

ATTACHMENT 1

Kerry Stow

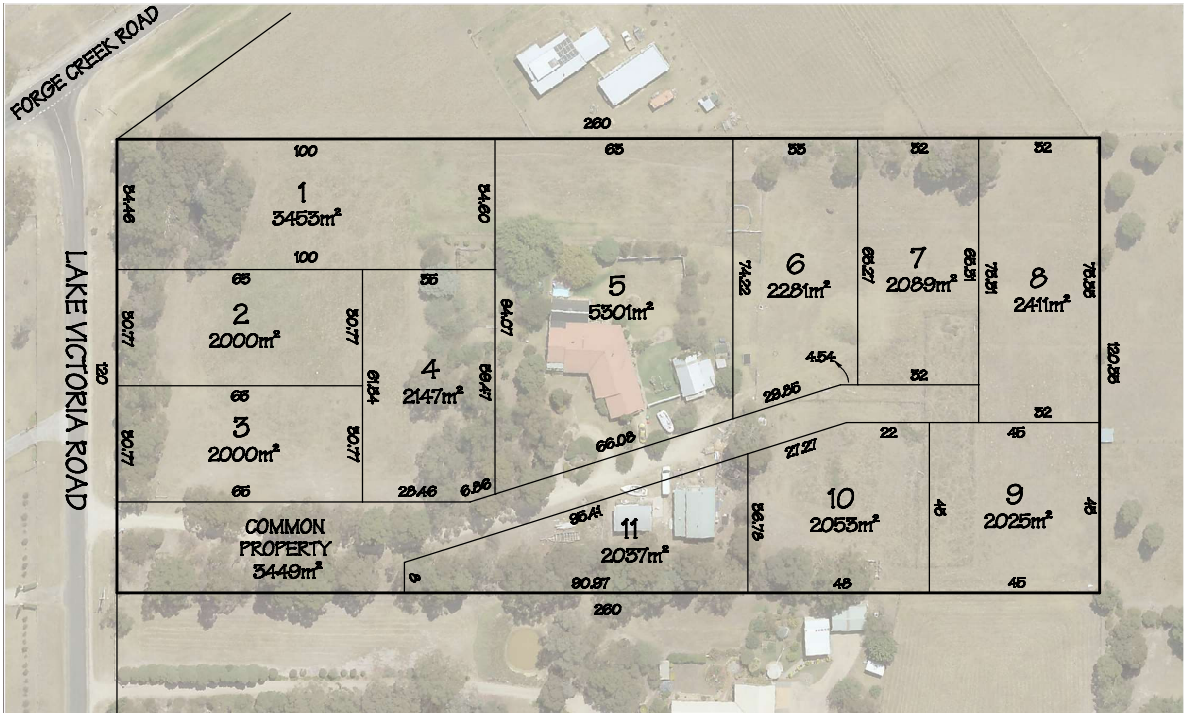
From: SeamlessCMS@seamless.com.au
Sent: Thursday, 15 November 2018 1:58 PM
To: Planning Department
Subject: Planning Permit Submitted
Attachments: COT_Vol9715Fol227.pdf; 17768_Bld_Envel_V1.pdf; 17768_Staging_V1.pdf; 17768_Prop_V1_2000.pdf; 17768_Report_Dig.pdf

Online Form Submitted

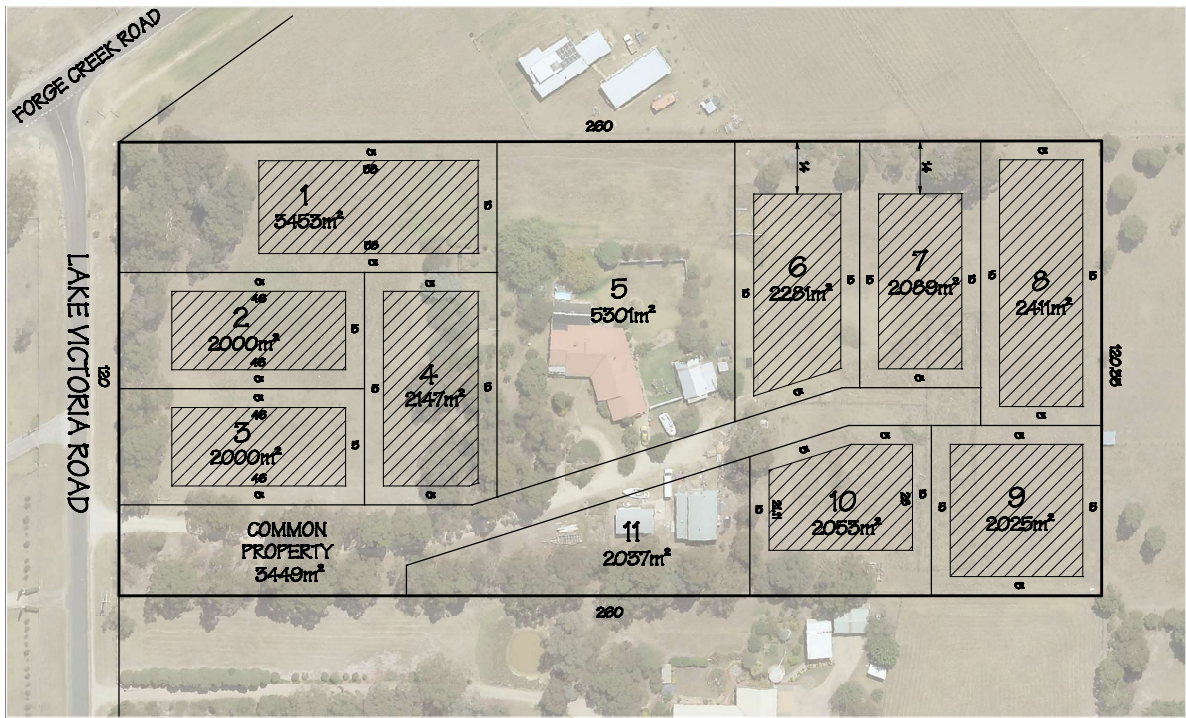
Date Submitted: 15 Nov 2018 01:57 PM

Name	
Business trading name	Crowther & Sadler
Email address	contact@crowthersadler.com.au
Postal address	152 Macleod Street Bairnsdale
Home	
Work	5152 5011
Mobile	
Owners name	
Owners business trading name. (if applicable)	
Owners email address	
Owners postal address	
Home.	
Work.	
Mobile.	
Street number	5
Street name	Lake Victoria Road
Town	Eagle Point
Post Code	3878
Lot Number	1
Plan Number	LP201788X
Plan type	Plan of subdivision
Copy of plan	COT_Vol9715Fol227.pdf (Attached)
Crown allotment No	48,51, 52&55 (parts) & 49,50,53, 54 (part)
Section No	A
Parish/Township name	Bairnsdale
Has there been a pre-application meeting:	Yes
Officers name	Robert Pringle
Your reference number	17768 Solly
Is there any encumbrance on the Title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?	No
Will the proposal result in a breach of a registered covenant restriction or agreement?	No

Description of proposal - Describe the use, development or other matter which requires a permit	Proposed Eleven Lot Subdivision with Common Property (Staged) and Change of Use (Second Dwelling)
Existing conditions - Describe how the land is used and developed now	Low-Density Residential Zone
Estimated cost of development. Note: You may be required to verify this estimate	N/A
Title (must have been generated within the past 30 days	17768_Bld_Envel_V1.pdf (Attached)
Covenants or Section 173 agreements	17768_Staging_V1.pdf (Attached)
Site Plan/floor - plan/elevations	17768_Prop_V1_2000.pdf (Attached)
Planning report	17768_Report_Dig.pdf (Attached)
1. Supporting information/reports	No file attached
2. Supporting information/reports	No file attached
3. Supporting information/reports	No file attached
4. Supporting information/reports	No file attached
5. Supporting information/reports	No file attached
6. Supporting information/reports	No file attached
7. Supporting information/reports	No file attached
8. Supporting information/reports	No file attached
I declare that I am the applicant and that all the information in this application is true and correct and the owner (if not myself) has been notified of the permit application.	Yes

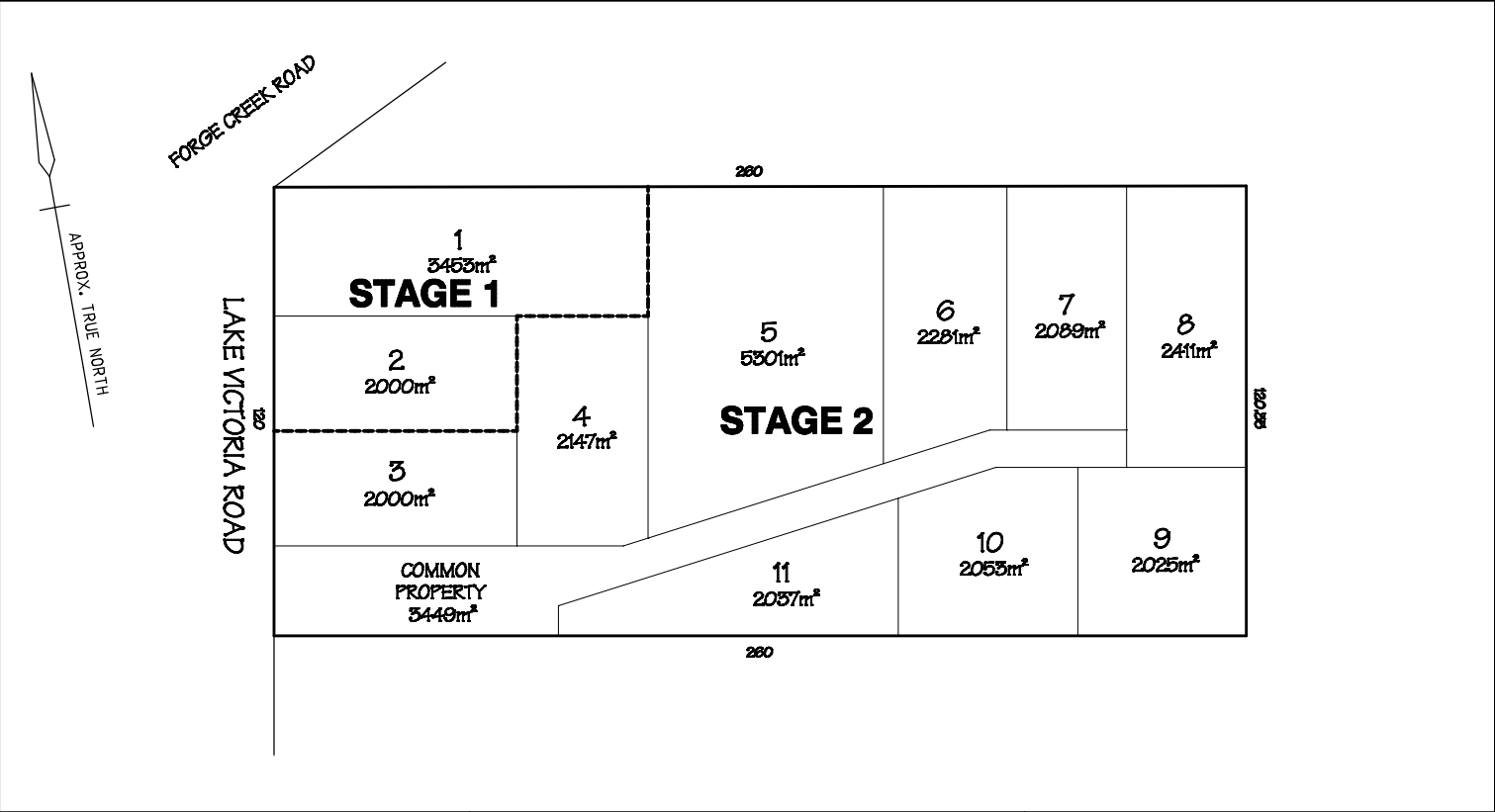


<div>CRAIG SOLLY</div> <div>5 LAKE VICTORIA ROAD, EAGLE POINT</div> <div><div>Crowtner & Sadler Pty. Ltd.</div><div>LICENSED SURVEYORS & TOWN PLANNERS</div><div>182 MACLEOD STREET, BAIRNSDALE, VIC. 3676</div><div>P. (03) 5182 8011 E. contact@crowtnerandsadler.com.au</div></div> <div>FILENAME: 17768 Prop V2.pro</div>	NOTATIONS		PROPOSED SUBDIVISION
	AREAS ARE APPROXIMATE ONLY DIMENSIONS ARE SUBJECT TO SURVEY		
	SCALE (SHEET SIZE A3)	SURVEYORS REF.	
	1 : 1000	17768 VERSION 2 - DRAWN 01/03/2019	
PARISH OF BAIRNSDALE SECTION A CROWN ALLOTMENT 49 & FORMER GOVT. ROAD (PARTS) LOT 1 ON LP201788			

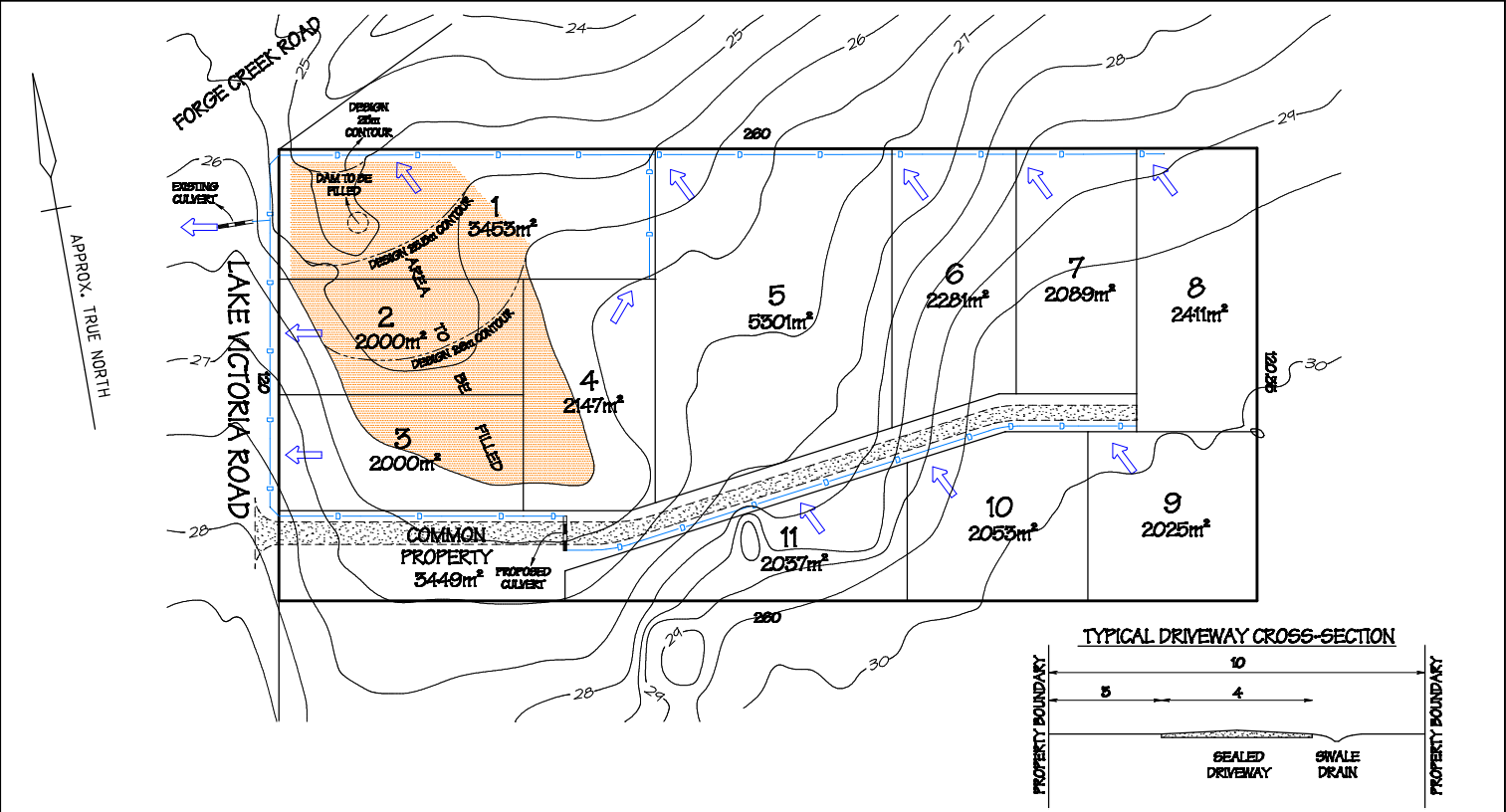


DEMONSTRATIONAL PURPOSES ONLY
NOT FOR ENDORSEMENT

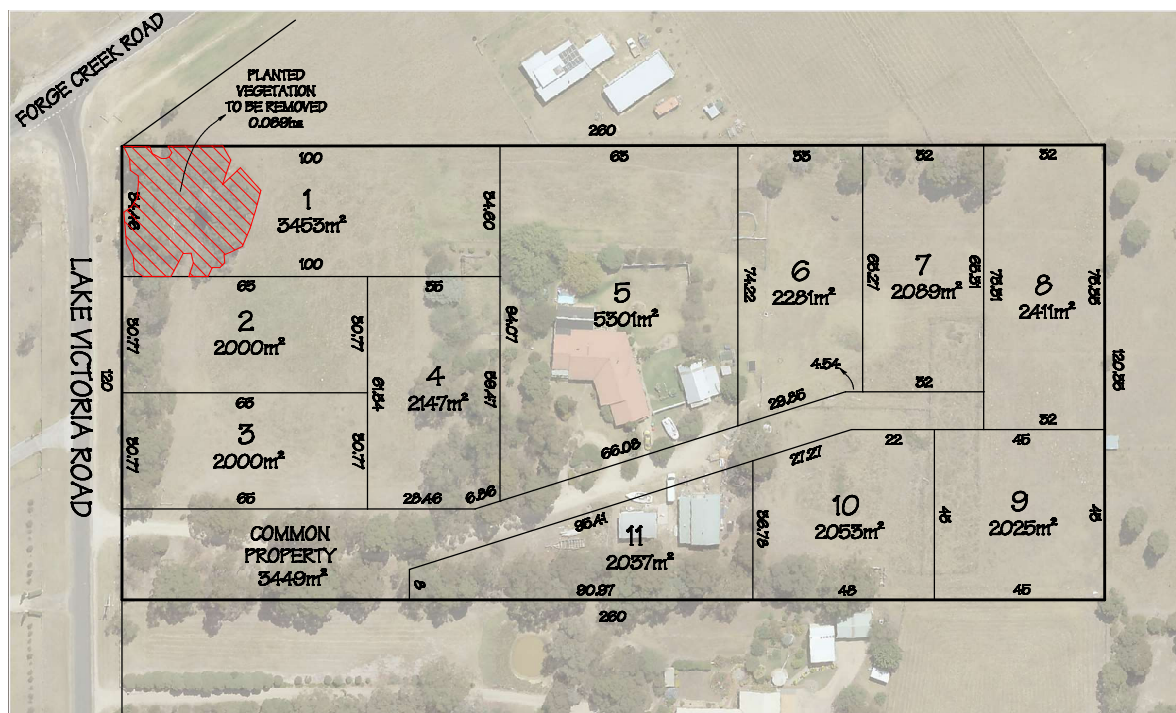
<div>CRAIG SOLLY</div> <div>5 LAKE VICTORIA ROAD, EAGLE POINT</div> <div>Crowther & Sadler Pty. Ltd.</div> <div>LICENSED SURVEYORS & TOWN PLANNERS</div> <div>182 MACLEOD STREET, BARRISDALE, VIC., 3676</div> <div>P. (03) 5182 8011 E. contact@crowthersadler.com.au</div> <div>FILENAME: 17768 Bld Envel V2.pro</div>	NOTATIONS		BUILDING ENVELOPE PLAN	
	<div><div></div> - DENOTES BUILDING ENVELOPE</div>		<div>PARISH OF BAIRNSDALE</div> <div>SECTION A</div> <div>CROWN ALLOTMENT 49 &</div> <div>FORMER GOVT. ROAD (PARTS)</div> <div>LOT 1 ON LP201788</div>	
	SCALE (SHEET SIZE A3)	SURVEYORS REF.		
	1 : 1000	17768 VERSION 2 - DRAWN 01/03/2019		



<div>CRAIG SOLLY</div> <div>5 LAKE VICTORIA ROAD, EAGLE POINT</div> <div><div>Crowthter & Sadler</div><div>Pty. Ltd.</div></div> <div>LICENSED SURVEYORS & TOWN PLANNERS</div> <div>182 MACLEOD STREET, BAIRNSDALE, VIC., 3676</div> <div>P. (03) 5182 8011 E. contact@crowthtersadler.com.au</div> <div>FILENAME: 17768 Staging V2.pro</div>	NOTATIONS		STAGING PLAN
	AREAS ARE APPROXIMATE ONLY DIMENSIONS ARE SUBJECT TO SURVEY		
	SCALE (SHEET SIZE A3)	SURVEYORS REF.	
	1 : 1000	17768 VERSION 2 - DRAWN 01/03/2019	
PARISH OF BAIRNSDALE SECTION A CROWN ALLOTMENT 49 & FORMER GOVT. ROAD (PARTS) LOT 1 ON LP201788			



CRAIG SOLLY 5 LAKE VICTORIA ROAD, EAGLE POINT	NOTATIONS		STORMWATER & DRAINAGE PLAN
	<div>← - DENOTES OVERLAND FLOW PATH</div> <div>—○— - DENOTES PROPOSED SWALE DRAIN</div>		
Crowther & Sadler Pty. Ltd. LICENSED SURVEYORS & TOWN PLANNERS 182 MACLEOD STREET, BAIRNSDALE, VIC. 3676 P. (03) 5182 8011 E. contact@crowthersadler.com.au	SCALE (SHEET SIZE A3)	SURVEYORS REF.	
	1 : 1000	17768 VERSION 2 - DRAWN 01/03/2019	
	FILENAME: 17768 Stormwater Plan V2.pro		
PARISH OF BAIRNSDALE SECTION A CROWN ALLOTMENT 49 & FORMER GOV'T. ROAD (PARTS) LOT 1 ON LP201788			



CRAIG SOLLY
5 LAKE VICTORIA ROAD, EAGLE POINT

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LICENSED SURVEYORS & TOWN PLANNERS
182 MACLEOD STREET, BARRISDALE, VIC, 3676
P. (03) 5182 8011 E. contact@crowthersadler.com.au

FILENAME: 17768 Veg Removal V1.pro

NOTATIONS

AREAS ARE APPROXIMATE ONLY
DIMENSIONS ARE SUBJECT TO SURVEY

SCALE (SHEET SIZE A3)

1 : 1000

SURVEYORS REF.

17768

VERSION 1 - DRAWN 01/03/2019

PLAN OF VEGETATION REMOVAL

PARISH OF BAIRNSDALE
SECTION A
CROWN ALLOTMENT 49 &
FORMER GOVT. ROAD (PARTS)

LOT 1 ON LP201788

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

Page 1 of 1

VOLUME 09715 FOLIO 227

Security no : 124074603714K
Produced 25/10/2018 02:35 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 201788X.

PARENT TITLES :

Volume 09665 Folio 865 to Volume 09665 Folio 866

Created by instrument M391309A 28/07/1986

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

ROBERT CRAIG KENNING SOLLY

JOANNE WINIFRED SOLLY both of 9-11 RAINIER AVENUE DROMANA VIC 3936

AB937226S 12/03/2003

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AB937227Q 12/03/2003

NATIONAL AUSTRALIA BANK LTD

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

DIAGRAM LOCATION

SEE LP201788X 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: 5 LAKE VICTORIA ROAD EAGLE POINT VIC 3878

ADMINISTRATIVE NOTICES

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LIMITED
Effective from 22/10/2016

DOCUMENT END

PS 319783

21.66 ha

LP 201788X
EDITION 2
PARISH 1

APPROVED

NOTATIONS

TO BE COMPLETED WHERE APPLICABLE
THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS
NOS.
IN PROCLAIMED SURVEY AREA NO.

THE LAND TO BE SUBDIVIDED IS SHOWN ENCLOSED
BY THICK LINES
TITLE REF: C/T VOL 9645 FOLS 1645 4, 1646
LAST PLAN REF:

CERTIFICATION BY SURVEYOR

201788

CROWTHER AND SADLER PTY LTD
2/66 MCULLOCH STREET, PC BOX 722
BAIRNSDALE 3675
(051) 52 50 11

CERTIFICATE OF MUNICIPAL CLERK

MUNICIPALITY: COUNCIL REF:

LAND	MODIFICATION	DEALING No.	DATE	A.R.T.	EDN. No.
LOT 11	CHANGE OF ROAD NAME	GAZ.1989 NO.36 P.2369			2
LOT 9	SUBDIVISION	PS 319783			2
		PS 319779			2

OFFICE USE ONLY

PLAN OF SUBDIVISION

COUNTY: TANJIL
PARISH: BAIRNSDALE
SECTION: A

CROWN ALLOTMENTS 49, 51, 52 & 55 (PARTS) & CROWN
ALLOT'S 49, 50, 53 & 54 AND PART OF A FORMER GOVT ROAD

NUMBER OF SHEETS IN PLAN: 1
NUMBER OF THIS SHEET: 1

SCALE: 1:4000
SHEET SIZE: A2

LP 201788X

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

ONLY CERTIFICATE A OR CERTIFICATE B TO BE COMPLETED
* DELETE WORDS NOT APPLICABLE

Planning Report

Proposed Eleven Lot Subdivision with Common
Property (Staged) and Change of Use (Second
Dwelling)

5 Lake Victoria Road, Eagle Point

Reference – 17768

15 November 2018



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Copy of Title (Lot 1 on PS201788)	
Proposed Subdivision Plan (Version 1, dated 22/11/2017)	
Staging Plan (Version 1, Dated 29/10/2018)	
Building Envelope Plan (Version 1, Dated 29/10/2018)	

Note: Applicable Planning Application fee is \$1,929.15

1. Introduction

This planning report is prepared in support of proposed Eleven Lot Subdivision with Common Property (Staged) and Change of Use (Second Dwelling) at 5 Lake Victoria Road, Eagle Point. The report addresses the provisions of the Low-Density Residential Zone, Design and Development Overlay, Environmental Significance Overlay, and Vegetation Protection Overlay as contained within the *East Gippsland Planning Scheme*.



Aerial view of subject land and surrounding precinct – Planning Maps Online (DELWP)

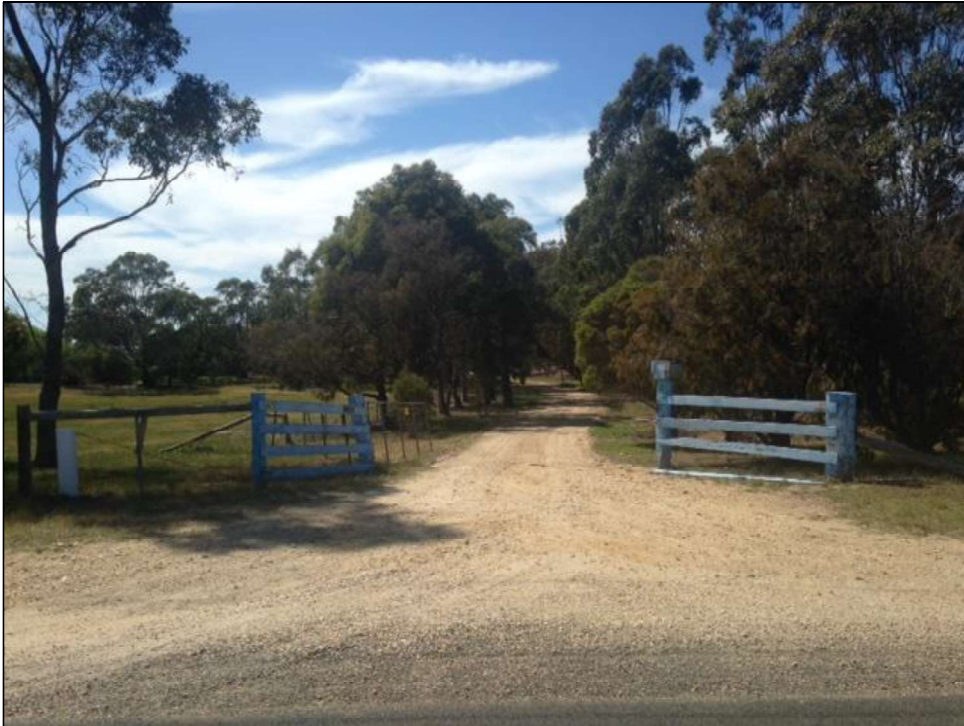
2. Subject Land & Surrounding Context

The subject land is formally described as Lot 1 on Plan of Subdivision 201788 and is approximately 3.125ha in area.

The whole of the subject land is mapped as being affected by the provisions of the Low-Density Residential Zone and Design and Development Overlay, Schedule 11, with the western portion of the site adjoining Lake Victoria Road is mapped as being affected by the provisions of the Environmental Significance Overlay, Schedule 1 - 43 and the north west corner affected by the Vegetation Protection Overlay, Schedule 1 of the *East Gippsland Planning Scheme*

The site is located along Lake Victoria Road to the west which is a sealed bitumen road with gravel verges. An existing gravel driveway is located on the western boundary of the property, which services the two dwellings located on the property.

Properties to the north, east, west and south of the site are also zoned Low-Density Residential Zone, however there is some variation in allotment size provided throughout this precinct.



View of entry to property



Looking north and south along Lake Victoria Road

The main township area of Eagle Point is located approximately 1 kilometre, with Paynesville approximately 5.3 kilometres to the east and Bairnsdale approximately 8.5 kilometres to the north, with both townships providing extensive services and facilities.

The site is predominately cleared land with two existing dwellings and associated outbuildings located centrally on the property with scattered sections of vegetation on the western and southern boundaries and surrounding the two dwellings situated centrally on the property.

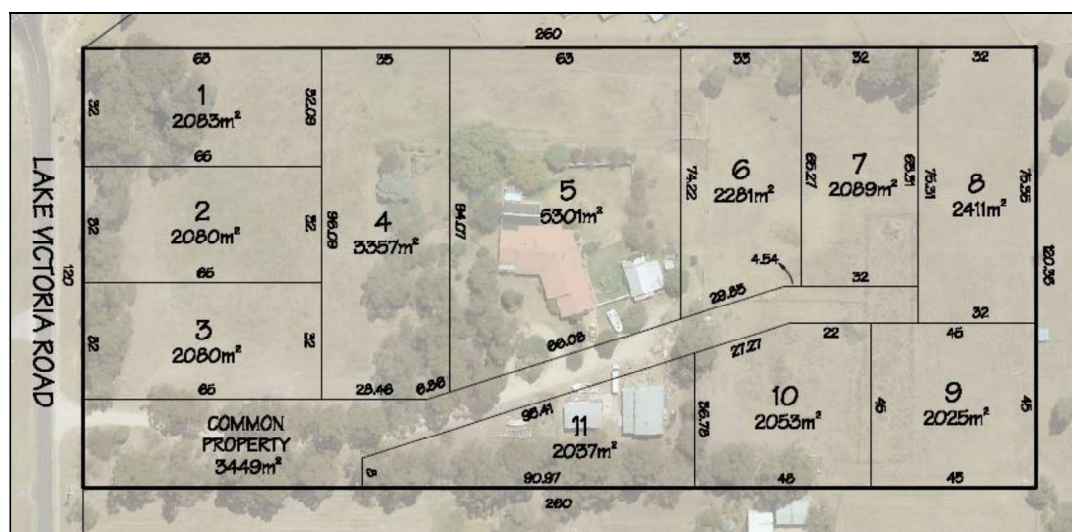
Dwellings in the area are typically single storey homes with generous yards with varying front setbacks. Vegetation on existing allotments is typically planted and utilised as screening for dwellings.

3. The Application & Proposal

The Application seeks approval for the creation of 11 residential allotments ranging in area from 2025m² in area to 5301m² in area and Common Property being 3449m² as shown on the accompanying Proposed Subdivision Plan.

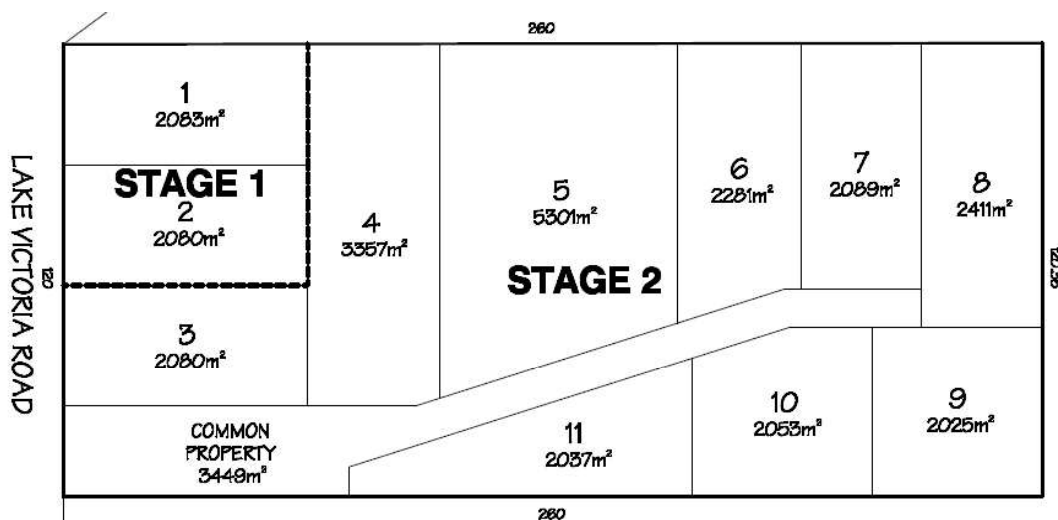
Lots 1, 2, 3, 4, 6, 7, 8, 9, and 10 will each be vacant allotments for future residential style development with Lot 5 and 11 containing the existing dwellings, outbuildings with future driveway access via the common property.

Furthermore, the Application seeks approval for the Change of Use for the second dwelling on the property which will become Lot 11 upon registration of the proposed subdivision plan.



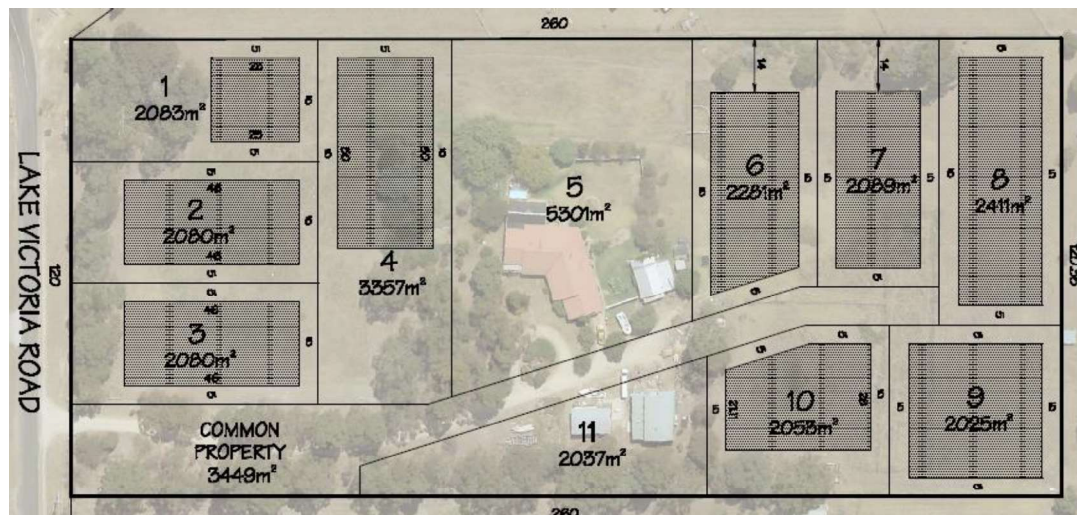
Proposed Final Subdivision Layout – Crowther & Sadler Pty Ltd

The proposed subdivision will be completed in two stages as show on the accompanying Staging Plan (Version 1) which will ensure that the project remains cost effective.



Proposed Staged Subdivision Plan – Crowther & Sadler Pty Ltd

Accompanying the Application is a Building Envelope Plan which has been included for demonstration purposes only, to highlight the area available for development without impinging on the existing native vegetation.



Building Envelope Plan - Demonstrational Purposes Only – Crowther & Sadler Pty Ltd

The subdivision has been designed having regard for the Strategic work being undertaken in the precinct including the Eagle Point Structure Plan as currently being prepared by Council. The Common Property section which provides access to the internal allotments has been designed to provide a consistent road linkage in-line with the strategic vision for the precinct.

Each of the proposed allotments will be connected to reticulated sewer as part of the project which will be achievable through installation of lower pressure pump systems to each lot. Whilst the existing dwellings currently utilise onsite wastewater disposal techniques, they too will be individually connected to the sewerage infrastructure as part of the subdivision.

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

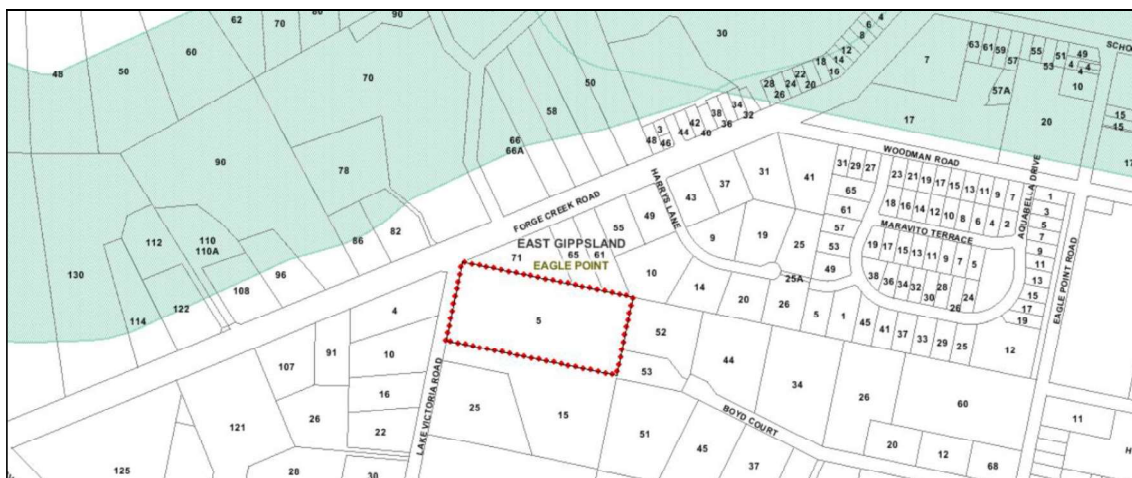
- **Clause 32.03-2** – for approval and use of second dwelling
- **Clause 32.03-3** – for subdivision of land in accordance with Low-Density Residential Zone provisions;
- **Clause 43.02-3** – for subdivision of land in accordance with Design & Development Overland provisions; and
- **Clause 42.01-2** – a permit is required to construct a building in accordance with Clause 42.01-2 (Second Dwelling)

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 under the *Aboriginal Heritage Act 2006* for an activity if:

- (a) *all or part of the activity area for the activity is in an area of cultural heritage sensitivity; and*
- (b) *all or part of the activity is a high impact activity.*



Cultural Heritage Sensitivity Mapping – Source: Planning Maps Online (DELWP)

Whilst the proposed Eleven Lot Subdivision with Common Property (Staged) and Change of Use (Second Dwelling) is classified as being a high impact activity under the *Aboriginal Heritage Regulations 2018* the subject land is not mapped as being within an area of cultural heritage sensitivity. Therefore, there is no mandatory requirement to provide a CHMP in support of the Application.

5. Planning Policy

State and Local Planning Policy is addressed below in support of the proposed development.

5.1 State Planning Policy

The proposed subdivision responds positively to State Planning Policy 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 is located within a Low-Density Residential Zone and will result in opportunities for future residential development to occur on suitably zoned land which can be serviced appropriately.

Clause 15 relates to the *Built Environment & Heritage* and outlines that planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments. The proposal responds positively as it will provide opportunity for further development within an existing residential precinct.

Clause 15.01-3S relating to *Subdivision Design* seeks to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods. The proposed subdivision adheres to this objective and relevant supporting strategies as the subdivision has been designed to respond to the existing allotment pattern by nominating similar sized and shaped allotments to the surrounding precinct.

Clause 16 pertaining to *Housing* seeks to provide for a range of housing types to meet increasingly diverse needs. 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.

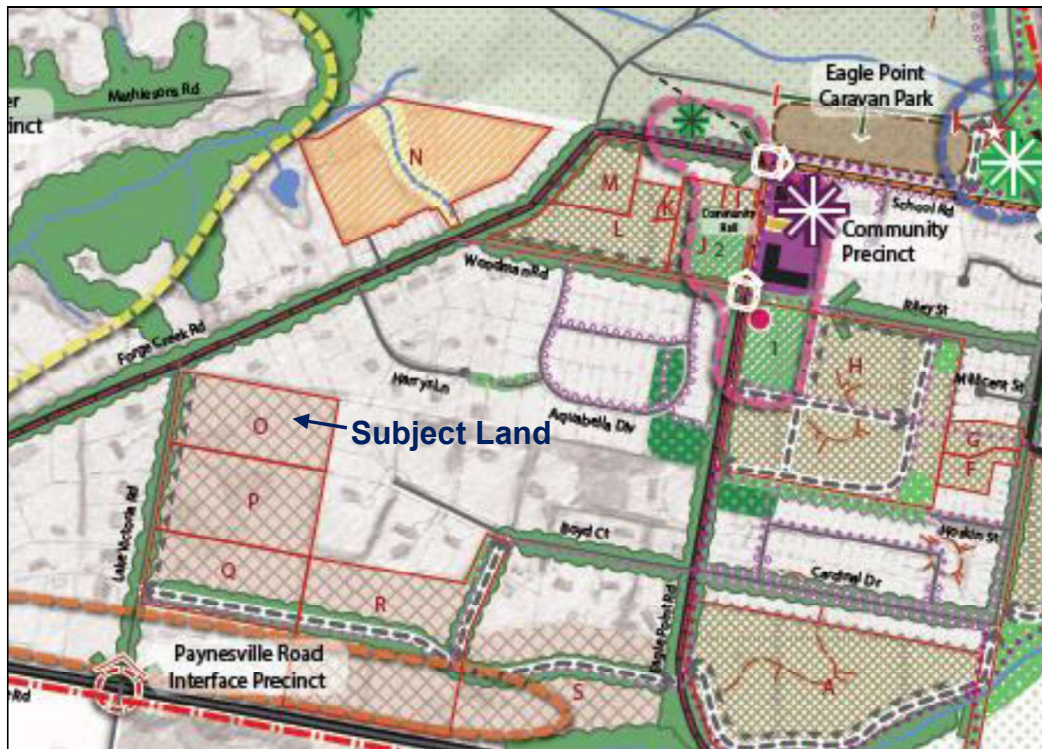
5.2 Local Planning Policy

The proposed subdivision responds positively to Clause 21.12 of the *Municipal Strategic Statement* outlining the Council's *Strategies for Sub-Regions, Towns & Localities*. Strategies for Eagle Point seek to consolidate development within the township boundary and 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.

Council are currently in the process of preparing a Structure Plan for Eagle Point to assist with guiding future development within the area however it is yet to be adopted and incorporated into the Planning Scheme.

The proposed eleven lot subdivision with common property (staged) and change of use (second dwelling) has had consideration to the detail provided within the Emerging Options Paper for the Eagle Point Structure Plan with the subdivision being identified as an opportunity for low-density subdivision.

Council's Planning Consultants, *Mesh Urban Planning and Design* have identified the need to investigate opportunities for low residential subdivision in Areas O and P. The subject land is shown at Figure 12 of the Eagle Point Structure Plan – Emerging Options Paper as being Area 'O'.



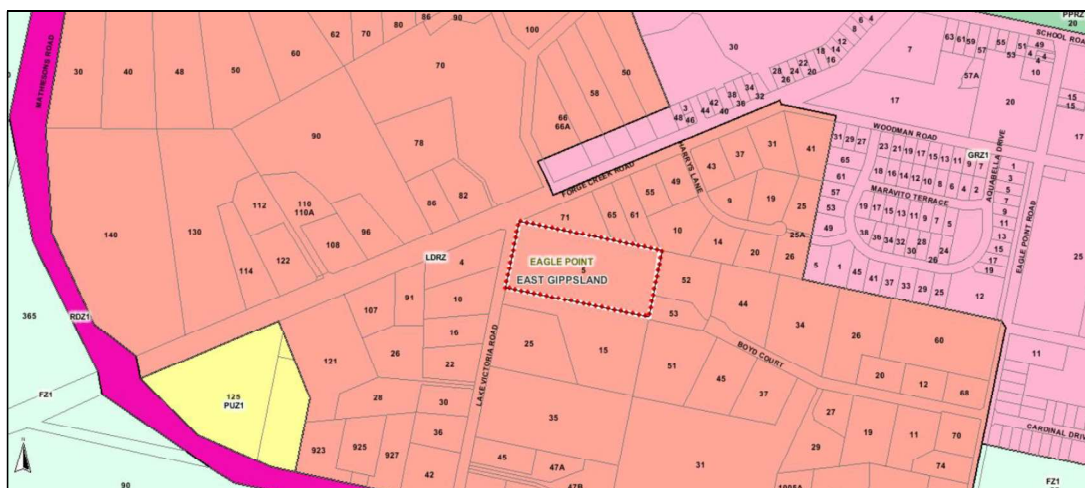
Extract of Figure 12 Eagle Point Structure Plan – Emerging Options Paper
Source: Mesh Urban Planning & Design

6. Planning Elements

The planning zone and overlays as affecting the subject land are addressed below.

6.1 Low-Density Residential Zone

The proposed subdivision accords with the objectives of the Low-Density Residential Zone as it will result in the creation of low-density style allotments serviceable by reticulated sewerage, that are in keeping with the style and size of properties in the surrounding area.



Zone Mapping – Source: Planning Maps Online (DELWP)

Planning approval is triggered at Clause 32.03-3 for subdivision of land in accordance with Low-Density Residential Zone provisions.

The minimum lot size as prescribed under the Low-Density Residential Zone for sites available to be serviced by reticulated sewerage is 0.2ha and the minimum lot size for allotments that cannot be serviced by reticulated sewerage is 0.4ha.

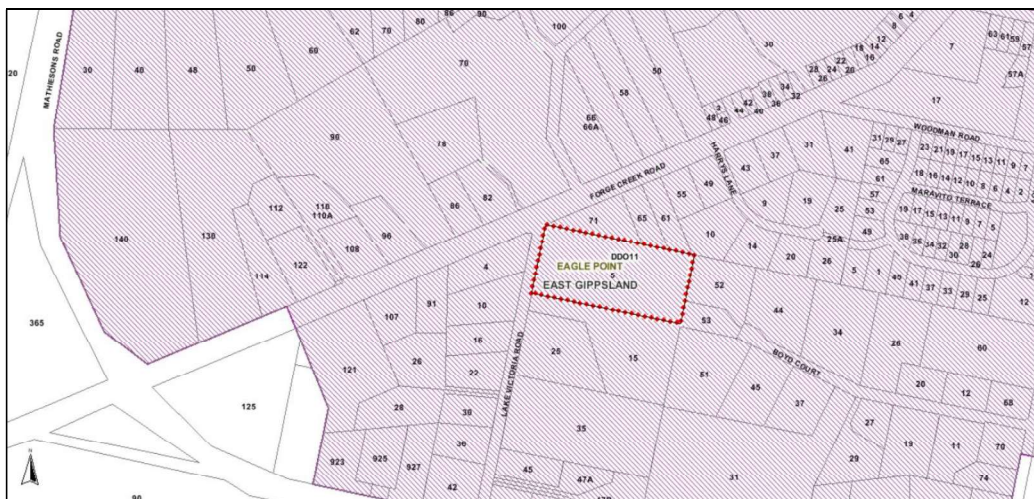
Whilst proposed Lot 5 which contains the existing dwelling will be greater than 0.4ha in area, the remaining allotments are smaller and will be required to connect to reticulated sewer as part of the subdivision project. The existing dwellings on Lot 5 and 11 will both be connected to sewer infrastructure.

Application Requirements:

- Reticulated sewerage is available in the district and will be connected to each of the proposed allotments as part of the development through installation of a low-pressure pump system to each lot.
- A Design Response Plan accompanies the application and includes conceptual building envelopes within the vacant allotments for demonstrational purposes. The land does not contain any constraints that warrant the registration of the building envelopes as restriction.
- The proposed subdivision will be undertaken in a staged manner.
- Each existing dwelling will be connected separately to electricity, sewerage and water supplies as part of the development

6.2 Design & Development Overlay

The whole of the subject land is mapped as being affected by the provisions of the Design and Development Overlay - Schedule 11 of the *East Gippsland Planning Scheme*.



Design & Development Overlay Mapping – Source: Planning Maps Online (DELWP)

Schedule 11 to the Design and Development Overlay relates to *Residential Development in Coastal Areas* and seeks to ensure that future development is in keeping with the character of coastal townships and designed to limit visual impact on the natural landscapes.

The proposed subdivision triggers planning approval at Clause 43.02-3 in accordance with the provisions of the Design & Development Overlay – Schedule 11.

Response to Decision Guidelines

- There are no waterways dissecting the subject land or significant native vegetation that will be impacted upon as a result of the eleven-lot subdivision with common property (staged) and change of use (second dwelling).
- The site is an existing residential allotment which contains two existing dwellings with limited established native vegetation on site.
- There is considered to be no need to establish pedestrian pathways as part of the subdivision as there is no pedestrian pathway network within the area to link to.
- The subject land is not mapped as being cultural heritage sensitive and the proposal does not trigger any requirement to provide a Cultural Heritage Management Plan in accordance with the *Aboriginal Heritage Act 2006*.
- The size of the proposed allotments has been designed to be consistent with allotments within the same zone to the north and north east of the subject land.
- The subject land is not identified as being at risk of coastal processes such as flooding or tides as it is located a considerable distance from the lakes system.

Future development of dwellings on the land will only trigger consideration of the Design and Development Overlay if the proposed dwelling exceed 7.5m in height and/or the proposed building footprint exceeds 300m². The presence of the Overlay will then provide Council with the opportunity to review future dwelling designs on an individual basis and undertake public notification, if required.

6.3 Environmental Significance Overlay

The western side of the property is included within the Environmental Significance Overlay – Schedule 43, mapping identified as ‘*Goonure Wildlife Corridor*’. The area is identified as significant due to the presence of Gippsland Plains Grassy Woodland and for wildlife corridor purposes.

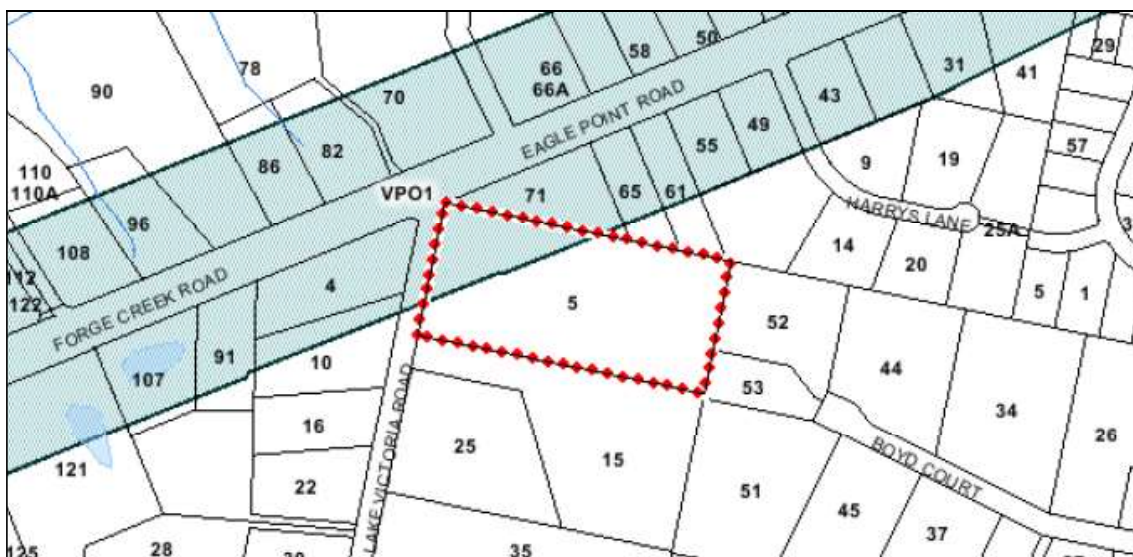
Vegetation removal does not form part of the Application as there is a substantial amount of cleared land available within each of the proposed allotments to accommodate current and future development without the need for vegetation removal.



*Environmental Significance Overlay Mapping
Source: Planning Maps Online (DELWP)*

6.4 Vegetation Protection Overlay

Whilst the north western corner of the subject land is mapped as being affected by the provisions of the Vegetation Protection Overlay – Schedule 1, it will not trigger any planning approval herein as there is no vegetation removal being sought.



Vegetation Protection Overlay Mapping – Source: Planning Maps Online (DELWP)

7. Conclusion

The proposed Eleven Lot Subdivision with Common Property (Staged) and Change of Use (Second Dwelling) at 5 Lake Victoria Road, Eagle Point is considered to accord with all relevant provisions of the Low-Density Residential Zone and the Design and Development, Environmental and Vegetation Protection Overlays of the *East Gippsland Planning Scheme*. The proposal is consistent with State and Local Policy and has been designed to complement the adjoining properties.

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

MICHAEL SADLER
Managing Director

Our ref: 17768AMP

1 March 2019

Senior Land Use Planner
East Gippsland Shire Council
Via Council's Online Portal

Attention: Mr. Martin Ireland

Dear Martin,

**Re: Application to Amend a Planning Permit Application 368/2018/P
Multi Lot Subdivision (Staged), Use of Land for Second Dwelling &
Vegetation Removal
5 Lake Victoria Road, Eagle Point**

We refer to Council's correspondence (dated 12 December 2019) which sought further information in relation to the abovementioned proposal and provide a request to amend Planning Application 368/2018/P together with further information in response.

Bushfire (Clause 13.02)

Although the subject land is not mapped as being affected by the provisions of the Bushfire Management Overlay consideration has been given to Clause 13.02-1S relating to Bushfire Planning given the site is mapped as being Bushfire Prone and creates more than 10 Lots.

We have enclosed a Bushfire Hazard Assessment which has been prepared specifically to respond to the provisions of Clause 13.02. This assessment confirms that the subdivision provides opportunity for each of the allotments to achieve future development to BAL 12.5 thereby adequately responding to the bushfire hazard.

Access

In response to Council's request for justification as to why Common Property has been nominated rather than road, we wish to advise that the Common Property driveway will provide suitable and adequate access consistent with relevant sections of the *East Gippsland Planning Scheme*.

- The provisions of the Low Density Residential Zone as applying do not provide any guidance or preference for the type of vehicle access to be adopted.
- The use of Common Property will facilitate ample movement of pedestrians and vehicles throughout the subdivision and provide ease of access to all Lots consistent with Clause 65.02.



We are curious to ascertain on what basis Council would want a road to be nominated in this location, as there is no road indicated within the Eagle Point Structure Plan. Also, have Council's Engineering Department provided any specific explanation as to why a road would be favoured over use of Common Property in this instance?

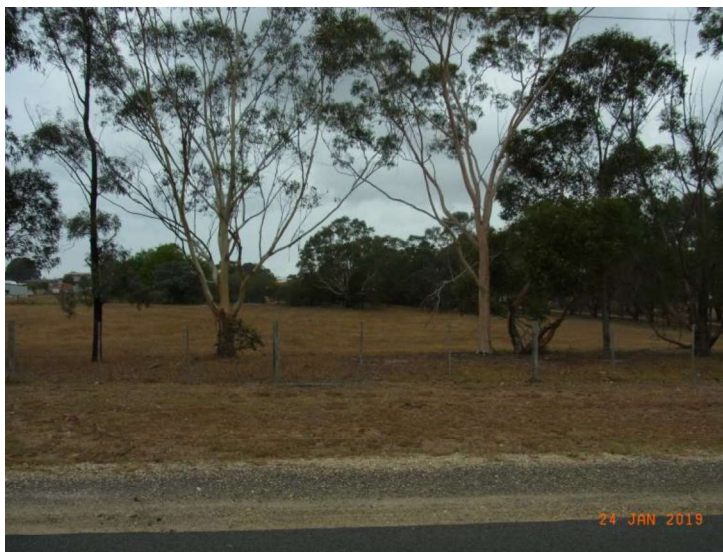
It is prudent that Lots be provided with satisfactory and lawful access which the Common Property as proposed will ultimately achieve. There is in our opinion no reason why Council would need to impose an alternative solution for the provision of internal access given a suitable solution has been proposed.

Given an appropriate means of access has been nominated it is not necessary for Council to impose requirement for alternative access arrangements, which we highlight is emphasized through *Farzaneh v Boroondara CC (2015) VCAT 1275*.

A further review of the Application has revealed that a small element of vegetation removal will need to be incurred to accommodate adequate access into proposed Lot 1. Access into proposed Lots 2 & 3 however will be facilitated through existing gaps in the planted vegetation provided along the property frontage.



Proposed point of access into Lot 2



Proposed point of access into Lot 2



View from existing driveway towards gap to facilitate access to Lot 3

Drainage

With respect to dot point 4 of Council's additional information request we provide herein a Stormwater & Drainage Plan (Version 2) which demonstrates how drainage will be achieved for each allotment.

To ensure an appropriate drainage outcome is achieved it has been determined that the existing dam and the front portion of the property within proximity to Lake Victoria Road will be filled as shown on the accompanying plan.

Removal of Vegetation

It has been determined that the vegetation contained within the frontage to proposed Lot 1 will need to be removed to facilitate access into the allotment and to accommodate the filling of and around the dam. The native vegetation is also presumed lost as proposed Lot 1 will be less than 4000m² in area.

Whilst the majority of the site vegetation has clearly been planted, there is a small patch of vegetation provided around the existing dam which constitutes a mix of self-sown and planted vegetation.

The removal of this vegetation therefore triggers consideration under the provision of the Environmental Significance Overlay, Vegetation Protection Overlay and Particular Provisions relating to Native Vegetation (Clause 52.17) of the *East Gippsland Planning Scheme*.

It is quite evident that most of the site vegetation has been planted through the linear alignment of vegetation established along the property boundaries and along the driveway. Ornamental plantings are also established, particularly around the existing buildings.



View of planted vegetation along the property frontage and along the existing driveway



Planted vegetation along the existing driveway alignment



View east from Lake Victoria Road towards planted vegetation within the property frontage

More historic photographic evidence also confirms that the site was clear and did not contain any native vegetation prior to the establishment of residential development on the land.



Historic Aerial photograph showing the cleared nature of the property prior to establishment of the dwelling

Amendment to Planning Application

The Application is being amended to accommodate the anticipated vegetation losses and to also alter the scheme of subdivision to enhance the area available within proposed Lot 1.

Accompanying the Application is an amended Plan Set which includes the amended scheme of subdivision which provides sufficient area within Lot 1 for future development outside of the filled area. By enhancing the frontage to Lot 1 vehicle safety has also been enhanced by enabling it to be setback further from the intersection with Forge Creek Road.

The following responses have been provided to relevant sections of the *East Gippsland Planning Scheme* to assist Council in their determination of this matter.

Environmental Significance Overlay

Environmental Significance Overlay – Schedule 43 “Goonnure Wildlife Corridor” impacts the western portion of the property and triggers planning approval at dot point 5 to Clause 42.01-2 for removal of vegetation.



Environmental Significance Overlay Mapping – Source: Planning Maps Online (DELWP)

The statement of environmental significance relates to Gippsland Plains Grassland, Gippsland Plains Grassy Woodland and Wildlife Corridor with associated management practices seeking to encourage fencing of vegetation remnants, weed control, fox control, fire regime, road maintenance strategy, encourage parallel plantings and revegetation of any vegetation gaps along the roadside.

Application Requirements

Works associated with the proposal will include the provisions of power, water and telecommunications and will also include the filling of the dam and lower lying section of the property. It is also logical that the proposed allotments be fenced to delineate the proposed boundaries and access be established to allotments. To ensure this can occur some vegetation removal will also form part of the Application.

The vegetation earmarked for removal is a mixture of planted and self-sown vegetation which is quite young in age. The Application triggers consideration of its removal to accommodate suitable access into Lot 1 and to accommodate the anticipated filling activities.

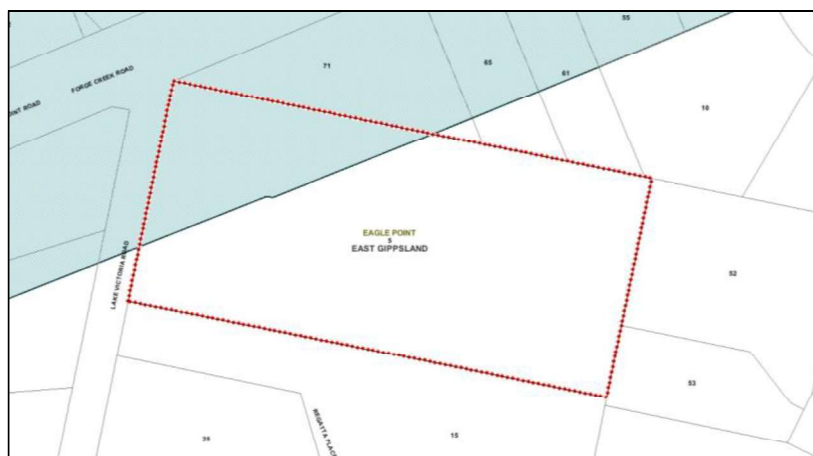
The accompanying Plan of Vegetation Removal nominates the vegetation earmarked for removal having regard for the boundaries of the subject land, proposed subdivision layout and other significant site features.

Decision Guidelines

- Whilst the vegetation earmarked for removal is native in part, it is not remnant as it comprises a mixture of planted and self-sown vegetation.
- The extent of vegetation removal being incurred is limited to 0.089ha and will not have any adverse impacts on biodiversity. The removal of less than 0.5ha of native vegetation will not have a significant impact on any habitat for rare or threatened species as confirmed by the accompanying Native Vegetation Removal Report.
- The bulk of the planted vegetation provided along the property frontage will be retained and will not be compromised by the proposal.

Vegetation Protection Overlay

The Vegetation Protection Overlay – Schedule 1 “*Tambo-Bairnsdale Roadside Vegetation Protection Network*” relates to the north western portion of the property and triggers planning approval at Clause 42.02-2 for the removal of the vegetation.



Vegetation Protection Overlay Mapping – Source: Planning Maps Online (DELWP)

The statement of nature and significance of vegetation to be protected under the Vegetation Protection Overlay – Schedule 1 relates to significant areas of native vegetation located along roadsides within Government Road Reserves.

The objective of the Tambo-Bairnsdale Roadside Vegetation Protection Network seeks to protect high conservation value roadside vegetation within Government Road Reserves.

Decision Guidelines

The vegetation in question has limited conservation value having regard for its planted and self-sown nature however does provide some corridor and aesthetic attributes. These attributes will not be compromised by the proposal given the limited extent of loss to be incurred.

The proposal does not impact any vegetation contained within the Road Reserve.

Particular Provisions (Clause 52.17)

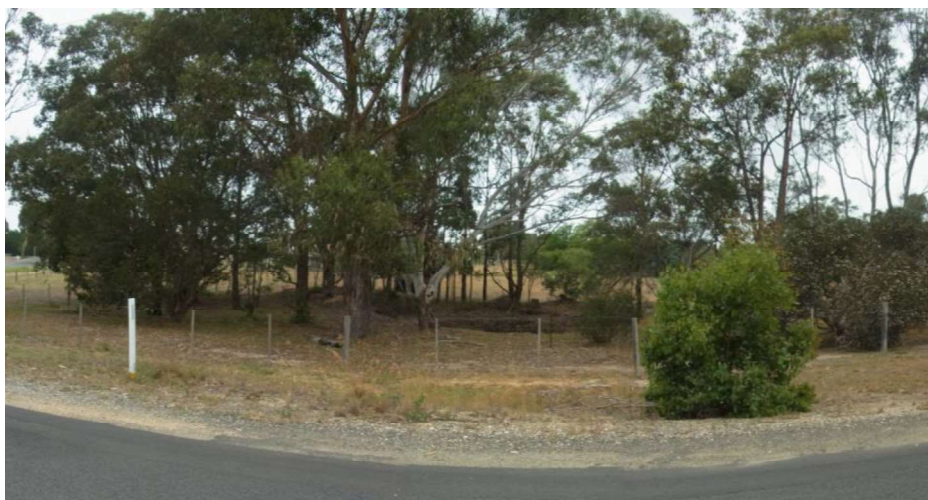
Planning approval is triggered at Clause 52.17-1 for the removal of native vegetation in accordance with Particular Provisions relating to Native Vegetation.

Application Requirements

The Application complies with the Application Requirements specified within the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation, December 2017* ('the Guidelines').

Accompanying the Application is a Native Vegetation Removal Report (dated 1/03/2019) as generated from the *Native Vegetation Information Management System* which includes detail on the assessment pathway, detail about the vegetation earmarked for removal, mapping and offset requirements along with other details as triggered within Table 4 of the Guidelines.

The vegetation earmarked for removal under the provisions of Clause 52.17 includes the patch of native vegetation provided within the front portion of proposed Lot 1.



*View east towards vegetation earmarked for removal from Lake Victoria Road
(date of photography 24/01/2019)*



*View east over vegetation earmarked for removal
(date of photography 24/01/2019)*

The native vegetation forming part of this assessment has been identified as a 'patch' as there are more than three canopy trees provided which have drip lines which touch, forming a continuous canopy.

The vegetation in question is mapped in part by the 2005 EVC Mapping as being within EVC55: Plains Grassy Woodland of the Gippsland Plain Bioregion. The assessment area does not comprise any large trees with the benchmark for a large tree within EVC55 being 80cmDBH.



2005 EVC Mapping – Source: NatureKit

	Application Requirement	Response/Comment
1.	Information about the vegetation to be removed	The accompanying Native Vegetation Removal Report includes adequate information to address this Application Requirement.
2.	Topographic and land information	<p>The vegetation in question is contained on land which is relatively flat in nature and does not comprise any steep slopes.</p> <p>The presence of the existing dam results in water naturally draining to this section of the site however it does not form part of a 'blue lined' mapped watercourse.</p>
3.	Recent dated photographs of the native vegetation to be removed.	See above photographs as taken 21 January 2019.
4.	Details of other native vegetation approved to be removed, or that was removed without the required approvals on the property within the past 5 years.	There has been no past vegetation removal on the subject land which would otherwise influence the assessment at hand.
5.	Avoid and minimise statement	<p>The removal of the small patch of vegetation in question is considered to be appropriate having regard to the residential context of the site and the inclusion of the subject land within the Low Density Residential Zone. The residential use of the site is considered to be appropriate in this instance having regard for the inclusion of the site within the Low Density Residential Zone mapping and having regard for supporting strategic documentation.</p> <p>The native vegetation earmarked for removal is very limited in area and has been self-sown in relatively recent years. This is a direct result of the inability to mow along the dam walls which has allowed the regeneration to occur. Whilst this vegetation is native, it is not remnant native vegetation and is relatively young in age with a limited biodiversity value.</p> <p>Whilst efforts to avoid and minimise the vegetation losses for the purpose of access into Lot 1 can be achieved, the native vegetation still requires consideration under the provisions of Clause 52.17 as Lot 1 will be less than 4000m² in area.</p>
6.	Property Vegetation Plan	There are no Property Vegetation Plans applying to the subject land.
7.	Defendable space statement	The vegetation is being removed for the purposes of access and presumption of loss and is not for the purpose of establishing defendable space. The subject land is not included within the Bushfire Management Overlay.
8.	Native Vegetation Precinct Plan statement	The Application is not being made under the provisions of Clause 52.16.

9.	Offset statement	<p>As a Permit is required to remove native vegetation the biodiversity impacts from the removal must be offset in accordance with the Guidelines. It is anticipated that the standard Conditions will be imposed on Permit which specify the offset requirement and the timing to secure the offset.</p> <p>There is no ability to provide vegetation offsets onsite given the residential context of the area. It is therefore anticipated that vegetation offsets will be achieved through third party arrangements.</p> <p>Preliminary investigations have been undertaken with a BushBroker accredited organisation to ensure that there are adequate offsets available to purchase which meet the offset requirements.</p>
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	Decision Guidelines	Response/Comment
1.	Efforts to avoid and minimise vegetation removal to be commensurate with the biodiversity and other values.	<p>The value of the native vegetation earmarked for removal is somewhat limited given the limited extent of the vegetation and younger age.</p> <p>This confirmed by the scores provided within the accompanying Native Vegetation Removal Report which identifies a relatively low score for condition mapping and strategic biodiversity value.</p> <p>The inclusion of the site within location 2 triggers the need for an intermediate assessment pathway to be followed however the offset required is limited to a general offset of 0.039 general habitat units.</p>
2.	The role of the vegetation being removed in protecting water courses, preventing land degradation and adverse effects on groundwater.	The subject land is not mapped as being impacted by any existing water courses.
3.	The need to manage native vegetation to preserve identified landscape values.	<p>Whilst the vegetation has some aesthetic value, it is not considered to have a high environmental value having regard for the NVIM mapping and associated scores.</p> <p>The removal of this vegetation will have limited visual impacts given its restricted extent and having regard for the surrounding residential context.</p>
4.	Whether the vegetation to be removed is protected under the Aboriginal Heritage Act 2006.	The vegetation earmarked for removal is not identified as being protected under the <i>Aboriginal Heritage Act 2006</i> .
5.	The need to remove vegetation for defensible space.	The vegetation is being removed for access and for presumed losses and does not need to be removed for the purpose of defensible space.

6.	Whether the removal is in accordance with any Property Management Plan.	There is no Property Management Plan applying.
7.	Whether an offset that meets the requirements has been identified and can be secured.	There is the ability to obtain and secure vegetation offsets which meet the offset requirements in accordance with the Guidelines.
8.	Clause 52.16 Applications	N/A
9.	Impacts on biodiversity	The accompanying Native Vegetation Removal Report identifies that the removal of less than 0.5ha of native vegetation will not have a significant impact on any habitat for rare or threatened species.

Concluding Remarks

We trust that the enclosed information and documentation will address Council's additional information request and enable the further processing and assessment of the Application at hand.

It is acknowledged that the inclusion of vegetation removal as part of the Application will incur additional fees. If Council would like to make contact with our office by telephone, we will arrange to make the requisite payment of \$559.95 by credit card.

As always, please do not hesitate to contact our office should you have any questions or queries in relation to this matter.

Regards,



RICHARD HOXLEY

Encl: *Plan of Vegetation Removal (Version 1)*
Stormwater & Drainage Plan (Version 2)
Bushfire Hazard Assessment document (Version 1)
NVIM Report (dated 1 March 2019)
Proposed Subdivision Plan (Version 2)
Building Envelope Plan (Version 2)
Staging Plan (Version 2)
Proposed Subdivision Plan (Version 2)
Offset Evidence – VegLink (1/03/2019)

Bushfire Hazard Assessment

Multi Lot Subdivision (Staged), Use of Land for a
Second Dwelling & Vegetation Removal
5 Lake Victoria Road, Eagle Point

Reference – 17768

February 2019



1. Introduction

This report has been prepared to identify bushfire hazard and to provide a risk assessment relating to the proposal for multi lot subdivision (staged), use of land for a second dwelling and vegetation removal at 5 Lake Victoria Road, 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.
- Respond to the identified bushfire hazard, including proposed bushfire protection measures and demonstrate how the protection of human life has been prioritized.

2. Locality & Site Description

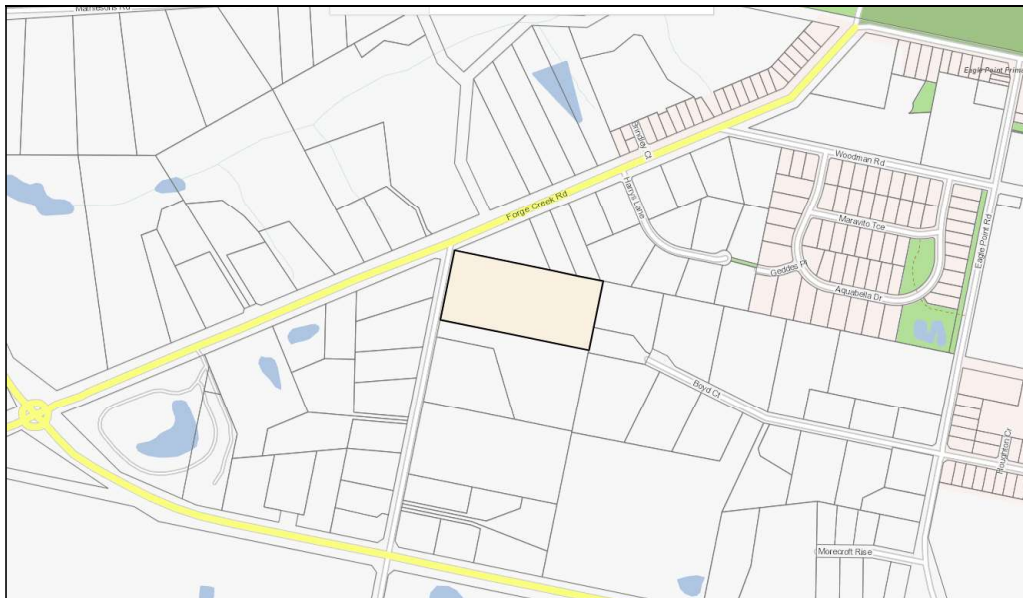
The subject land is formally described as Lot 1 on Plan of Subdivision 201788 and is approximately 3.125ha in area being an existing low density residential allotment contained within an established residential precinct.

The site is located along Lake Victoria Road to the west which is a sealed bitumen road with gravel verges. An existing gravel driveway is located on the western boundary of the property, which services the two dwellings located on the property.



View of existing driveway access

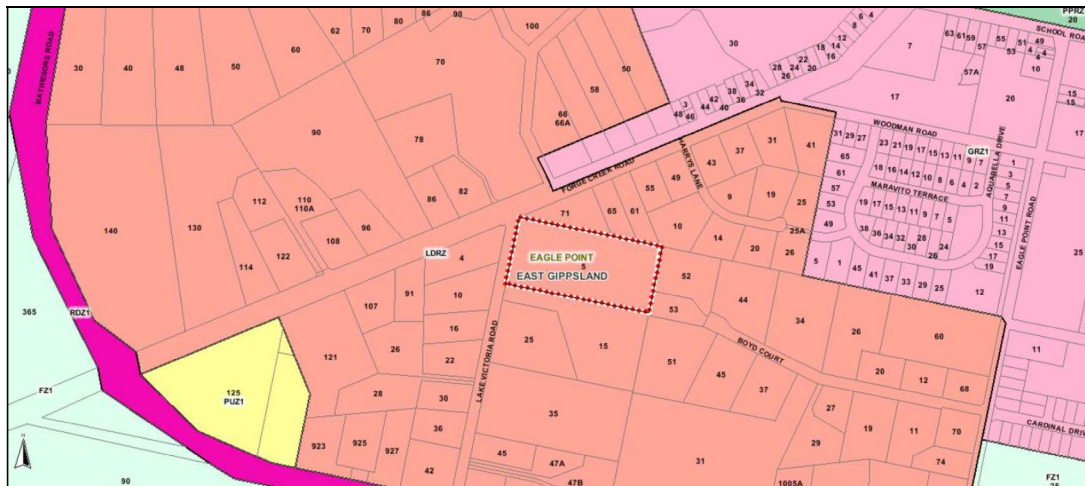
Properties to the north, east, west and south of the site are also zoned Low-Density Residential Zone, however there is some variation in allotment size provided throughout this precinct.



Existing allotment pattern – Source: :LASSI Spear (DELWP)

The main township area of Eagle Point is located approximately 1 kilometre, with Paynesville approximately 5.3 kilometres to the east and Bairnsdale approximately 8.5 kilometres to the north, with both townships providing extensive services and facilities.

The site is predominately cleared land with two existing dwellings and associated outbuildings located centrally on the property. Some ornamental vegetation is provided around the dwellings, along the driveway and along the property frontage.



Extract of Zone Mapping – Source: Planning Maps Online (DELWP)



Aerial view of subejct land and surrounding precinct – Source: LASSI SPEAR (DELWP)

3. State Planning Policy Assessment

Objective

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

Policy Application

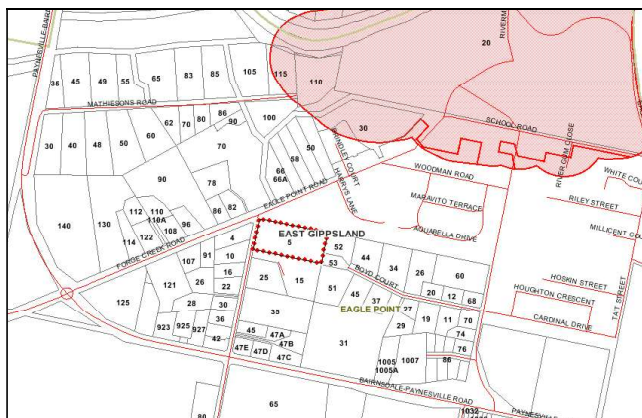
The Bushfire Planning Policy at Clause 13.02-1S is to be applied to all planning and decision making under the *Planning & Environment Act 1987* relating to land that is:

- With 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 mapped as being affected by the provisions of the Bushfire Management Overlay, the Policy does need to be considered for the proposal as the site is mapped as being within a designated bushfire prone area.



Extract of Designated Bushfire Prone Mapping – Source: Planning Maps Online (DELWP)



Extract of Bushfire Management Overlay Mapping – Source: Planning Maps Online (DELWP)

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 also 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 nomination of the proposed subdivision and development in this location is considered to ensure protection of human life.</p> <ul style="list-style-type: none"> • The subject land is omitted from the Bushfire Management Overlay mapping. • The site is located within an established residential precinct forming part of the Eagle Point locality. • The site and surrounds is not steep and is not characterised by extensive vegetated areas. • Surrounding properties contain residential development and do not provide a severe fire threat.
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 to be a low risk location given its position within an existing township area of Eagle Point and close proximity to the larger township areas of Paynesville and Bairnsdale.</p> <p>Vehicle access from the subject land to the main township areas of Bairnsdale and Paynesville is provided on good quality sealed bitumen roads which do not traverse through any extensive forested areas.</p> <p>Being within the township area of Eagle Point with good access to nearby townships of Paynesville and Bairnsdale 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>Although the subject land is not contained within the Bushfire Management Overlay, the subdivision has been designed having regard for the needs of future development under Australian Standard AS3959.</p> <p>Given the inclusion of the subject land within the Bushfire Prone mapping, 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 has the potential to provide for future residential development that can achieve the lowest applicable BAL of 12.5.</p> <p>The Building Envelopes shown on the accompanying Plan Set have been designed to demonstrate that future development can be adequately offset from the classifiable vegetation to 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 despite the omission of the site from the Bushfire Management Overlay.</p> <p>The need to consider the requirements of Australian Standard AS3959 is triggered through Clause 13.02-1S, as the subject land is mapped as being within a Bushfire Prone area.</p> <p>The Application has therefore considered the methodology and controls of Australian Standard AS3959 as part of the 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.	<p>As triggered by the provisions of Clause 13.02-1S of the East Gippsland Planning Scheme the proposal responds to the provisions of Australian Standard AS 3959, as the subject land is mapped as being within a Bushfire Prone area.</p> <p>This report demonstrates that future development on each of the proposed allotments is able to achieve sufficient setbacks from the classifiable vegetation to meet the requirements of Table 2.4.2 of Australian Standard AS3959.</p>
Applying the Bushfire Management Overlay to areas where the extent of vegetation can create an extreme bushfire hazard.	<p>The subject land is not mapped as being within the Bushfire Management Overlay. The nearest Bushfire Management Overlay mapping is approximately 650 metres to the north.</p> <p>The omission of the site from the Bushfire Management Overlay highlights that the site is not at severe risk from bushfire.</p>
Considering and assessing the bushfire hazard on the basis of: -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.	<p>Please see section 6 of this report which includes an assessment of the proposal against the landscape conditions, local conditions, neighbourhood conditions and site circumstances.</p>
Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.	<p>The Planning Application for the subdivision will not need to be formally referred to the Country Fire Authority however the Responsible Authority will need to be satisfied that the proposal adequately addresses Clause 13.02-1S.</p>

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.	This report demonstrates that the proposal has adequate consideration and regard to bushfire risk. Appropriate bushfire mitigation measures will be achieved by adoption of appropriate setbacks from classifiable vegetation and boundaries.
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 satisfactorily to the provisions of Clause 13.02-1S.

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 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).	<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>Each Lot is capable of accommodating dwelling with BAL 12.5.</p> <p>The omission of the subject land from the Bushfire Management Overlay provides certainty that the subject land is not a high risk bushfire area.</p> <p>Providing 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>
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 protected from the effects of bushfire.	<p>The subject land is located only a short drive from both Bairnsdale and Paynesville which provide a safe refuge from bushfire.</p> <p>Access these neighbouring township areas is facilitated by a good quality sealed road network that does not traverse through any extensively vegetated areas.</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.	The bushfire risk will not increase as a result of the proposed multi lot subdivision, use of land for a second dwelling and vegetation removal. 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 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 there is the ability to implement appropriate bushfire protection measures.</p> <p>A demonstrational Building Envelope has been nominated for each of the proposed allotments, which show how future residential development can be achieved whilst being adequately setback from classifiable vegetation to achieve BAL 12.5.</p> <p>If future dwellings are contained within the Building Envelopes as nominated, construction to a minimum of BAL 12.5 can be easily achieved.</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 omission of the Bushfire Management Overlay mapping, there is a risk to bushfire which is evident through the inclusion within the Bushfire Prone Mapping.</p> <p>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 already contained within an existing residential precinct and is identified as a location for residential growth.
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 AS3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).	This report is being prepared in support of an Application for Planning Permit which is able to be approved given future dwellings can be achieved 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>Whilst there is some ornamental planting provided on the property, it is only a very small patch which is considered to be excludable as it is less than 1 ha in area.</p> <p>Some minimal removal of vegetation does form part of the Application however the extent is limited.</p> <p>The vegetation removal element of the project is not be undertaken to aid Bushfire Attack Levels.</p>
Use & Development Control in Bushfire Prone Area	
Strategy	Response
When assessing a Planning Permit Application for the 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 considered to be most appropriate having regard for the surrounding residential use and location within an existing township area.</p> <p>The allotments as proposed will ultimately provide protection to one another as they will be managed to a residential standard.</p>
Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.	<p>Each of the Lots have been designed to ensure appropriate separation can be achieved from classifiable vegetation to cater for BAL 12.5. 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 residential size of the allotments will result in ongoing management and maintenance by future owners however no specific mitigation measures will be required given the minimal risk due to distance from classifiable vegetation.</p>
Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.	<p>There is adequate area on each of the proposed allotments to enable the establishment of BAL 12.5 without triggering the need for any vegetation removal. This is demonstrated by Building Envelope Plan as accompanying the Application.</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 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009)	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.
Building in bushfire-prone areas – CSIRO & Standards Australia (SAA HB36-1993, 1993).	This is the handbook to Australian Standard AS 3959 and is not relevant to this proposal.
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 mapped as being Bushfire Prone.

6. Bushfire Risk

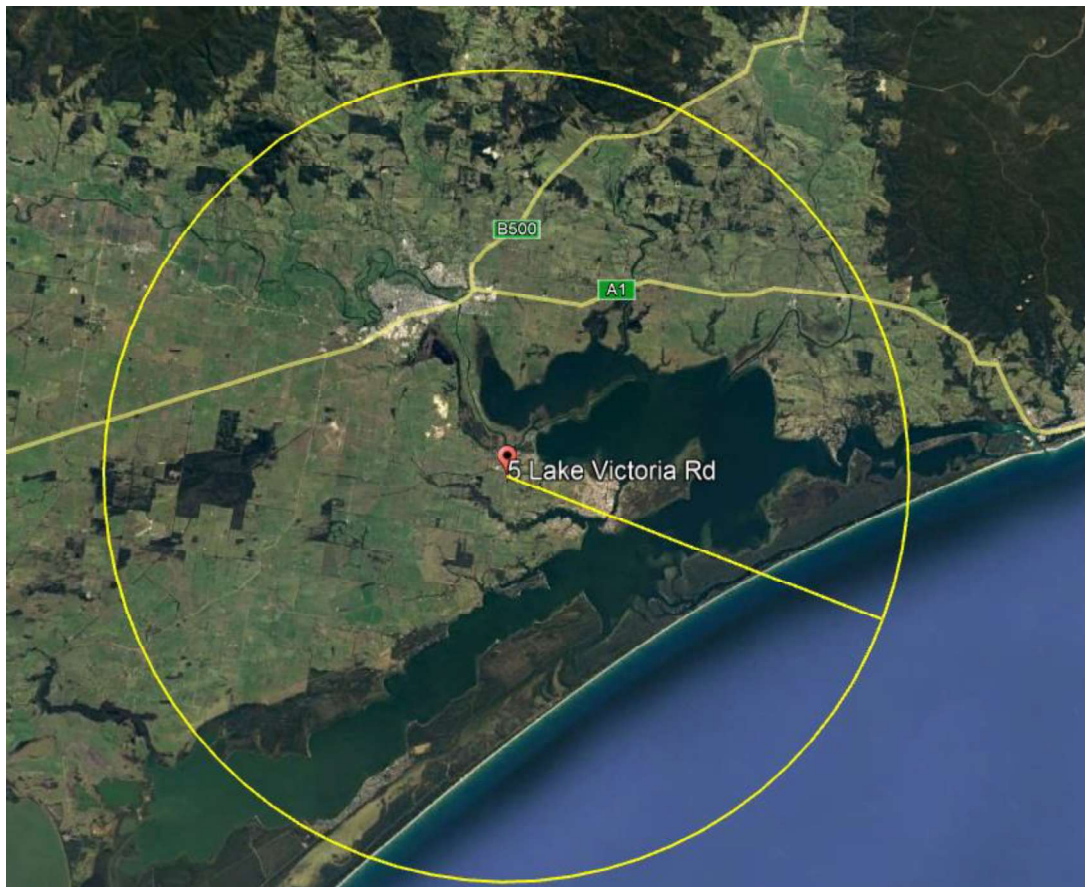
Under Clause 13.02-1S relating to Bushfire Planning triggers the need to consider and assess the bushfire hazard on the basis of:

- Landscape conditions
- Local conditions
- Neighbourhood conditions &
- The site for the development

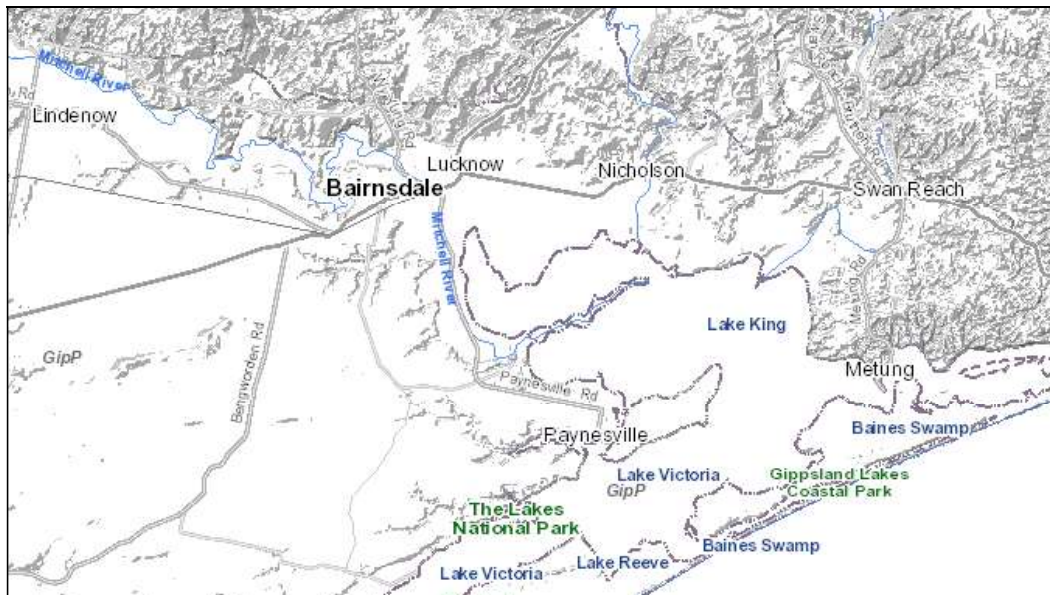
6.1 Landscape Conditions

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' means the 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



Terrain in the wider landscape – Source: NatureKit (DELWP)

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

- The 20km assessment area encompasses several townships and surrounding hinterland. It also includes a large area of waterways including Lake King, Lake Victoria and Bass Strait.
- The majority of the land within the assessment area is cleared residential or grazing land. There are however some pockets of well established areas of vegetation within the wider assessment area.
- The landform surrounding the subject land is generally very flat however there is some variation in landform within the wider assessment area. It is however not considered to be steep terrain.
- The subject land is located within the township area of Eagle Point and is surrounded by residential development. The vegetation within the wider landscape is mostly representative of modified as a result of residential development.

6.2 Local Conditions

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



Local conditions within 1km of the subejct land – Source: Google Earth

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

- The majority of the 1km assessment area includes established residential development as contained within the township area of Eagle Point.
- The assessment area does include some areas of grassland and a small section of vegetated reserve however the majority of the area would be classified as being low threat given the residential context.
- The area is also considered to be reasonably flat in grade and is certainly not steep 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 the 400m assessment area of the subject land –
Source: Google Earth*

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

- Presence of numerous residential and rural residential style properties. These properties generally present a low threat vegetation classification.
- The predominate vegetation classification in all directions is best described as low threat given the managed nature of the land and minimal presence of established classifiable vegetation.

6.4 Bushfire Scenarios

The most likely bushfire scenario would be for localized grass fires to approach the site from the north, west or south. It is more unlikely that a fire would approach from the east given the presence of the waterway system and township area of Paynesville.

Whilst there are minimal patches of forested vegetation provided within close proximity to the subject land, the nearby morass and grassland areas do provide bushfire fuel and present some risk. This is evident by historic fire events which affected the area in 1978.

6.5 Bushfire Hazard Site Assessment

The 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 (2017)

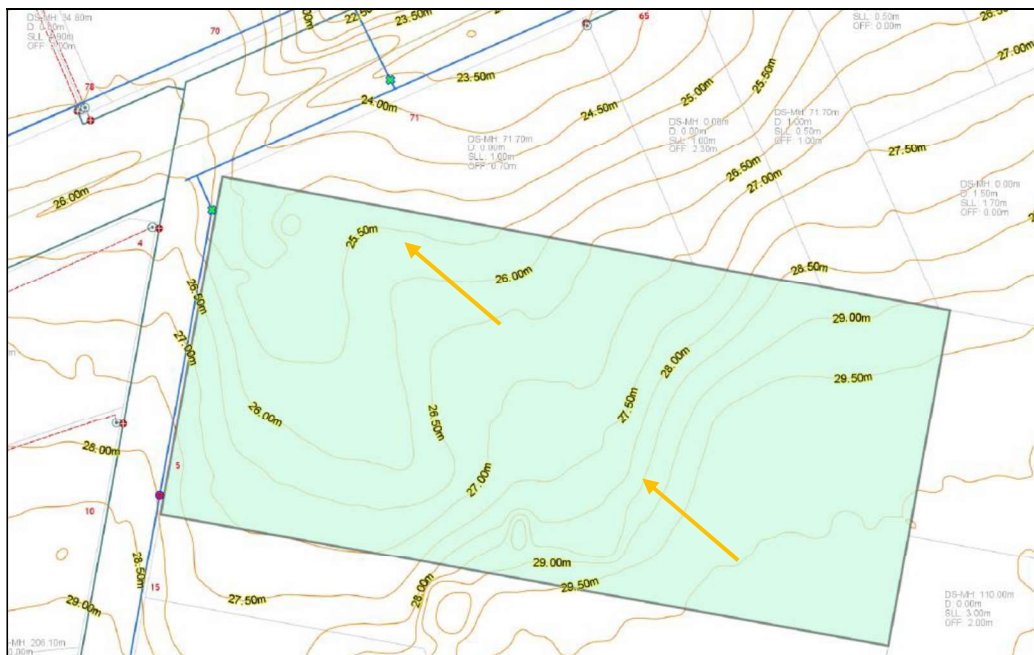
Exclusions & Low Threat Vegetation

The 100 metre assessment area is characterized by low threat vegetation given the presence of established residential properties which are managed and maintained.

Whilst there are some smaller patches of grassland adjoining the northern property boundary, they are in sufficient in size being less than 1ha in area and are therefore identified as excludable consistent with Section 2.2.3.2 of AS 3959.

Topography

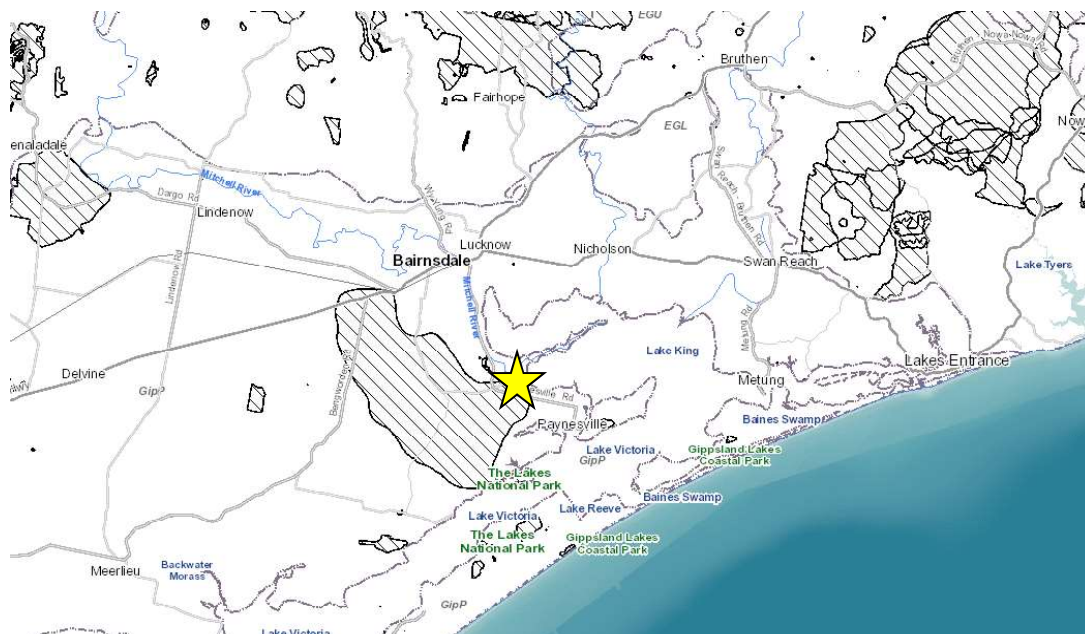
The subject land and surrounding area is not considered to be steep however it is slightly undulating in nature. The below diagram provides contour detail across the site. Land across the subject land generally falls from the east to the north west towards the road network.



Contour Mapping – Source: East Gippsland Water

6.6 Other Bushfire Matters

There was a fire within the area during 1978 which extended as far as the Eagle Point township. The below mapping shows the extent of the fire in question which was approximately 10,000ha in area in its entirety.



Bushfires 1970- Present – Source: Nature Kit (DELWP)

This historic fire was responsible for the loss of 2 people, one house numerous livestock and other property and possessions. The fire was reportedly said to have started on the Princes Highway when a wheel rolled off a boat trailer resulting in sparks igniting dry grass.

Strong winds fanned the fire through bushland south of Bairnsdale all the way through to Banksia Peninsula before a cool change hit which forced the fire to change direction back on itself. This change is believed to have assisted in saving the township area of Paynesville.

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 Paynesville Fire Brigade has a fire access road through Reserve Road which dissects the wildlife park in Eagle Point, that there are static water supplies nearby at the Gippsland Lakes shoreline, Mitchell River and McLeods Morass. Lake Victoria Road as adjoining the subject land is identified as being a primary firebreak road as is nearby Bairnsdale-Paynesville Road.

6.8 Surrounding Road Network

The subject land has frontage to Lake Victoria Road to the west which is a good quality sealed bitumen road which provides connection to Forge Creek Road to the north and to Bairnsdale-Paynesville Road to the south.



View south along Lake Victoria Road

This road network is good quality as it services numerous established residential properties and is capable of accommodating emergency vehicles.

The road network does not traverse through any extensively vegetated areas or steep terrain and is considered to provide safe egress and access to low BAL areas of Bairnsdale and Paynesville.

7. Response & Mitigation Measures

The proposed subdivision and removal of vegetation is considered to respond positively to the bushfire risk of the area:

1. The BAL Assessment undertaken in accordance with method 1 of AS3959 identified that there was no classifiable vegetation within 100 metres of the subject land. On that basis no bushfire mitigation measures are required. Future dwellings will be required to be constructed to BAL 12.5 being the prescribed minimum level for construction for dwellings on land within a Bushfire Prone area.
2. The intended residential use of the land will ultimately enhance the management and maintenance across the land thereby reducing fuel loads and enhancing protection to life and property.

8. Concluding Remarks

In summary the proposed multi lot subdivision (staged), use of land for second dwelling and vegetation removal at 5 Lake Victoria Road, 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
February 2019

Native vegetation removal report

A report to support an application to remove, destroy or lop native vegetation in the **Intermediate Assessment Pathway** using the modelled condition score

This report provides information to support an application to remove native vegetation in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation*. The report is not an assessment by DELWP or local council of the proposed native vegetation removal. Biodiversity information and offset requirements have been calculated using modelled condition scores contained in the *Native vegetation condition map*.

Date and time: 01 March 2019 10:12 AM

Lat./Long.: -37.8955952902038,147.668792663513

Native vegetation report ID:

Address: 5 LAKE VICTORIA ROAD EAGLE POINT
3878

319-20190228-022

Assessment pathway

The assessment pathway and reason for the assessment pathway

Assessment pathway	Intermediate Assessment Pathway
Extent of past plus proposed native vegetation removal	0.089 hectares
No. large trees	0 large tree(s)
Location category	Location 2 The native vegetation is in an area mapped as an Endangered Ecological Vegetation Class. Removal of less than 0.5 hectares of native vegetation will not have a significant impact on any habitat for a rare or threatened species.

Offset requirement

The offset requirement that will apply if the native vegetation is approved to be removed

Offset type	General offset
Offset amount	0.039 general habitat units
Offset attributes	
Vicinity	East Gippsland Catchment Management Authority (CMA) or East Gippsland Shire Council
Minimum strategic biodiversity value score	0.408
Large trees	0 large tree(s)

Biodiversity information about the native vegetation

Description of any past native vegetation removal

Any native vegetation that was approved to be removed, or was removed without the required approvals, on the same property or on contiguous land in the same ownership, in the five year period before the application to remove native vegetation is lodged is detailed below.

Permit/PIN number	Extent of native vegetation (hectares)
None entered	0 hectares

Description of the native vegetation proposed to be removed

Extent of all mapped native vegetation	0.089 hectares
Condition score of all mapped native vegetation	0.390
Strategic biodiversity value score of all mapped native vegetation	0.510
Extent of patches native vegetation	0.089 hectares
1	0.089 hectares
Extent of scattered trees	0 hectares
No. large trees within patches	0 large tree(s)
No. large scattered trees	0 large tree(s)
No. small scattered trees	0 small tree(s)

Additional information about trees to be removed, shown in Figure 1

Tree ID	Tree circumference (cm)	Benchmark circumference (cm)	Scattered / Patch	Tree size
N/A				

Other information

Applications to remove, destroy or lop native vegetation must include all the below information. If an appropriate response has not been provided the application is not complete.

Photographs of the native vegetation to be removed

Recent, dated photographs of the native vegetation to be removed must be provided with the application. All photographs must be clear, show whether the vegetation is a patch of native vegetation or scattered trees, and identify any large trees. If the area of native vegetation to be removed is large, provide photos that are indicative of the native vegetation.

Ensure photographs are attached to the application. If appropriate photographs have not been provided the application is not complete.

Topographical and land information

Description of the topographic and land information relating to the native vegetation to be removed, including any ridges, crests and hilltops, wetlands and waterways, slopes of more than 20 percent, drainage lines, low lying areas, saline discharge areas, and areas of existing erosion, as appropriate. This may be represented in a map or plan. **This is an application requirement and your application will be incomplete without it.**

Avoid and minimise statement

This statement describes what has been done to avoid the removal of, and minimise impacts on the biodiversity and other values of native vegetation. **This is an application requirement and your application will be incomplete without it.**

Defendable space statement

Where the removal of native vegetation is to create defendable space, a written statement explaining why the removal of native vegetation is necessary. This statement must have regard to other available bushfire risk mitigation measures. This statement is not required if your application also includes an application under the Bushfire Management Overlay.

Offset statement

An offset statement that demonstrates that an offset is available and describes how the required offset will be secured. **This is an application requirement and your application will be incomplete without it.**

Next steps

Applications to remove, destroy or lop native vegetation must address all the application requirements specified in *Guidelines for the removal, destruction or lopping of native vegetation*. If you wish to remove the mapped native vegetation you are required to apply for a permit from your local council. This *Native vegetation removal report* must be submitted with your application and meets most of the application requirements. The following needs to be added as applicable.

Property Vegetation Plan

Landowners can manage native vegetation on their property in the longer term by developing a Property Vegetation Plan (PVP) and entering in to an agreement with DELWP.

If an approved PVP applies to the land, ensure the PVP is attached to the application.

Applications under Clause 52.16

An application to remove, destroy or lop native vegetation is under Clause 52.16 if a Native Vegetation Precinct Plan (NVPP) applies to the land, and the proposed native vegetation removal is not in accordance with the relevant NVPP. If this is the case, a statement that explains how the proposal responds to the NVPP considerations must be provided.

If the application is under Clause 52.16, ensure a statement that explains how the proposal responds to the NVPP considerations is attached to the application.

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Authorised by the Victorian Government, 8 Nicholson Street, East Melbourne.

For more information contact the DELWP Customer Service Centre 136 186

www.delwp.vic.gov.au

Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Obtaining this publication does not guarantee that an application will meet the requirements of Clauses 52.16 or 52.17 of planning schemes in Victoria or that a permit to remove native vegetation will be granted.

Notwithstanding anything else contained in this publication, you must ensure that you comply with all relevant laws, legislation, awards or orders and that you obtain and comply with all permits, approvals and the like that affect, are applicable or are necessary to undertake any action to remove, lop or destroy or otherwise deal with any native vegetation or that apply to matters within the scope of Clauses 52.16 or 52.17 of planning schemes in Victoria.

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

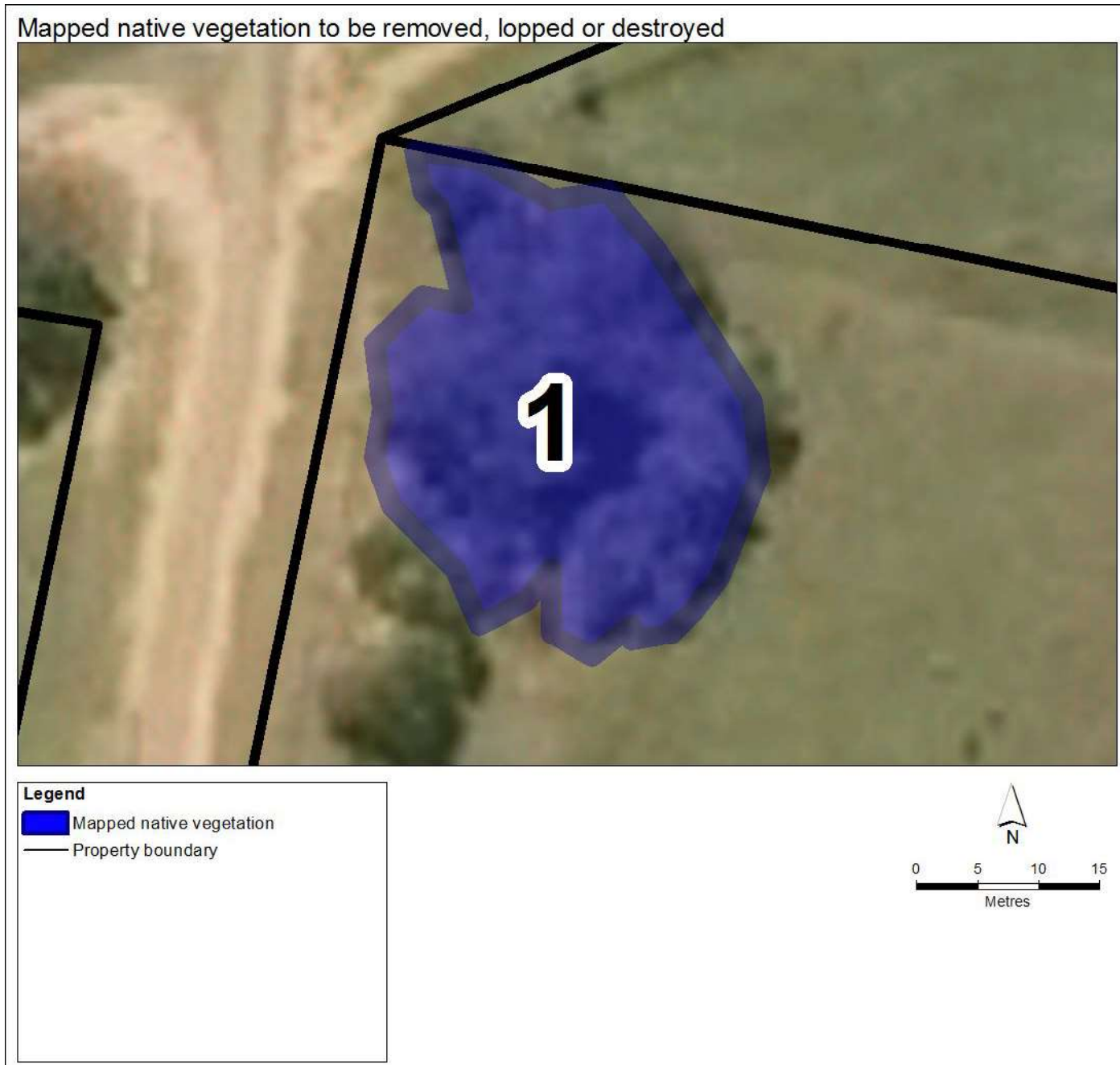


Figure 2 – Map of property in context

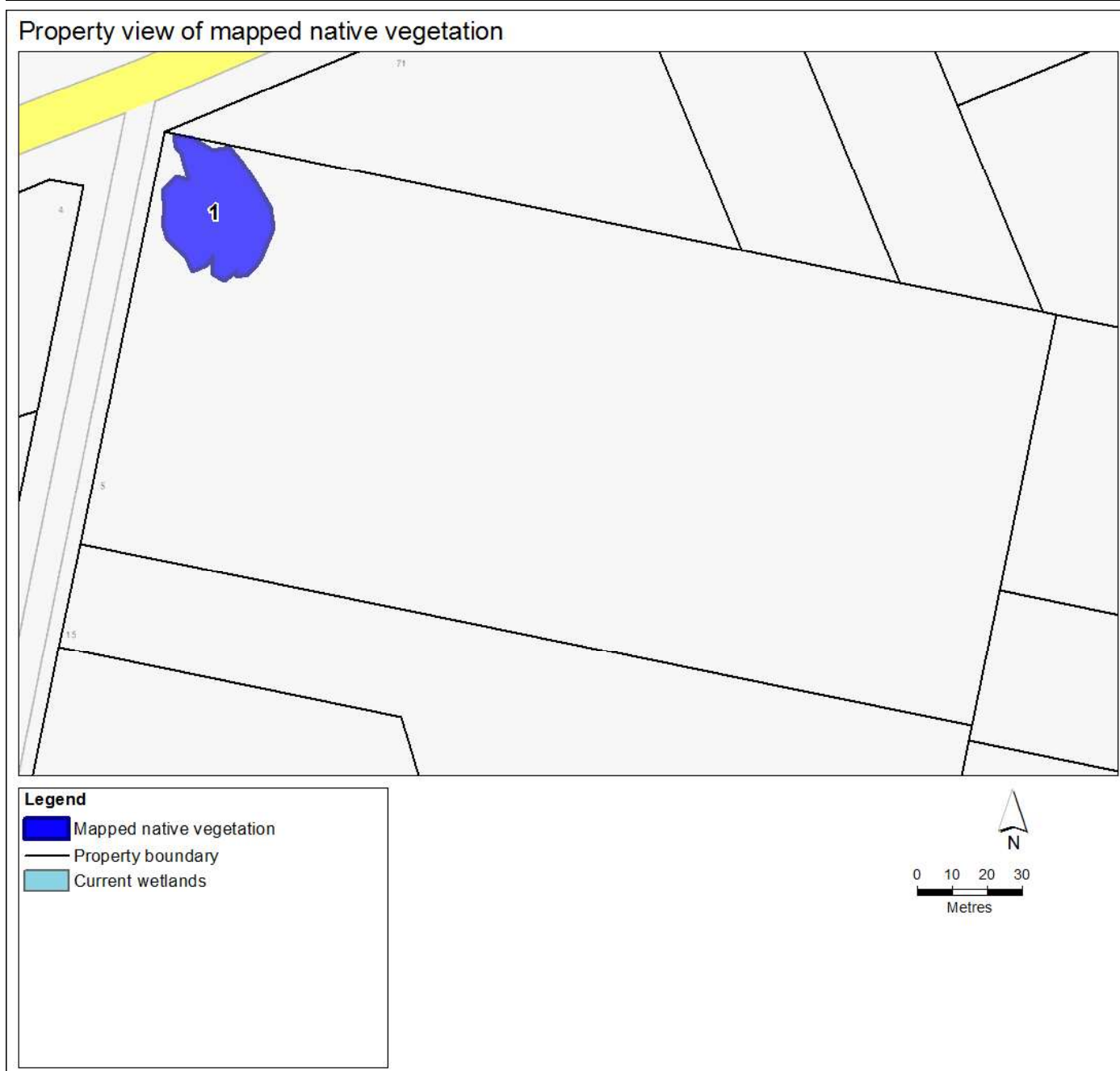
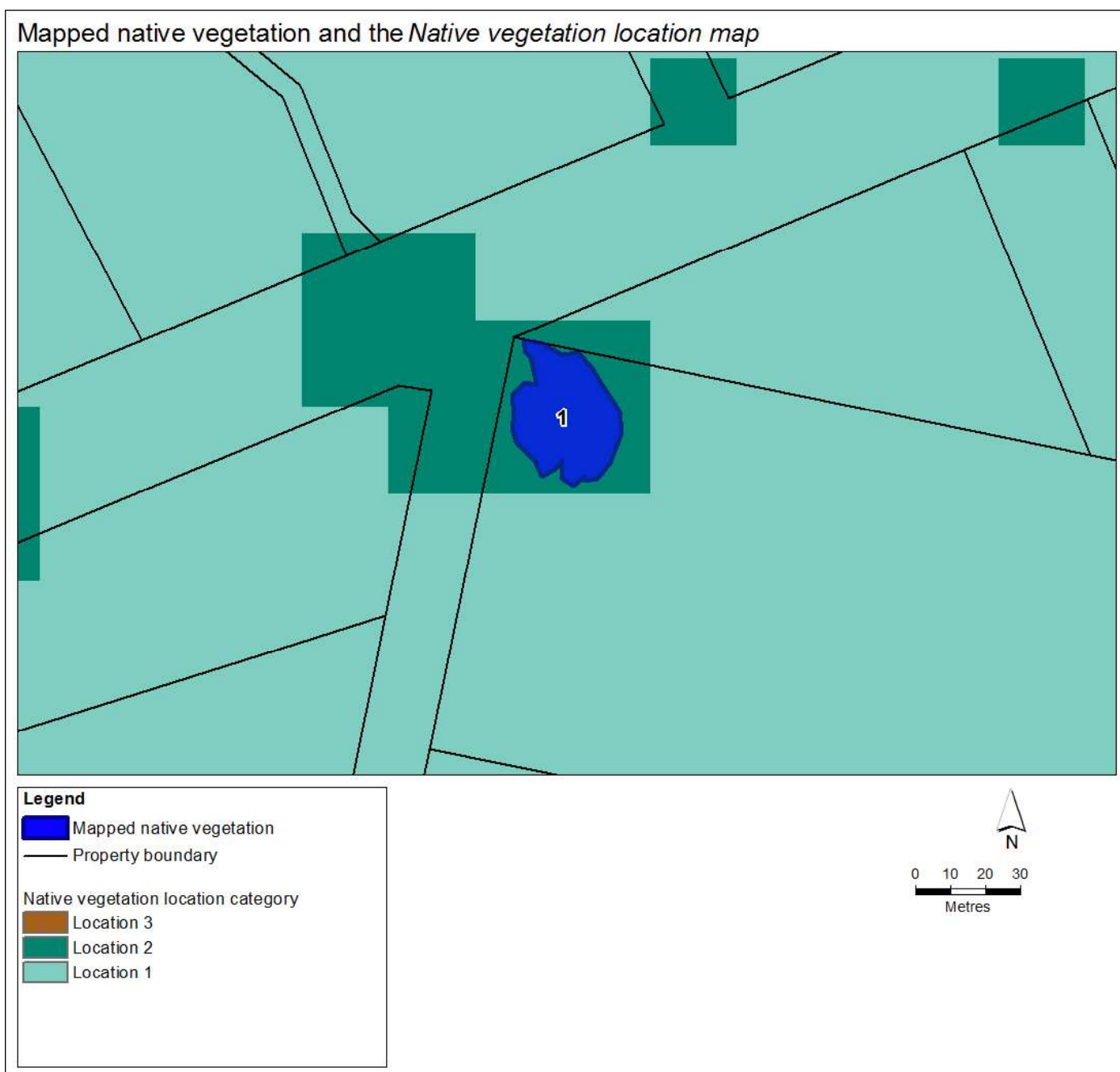
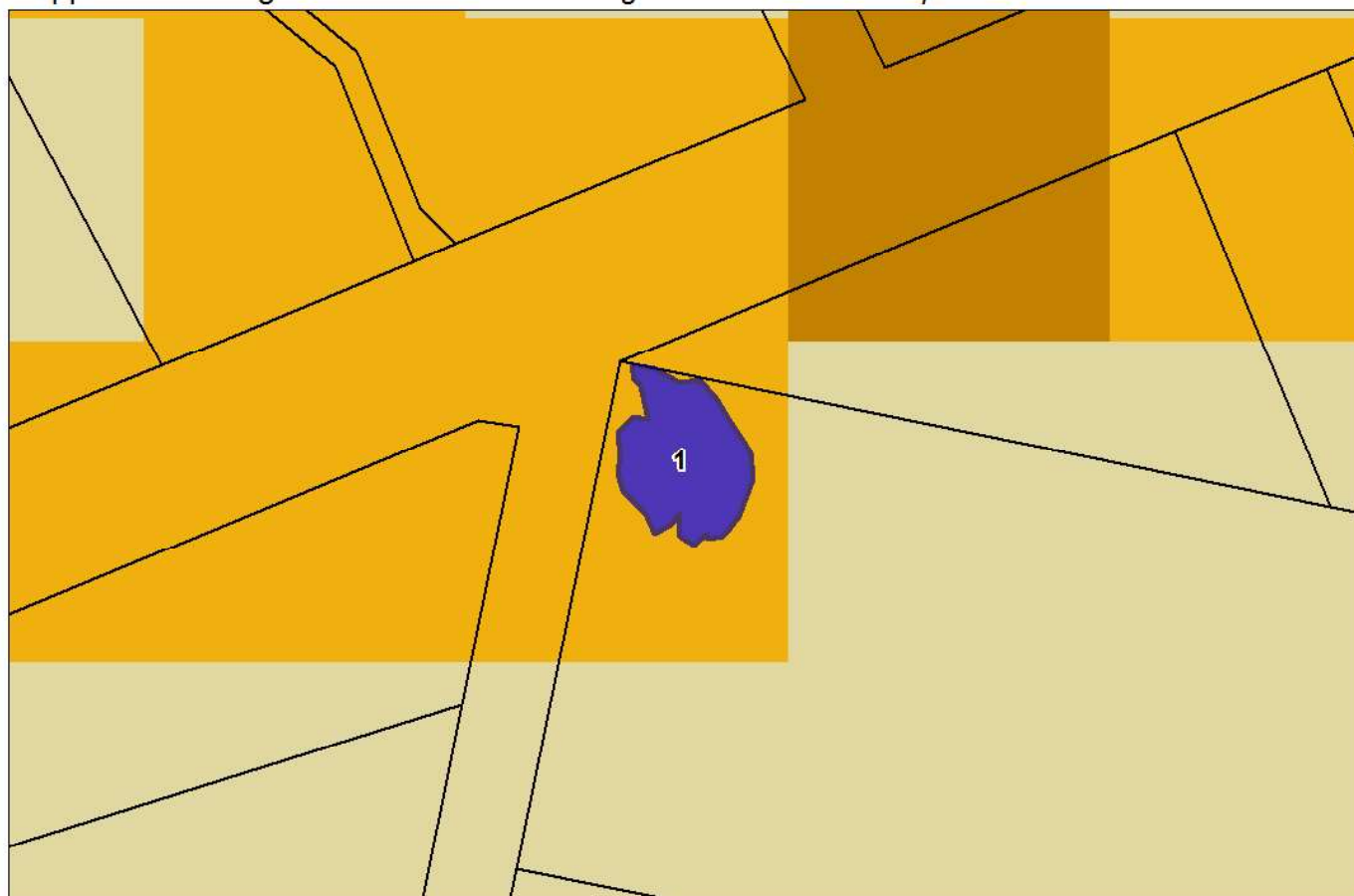


Figure 3 – Biodiversity information maps



Native vegetation removal report

Mapped native vegetation and the *Native vegetation condition map*



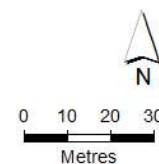
Legend

- Mapped native vegetation
- Property boundary

Native vegetation condition*

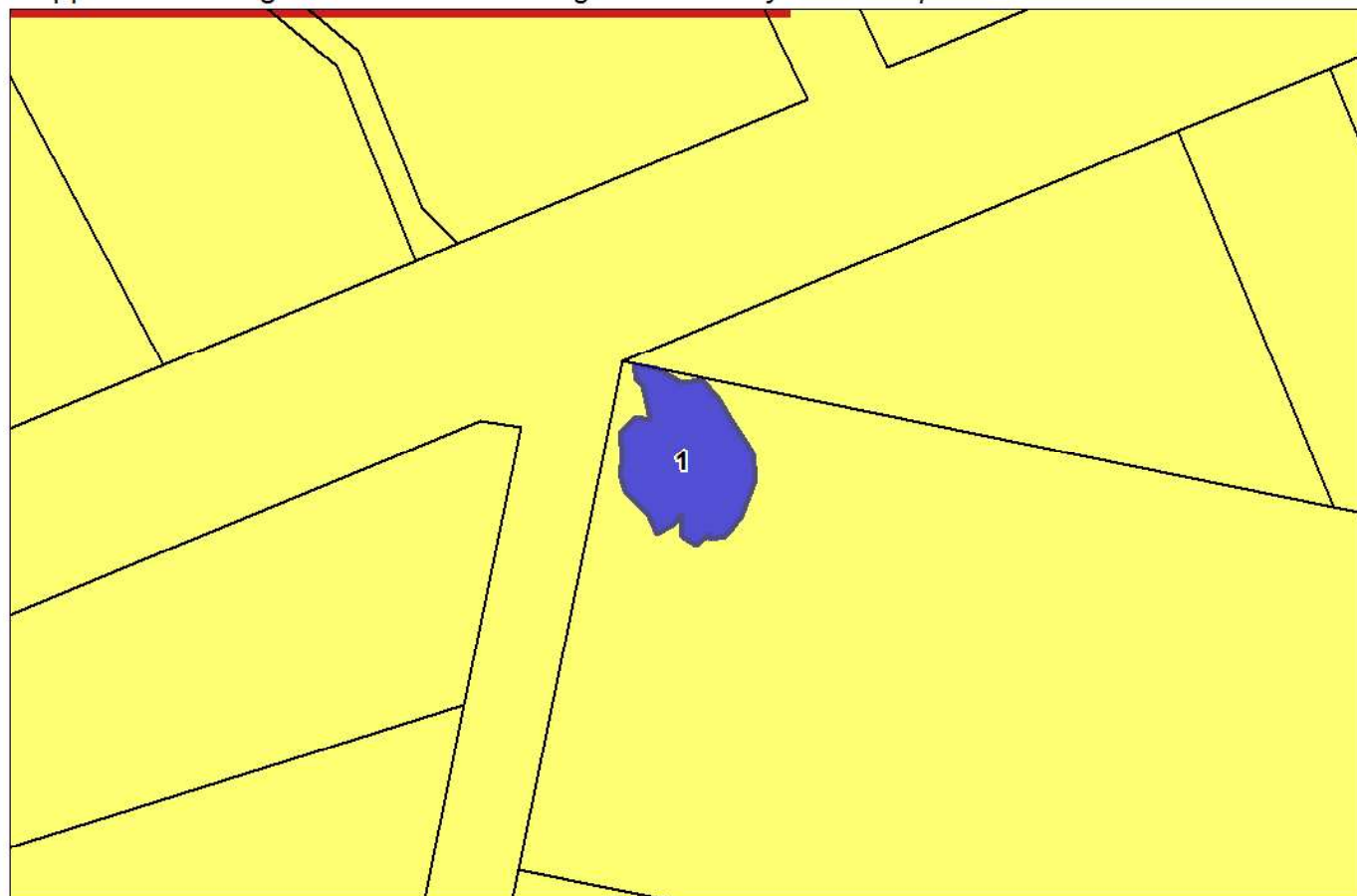
- 0.81 - 1.00
- 0.61 - 0.80
- 0.41 - 0.60
- 0.21 - 0.40
- 0.00 - 0.20

* These classes are for display purposes only



Native vegetation removal report

Mapped native vegetation and the *Strategic biodiversity value map*



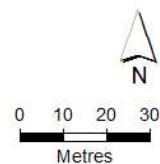
Legend

- Mapped native vegetation
- Property boundary

Strategic biodiversity value*

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

* These classes are for display purposes only



Appendix 1 - Details of offset requirements

Native vegetation to be removed

Extent of all mapped native vegetation (for calculating habitat hectares)	0.089	The area of land covered by a patch of native vegetation and/or a scattered tree, measured in hectares. Where the mapped native vegetation includes scattered trees, each tree is assigned a standard extent and converted to hectares. A small scattered tree is assigned a standard extent defined by a circle with a 10 metre radius and a large scattered tree a circle with a 15 metre radius. The extent of all mapped native vegetation is an input to calculating the habitat hectares.
Condition score*	0.390	The condition score of native vegetation is a site-based measure that describes how close native vegetation is to its mature natural state. The condition score is the weighted average condition score of the mapped native vegetation calculated using the <i>Native vegetation condition map</i> .
Habitat hectares	0.035	Habitat hectares is a site-based measure that combines extent and condition of native vegetation. It is calculated by multiplying the extent of native vegetation by the condition score: Habitat hectares = extent x condition score
Strategic biodiversity value score	0.510	The strategic biodiversity value score represents the complementary contribution to Victoria's biodiversity of a location, relative to other locations across the state. This score is the weighted average strategic biodiversity value score of the mapped native vegetation calculated using the <i>Strategic biodiversity value map</i> .
General landscape factor	0.755	The general landscape factor is an adjusted strategic biodiversity value score. It has been adjusted to reduce the influence of landscape scale information on the general habitat score.
General habitat score	0.026	The general habitat score combines site-based and landscape scale information to obtain an overall measure of the biodiversity value of the native vegetation. The general habitat score is calculated as follows: General habitat score = habitat hectares x general landscape factor

* **Offset requirements for partial removal:** If your proposal is to remove parts of the native vegetation in a patch (for example only understorey plants) the condition score must be adjusted. This will require manual editing of the condition score and an update to the calculations that the native vegetation removal tool has provided: habitat hectares, general habitat score and offset amount.

Offset requirements

Offset type	General offset	A general offset is required when the removal of native vegetation does not have a significant impact on any habitat for rare or threatened species. All proposals in the Basic and Intermediate assessment pathways will only require a general offset.
Offset multiplier	1.5	This multiplier is used to address the risk that the predicted outcomes for gain will not be achieved, and therefore will not adequately compensate the biodiversity loss from the removal of native vegetation.
Offset amount (general habitat units)	0.039	The general habitat units are the amount of offset that must be secured if the application is approved. This offset requirement will be a condition to any permit or approval for the removal of native vegetation. General habitat units required = general habitat score x 1.5
Minimum strategic biodiversity value score	0.408	The offset site must have a strategic biodiversity value score of at least 80 per cent of the strategic biodiversity value score of the native vegetation to be removed. This is to ensure offsets are located in areas with a strategic biodiversity value that is comparable to the native vegetation to be removed.
Vicinity	East Gippsland CMA or East Gippsland Shire Council	The offset site must be located within the same Catchment Management Authority boundary or municipal district as the native vegetation to be removed.
Large trees	0 large tree (s)	The offset site must protect at least one large tree for every large tree removed. A large tree is a native canopy tree with a Diameter at Breast Height greater than or equal to the large tree benchmark for the local Ecological Vegetation Class. A large tree can be either a large scattered tree or a large patch tree.

1 March 2019

Our Reference: ESLS-4284
Your Reference: 5 Lake Victoria Rd

Amie Ingwersen
Crowther & Sadler

By Email: amp@crowthersadler.com.au

Dear Amie,

RE: Quotation for the supply of Native Vegetation Credits

Thank you for your request for a fee proposal to provide native vegetation credits in accordance with *Guidelines for the removal, destruction or lopping of native vegetation 2017*. We are an accredited organisation with the Department of Environment, Land, Water & Planning (DELWP).

Based upon the information provided, I understand you require the following native vegetation offset:

Table 1 – Offset Targets

Offset Type	Attributes	General Habitat Units (GHU)	Minimum Strategic Biodiversity Value Score (SBV)	Large Trees
General Habitat Unit	East Gippsland CMA	0.039	0.408	0

To make available credits to offset vegetation clearance, landowners are required to:

- Enter into a Landowner Agreement for the specified area. A landowner agreement:
 - Is in perpetuity and is binding upon the landowner and the landowners successors in title;
 - Permanently restricts use of the site, including but not limited to preventing agricultural use, vegetation clearance and the erection of a structure or dwelling; and,
 - Requires fencing to be erected and effectively maintained to protect the site.
- Implement a detailed 10-year Management Plan endorsed by the DELWP Native Vegetation Credit Register.

The landowner provides the following quotation based upon the 10-year Management Plan prepared for the site. The quotation represents a one off lump sum for all management costs associated with the offset, which is paid into a DELWP trust account. It is subsequently paid to the landowner in instalments (over 10 years), subject to the satisfactory implementation of the management actions. The credit owner's price is inclusive of:

1. Landowner agreement and monitoring fees;
2. Legal & Accounting Costs;
3. Brokerage Fees;

4. Land depreciation and lost opportunity cost arising from the permanent restrictive covenant;
5. Contractor costs for pest plant & animal suppression works over ten years;
6. Fencing establishment &/or maintenance;
7. Environmental risk – especially that which arises from fire, flood or drought;
8. Insurance, rates & taxes;
9. Monitoring and compliance costs;
10. Inflation over ten years; and,
11. An allowance to cover management and compliance costs associated with the Landowner Agreement in perpetuity.

Quotation: Credits equal to a gain of 0.039 GHUs with an SBV>0.408

Trust For Nature Pathway (approx. 4-6 week turnaround)

Native Veg Credits	\$3,900.00
Trust For Nature Transaction Fees	\$900.00
Vegetation Link Transaction Fees [^]	\$960.00
Total (ex GST)	\$5,760.00
Total (Inc. GST)	\$6,336.00

[^]Includes DELWP NVCR transfer and allocation fees introduced in July 2016. Note, if credits are not allocated to a planning permit at the time of purchase, a further \$50 DELWP NVCR fee applies

The quotation is valid for 14 days, subject to credit availability.

Upon receipt of written acceptance of this quotation, we will immediately reserve the credits before proceeding to prepare a Credit Agreement to enable the transfer of the credits to you or your nominee.

We will then lodge the agreement with DELWP who will raise an invoice for the Credits, and we will issue an invoice for the transaction fees. Once both payments are made, you will receive an Allocated Credit Extract from the Native Vegetation Credit Register as evidence of meeting your offset requirement.

Should you have any queries, please do not hesitate in contacting us on (03) 5470 5232 or email offsets@vegetationlink.com.au.

Sincerely



Julie Groce
Biodiversity Offset Broker

ATTACHMENT 2

368/2018/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).

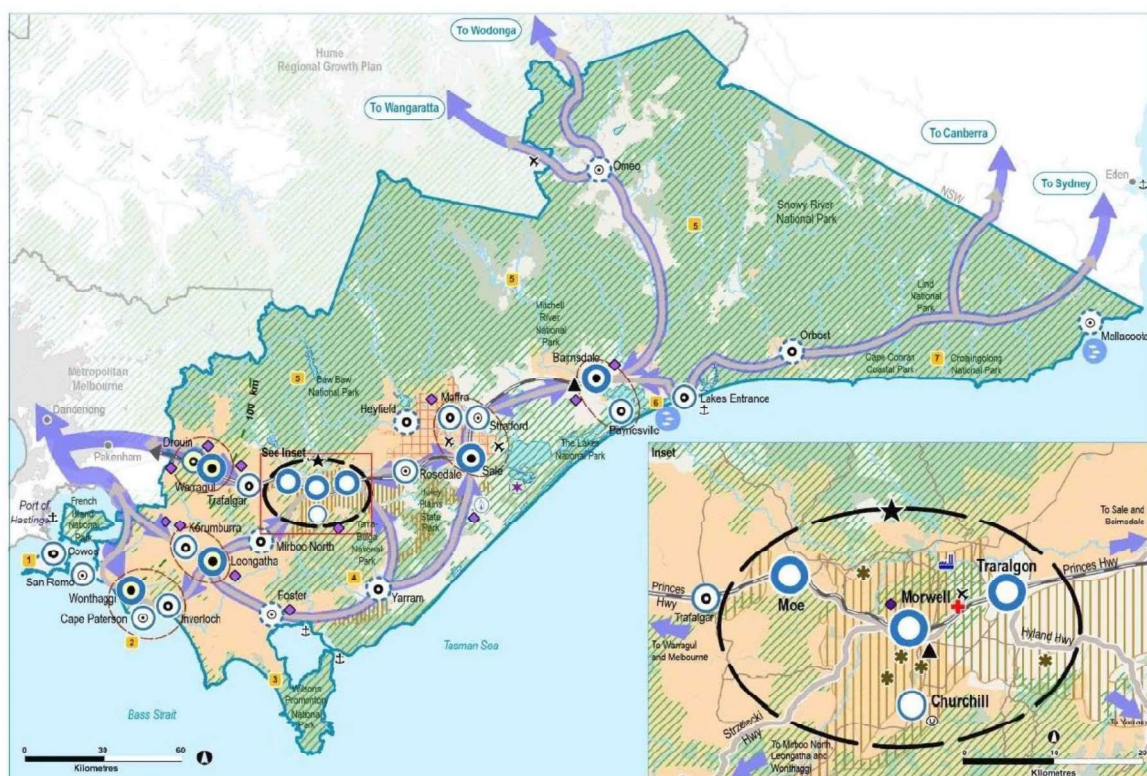
Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services. (Emphasis added)

Policy documents

Consider as relevant:

Gippsland Regional Growth Plan (Victorian Government, 2014)

Gippsland Regional Growth Plan



Assessment:

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 also adds to the applications 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.*

Assessment:

These two clauses lead us to suggest that the plan of subdivision has not been designed to satisfactorily address this part of the PPF. These clauses suggest that the vegetation proposed to be removed should be protected. The area forms part of the catchment of the Gippsland Lakes which are a RAMSAR listed wetland. The subdivision design is not site responsive and could be designed to avoid vegetation removal. As such, officers are of the view that this is an unacceptable design response and environmental outcome, and adds to the grounds for refusal.

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.*

Assessment:

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.

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 and the vegetated character 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). The subdivision has also failed to protect and retain vegetation that can easily be retained through a more site responsive design.

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. It is to be noted that the Planning Scheme does not prohibit change, indeed in many cases the Scheme aims to facilitate change. However, 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. As such it does not recognise, support and protect neighbourhood character or add to the sense of place. 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.

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 seeks to remove native vegetation that makes a contribution to both the biodiversity values and landscape character of Eagle Point. The site contains enough land so that the subdivision could be designed in a way that avoids the loss of important vegetation that is afforded protection by three specific controls (the VPO, ESO and clause 52.17). Through this, we conclude that the subdivision has failed to respond in a positive way to the site-specific qualities. The loss of the vegetation is totally avoidable, and given the policy context and use of two overlays dedicated to the protection of this vegetation, the loss can not be supported.

Inherently, the Scheme calls for decision making to **protect, maintain** and **conserve** the natural environment. Although the extent of vegetation removal could be considered minimal, there is a

very clear ability (and policy support) to refuse the current application before Council, and seek an alternate design that responds more favourably to the site.

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 in to 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. (Emphasis added)
- To improve accessibility, circulation and safety for pedestrians and vehicle movement.

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.
- 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. (Emphasis added)
- Ensure the retention of indigenous vegetation in all new development areas and extend wildlife corridors with additional planting. (Emphasis added).
- Provide a comprehensive pathway network within the town and linking key open space areas and focal points.
- 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:

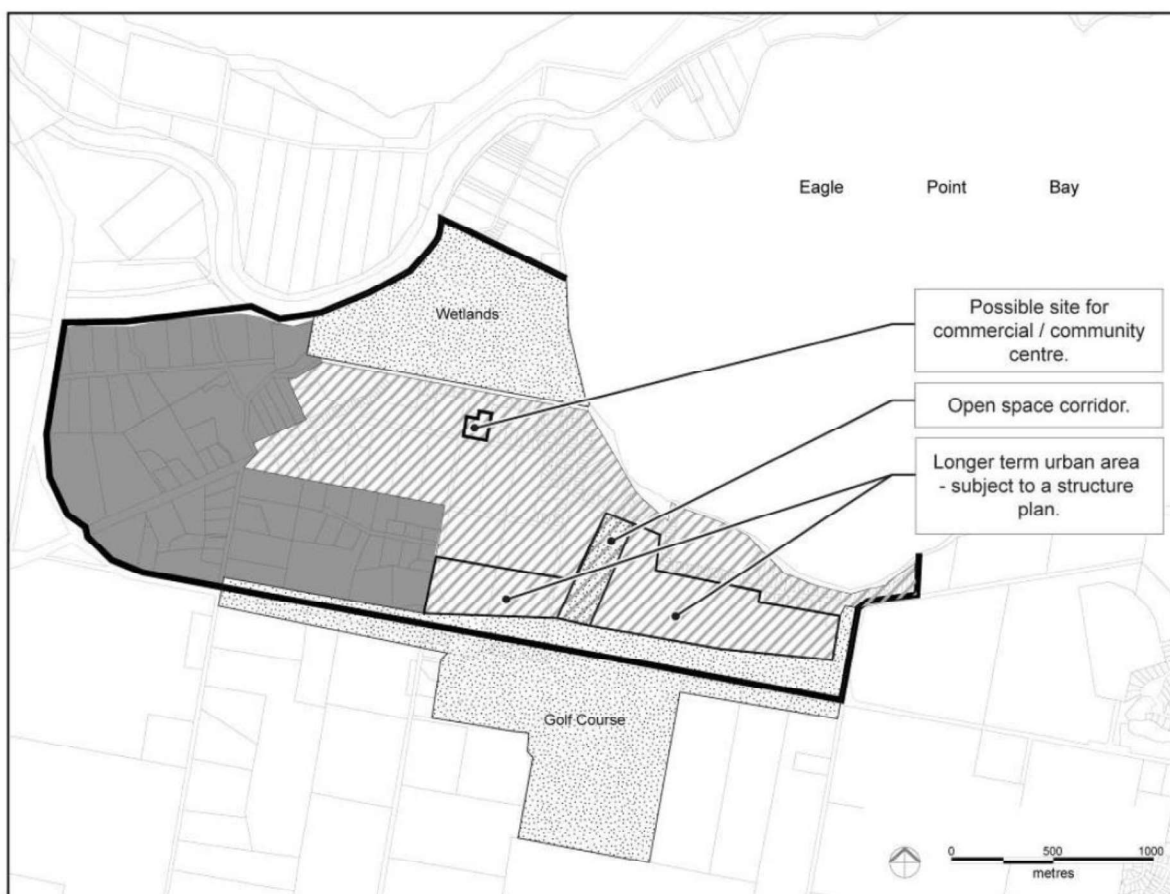
This clause of the MSS is an essential part of the assessment of this proposal. It sets out the vision and the objectives that guide decision making for Eagle Point.

As emphasised above, there is clear policy support for the protection of the natural features and environmental values of the land. There is also clear support for subdivision design that responds more favourably to the site, as well as 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 Strategy Plan



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.

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.*

Clause 42.01 – Environmental Significance Overlay Schedule 43

Statement of environmental significance

The overlay areas comprise Sites of Biological Significance containing specific values as listed in Table 1 below and representing either: rare or threatened species; restricted, rare or threatened vegetation communities; vegetation which is important as a corridor; high species richness; or other unusual biological features.

The sites include suitable habitat for either the local population or the local occurrence of a species or community.

Environmental objective to be achieved

To ensure that development occurs so as not to adversely impact upon the environmental values of the site or any other value that may be identified within the overlay area.

To conserve and enhance the environmental sustainability and ecological integrity of these values.

ESO1-43	16A01145	Goonnure Wildlife Corridor	Wildlife Corridor Gippsland Plains Grassy Woodland	<p>Encourage landholders to fence vegetation remnants.</p> <p>Develop and encourage application of an appropriate weed control program.</p> <p>Encourage cooperative fox control programs which minimise risk to non-target species.</p> <p>Encourage application of appropriate fire regime.</p> <p>Design a road maintenance strategy which minimises damage to roadside vegetation.</p> <p>Encourage parallel plantings on freehold land to widen vegetation corridor.</p> <p>Encourage revegetation of any vegetation gaps along the roadside.</p>
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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:

These two overlays lead us to suggest that the plan of subdivision has not been designed to satisfactorily address the vegetation identified for protection. These overlays suggest that the vegetation to be removed should be conserved rather than removed. The area forms part of the catchment of the Gippsland Lakes which are a RAMSAR listed wetland.

This proposal seeks to remove native vegetation that makes a contribution to both the biodiversity values and landscape character of Eagle Point. The site contains enough land so that the subdivision could be designed in a way that avoids the loss of important vegetation that is afforded protection by three specific controls (the VPO, ESO and clause 52.17). Through this, we conclude that the subdivision has failed to respond in a positive way to the site-specific qualities. The loss of the vegetation can be avoided, and given the policy context and use of these two overlays dedicated to the protection of this vegetation, the loss is inconsistent with the Scheme.

Inherently, the Scheme identifies the vegetation on the land for **protection, maintaining and conserving**. Although the extent of vegetation removal could be considered small, there is policy support to refuse the current application before Council.

The proposal is inconsistent with the VPO and ESO.

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 four lots and is not the subdivision of an existing building). Unless a schedule to the provision stipulates a percentage, 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 moderate increase in the need for public open space. The number of dwellings, and likely future occupancy, is increasing from one family to at least three 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.

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 pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.*
- *Designed to contribute to cooling, improving local habitat and providing 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 will be of a size that can accommodate onsite storm water treatment. The absence of a formal drainage system requires no connection to a reticulated system.

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.

ATTACHMENT 3

East Gippsland Shire Council
P.O Box 1618
Bairnsdale VIC 3875

26 April 2019

Dear Sir/Madam

Planning Application 368/2018/P
Multi Lot Subdivision (Staged), Use of Land for a Second Dwelling & Vegetation Removal
5 Lake Victoria Road, Eagle Point

I am the co-owner of the property at 52 Boyd Court, Eagle Point, adjoining the land subject to the above application.

I have a direct interest in the proposal, as co-owner of the adjoining property, and an indirect interest as a resident of Eagle Point.

This submission is to notify of discussions underway to include a portion of the land in the proposed subdivision, in order to obtain a more efficient use of available land for housing.

Amongst the planning principles, objectives and provisions to be found in the Victorian Planning legislation and East Gippsland Planning Scheme are the following provisions:

Subdivision of land should be based on integrated planning which considers overall structure planning objectives, responding to local conditions, and the efficient use of land.

Subdivision and development should seek to achieve the most efficient use of land to ensure that urban development utilises available land to provide for liveable and sustainable communities.

Development of urban infrastructure should aim to deliver effective access to, and servicing of available land.

Ensure effective planning and management of the land use and development of an area through the preparation of relevant plans.

Facilitate the preparation of a hierarchy of structure plans or precinct structure plans that:

- *Take into account the strategic and physical context of the location.*
- *Provide the broad planning framework for an area as well as the more detailed planning requirements for neighbourhoods and precincts, where appropriate.*

- *Provide for the development of sustainable and liveable urban areas in an integrated manner.*
- *Assist the development of walkable neighbourhoods.*
- *Facilitate the logical and efficient provision of infrastructure.*
- *Facilitate the use of existing infrastructure and services.*
- *Integrate relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns.*
- *Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development.*

The Draft Eagle Point Structure Plan, prepared by the Shire with substantial community input, proposes the subdivision of land zoned for Low-Density Residential development in Eagle Point to achieve efficient and effective growth of the residential areas of the town.

I support the efficient subdivision of land in the Low-Density Residential zone and consider that, in the future, subdivision will need to service and make effective use of larger lots within the areas identified for closer subdivision.

My property contains an area of approximately 2,400 square metres of under-utilised vacant land on the eastern boundary of the proposed subdivision. This land could be readily included in the proposed subdivision to provide an extra lot and thus:

- Provide a more efficient subdivision of land;
- Allocate additional land for housing that would not be made available for future housing development without inclusion in the subdivision;
- Provide for the extension of road access and services to available vacant land to achieve more integrated development of land in the Low Density Zone;
- Facilitate the integrated development of land and provide opportunities for additional housing on serviced land, in accordance with the objectives for the Low-Density Zone and the Planning Scheme.

I have contacted the applicant to commence discussions regarding the potential inclusion of my land in the proposed subdivision. I am informed that objections have been lodged to the proposed subdivision and that further discussions regarding the final form of the subdivision will take place as part of the ongoing review of the proposal.

I lodge this submission to advise of this intention and may make further submissions as the process unfolds.

Yours Sincerely



Martin Richardson

East Gippsland Shire Council

273 Main Street (PO Box 1618)
Bairnsdale 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
National Relay Service: 133 677
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:

Name: <u>PETER & VANESSA SPENCER</u>			
Postal address:			
<u>EAGLE POINT</u>		<u>VICTORIA</u>	Postcode <u>3878</u>
Phone number: Home: <u>5156 0525</u>	Work:	Mobile:	
Email address:	Fax:		

Permit Details:

Planning permit number: <u>368/2018/P</u>
What has been proposed? <u>MULTI LOT SUBDIVISION</u>
<u>5 LAKE VICTORIA RD EAGLE POINT</u>
What is the address to be used or developed? <u>AS ABOVE</u>
Who has applied for the permit? <u>C + J SOLLY</u>

Objection Details:

What are the reasons for your objection? <u>See Attached letter</u>
<u>• SIZE OF BLOCKS PROPOSED</u>
<u>• TRAFFIC IMPACT</u>
<u>• INFRASTRUCTURE</u>
<u>• LOSS OF NEIGHBOURHOOD CHARACTER & AMENITY</u>
<u>• LOSS OF PRIVACY FOR NEIGHBOURS</u>

Privacy Statement

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

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

East Gippsland Shire Council

273 Main Street (PO Box 1618)
Bairnsdale Vic 3875
Website www.eastgippsland.vic.gov.au
Email feedback@egipps.vic.gov.au
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Telephone: (03) 5153 9500
Fax: (03) 5153 9576
National Relay Service: 133 677
Residents' Information Line: 1300 555 886
ABN: 81 957 967 765

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

See Attached

Letter

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

Signature:

V. Spencer

P. Spencer

Name:

VANESSA SPENCER

PETER SPENCER

Date:

25 / 3 / 19

Office Use Only:

Objection Received by: _____

Date Received: ____/____/____

Planning officer responsible: _____

Date Received: ____/____/____

Privacy Statement

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RE Application Reference 368/2018/P

Multi-lot subdivision of 5 Lake Victoria Road Eagle Point
Victoria 3878

To whom it may concern:

We are writing to you to object about the above subdivision
on the following grounds:

1. The size of the blocks proposed by the above plan are not in keeping with the size of blocks surrounding the development, as all surrounding blocks are a minimum of 4000 square metres and this needs to be retained in any future subdivision.
2. The access to the blocks proposed onto Lake Victoria Road is by a minor road on which traffic already struggles. The sealed section of road is not wide enough for the passage of two cars abreast. Cars have to travel onto the unsealed shoulder of the road to pass each other. We have suffered rim and tyre damage on this road ourselves, as a result of its condition. Further traffic of 11 subdivisions is going to exacerbate this problem.
3. Our water pressure in this area is very poor already and extra water and sewerage services from further properties is going to make this water service inadequate without further additional upgrades to our water supply.
4. Eagle Point is a rural residential area and when we settled in this area, that was why we built our house in Eagle Point. We did not wish to purchase an urbanized block of land in a development that was going to be out of character with our life plan choices. According to recent plans put in place for Eagle Point this development is not in agreement with these principles either.
5. Our neighbours who will adjoin these properties will also lose privacy and the protected overlays on developments surrounding this development. It will change the general feel of being a rural residential area.

Yours Sincerely

Peter and Vanessa Spencer.

The block contains two handwritten signatures in black ink. The signature on the left is 'Peter' and the signature on the right is 'Vanessa'. Both are written in a cursive, flowing style.

Our ref: 17768

13 March 2019

Dear Sir or Madam,

**Re: Planning Application 368/2018/P
Multi Lot Subdivision (Staged), Use of Land for a Second Dwelling
& Vegetation Removal
5 Lake Victoria Road, Eagle Point**

Council has instructed us to formally advise you as a surrounding owner or occupier of the proposal at the abovementioned address.

On behalf of our client *C & J Solly* we would like to provide you with some information that may assist you in relation to this matter.

A copy of the "concept" Subdivision Plan is enclosed for your information. We ask that you do not make copies of this document as it remains the property of *Crowther & Sadler Pty Ltd.*

The Application seeks approval for the creation of 11 residential allotments ranging in area from 2000m² in area to 5301m² in area as shown on the accompanying Proposed Subdivision Plan.

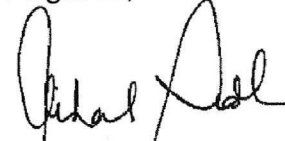
Lots 1- 4 (inclusive) & Lots 6-10 (inclusive) will each be vacant allotments for future residential style development however Lots 5 & 11 will contain dwellings.

Please find enclosed a *Notice of an Application for Planning Permit* for the abovementioned project. The notice has been dated **27 March 2019**.

A full explanatory Planning Report is available for viewing at Council's Service Centre (24 Service Street, Bairnsdale), Business Centre (34 Pyke Street, Bairnsdale) or Paynesville Service Centre (55 Esplanade, Paynesville) for inspection during office hours.

Please do not hesitate to contact our office should you have any questions in relation to this matter.

Regards,



MICHAEL SADLER

*Email to feedback
Planning# in subject box*

Encl. *Notice of an Application for Planning Permit 368/2018/P
Copy of 'concept' Subdivision Plan (Version 2)*

152 Macleod St
PO Box 722
Bairnsdale, VIC 3871

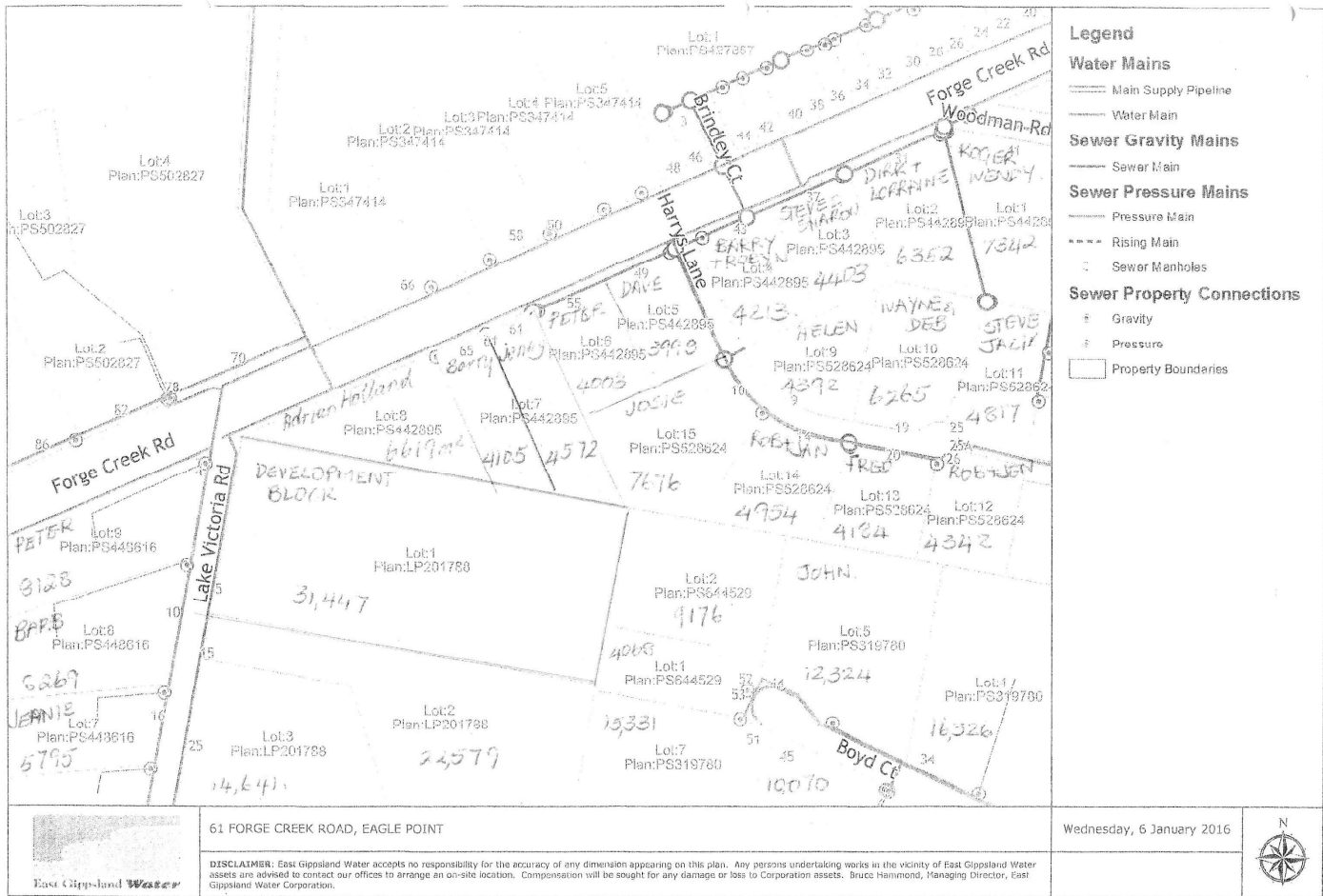
P: 5152 501

F: 5152 570

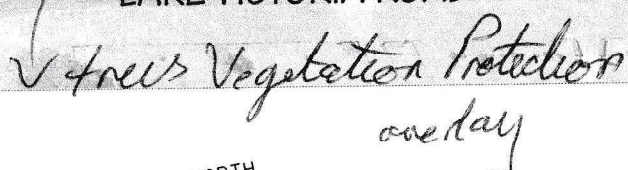
E: contact@crowthersadler.com.au

FS 520900

**MEMBER
FIRM**



Fencing
Tree removal



some trees
removed to provide access

<p>CRAIG SOLL</p> <p>5 LAKE VICTORIA ROAD, EAGLE POINT</p>	<p>NOTATIONS</p>		<p>PROPOSED SUBDIVISION</p>
	<p>AREAS ARE APPROXIMATE ONLY DIMENSIONS ARE SUBJECT TO SURVEY</p>		
<p>Crowtner & Sadler Pty. Ltd.</p> <p>LICENSED SURVEYORS & TOWN PLANNERS 152 MACLEOD STREET, BAIRNSDALE, VIC. 3076 P. (03) 5182 6011 E. contact@crowtneradler.com.au</p>	<p>SCALE (SHEET SIZE A3)</p>	<p>SURVEYORS REF.</p>	<p>PARISH OF BAIRNSDALE SECTION A CROWN ALLOTMENT 49 & FORMER GOVT. ROAD (PARTS) LOT 1 ON LP201788</p>
	<p>1 : 1000</p>	<p>17768</p>	
<p>FILENAME: 17768 Prop V2.pto</p>			<p>VERSION 2 - DRAWN 01/03/2019</p>

East Gippsland Shire Council

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Bairnsdale Vic 3875
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Email feedback@egipps.vic.gov.au
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Residents' Information Line: 1800 555 888
ABN: 81 957 05 119

Received EGSC

25 MAR 2019

Paynesville

Objection to Planning Permit Application

Planning and Environment Act 1987

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

Your Details:

Name: <u>BARRU HFFERNAN</u>			
Postal address:		<u>EAGLE POINT</u>	
		Postcode	<u>3878</u>
Phone number: Home:	Work:	Mobile:	
Email address:	Fax:		

Permit Details:

Planning permit number:	<u>368/2018/P</u>
What has been proposed?	<u>MULTI LOT SUBDIVISION (STAGED) USE OF LAND FOR A SECOND DWELLING AND VEGETATION REMOVAL.</u>
What is the address to be used or developed?	<u>5 LAKE VICTORIA RD. EGSC EAGLE POINT.</u>
Who has applied for the permit?	<u>Crowther + Sadler Pty Ltd</u>

Objection Details:

What are the reasons for your objection?
<u>ALL PROPERTIES SURROUNDING THE PROPOSED SUBDIVISION ARE OF AN AREA GREATER THAN 3998 m² THE LARGEST SIZE OF THE PROPOSED BLOCKS IS 5301 m² ONE BLOCK OF 3453 m² THE OTHER BLOCKS BEING BETWEEN 2000 m² AND 2411 m² THESE ARE VERY INCONSISTENT WITH THE SURROUNDING AREA THE DEVELOPMENT WOULD MEAN MORE VEHICLES ON THE VERY NARROW LAKE VICTORIA RD.</u>

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JUL15

East Gippsland Shire Council

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

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

• NOT IN KEEPING WITH THE COUNCILS PLAN FOR THE
EAGLE POINT AREA WATER PRESSURE IN THE AREA WOULD BE
IMPACTED. SEWERAGE INFRASTRUCTURE WOULD ALSO BE
AFFECTED. I ALSO FEEL THE COUNCIL WOULD BE SETTING A
VERY UNWELCOME PRECEDENT IN ALLOWING SMALLER BLOCKS IN
THE IMMEDIATE AREA

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

Signature: _____

Barry Heffernan

Name: _____

BARRY HEFFERNAN

Date: 25/03/2019

Office Use Only:

Objection Received by: _____ Date Received: ____/____/____

Planning officer responsible: _____ Date Received: ____/____/____

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Received EGSC

25 MAR 2019

Objection to Planning Permit Application

Planning and Environment Act 1987

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

Your Details:

Name: <u>JACKIE BARLOW + STEVEN BARLOW.</u>			
Postal address:			
<u>PAYNESVILLE VIC</u>			Postcode <u>3880</u>
Phone number: Home:	Work:	Mobile:	
Email address:	Fax: <u>EGSC</u>		

Permit Details:

27 MAR 2019

Planning permit number: <u>368/201/P</u>	INFORMATION
What has been proposed? <u>multi-Lot Subdivision (staged), use of land for a second dwelling and vegetation removal</u>	MANAGEMENT
What is the address to be used or developed? <u>5 Lake Victoria Road - Eagle Point</u> <u>LOT 1 LP 201788</u>	
Who has applied for the permit? <u>Crowther & Sadler Pty Ltd: REF 17768</u> <u>on behalf of Craig & J. Solly - Dated 13th MARCH 2019.</u>	

Objection Details:

What are the reasons for your objection?
<u>#1. Objection to the size & number of the proposed subdivision plan - See attached</u>
<u>#2. Objection - Loss of Neighbourhood Character - see attached.</u>
<u>#3. Objection - Increase of Traffic onto Lake Victoria Drive - see attached</u>
<u>#4 Objection - Removal of Vegetation - which has already commenced as evidenced by the huge pile of waste (bonfire) on the site prior to the applications approval.</u>

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JUL15

Jackie Barlow
25/3/2019

Page 1 of 7

Objection to Planning Permit Application - 368/2018/P

Jackie Barlow
P.O. Box 499, Paynesville. Vic 3880
25 Harrys Lane, Eagle Point. 3878
Ph: 0408 71 3030

Objection: # 1. The Size and Number of Allotments

The Proposed Sub-Division Plan changes the current Land Allotment from a single dwelling Lot of 31447sq metres or 7.771 acres to a total of 11 separate allotments.

~~The proposal states "Clause 6.2 - Response to Decision - Paragraph 5" that "block size is~~
consistent with the size and style of land to the North and North East."

As the attached map of the area clearly shows, (Page 3 Of 7) ALL of the surrounding properties are at least twice the size of the Proposed Sub Division, with the exception of the area designated for the existing dwelling, which has an allocation of 5301 sq metres; 1.3099 acres. The other proposed allotments range in size from Lot 1 - 3453 sq m; Lots 2 & 3 - 2000 sq m; Lot 4 - 2147 sq m, and Lots 6 through to Lot 11; between 2037 sq m to 2411 sq m. the majority being around the ½ acre size.

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.

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."

Jackie Barlow
25/3/2019

Jackie Barlow

Objection: # 2. continued...

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.)

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 5 Lake Victoria Drive 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 outlook of the rural setting in Eagle Point be disturbed, the whole feel of the neighbourhood would be drastically altered. Forever!

Objection: # 3. Increase of Traffic and access to Lake Victoria Drive.

Lake Victoria Road is currently a single lane road, with verges. It does not allow 2 vehicles travelling in opposite directions to pass each other, without leaving the bitumen and driving onto the verge, to avoid colliding. The verges are increasingly being eroded, & potholed with the current traffic usage.

Should the Proposed Development be approved, one could logically assume that the increased traffic from an addition of 11 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 and the impact could create greater long term safety issues for this road. As stated previously as part of Objection 2, the additional vehicle noise would also detract from the rural and lifestyle setting of this neighbourhood.

Objection: # 4. Removal of Vegetation.

It appears that removal of Vegetation has already commenced as evidenced by the huge pile of waste (bon fire) on the site prior to the applications' approval.

Jackie Barlow
25/3/2019

Objection to Planning Permit Application - 368/2018/P

Jackie Barlow

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 Lake Victoria Drive.

I have many concerns, as already indicated in Objection # 3. Eleven additional dwellings would place an unsafe burden on Lake Victoria drive. 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 11 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.

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, 11 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. These are the essential things that are shared by me, my family and my neighbours.

Jackie Barlow
25/3/2019

Objection to Planning Permit Application - 368/2018/P

Jackie Barlow

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.

It may be of interest to note and consider that at the present time (March 2019) This area of Eagle Point has 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 are a 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.

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 11 additional dwellings would increase this problem.

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

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.

Jackie Barlow
25/3/2019

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How would you be affected by the granting of this permit? See attached documents.

1# Loss of Rural Aspect of Eagle Point - Change in character

2# Increase of traffic volume on Lake Victoria Drive

3# Increase of noise & loss of privacy within the area.

4# Increase demand on current infrastructure & amenities;
water supply, water discharge including sewerage

5# Impact on fauna & flora of the local area.

6# Affect & Impact upon my lifestyle, as raised during the
consultation & development of the Eagle Point Structure
Plan.

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

Signature: Jackie Barlow

Name: JACKIE BARLOW

STEVE BARLOW Date: 25/03/2019

Office Use Only:

Objection Received by: _____ Date Received: ____/____/____

Planning officer responsible: _____ Date Received: ____/____/____

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Page 7 of 7 END

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Objection to Planning Permit Application

Planning and Environment Act 1987

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Your Details:

Debra and Wayne Benson

Permit Details

368/2018/P

What has been proposed?

Multi lot subdivision (staged) use of land for a second dwelling and vegetation removal

What is the address to be used or developed?

5 Lake Victoria Road, Eagle Point

Who has applied for the Permit?

Crowther and Sadler Pty Ltd

Objection Details

What are the reasons for your objection?

1. Size and number of blocks in relation to surrounding properties. Application states that block sizes are consistent – the attached plan shows adjoining properties with land sizes in sq.metres shown. All properties surrounding the proposed development are of an area greater than 3998m². The largest proposed size for this development is 5301m² with the remaining 9 of the 11 proposed sizes being between 2000 m² and 2411m², the remaining property size is 3453m². The statement that the proposed block size is consistent with size and style of land to the North and North East is incorrect.
2. Loss of neighbourhood character –allowing an additional 11 houses to be built on the property would detract from the rural aspect currently afforded to this area of Eagle Point

3. Egress/Ingress onto Lake Victoria Road. This road is currently a single lane road with verges that do not allow 2 vehicles to pass safely on the bitumen at the same time. The existing roadway would not allow for vehicles from an additional 11 properties to safely use Lake Victoria Road without impact on the natural environment.
4. Loss of privacy and amenity to existing dwellings.

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

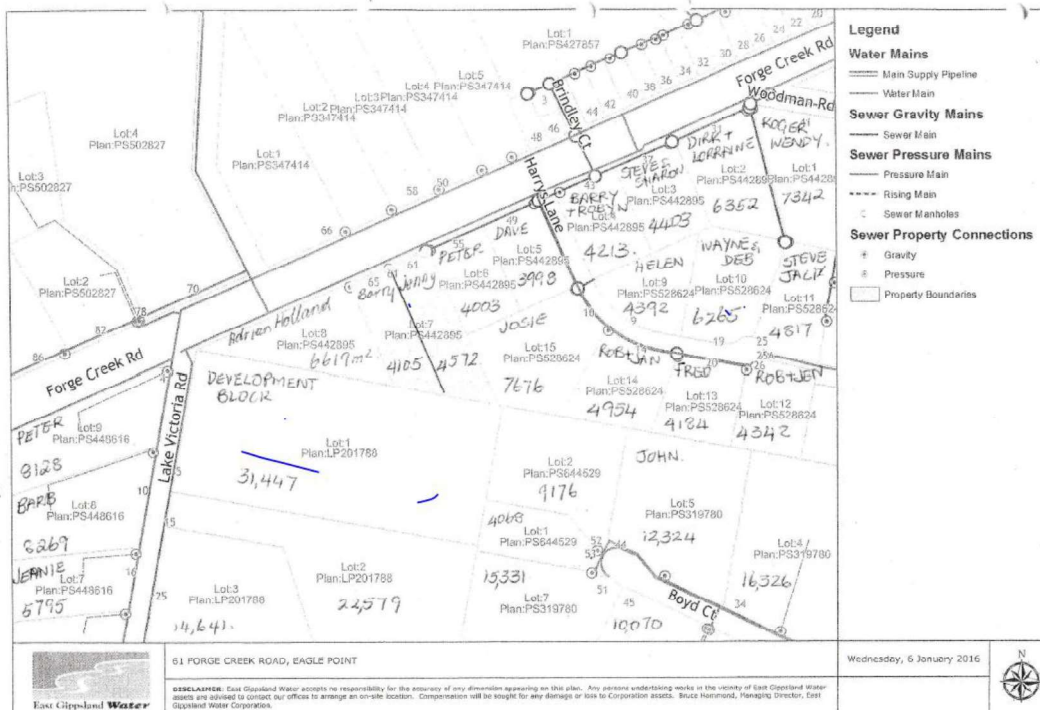
1. Loss of rural aspect and neighbourhood character
2. Increase in traffic and noise within the neighbourhood
3. Not in keeping with the Eagle Point Structure plan as stated in the overview of "Eagle Point having a village character influenced by its natural attributes and low scale development form." 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 there are 46 vacant allotments, 69 properties for sale and 282 listings 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.
5. Impact on rural amenity of Eagle Point – more houses, more vehicles, more noise = loss of amenity for existing dwellings.
6. Affect on my lifestyle – we moved to Eagle Point for the quiet rural environment, we do not want to live in an enclave off residential developments of less than 1 acre. The area immediately to the East of us has been over developed and our concerns have been raised through the various consultations currently underway through the Structure Planning Process.



Signed:

Name: Debra Benson

Date: 24 March 2019



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25 MAR 2019

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Objection to Planning Permit Application

Planning and Environment Act 1987

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EGSC

Your Details:

26 MAR 2019

Name: <u>MARRICE & BARBARA MACKENZIE</u>		INFORMATION	
Postal address: _____		MANAGEMENT	
		Postcode	<u>3878</u>
Phone number: Home:	Work:	Mobile: _____	
Email address:		Fax: _____	

Permit Details:

Planning permit number:	<u>368/2018/P</u>
What has been proposed?	<u>MULTI-LOT SUBDIVISION (STAGED) USE OF LAND FOR A SECOND DWELLING & VEGETATION REMOVAL.</u>
What is the address to be used or developed?	<u>5 LAKE VICTORIA ROAD EAGLE POINT.</u> <u>LOT 1 L.P. 201788</u>
Who has applied for the permit?	<u>CROWTHER & GADLER PM LTD.</u>

Objection Details:

What are the reasons for your objection?
<u>① SIZE AND NUMBER OF BLOCKS IN RELATION TO SURROUNDING BLOCKS. APPLICATION STATES THAT BLOCK SIZES ARE SIMILAR TO THOSE SURROUNDING. THIS IS NOT CORRECT - (SEE ATTACHED). IN RESPONSE TO DECISION 6.2 PARAGRAPH 5 IT STATES - "BLOCK SIZE IS CONSISTENT WITH SIZE & STYLE OF BLOCKS TO NEARBY."</u>
<u>② INGRESS & EGRESS OF TRAFFIC ON LAKE VICTORIA RD. - CURRENTLY A SINGLE LANE.</u>
<u>③ LOSS OF NEIGHBOURHOOD CHARACTER</u>

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

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

- ① INCREASE TRAFFIC & NOISE
- ② LOSS OF RURAL ASPECT. - NOT IN KEEPING WITH THE EAGLE POINT STRUCTURE PLAN.
- ③ POSSIBLE INSUFFICIENT OR INADEQUATE INFRASTRUCTURE & COMMUNITY INFRASTRUCTURE.
- ④ POSSIBLE EFFECT TO PROPERTY VALUES
- ⑤ VEGETATION REMOVAL WHICH HAS BEGUN PRIOR TO APPLICATION BEING CONSIDERED.

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

Signature: *Maurice Mackenzie Barbara Mackenzie*

Name: MAURICE MACKENZIE, BARBARA MACKENZIE Date: 24 / 3 / 2019

Office Use Only:

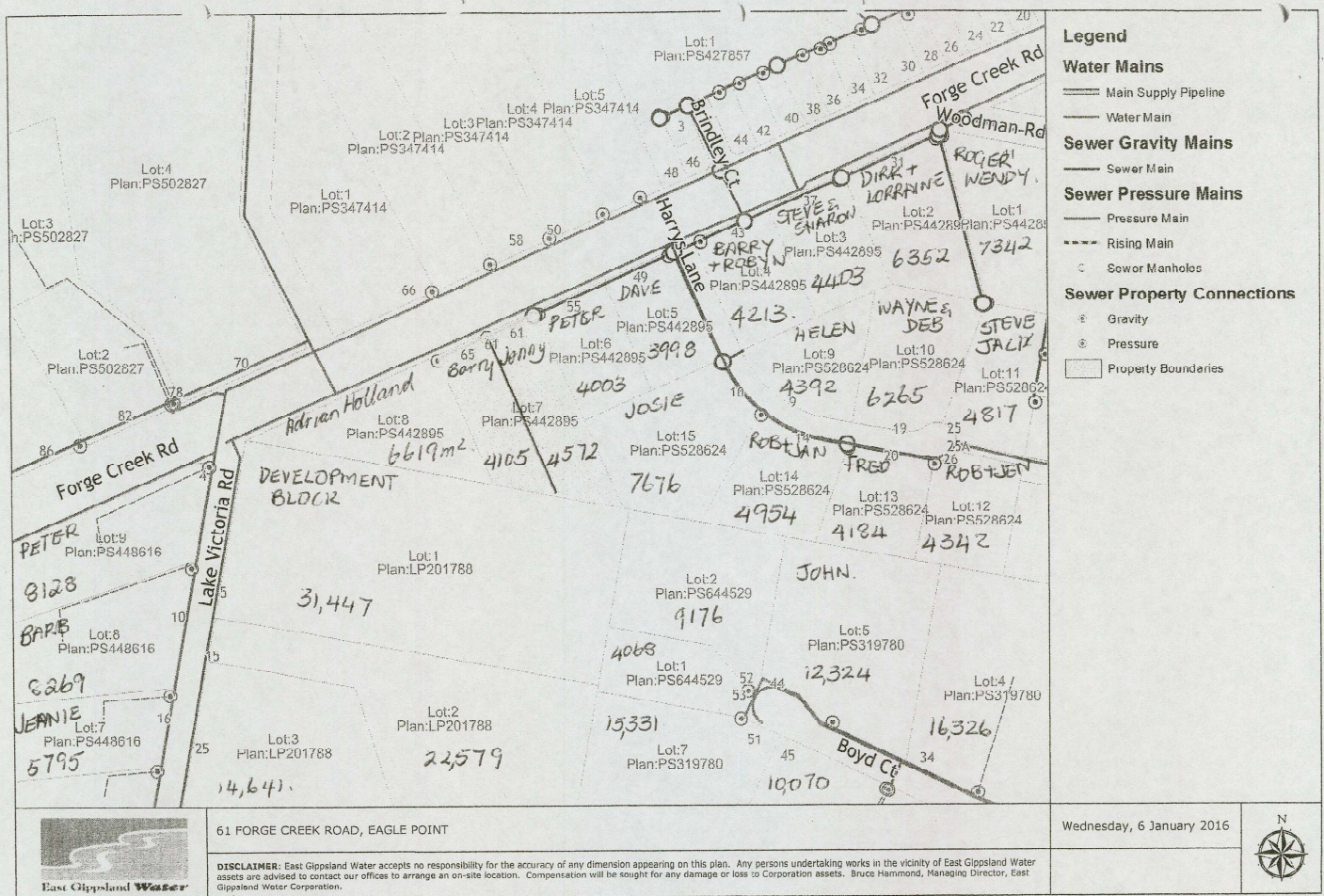
Objection Received by: _____ Date Received: ____/____/____

Planning officer responsible: _____ Date Received: ____/____/____

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Objection to Planning Permit Application

Planning and Environment Act 1987

25 MAR 2019

Paynesville

EGSC

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Your Details:

26 MAR 2019

Name: LOUISE O'NEIL & BRIAN O'NEIL		INFORMATION MANAGEMENT	
Postal address:			
		Postcode	3878
Phone number: Home:	Work:	Mobile:	
Email address:		Fax:	

Permit Details:

Planning permit number:	368 / 2018 / P
What has been proposed?	Multi-lot subdivision (staged) use of land for a second dwelling and vegetation removal.
What is the address to be used or developed?	5 Lake Victoria Road Eagle Point Lot 1 LP201788
Who has applied for the permit?	Gowher & Sadler Pty. Ltd.

Objection Details:

What are the reasons for your objection?
(1) SIZE AND NUMBER OF BLOCKS IN RELATION TO SURROUNDING BLOCKS. APPLICATION STATES BLOCK SIZES ARE SIMILAR TO THOSE SURROUNDING - RESPONSE TO DECISION 6.2 PARAGRAPHS 5 - "BLOCK SIZE IS CONSISTENT WITH SIZE & STYLE OF BLOCKS TO N & NE." THIS IS NOT CORRECT. (SEE ATTACHED)
(2) INGRESS & EGRESS OF TRAFFIC ON LAKE VICTORIA RD. - CURRENTLY A SINGLE LANE ROAD.
(3) LOSS OF NEIGHBOURHOOD CHARACTER

Privacy Statement

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

East Gippsland Shire Council

273 Main Street (PO Box 1618)
Bairnsdale 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
National Relay Service: 133 677
Residents' Information Line: 1300 555 886
ABN: 81 957 967 765

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

- ① LOSS OF RURAL ASPECT - NOT IN KEEPING WITH EAGLE POINT STRUCTURE PLAN.
- ② INCREASE IN TRAFFIC & NOISE
- ③ POSSIBLE INSUFFICIENT OR INADEQUATE INFRASTRUCTURE
- ④ POSSIBLE EFFECT TO PROPERTY VALUES.
- ⑤ VEGETATION REMOVAL BEFORE APPLICATION HAS BEEN CONSIDERED

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

Signature: _____

Name: _____

Date: 24 / 3 / 2019

Office Use Only:

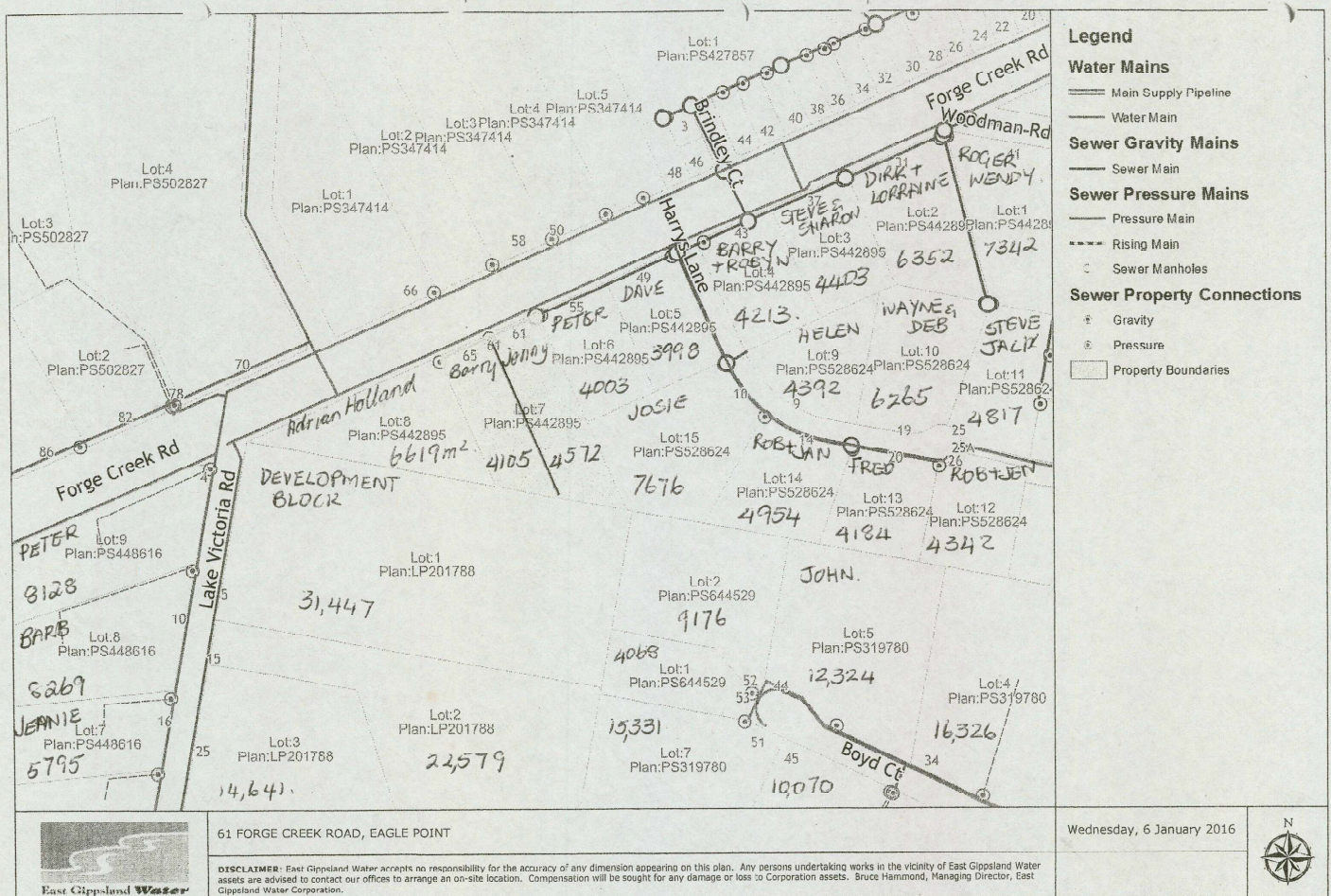
Objection Received by: _____ Date Received: ____ / ____ / ____

Planning officer responsible: _____ Date Received: ____ / ____ / ____

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61 FORGE CREEK ROAD, EAGLE POINT

Wednesday, 6 January 2016



DISCLAIMER: East Gippsland Water accepts no responsibility for the accuracy of any dimension appearing on this plan. Any persons undertaking works in the vicinity of East Gippsland Water assets are advised to contact our offices to arrange an on-site location. Compensation will be sought for any damage or loss to Corporation assets. Bruce Hammond, Managing Director, East Gippsland Water Corporation.



East Gippsland Shire Council

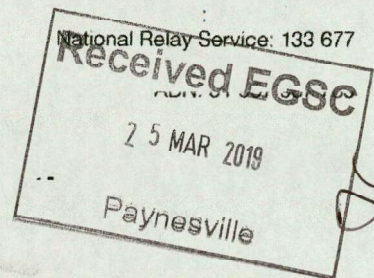
273 Main Street (PO Box 1618)

Website www.eastgippsland.vic.gov.au
feedback@egipps.vic.gov.au



Telephone: (03) 5153 9500

National Relay Service: 133 677



Objection

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 **EGSC**

Your Details:

26 MAR 2019

JEAN JONES		INFORMATION	
Postal address:		MANAGEMENT	
Eagle Point		Postcode	3878
Phone number: Home:	Work:	Mobile:	

Permit Details:

Planning permit number:	368 / 2018 / P
WHAT HAS BEEN PROPOSED - multi-lot subdivision (staged) use of land for a second dwelling & vegetation removal	
What is the address to be used or developed?	
5. LAKE VICTORIA ROAD EAGLE POINT LOT 1 LP 201788	
Who has applied for the permit? CROWTHER & SADLER PTY. LTD.	

Objection Details:

What are the reasons for your objection?
① SIZE AND NUMBER OF BLOCKS IN RELATION TO SURROUNDING BLOCKS. APPLICATION STATES THAT BLOCK SIZES ARE SIMILAR TO THE N. & NE. THIS IS CLEARLY NOT CORRECT. (SEE ATTACHED) IN RESPONSE TO DECISION 6.2 PARAGRAPH 5 IT STATES "BLOCK SIZE IS CONSISTENT WITH SIZE & STYLE OF BLOCKS TO N. & NE"
② INGRESS & EGRESS ON LAKE VICTORIA ROAD - CURRENTLY A SINGLE LANE ROAD IS TOO NARROW TO PASS COMFORTABLY
③ LOSS OF NEIGHBOURHOOD CHARACTER

Privacy Statement

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information about Council's Privacy Policy by contacting our Information Privacy Officer on 03 5153 9500 or e-mail feedback@egipps.vic.gov.au

EAST GIPPSLAND SHIRE COUNCIL

273 Main Street (PO Box 1618)

www.eastgippsland.vic.gov.au
Email feedback@egipps.vic.gov.au



Fax: (03) 5153 9576

Residents' Information Line: 1300 555 000
ADSL: 04 067 067 766

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

① LOSS OF RURAL ASPECT - WE'VE HAD RURAL ASPECT WOULD CHANGE.

② INCREASE TRAFFIC & NOISE

③ VEGETATION REMOVAL WHICH HAS BEGUN PRIOR TO APPLICATION BEING CONSIDERED.

④ PLAN IS NOT IN KEEPING WITH EASLEPOINT STRUCTURE PLAN.

⑤ POSSIBLE INSUFFICIENT OR INADEQUATE INFRASTRUCTURE.

⑥ POSSIBLE EFFECT TO PROPERTY VALUES.

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

SIGNATURE

24/8/2019

Name:

Jean Jones

Office Use Only:

Planning officer responsible: _____

Date received: _____

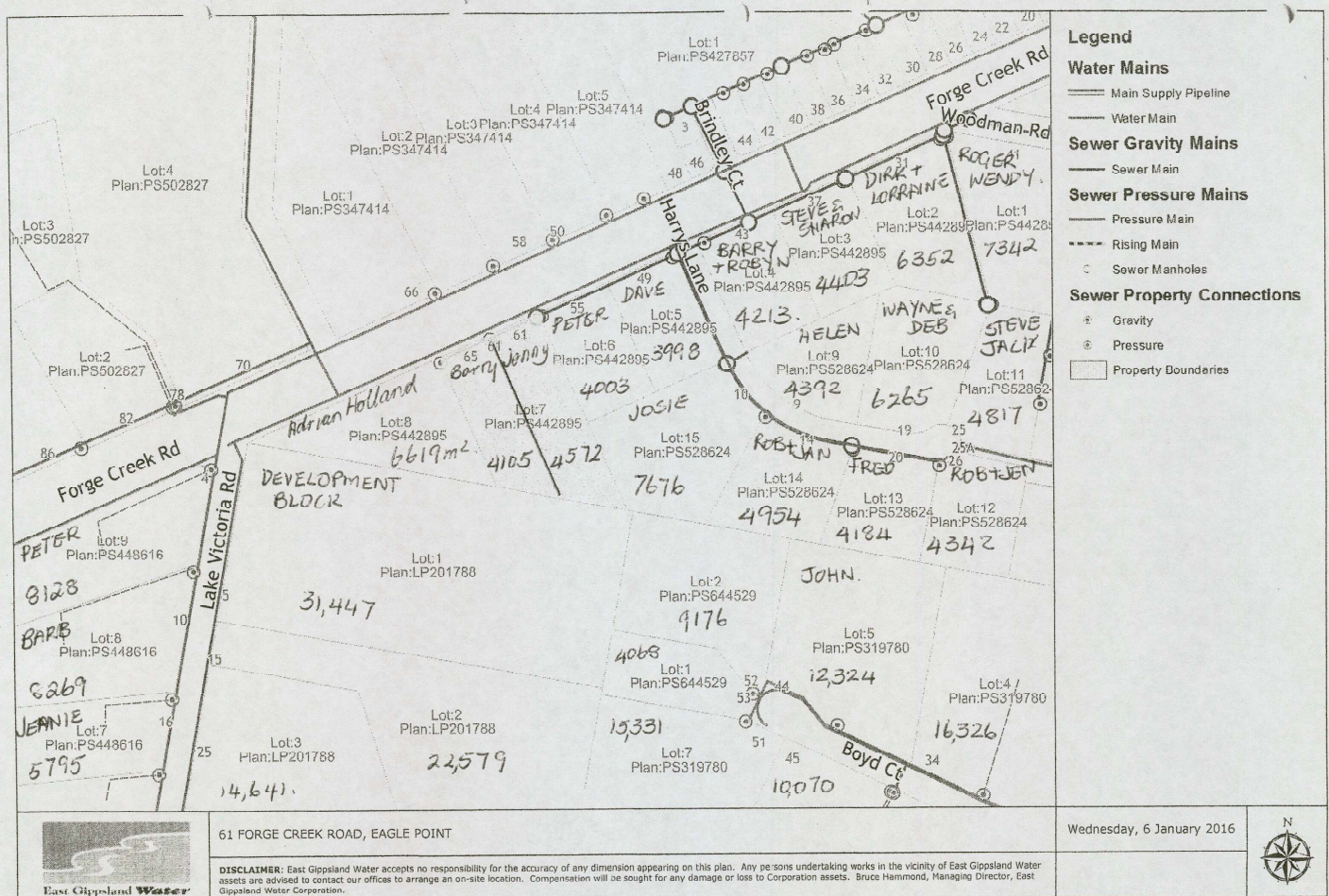
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information about Council's Privacy Policy by contacting our information privacy officer on _____

feedback@egipps.vic.gov.au

JUL15



From: SeamlessCMS@seamless.com.au
Sent: Wednesday, 27 March 2019 4:07:34 PM
To: Planning Department
Subject: Objection to Planning Permit Submitted

Online Form Submitted

Date Submitted: 27 Mar 2019 04:07 PM

Name	Robyn Vanderslik
Email address	
Postal address	
Home	
Work	
Mobilc	
Fax	
Planning permit number	368/2018/P
What has been proposed?	Multi-lot subdivision (staged), use of land for a second dwelling and vegetation removal
What is the address to be used or developed?	5 Lake Victoria Road, Eagle Point Vic 3878
Who has applied for the permit?	Crowther & Sadler Pty Ltd
What are the reasons for your objection ?	Reasons for objection: 1. The lot size and number of lots proposed is not consistent with the size and style of neighbouring lots and in keeping with the character of the area. All surrounding lots are approx. twice the size of the lots on the proposed subdivision (with the exception of the existing dwelling which has been allocated a lot size of 5,301 sqm) The majority of lots in the area are 1 to 2 acres (or more) in size and this large allotment enhances the rural feel which attracted us and many of the other larger lot residents to Eagle Point. This smaller proposed subdivision, similar to the two on Eagle Point Road & Cardinal Drive are not “maintaining the existing and preferred neighbourhood character of Eagle Point relating to the landscape and natural setting (refer to Eagle Point Strategic Plan – February 2019) – something that was raised at the recent Community Consultations on the development of Eagle Point. Lot sizes of 1 acre or more are consistent with the immediate surrounding subdivisions. 2. This continual granting of small multi lot subdivisions in the area is placing more of burden on the existing infrastructure. The water pressure in particular is extremely poor, and yet another subdivision, in addition to the two multi lot subdivisions on School Road that haven’t yet been fully developed, will only decrease the water pressure even more. 3. Increased

traffic. Lake Victoria Road is currently a single lane road with gravel verges that constantly have large potholes. It does not allow for two vehicles travelling in opposite directions to pass without one vehicle having to drop onto the gravel verge and often into a large pot hole. The increase in traffic on Lake Victoria Road can only have further detrimental effect on the condition and safety of this road.

How it would affect me: 1. Loss of the rural/ low density aspect. The proposed development is adding to the already significant changes to the density of the residential development in Eagle Point, eroding the 'quiet rural hamlet' atmosphere that attracted us, and the other large allotment owners, to the area in the first place. It does not reflect the character of the neighbourhood 2. Reduction in water

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

pressure - already a significant issue in our development and a big concern to us. We lose water pressure the moment someone else in the neighbourhood turns on a tap. Another 11 homes, closer to the water source, and in addition to the as yet undeveloped lots to the east of Harrys Lane would just about reduce our water pressure to a trickle. 3. Increased traffic and traffic noise. There would be noise generated from an additional 11 dwellings and whilst we may not be on the boundary of this subdivision, the noise does travel. 4. My concern is that should this application be successful, then it will pave the way for continued small lot subdivisions in the area, which are continuing to destroy the peaceful rural hamlet that was once Eagle Point, and is now at risk of becoming just another suburban subdivision - it is losing its unique charm and character.

Additional information

No file attached

East Gippsland Shire Council

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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

Permit Details

368/2018/P

What has been proposed?

Multi lot subdivision (staged) use of land for a second dwelling and vegetation removal

What is the address to be used or developed?

5 Lake Victoria Road, Eagle Point

Who has applied for the Permit?

Crowther and Sadler Pty Ltd

Objection Details

What are the reasons for your objection?

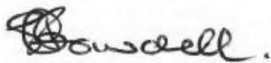
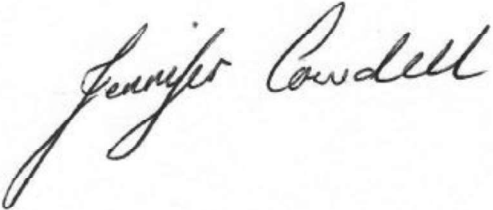
1. The size and number of blocks in relation to surrounding properties: The application states that the size of the blocks to be developed is consistent with the style and size of the blocks to the north and north east of the proposed subdivision. Please see attached plan from East Gippsland Water which clearly shows the minimum lot size in ALL surrounding blocks is 3998 square metres. In particular the blocks to the immediate north and north east of the proposed subdivision are between 9176 sq metres and 4105 sq metres.

2. Loss of neighbourhood character due to the density of the proposed subdivision and removal of vegetation which is not in keeping with the Eagle Point Structure Plan or Vegetation Protection Overlay.
3. Ingress /egress to Lake Victoria Road, which is currently a single lane road with wide verges which does not allow two vehicles to pass safely when travelling in opposite directions. This road is not suitable to cater for an increase of traffic of potentially 22 more vehicles per day.

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

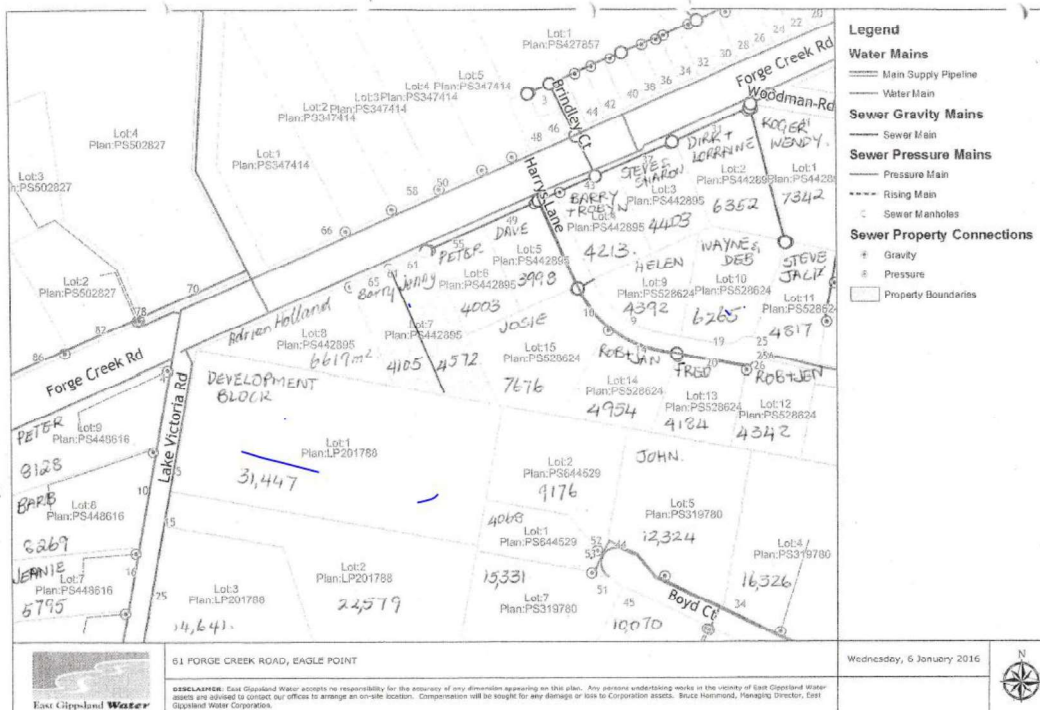
1. Loss of rural aspect and neighbourhood character
2. Increase in traffic and noise within the neighbourhood
3. Not in keeping with the Eagle Point Structure plan as stated in the overview of "Eagle Point having a village character influenced by its natural attributes and low scale development form." 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 there are 46 vacant allotments, 69 properties for sale and 282 listings 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.
5. Impact on rural amenity of Eagle Point – more houses, more vehicles, more noise = loss of amenity for existing dwellings.
6. Affect on our lifestyle – we moved to Eagle Point for the quiet rural environment, we do not want to live in an enclave of residential developments of less than 1 acre. If the proposed subdivision is to proceed, we will lose any rural ambience from the rear of our property which will be replaced with 5 dwellings crammed onto half acre blocks, possibly separated by timber paling fences. This is not in keeping with the low density rural residential area that we bought into two years ago, and could have a negative impact on the value of our property.
7. Concern at the possible loss of large well established native trees to the rear of our property which are home to many birds.

Signed:



Name: Jennifer & Stuart Cowdell

Date: 25th March 2019





Department of Environment, Land, Water & Planning

21 March 2019

Martin Ireland
Planning Officer
East Gippsland Shire Council
PO Box 1618
BAIRNSDALE VIC 3875

Our ref: SP467204

71 Hotham Street
Traralgon Victoria 3844
Australia
Telephone: +61 3 5172 2111
Facsimile: +61 3 5172 2100
www.delwp.vic.gov.au
DX 219284

Dear Martin

**PLANNING PERMIT APPLICATION 368/2018/P
MULTI-LOT SUBDIVISION (STAGED), USE OF LAND FOR A SECOND DWELLING AND VEGETATION
REMOVAL
5 LAKE VICTORIA ROAD EAGLE POINT VIC 3878
LOT 1 ON LOT PLAN LP201788**

Thank you for your correspondence dated 8 March 2019 in respect of the above-described application. The correspondence was received on 8 March 2019.

The Department of Environment, Land, Water and Planning (DELWP) has considered the above application in accordance with section 52 of the *Planning and Environment Act 1987*, with the specific referral trigger being Clause 42.01-3 of the East Gippsland Planning Scheme.

The application seeks to create a multi-lot subdivision, use for a second dwelling and remove native vegetation on land within the Low Density Residential Zone and affected by Schedule 11 of the Design and Development Overlay, Schedule 1-43 of the Environmental Significance Overlay and Schedule 1 of the Vegetation Protection Overlay.

I wish to advise that the department has no objection to the granting of a permit for the above application and makes the following recommendations:

- That native vegetation is retained, in keeping with the aims of VPO 1 and ESO 1-43.
- That the proposed building envelopes are located to avoid the removal of roadside vegetation.

Please provide a copy of the permit, if one is granted, or any notice to grant or refusal to grant a permit to the above address.

All written correspondence should be sent electronically to gippsland.planning@delwp.vic.gov.au or mailed to:

Planning Approvals Gippsland
Department of Environment, Land, Water & Planning
71 Hotham Street
TRARALGON VIC 3844

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002



If you have any queries regarding this matter, please contact Planning Approvals - Gippsland at the department's Traralgon office on (03) 5172 2111.

Yours sincerely

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

Ian Morland

Senior Program Officer Planning Approvals



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

Our Ref: 11000-65909-88863
Council Ref: 368/2018/P

27 March 2019

Martin Ireland
East Gippsland Shire Council
PO Box 1618
BAIRNSDALE VIC 3875

Dear Martin

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

Application No: 368/2018/P
Applicant: Crowther Sadler Pty Ltd
Address: 5 Lake Victoria Road Eagle Point
Proposal: Multi Lot Subdivision (Staged) & 2nd Dwelling

I refer to your letter dated 8th March 2019 seeking comments on the above proposal from CFA as a Referral Authority,

CFA, acting as a Referral Authority pursuant to Section 52 of the Planning and Environment Act 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. Common Property Driveway

The Drive 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.
- 3.1 Curves must have a minimum inner radius of 10 metres.
- 3.2 Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
- 3.3 The Driveway is more than 60m in length from the nearest road and 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 –

Additional Comments

The site is located in a Bushfire Prone Area (BPA) and does not have direct interface with Classifiable vegetation.

The application does appear to have specifically addressed the bushfire risk or relevant policy contained at Clause 13.02.

The siting and layout of the development should consider the level of bushfire risk in the landscape, the location and type of nearby bushfire hazards, the management of vegetation within the area of the development, and what, if any, bushfire protection measures should be included in the proposal to reduce the bushfire risk.

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>

.

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 at this stage.

If you wish to discuss this matter in more detail, 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 'P. Rogasch', with a stylized flourish at the end.

Peter Rogasch,
Fire Safety Officer
Fire & Emergency Management
Country Fire Authority

cc: Crowther Sadler Pty Ltd
contact@crowthersadler.com.au

Our Reference: 75055576
Your Reference: 368.2018.P
SPEAR Reference: *
Date: 27 March 2019



Locked Bag 14051
Melbourne City Mail Centre
Victoria 8001 Australia
T: 1300 360 795
www.ausnetservices.com.au

Dear Sir/Madam,

PLANNING PERMIT NUMBER: 368/2018/P
APPLICANT: Crowther & Sadler
DESCRIPTION OF LAND: 5 Lake Victoria Road EAGLE POINT
Lot 1 LP 201788

CONDITIONAL CONSENT TO ISSUE OF PERMIT

AusNet Electricity Services Pty Ltd does not object to the issue of a planning permit in respect of the abovementioned application if the permit is subject to the following conditions:

CONDITIONS REQUIRED BY AUSNET ELECTRICITY SERVICES PTY LTD

The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the subdivision Act 1988.

The applicant must –

- Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
- Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
- Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.
- Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.
- Adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
- Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty Ltd for electric substations.
- Provide survey plans for any electric substations required by AusNet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30

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

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

END OF CONDITIONS

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

Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.

Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.

For all enquiries please call 0457816703.

Yours sincerely,

Ryan Teuma
Design Officer
AusNet Services



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/19/15864

15 April 2019

East Gippsland Shire Council
(planning@egipps.vic.gov.au)

Attention: Subdivision Officer,

PLANNING APPLICATION NO: 368-2018-P
FOR: SUBDIVISION OF LAND INTO 11 LOTS
LOCATION: 5 LAKE VICTORIA ROAD EAGLE POINT (LOT 1 LP201788X)
APPLICANT: CROWTHER & SADLER PTY LTD

In response to your letter of 8 March 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. 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. Current water meter (#96370) to be relocated to the relevant proposed Lot and remain with one of the two existing dwellings. If the second existing dwelling requires a water supply service, a new connection and meter is to be installed.
3. Modify existing sewerage and water service pipe work, to the satisfaction of East Gippsland Water, and in accordance with the applicable plumbing standards. Pipe work to each Lot is to be kept clear of the other Lots.
4. 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. 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 assets in perpetuity.
5. Provide easements on the plan of subdivision over newly created or existing infrastructure, as required by East Gippsland Water.
6. Payment of applicable Development Planning Charges by the Applicant/Developer to East Gippsland Water (refer Notes)



Notes:

- (A) 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.
- (B) 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.
- (C) 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, payment by the Applicant/Developer to East Gippsland Water for an on-site Pressure Pump System for each Lot is required, at the rate applicable at the time of payment – contact East Gippsland Water for current price (excluding installation). East Gippsland Water will require on-going legal and physical (vehicle) access to each on-site Pressure Pump at any time to execute all its operational and maintenance obligations and requirements.
- (D) 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. A Negotiated New Customer Contribution may need to be agreed upon between the Developer and East Gippsland Water on a site specific basis prior to development commencing.

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)