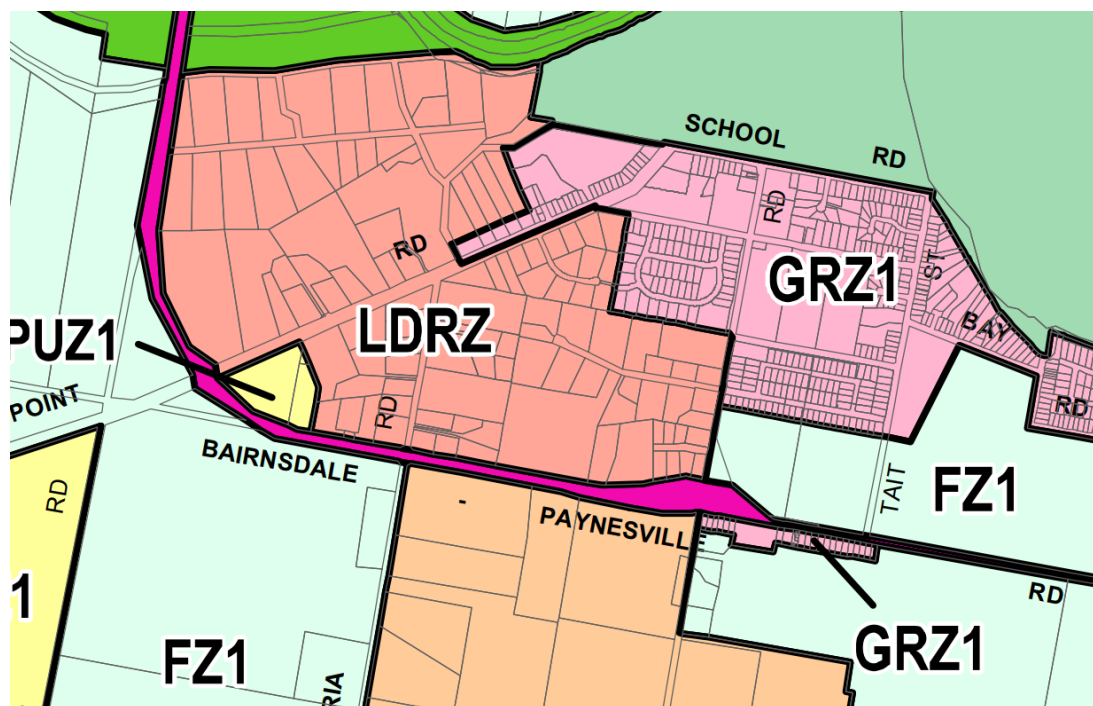
The property is a large landholding in contrast to the surrounding residential development established to the north, east and west, where lots vary generally from as small as 2,000m² up to 1.533 hectares. Many of the properties within the surrounding precinct have been the subject of resubdivision proposals, with properties to the immediate south-west, north-west, north, east and south-east having had Planning Permits for subdivision approved, maximising the use of utilising appropriately zoned and serviced land.



Site Context diagram

The subject land, together with immediately surrounding properties and land further to the north-west, is included within the Low Density Residential Zone. Land to the north and north-east is included within the General Residential Zone, as is a strip of land adjoining the southern alignment of Paynesville Road to the south-east of the subject land.

Land directly to the south of Paynesville Road is included within the Rural Living Zone (Schedule 3), with properties further to the south-west, and south-east and further east of the subject land included within the Farming Zone.



Extract from Zone Mapping (Source: planningschemes.dpcd.vic.gov.au)

Boyd Court adjoins the subject land in the north-eastern corner. Boyd Court and the wider road network are good quality bitumen sealed roads incorporating traffic calming measures including roundabouts, with well-lit intersections facilitating safe vehicle movements throughout the neighbourhood.

Boyd Court is lined with grassy swale roadside drainage for management of stormwater runoff, with the wider road network managing stormwater runoff with a combination of swale drainage and mountable kerb and channel as appropriate.



Boyd Court road surface and swale drainage looking east

The subject land has an abuttal to Paynesville Road in the south, a Road Zone Category 1 road. There is no physical access established to Paynesville Road having regard for the separation in grade between the subject land and the road level, making access impractical.



Site photo looking north across Paynesville Road towards subject land

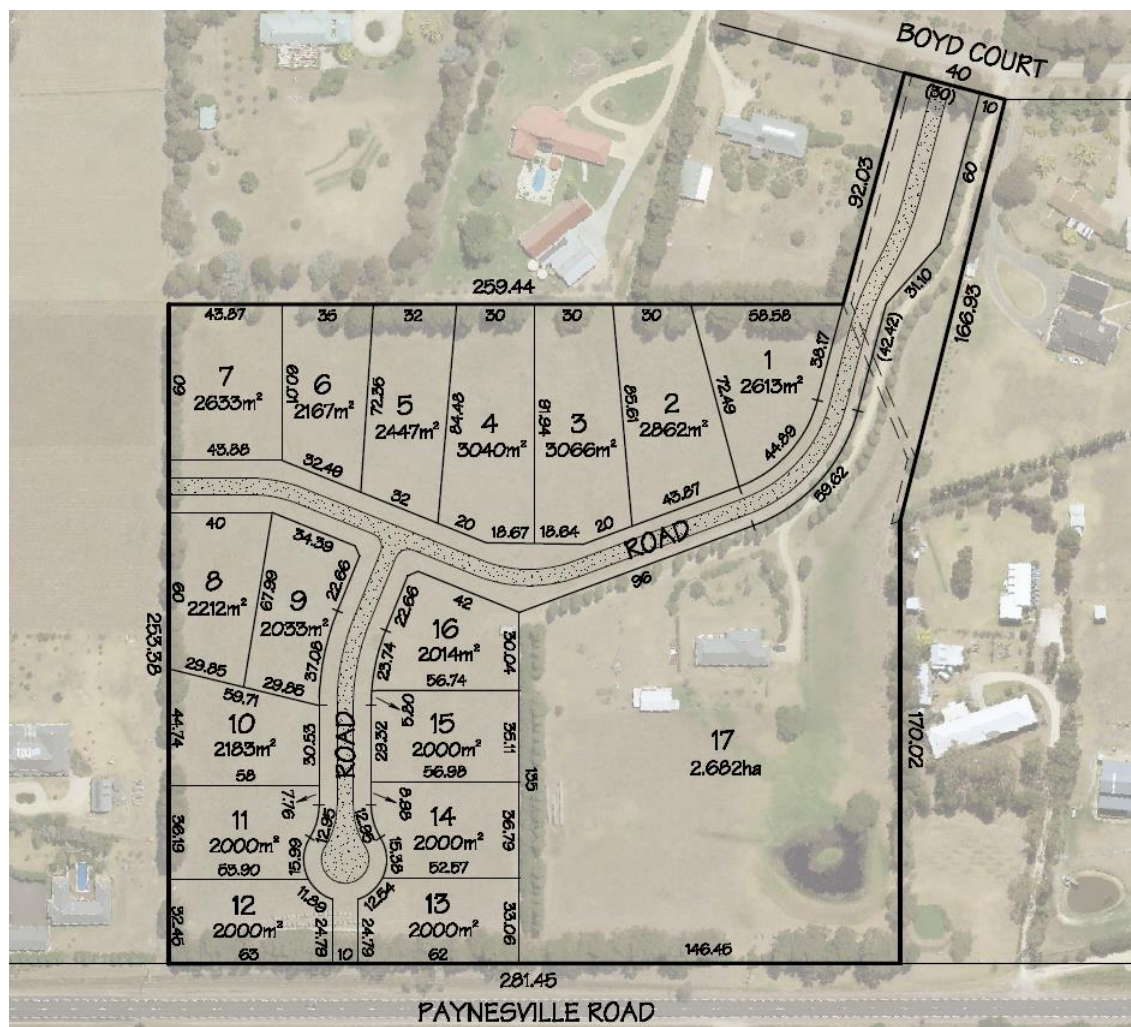
The subject land, together all land within the settlement boundary for Eagle Point, is affected by the Design and Development Overlay – Schedule 11. The Vegetation Protection Overlay – Schedule 1 adjoins the strip of land adjoining Paynesville Road for a depth of approximately 83 metres from the southern boundary.

The subject land is not isolated in a settlement context, located an easy walk from the local Primary School (approximately 1.1km to the north-east), the Eagle Point Foreshore (approximately 1.6km to the north-east) and the Bairnsdale Golf Club (approximately 1.4km to the south-east). The subject land is located an approximately 8min drive from the Paynesville town centre, and 10min drive to the CBD of Bairnsdale.

The Registered Search Statement for the subject land indicates the property is encumbered by a Developer Covenant. Upon further review of the Covenant we confirm this encumbrance is deemed to have ended on 1 January 2013, meaning the obligations have no ongoing force or effect.

3. The Application & Proposal

The Application seeks approval for a multi lot subdivision to create 16 vacant lots for future low-density residential development, together with a large balance allotment containing the existing dwelling and drainage network.



Extract from Proposed Subdivision Plan

The subdivision layout has been designed in accordance with the provisions of the Low Density Residential Zone, that provide for the creation of lots of no less than 0.2ha in area with connected reticulated sewerage. The application is premised upon the connection of each allotment to reticulated sewerage by way of low pressure sewer outfall, as available within Boyd Court.

The subdivision layout has had regard for future road connections anticipated by the *Eagle Point Structure Plan* (Mesh, 2019), representing the first step towards a vehicular connection between Boyd Court and Lake Victoria Road. Proposed road widths have been designed in accordance with the requirements of the Structure Plan, which includes specifications for the future road in the form of a primary coastal vegetated streetscape. The proposed road will adopt Cross-section K from the intersection with Boyd Court, expanding to accommodate Cross-section F (20m) as the roadway extends to the west.



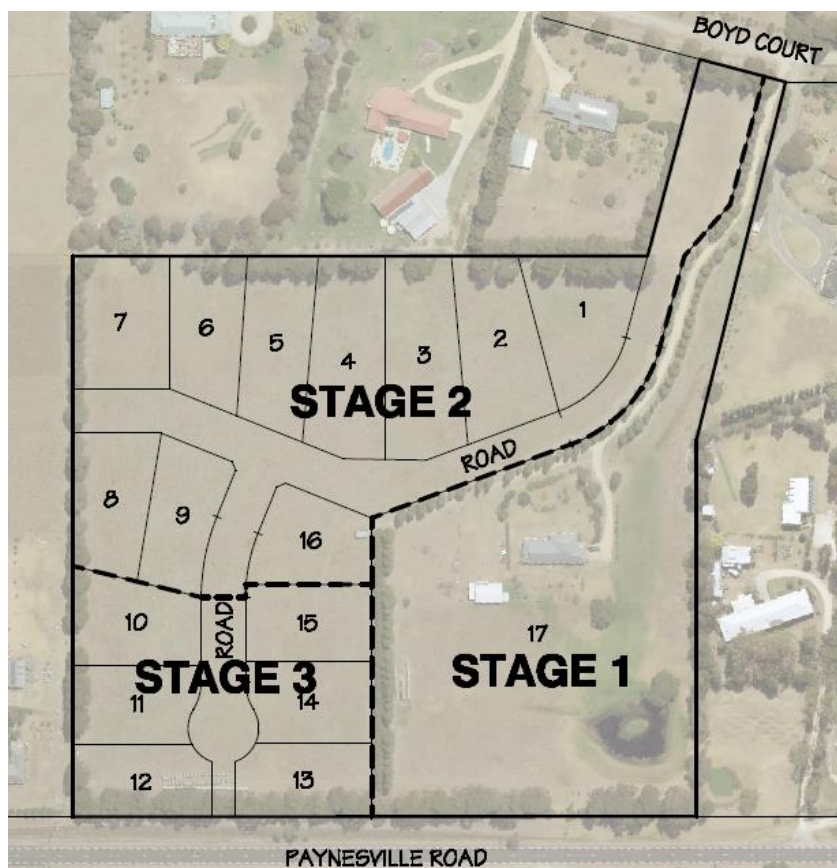
Proposed Road Networks (Source: Eagle Point Structure Plan, Figure 11. p.32)

The subdivision is proposed to be undertaken in three stages as depicted on the enclosed Staging Plan (Version 2), described as follows:

Stage 1 will create Proposed Lot 17 containing the existing dwelling, associated access and drainage pond, with a balance allotment (S2) retained for further subdivision.

Stage 2 will construct a new access road from Boyd Court and create ten vacant allotments (Proposed Lots 1-9 inclusive and Proposed Lot 16). It is expected that reticulated sewer would be made available to the existing dwelling at this stage.

Stage 3 will develop the balance of allotments (Proposed Lots 10-15 inclusive) and complete the construction of the courtbowl to facilitate access.



Extract from Staging Plan

The subject Application is not reliant on Paynesville Road for vehicular access to any of the proposed lots. It is anticipated that a Condition of Planning Permit may require the execution of a Section 173 Legal Agreement preventing any new points of vehicular access to Paynesville Road. We note that the approach taken in the grant of Planning Permit 13/2016/P was to include a Condition at the request of VicRoads stating that direct access to the proposed vacant lots from the Paynesville Road reserve would not be permitted. Our offer of a Legal Agreement will provide absolute certainty in perpetuity, and will ensure compliance with the Eagle Point Structure Plan (Mesh, 2019) that seeks to minimise new points of access to Paynesville Road.

The subdivision layout has had regard for the existing drainage network operating within the precinct, by avoiding fragmentation of the existing drainage line and pond, to be retained within Proposed Lot 17. Existing overland flows and discharge from Boyd Court will continue to be accepted without modification.

A small amount of localised vegetation removal is unable to be avoided in facilitating the construction of the intersection with Boyd Court. As the vegetation requiring removal consists of planted vegetation, a Planning Permit is not required pursuant to Clause 52.17. Consideration of the Vegetation Protection Overlay is not required.



Site of proposed access from Boyd Court looking south

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

- **Clause 32.03-3** of the Low Density Residential Zone for Subdivision;
- **Clause 43.02-3** of the Design and Development Overlay – Schedule 11 for Subdivision; and
- **Clause 52.29** for the subdivision of land adjacent to a Road Zone, Category 1 road.

4. Cultural Heritage

The proposal does not trigger any mandatory requirement to provide a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006*.

Pursuant to Regulation 7 of the *Aboriginal Heritage Regulations 2018*, a CHMP is required for an activity if:

all or part of the activity area for the activity is in an area of cultural heritage sensitivity;
and

all or part of the activity is a high impact activity.



Extract from Cultural Heritage Sensitivity mapping (Source: VicPlan)

The subject land is **not** identified as an area of Aboriginal Cultural Heritage Sensitivity. On that basis the proposed subdivision is exempt from the requirement to prepare a CHMP, despite the subdivision of land into three or more lots constituting a high impact activity.

5. Planning Policy

5.1 Planning Policy Framework

The proposed subdivision responds positively to Policy statements relating to *Settlement* at Clause 11 as it seeks to promote sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. The subject land forms part of an established low-density residential precinct within a defined settlement boundary, and will facilitate an improved land use outcome for an underutilised parcel of appropriately zoned and serviced land, responding sustainably to population growth forecasts.

The subject application is consistent with strategies relating to relating to *Sequencing of development* (Clause 11.02-3S) as it will deliver infrastructure identified as required within the local Structure Plan at no cost to the municipality.

The proposal supports strategies relating to *Coastal Settlement* (Clause 11.03-4S) by facilitating good access to main roads, and providing appropriately sized allotments within the defined town boundary. The proposal responds to a desire for a broad range of housing types and services, in addition to avoiding development along the coastal edge and rural landscapes. The proposal will achieve sustainable and attractive lot sizes within an established low-density residential area.

Whilst the site is not affected by the provisions of the Bushfire Management Overlay, Policy relating to *Bushfire Planning* (Clause 13.02-1S) is given consideration. The subject land is identified as a designated bushfire prone area, which requires consideration for use and development pursuant to Clause 13.02-1S given the proposed subdivision seeks to create more than ten lots. Accompanying the Application is a Bushfire Hazard Assessment Report which has been prepared in response to Clause 13.02-1S.

The proposal provides opportunity for further development within an existing residential precinct, delivering a functional, accessible, safe and diverse environment, consistent with objectives relating to *Built Environment and Heritage* (Clause 15).

The subdivision layout promotes safety and accessibility by avoiding vehicle access from Paynesville Road, utilising a safer option for access via Boyd Court. The subdivision design has been carefully considered to respond positively to the development aspirations for the precinct identified in the *Eagle Point Structure Plan* (Mesh, 2019).

The proposed subdivision responds positively to strategies relating to *Subdivision Design* (Clause 15.01-3S), been designed to respond to the existing allotment pattern by nominating similar sized and shaped allotments to the surrounding precinct, resulting in an attractive and accessible outcome.

The proposal facilitates future pedestrian connectivity anticipated by the *Eagle Point Structure Plan* (Mesh, 2019), contributing to the development of *healthy neighbourhoods* (Clause 15.01-4S). Being an area of attractive natural beauty, appropriate provision for pedestrian connectivity encourages residents and tourists to enjoy a healthy active lifestyle.

The proposed subdivision will further contribute to the availability of serviced low-density residential land to meet the needs for households seeking more generously proportioned residential properties with convenient access to community infrastructure, schools and employment, consistent with objectives pertaining to *Housing* (Clause 16).

5.2 Local Planning Policy

Policy statements relating to Eagle Point outlined within *Strategies for Sub-Regions, Towns & Localities* (Clause 21.12) encourage the consolidation of development within the township boundary to ensure development is in keeping with the character of the township. The proposed subdivision provides a perfect opportunity for low-density residential development that responds appropriately to the character of the area and strategic visions for Eagle Point.

Eagle Point is identified at Clause 21.12 as having a range of commercial and community services, community hall and school. Available infrastructure includes reticulated water, sewerage, gas and electricity with the town servicing permanent residents, high levels of holiday home ownership, and tourist accommodation offerings. Eagle Point relies upon the regional centre of Bairnsdale as the main commercial precinct, providing higher order goods and services, with Paynesville providing smaller scale commercial goods and services. The proposal will support intentions for Eagle Point to further reinforce its' own identity, as distinct from the neighbouring town of Paynesville.

Eagle Point Structure Plan ('EPSP')

The EPSP, adopted by Council on 6 August 2019, provides a roadmap for Council's strategic vision for the township. The subject land is identified as an *Existing Area – Strategic Site* within the established low density area of Eagle Point, with this broad precinct identified as being able to “*accommodate more substantial change, such as a multi-lot subdivision and development*” (p.19).

The subject land is not identified as an area at risk of Natural Hazards, as demonstrated by Figure 16. The proposal has appropriately considered the management of fire hazard on site, having regard for the risk of grassland fire elsewhere in the precinct as identified at Figure 16 for land to the west of Lake Victoria Road and east of Eagle Point Road.

The proposed subdivision will not impact the ability for the subject land to receive drainage, with the direction of flow identified at Figure 17 able to be maintained without charge, filtering through the subject land in a south-easterly direction, where it discharges into the existing drainage network within the vegetated swale adjacent to Paynesville Road.

From here, stormwater discharges to the east beneath Eagle Point Road, travelling in a north-easterly direction adjacent to the general residential growth area towards the designated waterway within existing agricultural land.



Figure 17 Drainage [pg.57] (Source: Eagle Point Structure Plan)

The proposal is consistent with objectives that seek to minimise additional vehicle access points within the Paynesville Road, corridor, optimising use of the Paynesville Road/Eagle Point Road intersection.

The statement at Figure 26 that seeks to limit subdivision within the area containing the subject land appears at odds with the bulk of commentary within the EPSP regarding this precinct, which is identified as a Low Density Residential Growth Area (Figure 5).

Unlike other low density areas, requirements for road and pedestrian networks prescribe the same construction standards as proposed for higher density residential areas, with requirements including primary coastal vegetated roads (Figure 13) with a 20m wide cross-section including shared pathways and substantial verges incorporating drainage on both sides of the roadway (p.37), formal streetscapes (Figure 14) and secondary pedestrian paths (Figure 12).

Furthermore, we note the commentary relating to a minimum lot size of 4,000m² for this precinct is contained within Appendix 2 of the document, as opposed to the previously mentioned recommendations promoting low density residential growth, which are located on numerous occasions throughout the main body of the document (Figures 5, 12, 13, 14 and so on). The location of the development guidelines within the Appendix, in our opinion, is considered to dilute the emphasis warranted in balancing these objectives, with information contained within appendices typically considered by reporting conventions to be less important or not essential to the main document.

We note Appendix 2 is entitled *Development **Guidelines** for Change Areas* [emphasis added]. This is not a mandatory requirement, with the legal definition of 'guideline' being "a practice that allows leeway in its interpretation"¹. Whilst consideration may be given to these guidelines, the Application should be considered on balance, having regard for the merits of the proposal and the surrounding context.

¹ Black's Law Dictionary, 2nd ed, 1910.

The proposal has had regard to all other elements of the EPSP, demonstrated through the location of the proposed roadway, preventing access from Paynesville Road, and respecting the requirement for lot widths adjacent to Paynesville Road of no less than 50m².



Looking east along frontage to Paynesville Road

The subject land is considered to share the same characteristics as properties further to the east where low density subdivision creating allotments below 4,000m² has been approved, with approvals granted within the same period of time as Council was developing the EPSP. The proposed subdivision is seeking to achieve an equitable outcome that is considered to have strong alignment with the strategic vision for Eagle Point, facilitating low-density residential growth in an appropriate context.

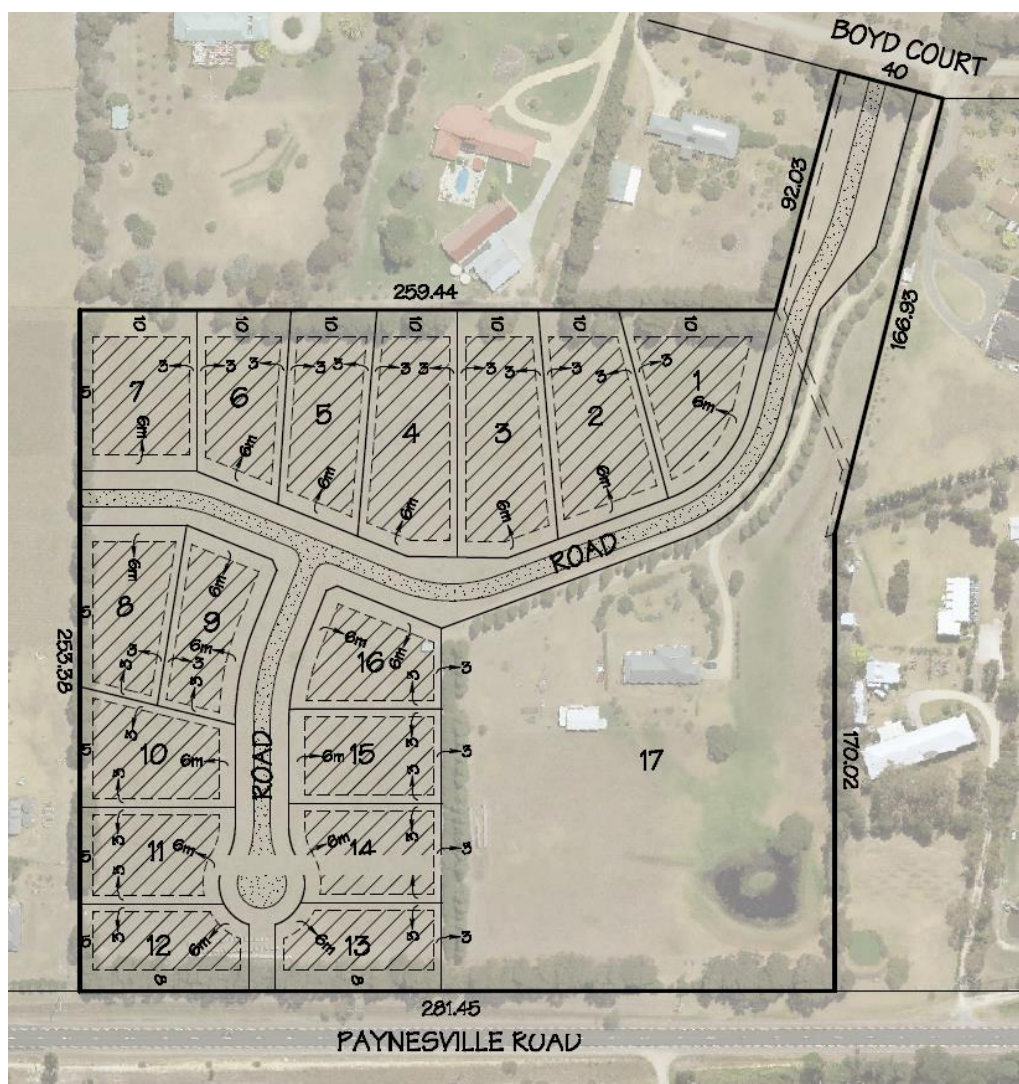
6. Planning Elements

6.1 Low Density Residential Zone

The proposed subdivision responds positively to the purpose of the Low Density Residential Zone through the creation of lots which provide opportunity for lower density residential living in an appropriately zoned and serviced location.

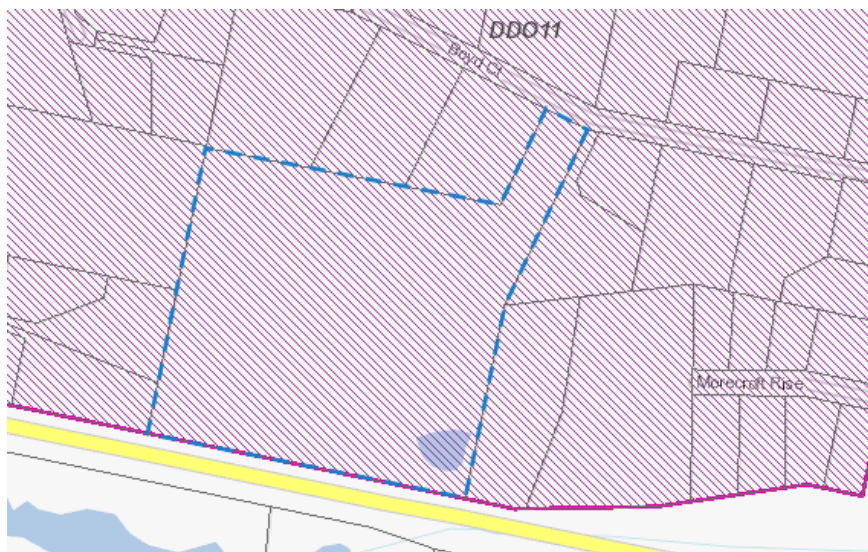
The Application triggers approval at Clause 32.03-3 for subdivision of land. The subdivision has been designed in accordance with the minimum prescribed lot size by providing allotments which exceed 2,000m² in area, given the availability of reticulated sewer.

The Application is supported by a Building Envelope Plan in accordance with the Application Requirements of Clause 32.03-5, which demonstrates how each of the proposed lots can be developed without the need to remove existing planted vegetation. Appropriate offsets are proposed to enable the retention of perimeter plantings which will assist in screening individual allotments when viewed from Paynesville Road or adjoining properties.



Extract from Building Envelope Plan

6.2 Design and Development Overlay



Extract from DDO11 mapping (Source: VicPlan)

The header clause of the Design and Development Overlay triggers the need for a Planning Permit for subdivision in accordance with Clause 43.02-3, noting there may be further requirements specified within the applicable Schedule. In this instance, references to subdivision within Schedule 11 are focussed on Newlands Arm. Decision guidelines within Schedule 11 therefore have limited relevance to the subject land, however we provide the following comments for Council's consideration.

- There are no declared waterways within immediate proximity of the subject land, nor any significant native vegetation that will be impacted as a result of the proposed subdivision.
- The site is a predominantly cleared allotment containing limited ornamental plantings. There is no naturally established native vegetation on site.
- The subdivision layout has been designed for consistency with approved allotments within the surrounding precinct.
- The proposal responds positively to the topography of the adjacent road reserve and associated vegetation, and will ensure the Paynesville Road will not be modified in any way as a result of the proposed subdivision.
- The subject land is not identified as being at risk of coastal processes, located a considerable distance from the lakes system.
- The subject land will facilitate the development of a pedestrian walkways in accordance with strategic directives for the precinct.

7. Conclusion

The proposed multi lot subdivision at 31 Boyd Court in Eagle Point is considered to accord with all relevant provisions of the Low Density Residential Zone and Design and Development Overlay – Schedule 11 of the *East Gippsland Planning Scheme*. The proposal is consistent with Planning Policy Framework and Local Policy, respects the strategic direction for the precinct established by the Eagle Point Structure Plan, and has been designed to complement the adjoining properties.

For these reasons we respectfully request that Council consider the merits of the Application favourably and resolve to issue a Planning Permit.



MICHAEL SADLER
Managing Director

Bushfire Hazard Assessment

Multi Lot Subdivision (Staged)
31 Boyd Court, Eagle Point
Reference – 18468

17 October 2019



1. Introduction

This report has been prepared to identify bushfire hazard and to provide a risk assessment relating to the proposal for a multi Lot Subdivision at 31 Boyd Court, Eagle Point.

The purpose of this report is to:

- Respond to State Planning Policy at Clause 13.02-1S relating to Bushfire Planning;
- Identify vegetation, topographic and climatic conditions that create a bushfire hazard;
- Provide an assessment of the bushfire hazard on the basis of landscape conditions, local conditions, neighbourhood conditions and conditions of the subject land; and
- Respond to the identified bushfire hazard, including proposed bushfire protection measures and demonstrate how the protection of human life has been prioritised.

2. Locality & Site Description

The subject land is formally described as Lot 10 of PS319780 and is 7.569ha in area, being a large parcel of land contained within the Low Density Residential Zone.

The property has a relatively even topography, with a short but steep slope in the adjacent Paynesville Road reserve on the property's southern boundary.



Steep sloped embankment from Paynesville Road to subject land

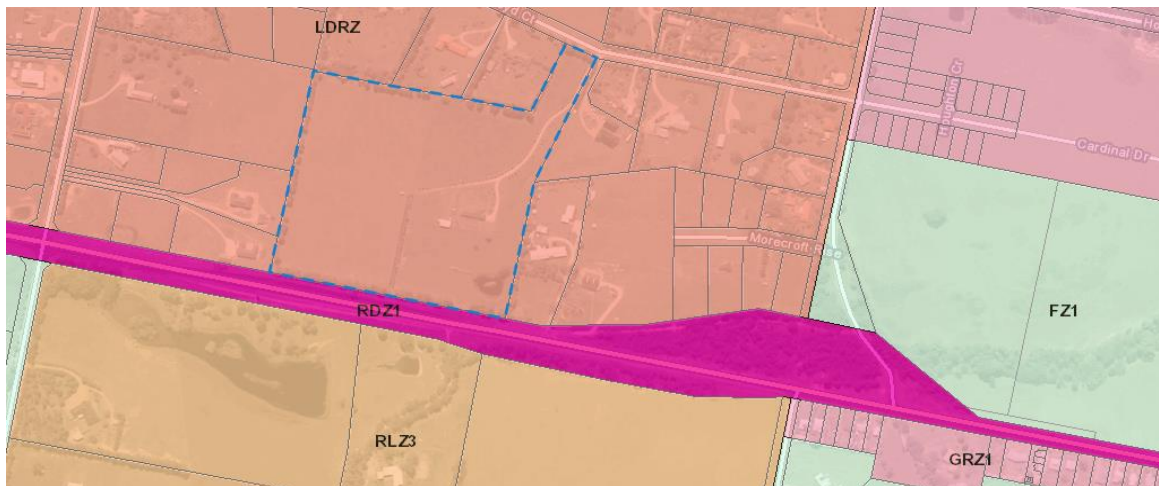
An established dwelling exists on the easternmost portion of the site, accessed via Boyd Court to the north. Access is established to the existing dwelling site.



View south of the dwelling's access from Boyd Court (left), proposal access (right)

The property comprises of pastoral grasses and is clear of other substantial vegetation excluding ornamental perimeter planting. The adjoining Paynesville Road reserve well covered in grass.

The subject land forms part of an existing low density residential precinct with surrounding properties directly to the north, east and west contained within the Low Density Residential Zone and properties to the south under the provisions of the Rural Living Zone – Schedule 3.



Zone Mapping (Source: VicPlan)

Whilst the majority of properties within the immediate precinct contain residential development, there are some larger cleared paddocks to the east and south-west which are agricultural land, and zoned accordingly. There are some patches of vegetation scattered throughout the wider landscape however the predominant classifiable vegetation surrounding the subject land is grassland.



Aerial view of subejct land and surrounding precinct (Source: Google Earth)

3. State Planning Policy Assessment

Objective

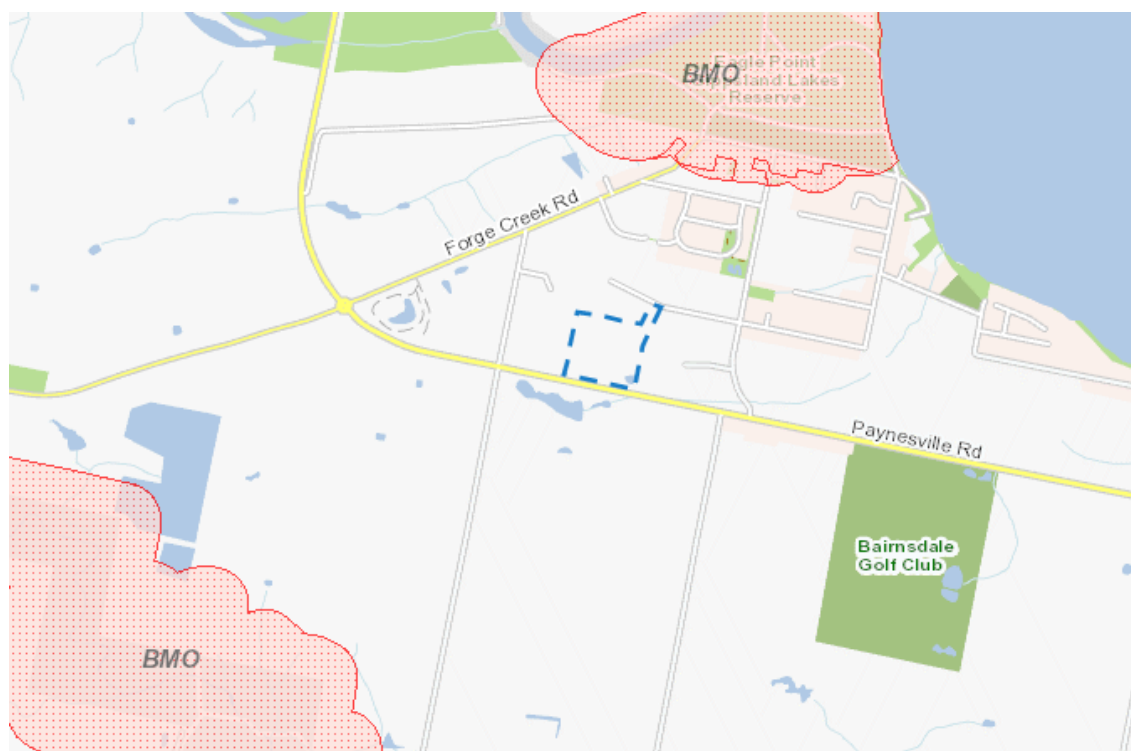
Clause 13.02-1S of the Planning Policy Framework seeks *'to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritizes the protection of human life'*.

Policy Application

The Bushfire Planning Policy at Clause 13.02-1S is to be applied to all planning and decision making under the *Planning & Environment Act 1987* relating to land that is:

- Within a designated bushfire prone area;
- Subject to a Bushfire Management Overlay; or
- Proposed to be used or developed in a way that may create a bushfire hazard.

Whilst the subject land is not currently affected by the provisions of the Bushfire Management Overlay, the Policy does need to be considered for the proposed Multi Lot Subdivision as the site is identified as a designated bushfire prone area.



Extract of Bushfire Management Overlay Mapping (Source: VicPlan)

4. Strategies

The following tables outline the various strategies to be implemented under the provisions of Clause 13.02-1S relating to Bushfire Planning and provides responses specific to the proposal at hand.

Protection of Human Life	
Strategy	Response
Prioritising the protection of human life over all other Policy Considerations.	<p>The proposed subdivision in this location is considered to ensure protection of human life.</p> <ul style="list-style-type: none"> • The subject land is excluded from Bushfire Management Overlay mapping. • The site is located within an existing low density precinct located only an 8min drive west of Paynesville and a 10min drive south-east of Bairnsdale. • The subject land and adjoining properties are well managed and modified in nature. The landform is flat and does not promote hazardous fire runs. • Surrounding properties contain rural residential, low density residential and general residential development. The cleared agricultural grassland in the precinct does not provide a severe fire threat given it is actively grazed.
Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.	<p>The subject land is considered a low risk location given its close proximity to the main township areas of Paynesville, Bairnsdale and Eagle Point and the surrounding conditions.</p> <p>Vehicle access from the subject land to the primary settlement area of Bairnsdale is provided via good quality bitumen sealed roads, with two routes available.</p> <p>The close proximity to the township area and good access enhances the protection of human life from the bushfire risk.</p>
Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.	<p>The subdivision has been designed having regard for the needs of future development under Australian Standard AS3959.</p> <p>Given the designation of the subject land as a Bushfire Prone Area, a Bushfire Attack Level (BAL) will need to be established for future dwellings on each of the allotments.</p> <p>The subdivision has been designed to ensure that each allotment can accommodate future residential development that can achieve a minimum BAL of 12.5.</p> <p>Building Envelopes on the accompanying plan set have been designed to demonstrate that future development can achieve BAL 12.5.</p>

Bushfire Hazard Identification & Assessment	
Strategy	Response
Identify bushfire hazard and undertake appropriate risk assessment by:	
Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.	<p>The Planning Application triggers consideration of the proposal under Clause 13.02-1S of the East Gippsland Planning Scheme.</p> <p>The need to consider the requirements of Australian Standard AS3959 arises from the subject land being within a Designated Bushfire Prone Area.</p> <p>The Application has therefore considered the methodology and controls of Australian Standard AS3959 as part of the bushfire assessment.</p>
Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under Building Act 1993 or regulations made under that Act.	This report demonstrates that future development on each of the proposed allotments is able to meet the requirements of Table 2.4.2 of Australian Standard AS3959.
Applying the Bushfire Management Overlay to areas where the extent of vegetation can create an extreme bushfire hazard.	<p>The subject land is not affected by the Bushfire Management Overlay. The nearest Bushfire Management Overlay affected area is approximately 550m to the north.</p> <p>The exclusion of the site from the Bushfire Management Overlay highlights that the site is not considered to be at severe risk from bushfire.</p>
<p>Considering and assessing the bushfire hazard on the basis of:</p> <ul style="list-style-type: none"> -Landscape Conditions (Meaning conditions in the landscape within 20km (& potentially up to 75km) of a site). -Local Conditions (Meaning conditions in the area within approximately 1km of a site). -Neighbourhood conditions (Meaning conditions in the area within 400m of a site). -The site for the development. 	Please see Section 6 of this report which includes an assessment of the proposal against the landscape conditions, local conditions, neighbourhood conditions and site conditions.
Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.	The Planning Application for the subdivision will not need to be formally referred to the Country Fire Authority. The Responsible Authority will need to be satisfied that the proposal adequately addresses Clause 13.02-1S.

Bushfire Hazard Identification & Assessment (continued)	
Strategy	Response
Identify bushfire hazard and undertake appropriate risk assessment by:	
Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.	<p>This report demonstrates that the proposal has consideration and regard to bushfire risk. Appropriate bushfire mitigation measures will be achieved by adoption of appropriate setbacks as demonstrated through the Building Envelope Plan.</p> <p>In addition, the subject land is not exposed to any of the natural hazards [pg.53] identified in the recently adopted Eagle point Structure Plan.</p>
Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.	This report demonstrates that the proposal responds positively to the provisions of Clause 13.02-1S, and that appropriate bushfire protection measures can be implemented.

Settlement Planning	
Strategy	Response
Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:	
Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).	<p>The scheme of subdivision has been designed to ensure each of the proposed allotments can accommodate future development to BAL 12.5 based on assessment under Australian Standard AS 3959.</p> <p>Whilst each Lot can accommodate a dwelling with BAL 12.5 there will be the ability to construct future development to a higher level should a future purchaser prefer.</p> <p>The omission of the subject land from the Bushfire Management Overlay demonstrates that the subject land is not a high risk bushfire area.</p> <p>The subject land has been earmarked for low density residential growth within the Eagle Point Structure Plan, demonstrating further that development will not result in an increase in risk to human life and property.</p> <p>Residential development in this location is therefore considered appropriate and will not result in any adverse bushfire risk or risk to life and property.</p>

Settlement Planning (continued)	
Strategy	Response
Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:	
Ensuring the availability of, and safe access to, areas assessed as a BAL-Low rating under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018) where human life can be protected from the effects of bushfire.	<p>The subject land is located only a short drive from the main commercial centres of Paynesville & Bairnsdale which provide safe refuge from bushfire.</p> <p>Access to both towns are facilitated by good quality sealed road networks.</p>
Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.	Bushfire risk will not increase as a result of the proposed subdivision. If anything, the establishment of residential development on the land will provide additional protection to existing and future development, as there will be ongoing assurance of management and continued maintenance of the land.
Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reducing bushfire risk overall.	<p>There will be no net increase in risk resulting from the proposal, as appropriate bushfire protection measures will be implemented.</p> <p>A demonstrational Building Envelope has been nominated for each of the proposed vacant allotments, to show how future residential development can achieve BAL 12.5.</p> <p>Future dwellings contained within the Building Envelopes as nominated will be required to construct to a minimum of BAL 12.5, which is easily achieved.</p> <p>The subdivision has also been designed in a manner which will ensure that future development will have direct and convenient access to either an existing or proposed road network.</p>
Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behavior it will produce at a landscape, settlement, local, neighbourhood and site scale including the potential for neighbourhood-scale destruction.	<p>Although the site is not considered to be at high risk from bushfire, which is evident through the absence of the Bushfire Management Overlay, the risk of bushfire is evident through the inclusion within the Bushfire Prone Area designation.</p> <p>The main fire threat is provided further to the north of the subject land where the terrain becomes steeper and vegetated in the Flora and Fauna Reserve north of School Road. This main threat is more than 500m away, with that distance broken up by considerable residential development. Further information on the bushfire behaviour at a landscape, local, neighbourhood and site level is provided at section 6 of this Report.</p>
Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.	The subject land is contained within an existing low density residential precinct earmarked for low density residential growth, as per the recently adopted Eagle Point Structure Plan.

Settlement Planning (continued)	
Strategy	Response
Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:	
Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than BAL 12.5 rating under AS3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).	This report is prepared in support of an Application for Planning Permit which can be approved given future dwellings can achieve construction to a minimum BAL 12.5.

Areas of Biodiversity Conservation Value	
Strategy	Response
Ensure settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that area important areas of biodiversity.	<p>The proposed scheme of subdivision has been designed having regard for the context of the adjoining road network.</p> <p>This has been achieved by:</p> <ul style="list-style-type: none"> • Utilising existing points of access, where possible. • Nominating boundaries to ensure access from Paynesville Road can be avoided. • Use of proposed internal road network, which will limit the number of access points through the perimeter planting and lowly-vegetated road reserve. <p>The subdivision has also been designed to ensure the potential for future development to be adequately accessed via internal roads; further avoiding Paynesville Road to be required for direct access.</p>

Use & Development Control in Bushfire Prone Area	
Strategy	Response
When assessing a Planning Permit Application for uses and development:	
Consider the risk of bushfire to people, property and community infrastructure.	<p>Whilst the Application seeks approval for subdivision of the land, it results in the expectation that the allotments will be utilised for residential development.</p> <p>Establishment of future residential development in this location is most appropriate having regard for the surrounding residential use, proximity to townships.</p> <p>Development will ultimately provide protection to one another by ensuring the environment remains at a managed low threat state.</p>
Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.	<p>It is acknowledged however that in practice development is likely to exceed the construction requirements for BAL 12.5 thereby enhancing protection and resilience from fire.</p> <p>The low density residential size of the allotments will result in ongoing management and maintenance by future owners with allotments accommodating adequate area for future development to achieve BAL 12.5.</p>
Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.	<p>Each of the proposed allotments are clear of native vegetation ensuring biodiversity impacts are not increased.</p> <p>The subdivision has also been designed to ensure that future development can be undertaken in accordance with the aspirations of the Eagle Point Structure Plan.</p>

5. Policy Guidelines

Policy Guidelines & Documents	Response
The following must be considered as relevant:	
Any applicable approved state, regional and municipal fire prevention plan.	The Municipal Fire Prevention Plan has been considered. See section 6.7 of this report.
AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018)	Australian Standard AS3959 has been used as part of this assessment to classify slope and vegetation to determine BAL 12.5 requirements for each lot.
Any bushfire prone area map prepared under the Building Act 1993 or regulations made under that Act.	The current Bushfire Prone Area mapping has been considered as part of this report. The subject land is considered Bushfire Prone.

6. Bushfire Risk

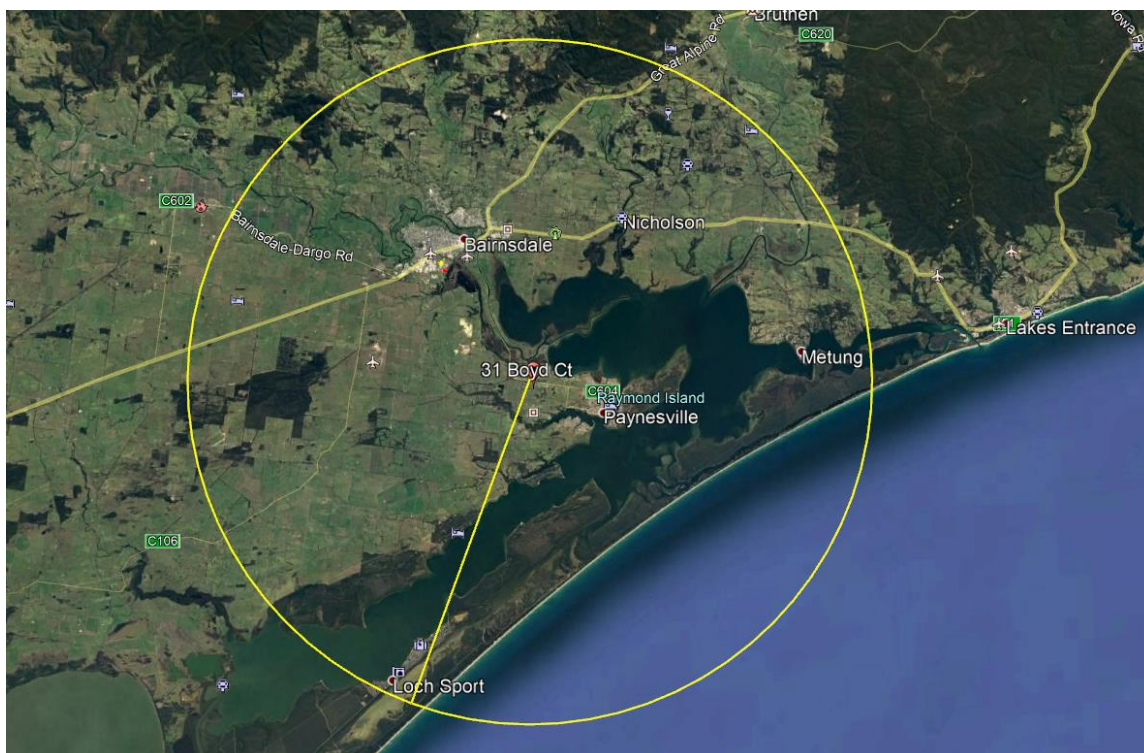
Under Clause 13.02-1S relating to Bushfire Planning triggers the need to consider and assess the bushfire hazard based on:

- Landscape conditions;
- Local conditions;
- Neighbourhood conditions; and
- The site for the development.

6.1 Landscape Conditions

When considering and assessing the bushfire hazard the landscape risk needs to be taken into consideration which includes the extent of vegetation cover, the area available to a landscape bushfire, terrain and accessibility to low threat areas.

Under Clause 13.02-1S pertaining to Bushfire Planning 'landscape conditions' refers to conditions in the landscape within 20km (and potentially up to 75km) of a site.



Landscape Conditions within 20km of the subject land (Source: Google Earth)

The key features within the 20km assessment area surrounding the site include:

- Large areas of residential and rural residential development, particularly to the north and to the east of the property.
- Large areas of grassland coverage throughout most of the assessment area, much of which is utilized for grazing activities.
- The most northern portion of the 20km assessment area contains forested areas connected to a larger expanse of vegetation which provides a distant threat from bushfire.
- Whilst the terrain within most of the assessment area is flat or mildly undulating, the land within the northern tip of the assessment area is much steeper, beginning to incorporate large hills as the land beyond begins to expand into the foothills of the Great Dividing Range.
- The land between the subject land and the township area of Bairnsdale to the south is not vegetated and is easily accessed by a good quality sealed road network.

The subject land is surrounded by general residential, low density/rural residential and grazing properties. The vegetation within the wider landscape is mostly representative of grassland which generally provides a low risk to bushfire.

6.2 Local Conditions

Under Clause 13.02-1S pertaining to Bushfire Planning 'local conditions' refers to conditions in the area within approximately 1km of a site.



Local conditions within 1km of the subject land (Source: Google Earth)

The key features within the 1km assessment area surrounding the subject land include:

- Land immediately in all directions is best described as residentially developed. However, the beginnings of farmed grassland are evident to the south-west and east towards the edges of the assessment area.
- The vast majority of properties within the assessment area are low density residential.
- Paynesville Road, which is categorised as a Road Zone Category 1, dissects the assessment area into northern and southern portions.
- The landform is predominantly flat in nature.

6.3 Neighbourhood Conditions

Under Clause 13.02-1S pertaining to Bushfire Planning 'neighbourhood conditions' mean conditions in the area within 400 metres of a site.



Neighbourhood conditions within 400m assessment area (Source: Google Earth)

The key features within the 400m assessment area surrounding the subject land include:

- Presence of numerous rural residential style properties. These properties represent a low threat vegetation classification.
- The predominant vegetation classification in all directions is considered low threat.
- There is some established vegetation within the road reserve of Paynesville Road in the south-east corner of the assessment area. Being over 100m from the subject land, this is considered excludable vegetation.
- The landform is predominantly flat.

6.4 Bushfire Scenarios

Bushfire from the West

The most likely bushfire scenario for this site considering the landscape, will be for a fire approaching from the west, given the presence of more expansive grassland with patches of vegetation. Such a fire would have the potential for long and fast fire runs through the grassland and patches of vegetation.

Considering the climate of the area, a westerly wind represents approximately 11% of all wind direction between the months of October and April, as recorded at the Bairnsdale Airport from 1942 and current 2019 data (Bureau of Meteorology, http://www.bom.gov.au/climate/averages/tables/cw_085279.shtml), further demonstrating prevailing winds in the local climate are more likely to originate from the east or south-east, with this number being over 55%.

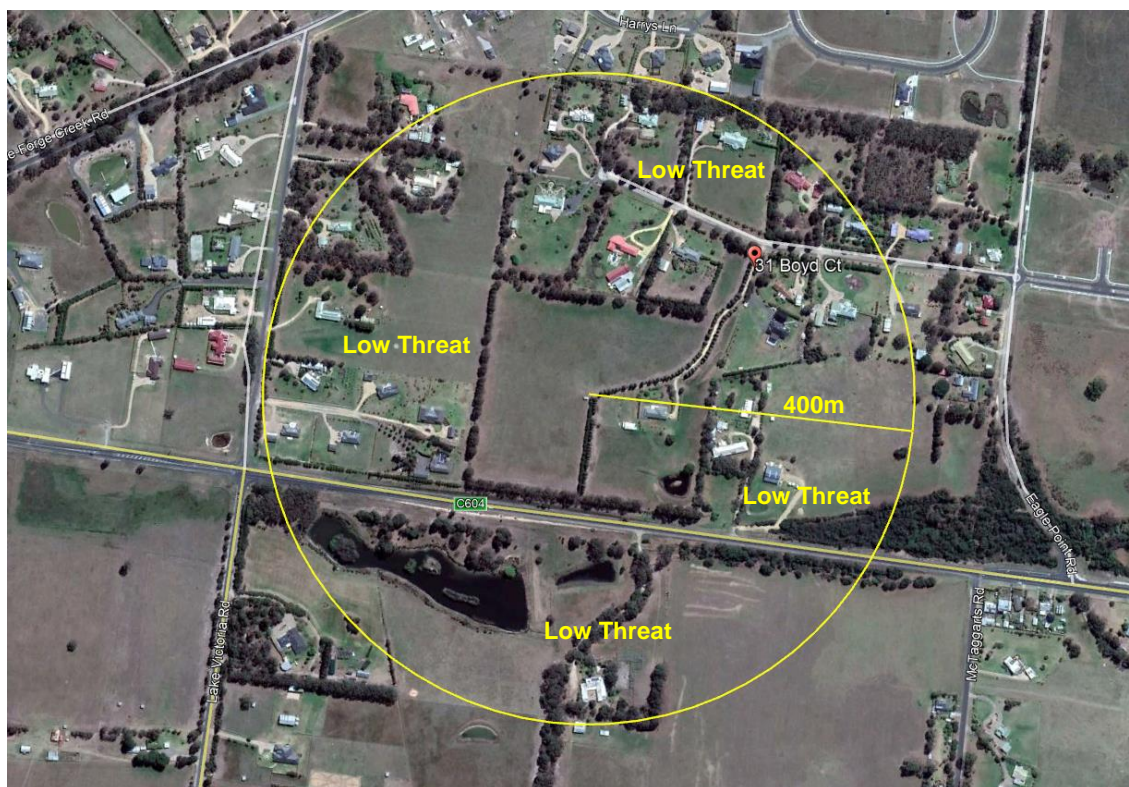
Considering the climate, the largely residential development and waterways presiding over these directions in the wider landscape, the subject land is deemed to be of low fire risk from natural landscape factors.

Localised Grass Fires

From the remaining aspects there is a minor threat from more localised grassland fires. The terrain is largely flat and the fire threat can be mitigated by appropriate setbacks and surrounding residential properties maintaining any grass yards and garden area.

6.5 Bushfire Hazard Site Assessment

Vegetation on the subject land and the immediately surrounding area has been classified in accordance with Table 2.3 of Australian Standard AS 3959, consistent with Clause 13.02-1S of the *East Gippsland Planning Scheme*.



Aerial view of subejct land and immediate surrounds (Source: Google Earth)

Exclusions & Low Threat Vegetation

The area around the existing dwelling and the adjoining residential development has been classified as low threat as these areas contain minimal vegetation and are managed, cultivated garden areas.

Paynesville Road provides a break between the subject land and more low threat vegetation to the south.

The linear strips of vegetation contained within the 100 metre assessment area to the north west of the subject land are classified as excludable as they are less than 20 metres in width and are maintained to satisfy a classification of excludable.

Grassland Classification

The majority of the subject land has a vegetation classification of low threat given the presence of maintained grass with the absence of any trees or shrubs. Noted however, is the perimeter planting of trees around the property. Surrounding properties to the south and west are best described as low threat due to their maintained condition.

The subject land in its current form is identified as being low threat. The environment will be further modified as a result of the subdivision, creation of internal roads and establishment of residential allotments into the future which will perpetuate the low threat classification.

Topography

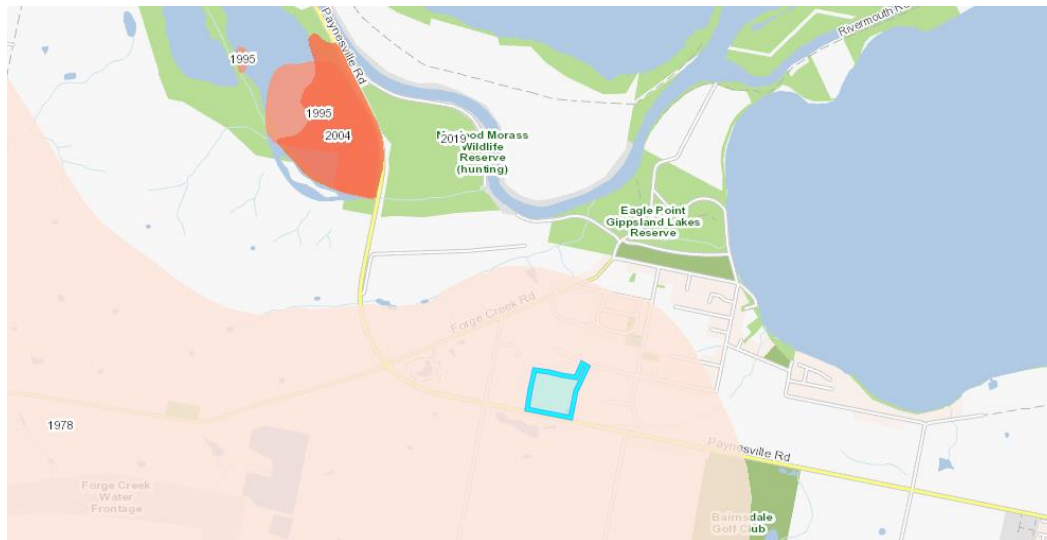
The subject land and surrounding area are predominately flat. The proposed lot containing the existing dwelling and curtilage does slightly slope down to the south-east, as it provides a natural drainage line to the dam on site.



Contours 10m detail (Source: VicPlan)

6.6 Other Bushfire Matters

Although there is some record of fire history within the wider landscape since the early 1970's, there is no record of bushfire history on the subject land or generally within the Eagle Point township since 1978.



Bushfires 1970 - Present (Source: MapShare Vic)

6.7 Municipal Fire Management Plan

The *East Gippsland Shire Council Municipal Fire Prevention Plan* (October 2009) identifies the fire risk and the associated works to be undertaken to reduce risk for the Municipality.

The Plan identifies that the section of Paynesville Road just south of the subject land as a Primary Firebreak Road which is the responsibility of the Paynesville Fire Brigade.

7. Concluding Remarks

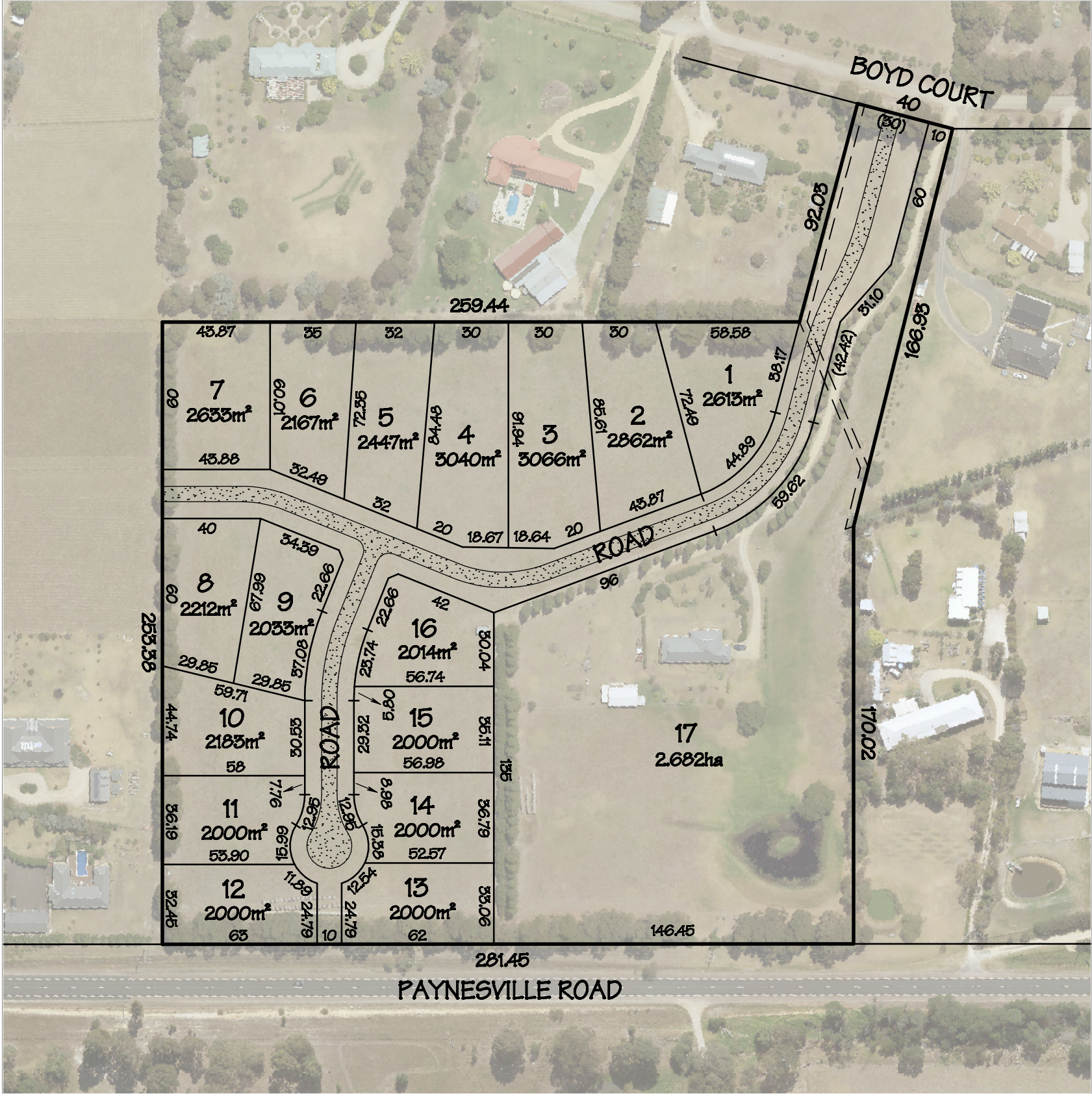
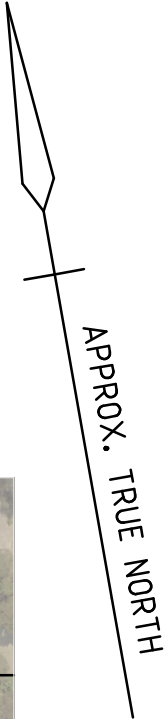
In summary the proposed multi lot subdivision at 31 Boyd Court, Eagle Point has considered the bushfire controls under the *East Gippsland Planning Scheme* and will not result in any adverse outcomes with respect to bushfire risk as appropriate bushfire mitigation measures can be put in place.

Crowther & Sadler Pty Ltd
October 2019

PROPOSED SUBDIVISION

PARISH OF BAIRNSDALE
CROWN ALLOTMENTS 51 & 52 (PARTS)

LOT 10 ON PS3197805



TREVOR & KAREN BIRD
31 BOYD COURT, EAGLE POINT

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

FILENAME: 18468 Prop V2.pro

NOTATIONS	
AREAS ARE APPROXIMATE ONLY DIMENSIONS ARE SUBJECT TO SURVEY	
SCALE (SHEET SIZE A3)	SURVEYORS REF.
1 : 2000	18468 VERSION 2 - DRAWN 12/08/2019

STAGING PLAN

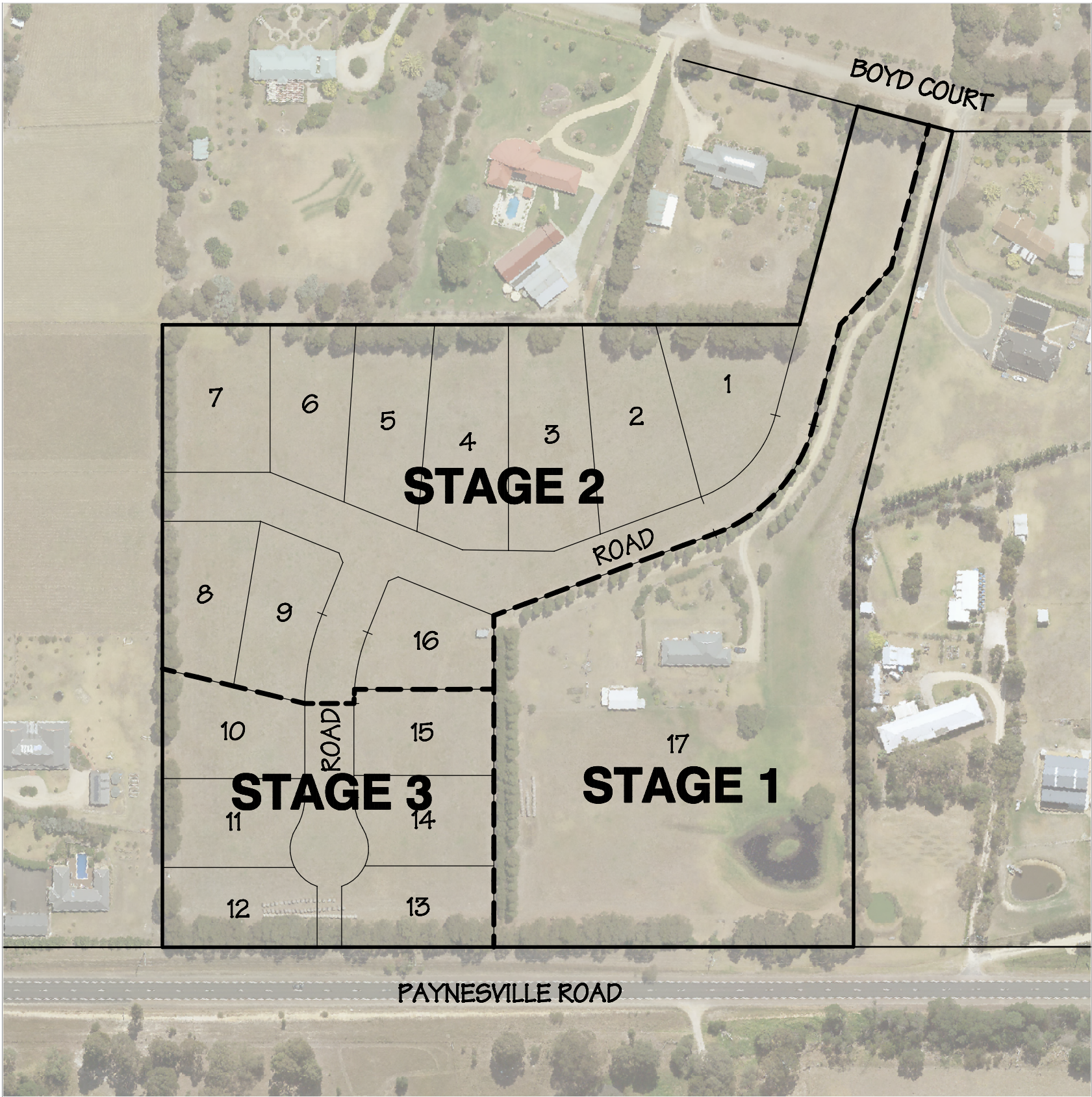
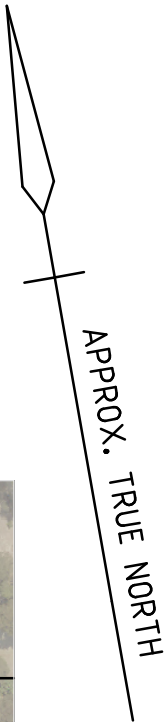
PARISH OF BAIRNSDALE
CROWN ALLOTMENTS 51 & 52 (PARTS)

LOT 10 ON PS3197805

STAGE 1 = LOT 17 & S2

STAGE 2 = LOTS 1-9, 16 & S3

STAGE 3 = LOTS 10-15



TREVOR & KAREN BIRD
31 BOYD COURT, EAGLE POINT

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FILENAME: 18468 Staging V2.pro

NOTATIONS

AREAS ARE APPROXIMATE ONLY
DIMENSIONS ARE SUBJECT TO SURVEY

SCALE (SHEET SIZE A3)

1 : 2000

SURVEYORS REF.

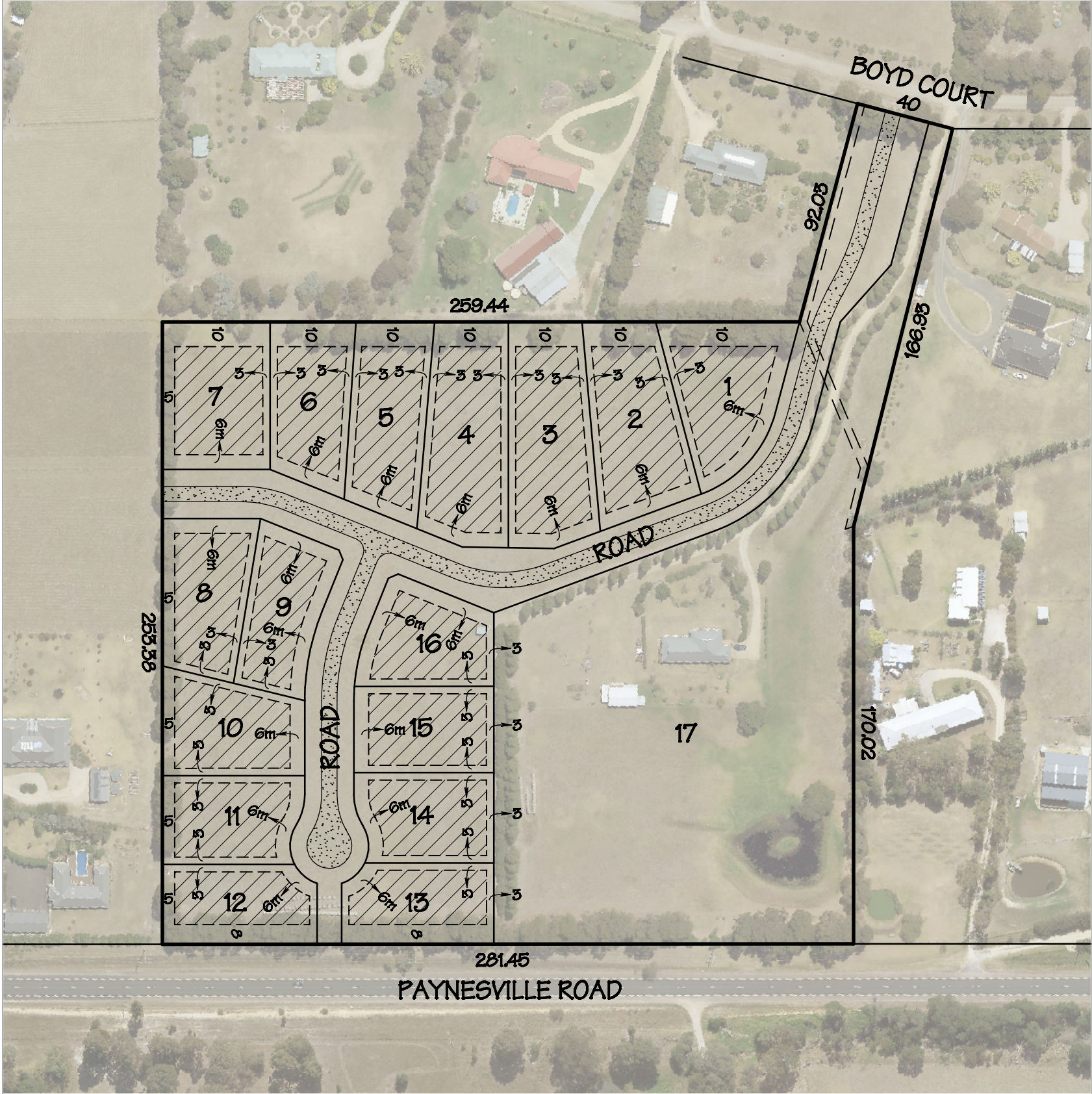
18468

VERSION 2 - DRAWN 12/08/2019

BUILDING ENVELOPE PLAN

PARISH OF BAIRNSDALE
CROWN ALLOTMENTS 51 & 52 (PARTS)

LOT 10 ON PS3197805



APPROX. TRUE NORTH

TREVOR & KAREN BIRD
31 BOYD COURT, EAGLE POINT

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FILENAME: 18468 Bld Envel V1.pro

NOTATIONS

AREAS ARE APPROXIMATE ONLY
DIMENSIONS ARE SUBJECT TO SURVEY

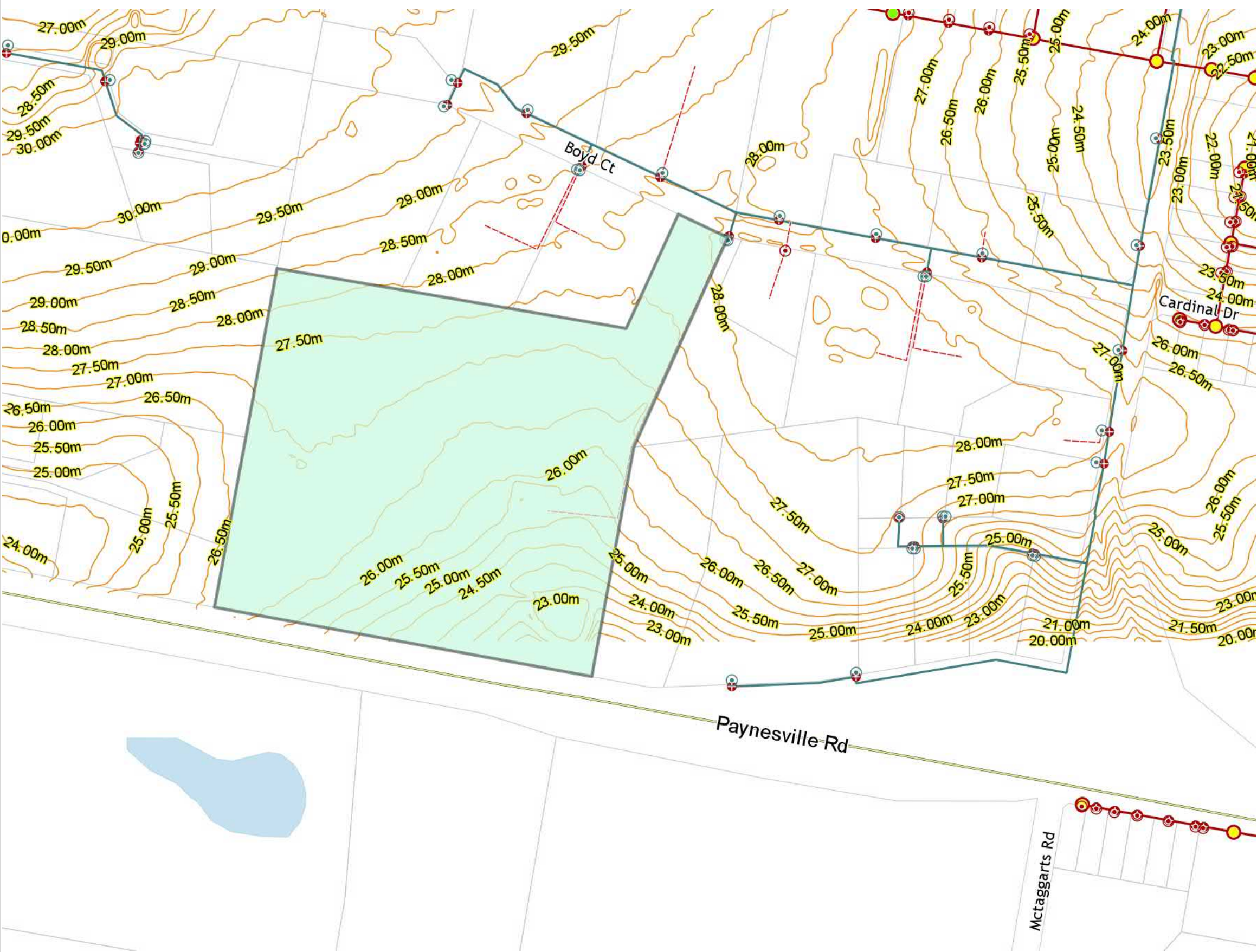
SCALE (SHEET SIZE A3)

1 : 2000

SURVEYORS REF.

18468

VERSION 1 - DRAWN 12/08/2019



VicMap Property	
PFI	5329546
Sewer Connection	SCC015814
Point	
Manhole On	No
Property	
Sewer Traverses	No
Sewer District	PAYNESVILLE SEWERAGE DISTRICT
Water District	MITCHELL RIVER WATER SUPPLY DISTRICT
Water Supply	EAGLE POINT
Subsystem	
Sewer Subsystem	BOAT RAMP
Declared Water	Outside of Declared
Supply Catchment	Water Supply Catchment

319/2019/P – Assessment of the proposal against the East Gippsland Planning Scheme

Planning Policy Framework

Clause 11.01-1R Settlement – Gippsland

Strategies

Support urban growth in Latrobe City as Gippsland's regional city, at Bairnsdale, Leongatha, Sale, Warragul/Drouin and Wonthaggi as regional centres, and in sub-regional networks of towns.

Support new urban growth fronts in regional centres where natural hazards and environmental risks can be avoided or managed.

Support the continuing role of towns and small settlements in providing services to their districts, recognising their relationships and dependencies with larger towns. (Emphasis added)

Create vibrant and prosperous town centres that are clearly defined and provide commercial and service activities that respond to changing population and market conditions.

Clause 11.01-1S Settlement

Objective

To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Strategies

Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.

Support sustainable development of the regional centres of Ararat, Bacchus Marsh, Bairnsdale, Benalla, Castlemaine, Colac, Echuca, Gisborne, Hamilton, Kyneton, Leongatha, Maryborough, Portland, Sale, Swan Hill, Warragul/Drouin and Wonthaggi.

Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.

Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.

Create and reinforce settlement boundaries. (Emphasis added)

Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:

- Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.*

- *Developing settlements that will support resilient communities and their ability to adapt and change.*
- *Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.*
- *Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.*
- *Encouraging an integrated planning response between settlements in regions and in adjoining regions and states in accordance with the relevant regional growth plan.*
- *Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.*

Limit urban sprawl and direct growth into existing settlements. (Emphasis added).

Promote and capitalise on opportunities for urban renewal and infill redevelopment. (Emphasis added).

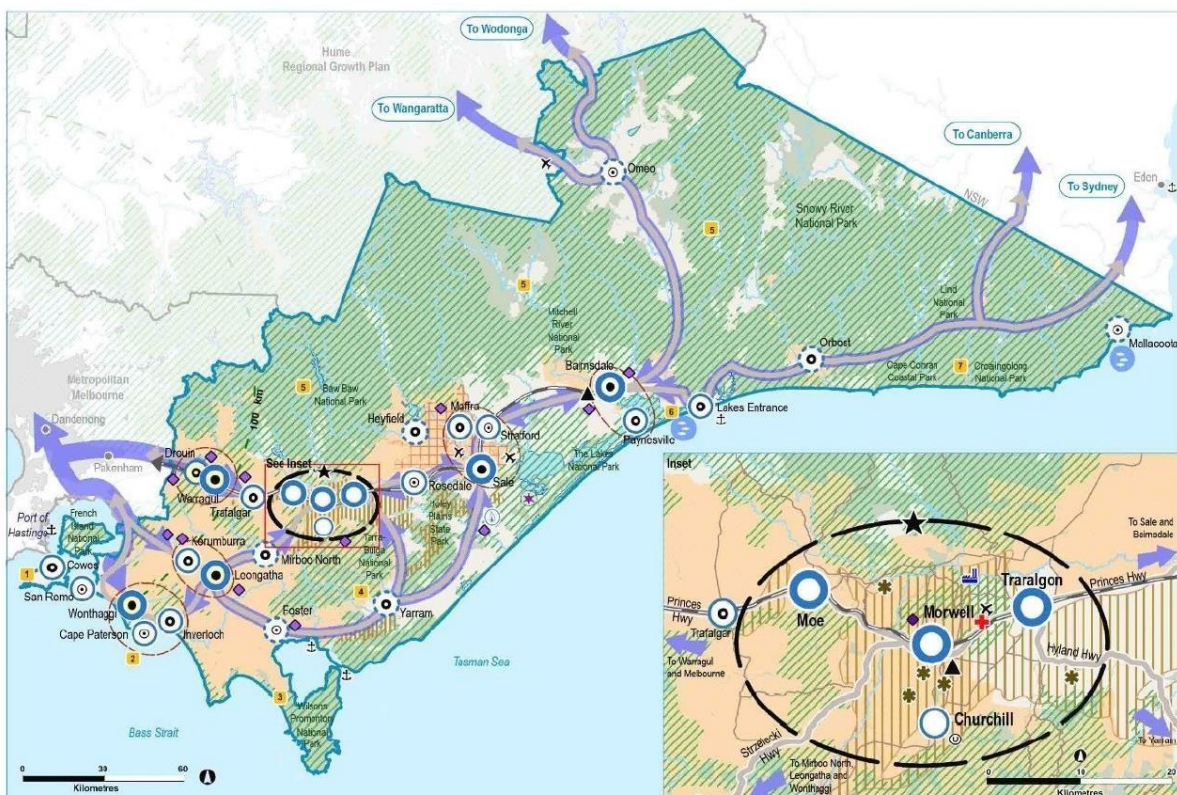
Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services. (Emphasis added)

Policy documents

Consider as relevant:

Gippsland Regional Growth Plan (Victorian Government, 2014)

Gippsland Regional Growth Plan



In principle, the subdivision relates to the infill residential development of an existing settlement. From a land efficiency point of view, the proposal seeks to consolidate residential growth in an area marked for that outcome. The presence of reticulated services is also to the application's advantage. From that point of view, the application complies with this clause of the PPF.

Clause 12.01-1S Protection of biodiversity

Objective

To assist the protection and conservation of Victoria's biodiversity.

Strategies

Use biodiversity information to identify important areas of biodiversity, including key habitat for rare or threatened species and communities, and strategically valuable biodiversity sites.

Strategically plan for the protection and conservation of Victoria's important areas of biodiversity.

Ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity, including consideration of:

- Cumulative impacts.*
- Fragmentation of habitat.*
- The spread of pest plants, animals and pathogens into natural ecosystems.*

Avoid impacts of land use and development on important areas of biodiversity.

Assist in the identification, protection and management of important areas of biodiversity.

Assist in the establishment, protection and re-establishment of links between important areas of biodiversity, including through a network of green spaces and large-scale native vegetation corridor projects.

Clause 12.01-2S Native vegetation management

Objective

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Strategies

Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017):

- Avoid the removal, destruction or lopping of native vegetation.*
- Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
- Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.*

There is no proposed native vegetation removal. A small amount of planted vegetation, running along the title boundary, is to be removed. The proposal responds well to this aspect of the PPF.

Clause 13.02-1S Bushfire Planning

The Planning Policy Framework requires this clause to be considered in this assessment. It reads:

Policy application

This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:

- *Within a designated bushfire prone area;*
- *Subject to a Bushfire Management Overlay; or*
- *Proposed to be used or developed in a way that may create a bushfire hazard.*

Objective

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Strategies

Protection of human life

Give priority to the protection of human life by:

- *Prioritising the protection of human life over all other policy considerations.*
- *Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.*
- *Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.*

Settlement planning

- *Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:*
- *Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia 2009).*
- *Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009) where human life can be better protected from the effects of bushfire.*

In this instance, the site-specific characteristics, and the bushfire risk at a neighbourhood, local and landscape level is low enough to support an approval. The inherent information available about the land, the vegetation, the typography and the multiple escape routes all lead to the conclusion that the risk is low enough to warrant an approval. It has been demonstrated that a

dwelling on each lot to be created could attain a BAL 12.5. As such, this clause is satisfied. The Country Fire Authority has not objected to the proposal.

Clause 15.01-3S Subdivision design

Objective

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Strategies

In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- *Creating compact neighbourhoods that have walkable distances between activities.*
- *Developing activity centres in appropriate locations with a mix of uses and services and access to public transport.*
- *Creating neighbourhood centres that include services to meet day to day needs.*
- *Creating urban places with a strong sense of place that are functional, safe and attractive.*
- *Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.*
- *Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.*
- *Protecting and enhancing native habitat.*
- *Facilitating an urban structure where neighbourhoods are clustered to support larger activity centres served by high quality public transport.*
- *Reduce car dependency by allowing for:*
 - *Convenient and safe public transport.*
 - *Safe and attractive spaces and networks for walking and cycling.*
 - *Subdivision layouts that allow easy movement within and between neighbourhoods.*
 - *A convenient and safe road network.*
- *Being accessible to people with disabilities.*
- *Creating an urban structure and providing utilities and services that enable energy efficiency, resource conservation, integrated water management and minimisation of waste and air pollution.*

Clause 15.01-5S Neighbourhood character

Objective

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies

Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.

Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:

- *Pattern of local urban structure and subdivision.*
- *Underlying natural landscape character and significant vegetation.*
- *Heritage values and built form that reflect community identity.*

Assessment:

The local pattern of subdivision along with the prevailing built form of the area all make a positive contribution to the local appeal of Eagle Point. The subdivision seeks to introduce a collection of lots that are significantly smaller than the lots in the area (in the same zone).

Council must also consider the impact that the lot sizes will have on the built outcome that will follow the subdivision. The spacing between buildings, by virtue of the lot density, will be significantly less than what the current and prevailing pattern of settlement contains.

In doing so, the built form would have the effect of fundamentally altering the neighbourhood character of Eagle Point. Whilst it is noted that the Planning Scheme does not prohibit change, the change that occurs in Eagle Point should be respectful of, and compliment the, prevailing neighbourhood character. This position is supported by the policy above.

The subdivision presently before Council fails to achieve this. The extent of the inconsistency is sufficient to warrant refusal. Should the applicant decide to lodge a fresh application, we would encourage and support a more site responsive design, at a density which more reasonably responds to the existing lower density character.

Local Planning Policy Framework

Clause 21.03 Settlement

Planning for Growth Areas

Objective 1 – Main towns

To make best use of the community's investment in urban infrastructure and to provide support for community and commercial services.

Strategy 1.1

Allow limited infill development in townships where lots are capable of retaining wastewater.

Strategy 1.5

Ensure pedestrian and cycle path networks are provided in new residential estates and integrate these where possible with development of wildlife corridors.

Strategy 1.6

Protect the separation between settlements by preserving intervening areas of predominantly rural or natural landscapes.

Strategy 1.7

Encourage infill or incremental development of existing towns in preference to dispersed development.

Objective 2 – Main towns

To build and support the urban centres so they remain commercially viable and a focus for services to residents and their wider districts.

Assessment:

For many of the same reasons canvassed above, the in-principle notion of subdividing this land can be supported in light of the features of the site and the location within an existing settlement with access to services.

Clause 21.04 Environmental and landscape values

Biodiversity

East Gippsland is a reservoir of biodiversity in south eastern Australia, due to the relatively unspoilt nature of its native vegetation. It is the only place in temperate mainland Australia where large tracts of native vegetation are intact from the Alps to the ocean.

Objective 1

To maintain, conserve and enhance the biodiversity of East Gippsland.

Strategy 1.1

Encourage owners to undertake land care and revegetation programs, restore degraded river frontages and wetlands, protect urban waterways and implement soil conservation measures by incorporating best practice.

Objective 2

To recognise, protect and maintain environmental, cultural and aesthetic values within East Gippsland.

Landscape

Large areas of East Gippsland, including Gippsland Lakes and surrounds, are classified by the National Trust as landscapes of special regional significance.

Objective 1

To enhance the aesthetic quality of the built environment and ensure that the integrity and character of localities and the quality of the natural environment are recognised and protected.

Strategy 1.1

Ensure that development in significant landscape areas is designed and implemented in a way that is sympathetic to character of the area and preserves its aesthetic values.

Assessment:

One of the most defining features and attractions of the East Gippsland region is the natural beauty and environmental assets that occur naturally. This proposal does not seek the removal of any remnant vegetation which is a positive aspect of the proposal.

Clause 21.07 Built Environment and Heritage

Urban Design

Objective 1

To ensure that future development contributes to, reinforces and enhances East Gippsland's identity, aesthetic quality, and economic diversity.

Strategy 1.1

Encourage high standards of design in all new developments, with special emphasis on urban areas, coastal and lakeside areas and other localities of high landscape quality, and land adjacent to parks and reserves.

Strategy 1.2

Progressively develop and update Urban Design Frameworks for each of the major towns and incorporate the outcomes into the Planning Scheme.

Strategy 1.3

Ensure all development is designed in keeping with landscape and town character. (Emphasis added)

Assessment:

As mentioned above, the subdivision has failed to take into account the features of the site and the pattern of subdivision and development within the local context. The subdivision design does not contain features which meet this section of policy.

Clause 21.12 Strategies for sub-regions, towns & localities

Eagle Point is nested under ‘Lakes & Coastal’ and there is policy content contained in the header clause.

Eagle Point

Vision

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

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

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

Streets will be well landscaped and signposted. Buildings will remain low in scale and will not be visually intrusive. (Emphasis added).

Objectives

- *To enhance the character and setting of Eagle Point. (Emphasis added)*
- *To create a community focal point and reinforce the town’s identity.*
- *To protect and enhance the natural environment of the area, including the Lakes system.*
- *To improve accessibility, circulation and safety for pedestrians and vehicle movement. (Emphasis added)*

Strategies

- *Ensure that the development of Eagle Point occurs generally in accordance with the Eagle Point Strategy Plan.*
- *Retain the low intensity character of development and contain building height. (Emphasis added)*

- *Protect views from the Lakes through landscaping, building siting and building height controls.*
- *Maintain significant view corridors to the Lakes and northern ranges.*
- *Encourage the retention of the Gippsland Redgum throughout the township.*
- *Contain low density residential development within existing zoned areas. (emphasis added)*
- *Establish a community and local commercial centre near the school and caravan park and ensure good accessibility to the centre for pedestrians and vehicles.*
- *Encourage development that caters for retirement housing and associated facilities.*
- *Ensure that all new subdivisions and development incorporate satisfactory waste disposal and storm water management with the utilisation of water sensitive urban design techniques.*
- *Ensure the retention of indigenous vegetation in all new development areas and extend wildlife corridors with additional planting.*
- *Provide a comprehensive pathway network within the town and linking key open space areas and focal points. (emphasis added)*
- *Residential development in Eagle Point should concentrate initially on the existing serviced residential land, to better utilise these services and reinforce the role of the township.*
- *Ensure that the residential development of land along the Paynesville-Bairnsdale Road includes a vegetated buffer adjacent to the road.*

Assessment:

This clause of the MSS is an essential part of the assessment of this proposal. It sets out the vision and the objectives that guide decision making for Eagle Point.

As emphasised above, there is clear policy support for subdivision design that responds to the neighbourhood character and facilitating development that makes a positive contribution to Eagle Point.

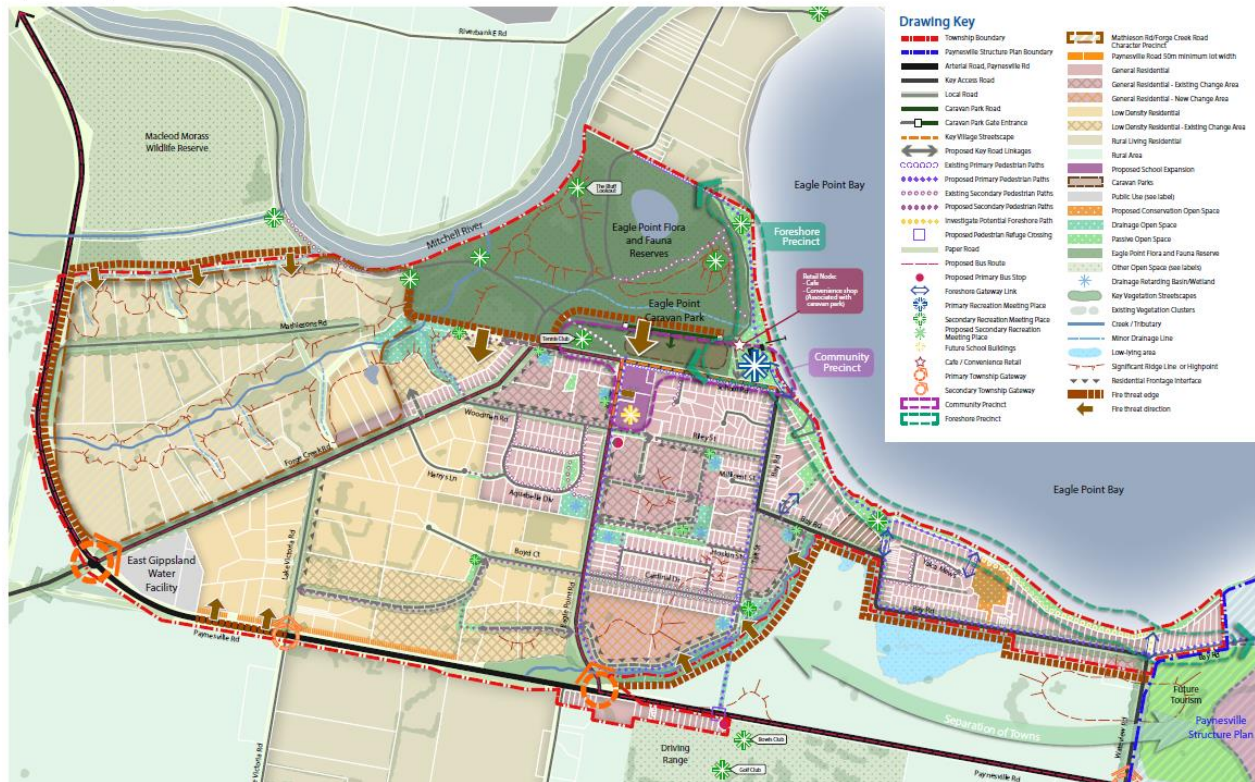
There is also policy commentary here in reference to ensuring new developments retain 'low intensity'. Inherently, the proposal currently before Council seeks to increase the density of lots in the area and increase it in a way that is fundamentally inconsistent with the neighbourhood character.

As canvassed above, the subdivision fails to meet the objectives and strategies of clause 21.12.

Eagle Point Structure Plan (May 2019)

This policy, which has been adopted by Council, is the culmination of several years of strategic work and significant public consultation. The policy shapes development within the area bounded by Paynesville Road to the south and west, Eagle Point Bay to the north and Waterview Road / Bay Road to the east. The structure plan is depicted below.

Figure 5 The Eagle Point Structure Plan

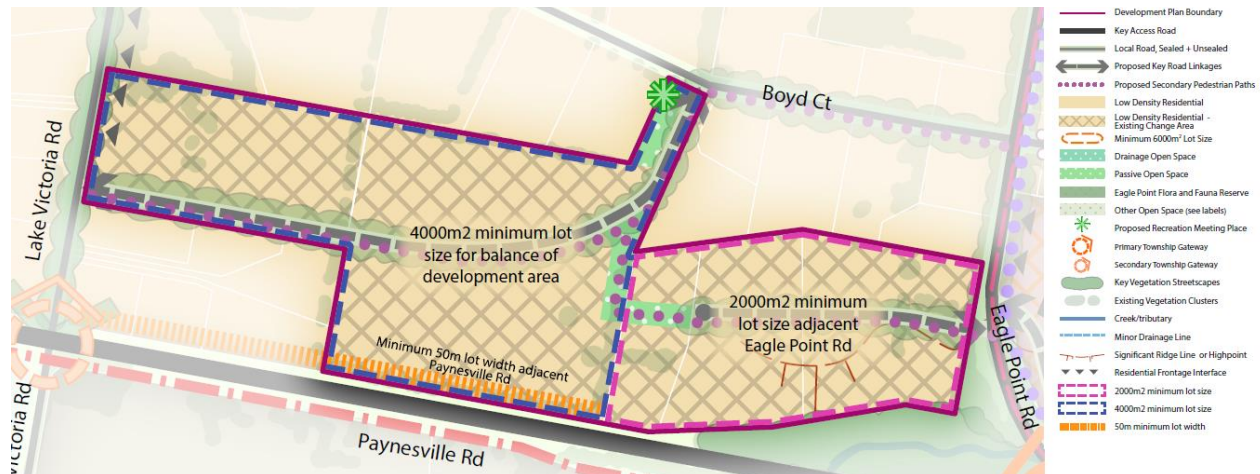


Source: Figure 5, page 9, Eagle Point Structure Plan (May 2019).

The subject site is located immediately north of Paynesville Road, and south of Boyd Court on land classified as 'Low Density Residential - Existing Change Area'. Figures 11 and 12 set out desired connections to facilitate development patterns which meet expected lot sizes, create logical vehicle and pedestrian connections through the precinct and the location of recreation areas.

Strategy 12.2 Low Density Neighbourhoods identifies that lot sizes vary between 4,000m² and 8,000m², reflecting the lifestyle character of the area. It is policy to 'Maintain low density living attributes with a minimum lot size of 4,000m², unless specified otherwise in Appendix 2.'

Further, strategy 13.5 Paynesville Road sets out a clear development layout which is depicted below.



Source: Figure 26, Eagle Point Structure Plan (May 2019).

The plan of subdivision is clearly inconsistent with the pattern of development envisaged within the EPSP.

In summary, the proposed subdivision is inconsistent with the EPSP in the following ways:

- Lot sizes are averaging 2,300m², as opposed to the required 4,000m².
- Lot dimensions for lots adjoining Paynesville road are between 32.45m and 33.06m rather than a minimum 50m as stipulated within the structure plan.
- Road alignment is inconsistent with that stipulated within the structure plan.
- Pedestrian linkages are inconsistent with that stipulated within the structure plan.
- Provision for passive recreation areas is inconsistent with that stipulated within the structure plan.

The proposal is therefore considered unsupportable as it diverges so far from policy.

Planning zone

Clause 32.03 Low Density Residential Zone

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

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

Decision guidelines

General

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

The Municipal Planning Strategy and the Planning Policy Framework.

Subdivision

- *The protection and enhancement of the natural environment and character of the area including*
- *the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.*
- *The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.*
- *In the absence of reticulated sewerage:*
 - *The capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*
 - *The benefits of restricting the size of lots to the minimum required to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria).*
 - *The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.*
- *The relevant standards of Clauses 56.07-1 to 56.07-4.*

Assessment:

In technical terms, the application meets the purpose and decision guidelines of the zone.

As the land is zoned Low Density Residential Zone (**LDRZ**) each lot must have an area of at least 0.2ha where reticulated sewerage services are available. Whilst the site is not currently serviced by reticulated sewerage services capable of servicing the development, the applicant has agreed to upgrade those services (should the proposal be supported).

Planning Overlays

Clause 42.02 Vegetation Protection Overlay Schedule 1

Statement of nature and significance of vegetation to be protected

- *Significant areas of native vegetation are located along roadsides within Government road reserves.*
- *These areas are often important remnants of native vegetation that previously extended over adjacent private land now generally cleared for agriculture or rural style residential development.*
- *Remnant roadside vegetation provides important fauna habitat and wildlife corridors, often linking larger areas of remnant native vegetation. Remnant roadside vegetation also contributes significantly to landscape and aesthetic values in rural areas.*
- *Conservation and enhancement of these areas is important to and generally supported by the local community.*

Vegetation protection objective to be achieved

The Tambo-Bairnsdale Roadside Vegetation Protection Network overlay seeks to protect high conservation value roadside vegetation within Government road reserves from:

- *The potential adverse impacts of establishing access through roadside vegetation located between the carriageway and adjacent private land.*

- *The potential adverse impacts of road maintenance and construction activities.*

The overlay objective is:

- *To ensure that development of access to private land, and road maintenance and construction activities occur so as:*
 - *To conserve areas of vegetation with high conservation value by minimising the extent of vegetation loss.*
 - *To conserve and enhance fauna habitat and habitat corridors by minimising the extent of vegetation loss and encouraging regeneration of indigenous species.*
 - *To preserve existing trees and other vegetation where it contributes to high landscape and aesthetic values.*

There is no vegetation which is protected by this overlay which is proposed to be removed.

Clause 43.02 – Design and Development Overlay Schedule 11

Design objectives

- *To protect and manage the township character of coastal settlements.*
- *To ensure that the height and visual bulk of new development is compatible with the coastal neighbourhood setting.*
- *To ensure that new development is designed to minimise visual impacts on the natural landscape.*
- *To ensure that new development is visually and physically integrated with the site and surrounding landscape.*
- *To ensure that new development is sited and designed to be visually unobtrusive through and above the surrounding tree canopy when viewed from nearby streets, lakes, coastal areas, or other distant viewpoints.*
- *To protect the vegetated character of the landscape, particularly where it is a dominant visual and environmental feature.*
- *To ensure that the scale and character of existing development in areas fronting Marine Parade in Marlo and on the lake frontage at Newlands Arm is preserved and that any new development should be consistent with the prevailing development form and height to retain the existing character and view corridors.*
- *To ensure that the subdivision of land within the Newlands Arm Estate is consistent with the Newlands Arm Estate Restructure Plan, Version 7, March 2017*

Decision Guidelines

Before deciding on an application, the responsible authority must consider, where appropriate:

In relation to a proposed subdivision:

- *The effect of any proposed subdivision or development on the environmental and landscape values of the site and of the local area, including the effect on streamlines, foreshores, wetlands, areas of remnant vegetation or areas prone to erosion.*
- *The need to contribute, where practicable, to the development of pedestrian walkways, to link residential areas and to provide access to community focal points, public land and*

activity areas such as commercial or community precincts, recreation areas or foreshore areas.

- Whether the proposed subdivision layout provides for the protection of existing natural vegetation, drainage lines, wetland areas and sites of cultural or heritage significance.*
- Whether the potential for wildlife corridors through the area has been retained or created by limiting fencing and maintaining indigenous and native vegetation.*
- The provision for water sensitive urban design.*
- Provision in the design for the impact of coastal processes (the impacts from wind, waves, floods, storms, tides, erosion) on foreshore areas.*
- Whether the allotment frontage width is consistent with the typical width of existing allotments in the locality.*
- Whether the proposed subdivision layout relates sympathetically to the topography of the site and the surrounding land uses.*

Assessment:

Whilst a permit is triggered for subdivision of land under the Design and Development Overlay, the purpose of the overlay is primarily to ensure that building bulk is managed through appropriate height, scale, design and siting. The subdivision pattern would not prejudice the appropriate future development of dwellings.

Particular Provisions

Clause 53.01 Public Open Space Contribution and Subdivision

If the proposal was viewed favourably, a condition would be included to require payment of 5% towards a public open space contribution.

Clause **53.01** sets out a requirements for subdivisions to provide for the payment of a contribution towards open space. Some types of subdivisions are exempt, although this application is not (as it is for 17 lots and is not the subdivision of an existing building). As there is no schedule, Section 18 of the Subdivision Act 1988 sets out the relevant tests. There is no schedule, so an assessment of the proposal against Section 18 is required. Section 18 (1A) states:

The Council may only make a public open space requirement if it considers that, as a result of the subdivision, there will be a need for more open space, having regard to-

- (a) The existing and proposed use or development of the land;*
- (b) Any likelihood that existing open space will be more intensively used after than before the subdivision;*
- (c) Any existing or likely population density in the area of the subdivision and the effect of the subdivision on this;*
- (d) Whether there are existing places of public resort or recreation in the neighbourhood of the subdivision, and the adequacy of these;*
- (e) How much of the land in the subdivision is likely to be used for places of resort and recreation for lot owners;*
- (f) Any policies of the Council concerning the provision of places of public resort and recreation.*

In this instance, Council believes that the proposal will create a relatively significant increase in the need for public open space. The number of dwellings, and likely future occupancy, is increasing from one family to at least 17 (plus the further subdivision of lot 17 is likely in the future) and no public open space is to be provided as part of the proposal. Accordingly, it is considered that a contribution of the value of the unimproved land value be levied of 5%.

Clause 56 – Residential Subdivision

56.07-1 Drinking water supply objectives

Drinking water supply objectives

To reduce the use of drinking water.

To provide an adequate, cost-effective supply of drinking water.

Standard C22

The supply of drinking water must be:

- *Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.*
- *Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.*

Assessment:

This standard is met. Each lot can be connected to the reticulated town water supply.

56.07-2 Reused and recycled water objective

Reused and recycled water objective

To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.

Standard C23

Reused and recycled water supply systems must be:

- *Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Health and Human Services.*
- *Provided to the boundary of all lots in the subdivision where required by the relevant water authority.*

Assessment:

This standard is met. If Council was of a mind to approve the application, we would look issue a permit requiring a section 173 legal agreement that required each dwelling to be connected to a rainwater tank of at least 10,000 litres capacity.

56.07-3 Wastewater management objective

To provide a wastewater system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.

Standard C24

Waste water systems must be:

- *Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority.*
- *Consistent with any relevant approved domestic waste water management plan.*

Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.

Assessment:

This standard is met. There is an ability for all of the lots to be connected to reticulated sewer.

56.07-4 Stormwater management objectives

To minimise damage to properties and inconvenience to residents from stormwater.

To ensure that the street operates adequately during major storm events and provides for public safety.

To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.

To encourage stormwater management that maximises the retention and reuse of stormwater.

To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.

Standard C25

The stormwater management system must be:

- *Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.*
- *Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.*
- *Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).*
- *Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.*
- *Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.*

The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.

For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:

- Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.
- Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.

For storm events greater than 20% AEP and up to and including 1% AEP standard:

- Provision must be made for the safe and effective passage of stormwater flows.
- All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.
- Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $d_a V_{ave} < 0.35 \text{ m}^2/\text{s}$ (where, d_a = average depth in metres and V_{ave} = average velocity in metres per second).

The design of the local drainage network should:

- Ensure stormwater is retarded to a standard required by the responsible drainage authority.
- Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.
- Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner.
- Include water sensitive urban design features to manage stormwater in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.

Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.

Assessment

In this instance the lots can be appropriately drained. In the event that Council were to support the proposal, the inclusion of standard conditions requiring drainage infrastructure to be established should be included on any permit which may issue.

Conclusion

On balance, the application is inconsistent with the objectives, policies and decision guidelines of the relevant clauses of the East Gippsland Planning Scheme and should be refused.

From: Subdivisions [Subdivisions@apa.com.au]
Sent: Thursday, 14 November 2019 1:14:52 PM
To: Feedback Address For Web Page
Subject: 319/2019/P - 31 Boyd Court EAGLE POINT - 17 lot staged subdivision adjoining a road in RDZ1

APA GROUP

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

Our Reference: er 141119-11

Enquires: Enzo Rio

Telephone 9463 8407

Dear Sir/Madam,

Re: **APPLICATION FOR PLANNING PERMIT**
31 BOYD COURT EAGLE POINT VIC
Plan No. :

Reference is made to the above correspondence dated 14/11/2019 and accompanying plan.

APT pursuant to Section 56 (1) (b) of the Planning and Environment Act 1987 has no objection provided the permit issued is subject to the following conditions:

1. Easements in favor of "Australian Gas Networks (VIC) Pty Ltd" must be created on the plan to the satisfaction of APT.
2. The plan of subdivision submitted for certification must be referred to APT O&M Services Pty Ltd, in accordance with Section 8 of the Subdivision Act 1988.

Yours faithfully,

per

Rebecca May
Planning Manager
Planning & Engineering

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Fire Safety Referrals

Fire & Emergency Management

Email: firesafetyreferrals@cfa.vic.gov.au

Telephone: 03 9262 8578



Our Ref: 11000-68115-95524

Council Ref: 319/2019/P

19 November 2019

Ben McGeehan
East Gippsland Shire Council
273 Main Street
BAIRNSDALE VIC 3875

Dear Ben

**CONDITIONAL CONSENT TO GRANT A PERMIT
CERTIFICATION AND COMPLIANCE REQUIRED**

Application No: 319/2019/P
Applicant: Crowther & Sadler Pty Ltd
Address: 31 Boyd Court Eagle Point
Purpose: 17 lot staged subdivision adjoining a road in RDZ1

I refer to your letter dated 14 November 2019 seeking comments on the above proposal from CFA as a Referral Authority, pursuant to Section 55 of the Planning and Environment Act.

CFA does not object to the grant of a permit for the above proposal subject to the following conditions being attached to any permit which may be issued and a copy of the permit being forwarded to CFA.

– Start of conditions –

1. Hydrants

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:

- 1.1 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.
- 1.2 The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Note –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)

2. Roads

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.

- 2.1 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.
- 2.2 Curves must have a minimum inner radius of 10 metres.
- 2.4 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.

– *End of conditions* –

CFA **does not** consent under Section 9 of the Subdivision Act to the Certification of the Plan of Subdivision. CFA does require the Plan of Subdivision for this planning permit application to be referred under Section 8 of the Subdivision Act.

CFA **does not** consent to the Statement of Compliance for Subdivision.

Additional Comments

The site is located in a Bushfire Prone Area (BPA) and does have direct interface with Classifiable vegetation (Grassland in all directions and woodland to the south and east). The application **does not** appear to address the bushfire risk and relevant policy contained at Clause 13.02, however CFA provides the following comments.

When considering the siting and layout of the subdivision council should consider

The proposed road design and the ***use of perimeter roads** as an effective way of providing separation from the fire hazard and the proposed dwellings as well the proposal should consider having ***two different access options** to the wider road network.

* Refer to DELEP planning permit applications document BMO, Technical Guide August 2017

Additional information on bushfire planning provisions and the BPA can be found on the DELWP website:

<https://www.planning.vic.gov.au/policy-and-strategy/bushfire-protection/building-in-bushfire-prone-areas>

If you wish to discuss this matter, please do not hesitate to contact the fire Safety Team on 03 9262 8578.

Yours Sincerely

A handwritten signature in blue ink, appearing to read 'Peter Rogasch', with a stylized flourish at the end.

Peter Rogasch,
Fire Safety Officer
Fire Prevention & Preparedness
Country Fire Authority

cc: Crowther & Sadler Pty Ltd
Contact@Crowthersadler.Com.Au

Our Ref: DOC/19/55238

22 November 2019

East Gippsland Shire Council
(planning@egipps.vic.gov.au)
Attention: Ben McGeehan,

EGSC REFERENCE NUMBER(S): 319/2019/P
FOR: SUBDIVISION OF LAND INTO 17 LOTS
LOCATION: 31 BOYD COURT EAGLE POINT (LOT 10 PS319780)
APPLICANT: CROWTHER & SADLER PTY LTD

In response to your letter of 14 November 2019, regarding the above Planning Permit application, East Gippsland Water does not object provided the permit is subject to the following conditions:

1. Water 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/Developer. Subject to East Gippsland Water's requirements being met, relevant infrastructure will then become Gifted Assets (refer Notes). 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.
2. Arrangements for the design, construction, commissioning and acceptance of all Gifted Assets required by East Gippsland Water to extend water and/or sewerage services to each Lot require written approval by East Gippsland Water.
3. Provide easements on the plan of subdivision over newly created or existing infrastructure, as required by East Gippsland Water.
4. Payment of applicable Development Planning Charges by the Applicant/Developer to East Gippsland Water (refer Notes).
5. Current water meter #61016 to remain within the boundaries of proposed Lot 17 (and with existing dwelling).

Notes:

- (A) Subject to its written acceptance of the Gifted Assets, East Gippsland Water will become responsible for ownership and the ongoing maintenance and operation of the Gifted Assets in perpetuity.
- (B) Development Planning Charges apply where East Gippsland Water are involved in the developer's works (actual charge is based on the final cost of the works). Contact East Gippsland Water for further information on these fees.
- (C) For any Lot area that is not able to be fully serviced by a gravity sewer connection, building envelopes or minimum floor levels are required to be listed as restrictions on title to the satisfaction of East Gippsland Water.
- (D) Should East Gippsland Water determine that a gravity sewerage service is not feasible, a Pressure Pump system may be approved by East Gippsland Water. Where approved, conditions regarding prepayment of pumps, maintenance and/or access will apply.
- (E) Any additional infrastructure required to adequately service the development would need to be provided by the developer at the developer's cost. The type and extent of additional infrastructure, if needed, is subject to detailed engineering design and approval by East Gippsland Water

Further enquiries may be directed to Kristine Hunter (5150 4425) at our Bairnsdale Office.

Yours faithfully,



CAROL ROSS
EXECUTIVE MANAGER CUSTOMERS

Cc: Crowther & Sadler Pty Ltd 152 Macleod St Bairnsdale 3875 (contact@crowthersadler.com.au)



East Gippsland Shire Council
273 Main Street
Bairnsdale VIC 3875
Attention: Ben McGeehan

Dear Sir/Madam

PLANNING APPLICATION No.: 319/2019/P
VICROADS REFERENCE NO: PPR 31311/19
PROPERTY ADDRESS: 31 BOYD COURT, EAGLE POINT VIC 3878

Section 55 – No objection subject to conditions

Thank you for your letter dated 14 November 2019 referring details of the above application to the Roads Corporation (VicRoads) pursuant to Section 55 of the Planning and Environment Act 1987.

The application is for 17 lot staged subdivision adjoining a road in RDZ1.

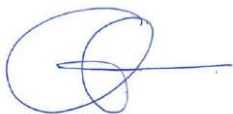
If Council regards the proposed development favourably, VicRoads would require that the following conditions be included in any Notice of Decision to issue a Planning Permit or Planning Permit:

1. A Section 173 Agreement must be executed to ensure that there will be no direct vehicle access to Paynesville Road.
2. The Section 173 agreement must be in place prior to compliance of Stage 1.
3. All costs associated with the execution of the Section 173 agreement must be met by the applicant
4. Any potential pedestrian crossings into Paynesville Road must be approved by VicRoads (in writing).

Once Council makes its decision, please forward a copy of the decision to VicRoads as required under Section 66 of the Planning and Environment Act 1987.

Should you have any enquiries regarding this matter, please contact me on Tel: 5172 2627.

Yours sincerely



CHRIS PADOVAN

TEAM LEADER – INTEGRATED TRANSPORT & LAND USE

12 December 2019

East Gippsland Shire Council

273 Main Street (PO Box 1618)
Ba1rnsdale Vic 3875
Website www.eastgippsland.vic.gov.au
Email feedback@egipps.vic.gov.au
Follow us on Twitter @egsc



Telephone: (03) 5153 9500

Fax (03) 5153 9576

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Objection to Planning Permit Application

Planning and Environment Act 1987

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rc.e Centre--

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

Your Details:

Name:		Jackie & Steve Barlow	
Postal address:		[REDACTED]	
Paynesville.		Postcode	3880
Phone number: Home:	Work:	Mobile:	[REDACTED]
Email address:		Fax:	

Permit Details:

Planning permit number: 3 Jq' < 2,0; q P.

What has been proposed? 17 Lo f' S t Q - + - ' 5 f A b - d 1 V 6 - 1 (J t 7 . 0 ' d 1 O I - 1 6 2 - " Q
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What is the address to be used or developed? 3 t l h c l f - d , a o w + - - f l J - + - " l & f u J , i l f -
tor JO PS 3197SD

Who has applied for the permit? C/ O W i i b
/ 4 H i N o v f 3 n 7 b e r o J C l q .

Objection Details:

What are the reasons for your objection?

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msc

77 FEB 2020

**INFORMATION
MANAGEMENT**

Privacy Statement

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

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JUL15

OBJECTION TO Planning Permit Application
Planning & Environment Act 1987

Your Details:

Name: Jackie Barlow

Postal Address: [REDACTED]
Paynesville Victoria 3880

Phone Number: [REDACTED]

Email Address: [REDACTED]

Permit Details:

Planning Permit Number: 319/2019/P

What has been Proposed?: 17 lot staged subdivision adjoining a road in RDZ1

What is the Address to be used or developed?

31 Boyd Court EAGLE POINT
Lot 10 PS 319780

Who has applied for the permit? Crowther & Sadler Pty Ltd

14 November 2019

Objection Details:

What are the reasons for your objection?

Objection: # 1. The Size and Number of Allotments

I am objecting to the proposed size and number of the sub-division allotments in these plans. This sub division will greatly alter the character and ambience of the Eagle Point Township. The recently adopted, Eagle Point Structure Plan 2019; acknowledges that "Eagle Point is small and highly valued area by its residents for its quiet, natural, and coastal character." It was a recommendation of that Structure Plan that sub-division of land is at least 4000+ sq metres, or 1 acre in size. This, I believe, is reflective of the wishes of a majority of the Eagle Point Community, having been at the Structure Plan Community Consultation meetings during the past 5 - 6 years.

The Proposed Sub-Division Plan changes the current Land Allotment from a single dwelling Lot of 7.569 hectares or 18.7 acres; to 17 separate allotments with the current allotment, dwelling and outbuildings retaining 2.682 hectares, or 6.627 acres. Of the additional 16 allotments, the largest 2 proposed are just over 3000 sq metres, 5 allotments being between 2212 - 2862sq metres, and the balance of 9 allotments between 2000 - 2200sq metres.

Jackie Barlow

Paynesville. Vic 3880

The proposal states:-

"The property is a large landholding in contrast to the surrounding residential development established to the north, east and west, where lots vary generally from as small as 2,000m² up to 1.533 hectares. Many of the properties within the surrounding precinct have been the subject of resubdivision proposals, with properties to the immediate south-west, north-west, north, east and south-east having had Planning Permits for subdivision approved, maximising the use of utilising appropriately zoned and serviced land."

(Proposed Planning Application Crowther & Sadler November 2019. 319/2019/P).

I sought to confirm this information, and somewhat find the statement to be slightly ambiguous, the properties abutting and adjacent to this proposal, located in Boyd Court and extending from Lake Victoria Drive are all without question over 1 acre (4000 sq metres.) The smallest being 4170 sq metres, and the largest 1.639 hectares, with the properties in Lake Victoria Drive exceeding this with up to 22,579 hectares. These 12 - 14 properties are to the North, East and West of the proposed development. (See pages 9 & 10; mapping of the Planning Application for further verification.)

I acknowledge, recently a development has been established as Morecroft Rise, which is to the East of this proposal and indeed does comprise of 7 allotments between 2199 sq metres, and 3575 sq metres. Unfortunately, we can not change developments which have already passed; however, I sincerely request that we pay heed to using this as a precedent to approve future development of Eagle Point.

The proposal also states:-

"The proposed subdivision responds positively to strategies relating to Subdivision Design (Clause 15.01-3S), been designed to respond to the existing allotment pattern by nominating similar sized and shaped allotments to the surrounding precinct, resulting in an attractive and accessible outcome."

(Proposed Planning Application Crowther & Sadler November 2019. 319/2019/P)

It may also be of interest to note the sizes of properties to the North of this proposed development; all properties in the Low Density Residential Area Zone; the smallest property in the adjoining area of Eagle Point, is located on the corner of Forge Creek Road & Harrys Lane is 3998 sq metres just under 1 acre. Other properties in this area range in size from 4003 sq metres to 7342 sq metres along Forge Creek Road, from 4184 sq metres to 7676 sq metres in Harrys Lane, and directly opposite in Lake Victoria Drive from 5795 to 8128 sq metres. All of these properties are 1+ to 2+ acres in size.

Clear evidence that; the Proposed Block Size is NOT consistent with the size or style of land in the area of the Proposed development. By approving the smaller allotment size of 2000 sq metres the character, charm and rural essence of Eagle Point's landscape will be substantially and irreversibly altered forever.

Jackie Barlow

Paynesville. Vic 3880

Objection: # 2. The Proposed Development will cause a Loss of Neighbourhood Character, and out look to Eagle Point.

By approving this Development, the style and character of the surrounding area of Eagle Point will be greatly altered. In fact, it could no longer be classified as “Low Density Residential or Rural Living.”

By Councils own definition the Design and Development of a Planning Application needs to consider whether the bulk, location and appearance of any proposed buildings or works will be in keeping with the Character and appearance of adjacent buildings; of the streetscape or the area. In this case, blocks being reduced to 2000 sq metres clearly will not keep the rural, open area feel of Eagle Point.

Historically, the Eagle Point to Paynesville Structure Plan (1992) considered the following; “A Structure Plan which includes an allocation of a rural living precinct, which would act as a visual and land use buffer between the two centres (Paynesville & Bairnsdale). Its purpose is to retain a rural feel on the land between the two centres, avoiding incremental development and eventual conurbation.”

More recently, during Councils’ Community Consultation (2015 - 2018) and development of an Eagle Point Strategy Plan, Council has recognized; “the importance of maintaining the existing and preferred neighbourhood character of Eagle Point relating to the landscape and natural setting.” (source: Eagle Point Strategic Plans - February 2019.) This structure Plan has recently been approved, and recognizes that 4000+ sq metre allotments be adopted.

There was a large majority of people at the Community Consultation meetings, who expressed concerns that the rural aspect of Eagle Point was being eroded with many of the new Sub-Divisions within the precinct. Council acknowledged “Feedback relating to the importance of development and subdivision growth areas and infill areas to be in keeping with preferred neighbourhood character and precincts.” (source: Eagle Point Strategic Plans - February 2019.)

The Proposed Development at 31 Boyd Court would drastically alter the neighbourhood outlook and feel of the area, by detracting from the rural aspect currently afforded to this area of Eagle Point.

In addition; there would be a loss of privacy to existing dwellings, visually; with this number of Proposed Allotments. The tranquillity of this rural setting, in Eagle Point would be eroded, due to the general increase of noise, created by the size and density of this Sub Division. Noise from increased traffic; increased general household noise; increased garden and maintenance noise; increased building and construction noise, etc. So not only would the visual out look of the rural setting in Eagle Point be disturbed, the whole feel of the neighbourhood would be drastically altered. Forever!

Taking into consideration, that the existing residence; Lot 17, is on an allocation of 6.6+ acres, what is to prevent future development of this site, if the precedent is set at ½ acre blocks, that is potentially a

Jackie Barlow

Paynesville. Vic 3880

further 10 - 12 residences. Where would the development stop? Would the rural, country lifestyle atmosphere of Eagle Point exist?

Objection: # 3. Increase of Traffic and access to Boyd Court, Eagle Point Road and Paynesville Road

The Application for Development states:-

"The subdivision layout promotes safety and accessibility by avoiding vehicle access from Paynesville Road, utilising a safer option for access via Boyd Court."

(Proposed Planning Application Crowther & Sadler November 2019. 319/2019/P)

Boyd Court is currently a moderately wide bitumen road, with grass verges. It intersects with Eagle Point Road, with a poorly constructed round-about. I say poorly constructed as most large vehicles and trucks are required to mount the round-about to travel safely along Eagle Point Road.

Eagle Point Road intersects on a blind corner with the recent Morecroft rise development. It also intersects with Woodman Road, Forge Creek Road and Paynesville Road.

Should the Proposed Development be approved, one could logically assume that the increased traffic from an addition of 16 separate dwellings, (34 - 45 vehicles) as well as construction, development and maintenance vehicles, recreational vehicles, boats, bikes, caravans etc. attached to the Proposed dwellings, would place an extra burden and the impact could create greater long term safety issues for this road and those adjoining it. In addition, there would be a significant impact upon Eagle Point Road; which ends at a Primary School, Forge Creek Road and Paynesville Road. There have been no provisions made for the safety and welfare of children, parents or teachers, who utilize these roads to access the school. No foot paths, bicycle tracks or safe crossing areas or parking and turn around areas. It stands to reason; the greater the traffic load; the greater the risk to the community.

As stated previously as part of Objection 2, the additional vehicle noise would also detract from the rural and lifestyle setting of this neighbourhood. We built in Eagle Point to have a quiet peaceful lifestyle. We built in a Court so there would be no through traffic, and reduced traffic noise. These subdivision proposals, individually, do not seem to have a great impact; however, collectively the impact if each application was to be approved, would be huge.

During the consultation phases for the Eagle Point Structure Plan, there was overwhelming public opinion rejecting the notion that Boyd Court be extended, the vast majority of the community were strongly opposed to extending Boyd Court into Lake Victoria Drive. With this Development Proposal, for 16 additional residences, at 31 Boyd Court, it seems that, the Community opinion and wishes will not be taken into consideration, and eventually a road will need to be created as a thoroughfare into Lake Victoria Drive to accommodate the increased population in this Low Density Residential Zoned Area.

Objection to Planning Permit Application - 319/2019/P

Jackie Barlow

██████████, Paynesville. Vic 3880
██████████

Objection 4: Loss of Privacy and Amenity to Existing Dwellings:

Houses neighbouring and abutting this development will lose their privacy, both from a visual aspect and a noise aspect. With smaller block sizes, it is only natural that the goings on, comings and goings, socializing and so on, in one household will be seen and heard from the one next to it. When houses are closer together, the impact of this is naturally greater, and has a greater impact. With the development of roads, the potential need for street lighting and fencing becomes an issue. These are not in the nature of character of Eagle Point, and will detract from any rural ambience currently in existence in this area.

How Would You Be Affected By The Granting Of This Permit?

1. Loss Of The Rural Aspect of Eagle Point and a Change in the Character and Nature of the Neighbourhood and Area.

I would be affected by the loss of the rural aspect of Eagle Point, this Proposed Development would change the nature and outlook of not only this neighbourhood, but the area in general. We moved to Eagle Point, because of the large open sized blocks, the peace and tranquillity, the low road and traffic noise, the individual styles and nature of the dwellings constructed in the area. With each new development, these are the essential elements that are being eroded away from our lifestyles.

2. The Increased Traffic Volume on Boyd Court, Eagle Bay Road, Forge Creek Road, Woodman Road, Lake Victoria Drive and Paynesville Road.

I have many concerns, as already indicated in Objection # 3. Sixteen additional dwellings would place an unsafe burden on Boyd Court and all adjoining roads. Not only that, but the impact on the whole area, shopping precincts, recreational facilities, boat ramps, every aspect will all be impacted by an additional 16 households. More development causes increased usage of current amenities, therefore the greater impact upon my and my family's lifestyle, as the number and type of infrastructure and amenities become insufficient to accommodate the growing population.

An even greater concern, which affects my lifestyle is that the development won't stop at this Sub-Division, other large landholdings adjacent to this Development will also want to sub divide, with the precedent being set if this Application is successful, to allow smaller than 1 acre blocks, Eagle Point will be lost, there will be no rural outlook, we will be just another community attached to a larger regional centre with no individual charm or character.

If I had wanted to live in a suburban area, I could have chosen Paynesville, Bairnsdale, Shannon Waters, Eastwood, or any of the new developments arising within the East Gippsland Shire Region, on Alpine Way, at Wy Yung, or Nicholson or so on.

Objection to Planning Permit Application - 319/2019/P

Jackie Barlow

██████████, Paynesville, Vic 3880
██████████

It may be of interest to note and consider that in March 2019, this area of Eagle Point had 46 Vacant Blocks for Sale (only 19 of which are included in the High Density area of east of Eagle Point Road & Cardinal Drive - Lot Sizes between 720 sq m - 941 sq m). In addition; there are 69 Vacant Properties (dwellings) listed for sale in Eagle Point. There were total of 282 Properties listed For Sale between Eagle Point, Newlands Arm and Paynesville, it begs the question; are more sub division blocks required in the Eagle Point area, or is the Rural aspect of this area being slowly eroded away. Today as I write this Objection, 12th February 2020 there has been a staggering increase in available properties, both for development and those already existing. Having just done a Google search, there are 241 vacant land sales and 562 houses for sale in the Eagle Point, Paynesville, Bairnsdale, Newlands Arm and surrounding areas. It begs the question, why does Eagle Point need to be sub divided into small allotments.

The Eagle Point Structure Plan & Community Consultation 2018 process put forward a consideration that an additional road be developed to run parallel with Paynesville Road & Forge Creek Road. This proposed road would extend from Boyd Court and exit onto Lake Victoria Road. There was overwhelming Community feedback in opposition to this road development, due in part to the impact it would have on the residential area surrounding this thoroughfare. Should this Proposed Development be approved, it could be reasonably imagined that eventually such a thoroughfare would be a fate accomplie. Once again the impact would be devastating, and would change the nature and essence of Rural Eagle Point.

3. Increased Noise and Loss of Privacy.

This Development will impact me, my family and our lifestyle by the increase of noise and reduced privacy in the area, 16 additional dwellings impact the privacy of everyone. The open spaces that can be seen and admired as the sun sets, the formation of storm clouds developing, the picturesque trees on the horizon, are just some of the natural features we enjoy in this area. These are the essential things that are shared by me, my family and my neighbours.

4. Impact of Flora and Fauna of the Local Area.

As with any Development, the basic foundations of the environment are altered. "Wide spread urban development is recognized as a threat to the health of the Gippsland Lakes Environment. There is a need to balance the development pressure on the Lakes and surrounds with environmentally sustainability objectives." (Source: Panning Property Overlay)

My family and I enjoy watching the bird and native animal life, we enjoy using the lakes and surrounding areas. They are a source of enjoyment and relaxation; which unfortunately will be eventually lost if development in Eagle Point continues at the rates currently being approved.

Objection to Planning Permit Application - 319/2019/P

Jackie Barlow

[REDACTED], Paynesville. Vic 3880
[REDACTED]

Other Concerns; include the additional burden placed upon the current water supply available to the current dwellings in this area. Many of the surrounding dwellings have limited water pressure, the Proposed Development of 16 additional dwellings in Boyd Court would increase this problem. Many of the residents in this area have been required to install rain water tanks and pressure pumps for their own day to day use. These have been installed at each home owner's expense as a result of insufficient and ineffectual water supply as Eagle Point Developments have progressed. There is also the concern that in the event of bush fires, each household can not rely on East Gippsland Water to maintain supply or water pressure to protect our own properties. The impact of additional housing reduces the capacity of water supplies even further, and places a greater burden on the whole infrastructure to protect the Community.

In addition to water supply, there are also concerns regarding the waste water, storm water and sewerage requirements for this Proposed Development.

It may be of interest for the Planning Department & Council to note, that Applications to install solar panels on some houses in the Eagle Point area have been knocked back by Aus Net, due to the insufficient infrastructure available in this area to return generated power back to the grid. The impact of an additional 16 dwellings, adds to this burden, and these residents also would be excluded from producing their own solar power.

I feel very strongly that the Approval for this Development will have a great impact, to the detriment of Eagle Point and its Rural Living aspect.

In closing, I would like to clarify that we are not opposed to development, per se, but would like the Planning Committee, and Council to recognize the wishes of the community to keep Eagle Point a rural area with 1+ acre sized allotments.

Thank you for your consideration.

[REDACTED]
Jackie Barlow
13th February 2020.

[REDACTED]
Steve Barlow

East Gippsland Shire Council

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Bairnsdale Vic 3875
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Residents' Information Line: 1300 555 886
ABN: 81 957 967 765

Objection to Planning Permit Application

Planning and Environment Act 1987

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

Your Details:

Jennifer and Stuart Cowdell

[REDACTED] Eagle Point

VIC 3878

Ph: [REDACTED] or [REDACTED]

Email: [REDACTED]

Permit Details:

319/2019/P

What has been proposed?

17 lot staged subdivision adjoining a road in RDZ1

What is the address to be used or developed? 31 Boyd Crt, Eagle Point. Lot 10 PS 319780

Who has applied for the Permit?

Crowther and Sadler Pty Ltd. 14 November 2019

Objection Details

What are the reasons for your objection?

1. Size and number of blocks in relation to surrounding properties. Application states that "the proposal responds soundly to the provisions of the Low Density Residential Zone, reflects landscape character objective and that the proposal will facilitate development that is substantially in accordance with the Eagle Point Structure Plan". In fact the very introduction to the Structure plan states that Eagle Point is small and highly valued by its residents for its quiet, natural and coastal character. In our previous objection to the subdivision proposed in Lake Victoria Road, we stated that all surrounding properties are at least twice the size of the proposals within the subdivision. This is exactly the case again in this subdivision. The lot sizes although averaging around the 2000 sq metre size are still not in keeping with existing residential properties within Boyd Court and Lake Victoria Road together with neighbouring allotments in Harry's Lane. Most properties within these areas are in the vicinity of 1+ to 2+ acres as per the recently Council adopted Eagle Point Structure Plan of 4000+ square metres in size for this area of Eagle Point. (Your image on Page 17 of the application clearly shows that surrounding properties are all relatively larger).
2. Loss of neighbourhood character – allowing an additional 17 houses to be built on the property would detract from the rural aspect currently afforded to this area of Eagle Point. In allowing this subdivision we believe it could not be classified as 'low residential or rural living' areas. By Council's own definition the Design and Development of a planning application needs to consider whether the bulk, location and appearance of any proposed building or works will be in keeping with the character and appearance of adjacent buildings. Properties built on 2000 square metres do not allow for the 'keeping of the rural aspect' of Eagle Point.

3. Egress/Ingress onto Boyd Court. The existing roadway would not cater for potentially another 34 vehicles from the additional 17 properties to safely use Boyd Court without impact on the natural environment. Should the proposed development be approved, one could logically assume that the increased traffic from an additional 17 separate dwellings, as well as construction, development and maintenance vehicles, recreational vehicles, boats, bikes, caravans etc. attached to the proposed dwellings, would place an extra burden on the existing infrastructure and the impact could create greater long term safety issues for this road. The additional vehicle noise would also detract from the rural lifestyle setting of this neighbourhood. Add in the other noise that population of these properties would incur, for example lawn mowers, boats, children, dogs and everyday living of another 17 households and you can envisage the change in the environment and the reduction in the rural ambience of the area.
4. Loss of privacy and amenity to existing dwellings. As with all newer developments within the Eagle Point area, the installation of paling fences to protect people's property and privacy will further reduce the rural ambience of Eagle Point. Although the proposed subdivision is in an enclosed area, not restricting views of the bay, the installation of fencing and potentially street lighting for safety reasons again detract from any rural ambience currently in existence in this area.

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

1. Loss of rural aspect and neighbourhood character as stated above - more houses, more vehicles, more noise = loss of amenity for existing dwellings.
2. Increase in traffic and noise within the neighbourhood. With potentially another 17 houses even in a staged development, the amount of traffic would increase substantially together with construction noise whilst houses are being built.
3. Not in keeping with the Eagle Point Structure plan as stated in the overview of "Eagle Point having a village character influenced by its natural attributes and low scale development form." The structure plan states that the "Eagle Point Township Structure plan is to protect and enhance the unique and special qualities of the town, by identifying where change is appropriate and where change will be limited". Currently, according to Google there are 241 vacant land sales and 560 properties for sale between Paynesville, Eagle Point and Newlands Arm. Additional development of properties in Eagle Point will detract from the rural living neighbourhood and low density neighbourhood requirements that guide the Structure plan.
4. Infrastructure currently in place would not support additional dwellings – eg: water pressure, sewerage requirements, road infrastructure. If a permit is issued for blocks of even 1 acre in size, both water and sewerage will need to be thoroughly investigated and improved as current residents have been forced to put in water tanks with pumps to provide adequate water supply and pressure should a bushfire occur.
5. Affect on my lifestyle – we moved to Eagle Point for the quiet rural environment, we did not want to live near residential developments of less than 1 acre which has occurred to our east. Our concerns have been constantly raised through the various consultations conducted by Council throughout the Structure Planning Process. Further development in Boyd Court, though not directly affecting our lifestyle will substantially alter the village feel of Eagle Point as well as the quiet rural environment.
6. The Eagle Point Structure Plan & Community Consultation 2018 process put forward a consideration that an additional road be developed to run parallel with Paynesville Road & Forge Creek Road. This proposed road would extend from Boyd Court and exit onto Lake Victoria Road. There was overwhelming Community feedback in opposition to this road development, due in part to the impact it would have on the residential area surrounding this thoroughfare. It is proposed that roadworks associated with this development would exit onto Lake Victoria Road therefore putting more pressure on the existing road infrastructure within our community. The community overwhelmingly objected to any future roads being constructed within this area. Here again the impact would be devastating, and would change the nature and essence of rural Eagle Point.

Signed:

Name: Jennifer & Stuart Cowdell

Date: 13th February 2020.

East Gippsland Shire Council

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Objection to Planning Permit Application

Planning and Environment Act 1987

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Your Details:

Debra and Wayne Benson

[REDACTED] Eagle Point 3878

Phone: [REDACTED]

Permit Details

319/2019/P

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in keeping with existing residential properties within Boyd Court and Lake Victoria Road together with neighbouring allotments in Harrys Lane. Most properties within these areas are in the vicinity of 1+ to 2+ acres as per the recently Council adopted Eagle Point Structure Plan of 4000+ square metres in size for this area of Eagle Point. (See attached map of existing dwellings in relation to the proposed development)

2. Loss of neighbourhood character –allowing an additional 17 houses to be built on the property would detract from the rural aspect currently afforded to this area of Eagle Point. In allowing this subdivision we believe it could not be classified as ‘low residential or rural living’ areas. By Council’s own definition the Design and Development of a planning application needs to consider whether the bulk, location and appearance of any proposed building or works will be in keeping with the character and appearance of adjacent buildings. Properties built on 2000 square metres do not allow for the ‘keeping of the rural aspect’ of Eagle Point.
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Signed:



Name: Debra Benson

Date: 5 February 2020

