



Council Meeting Agenda

Tuesday 27 August 2024 at 6:00 pm
Council Chambers (and by video conferencing)
East Gippsland Shire Council Corporate Centre
273 Main Street, Bairnsdale 3875



Acknowledgement of Country

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

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

Council information

East Gippsland Shire Council live streams, records and publishes its meetings via webcasting (youtube.com/c/EastGippyTV) to enhance the accessibility of its meetings to the broader East Gippsland community.

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

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

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

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

Councillors

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

Executive Leadership Team

Fiona Weigall Chief Executive Officer
Stuart McConnell General Manager Assets and Environment
Sarah Johnston General Manager Business Excellence
Chris Stephenson General Manager Place and Community

Purpose of Council meetings

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

Governance Rules

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

Councillors pledge

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

Vision

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

Our Strategic Objectives

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

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1 Procedural

1.1 Recognition of Traditional Custodians

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

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1.2 Apologies

1.3 Declaration of Conflict of Interest

1.4 Confirmation of Minutes

That the minutes of the Council Meeting held Tuesday 6 August 2024 be confirmed.

1.5 Next Meeting

The next Council Meeting is scheduled to be held on Tuesday 10 September 2024 at the Corporate Centre, 273 Main Street Bairnsdale commencing at 6.00 pm.

1.6 Requests for Leave of Absence

1.7 Open Forum

1.7.1 *Petitions*

1.7.2 *Questions of Council*

1.7.3 *Public Submissions*

1.8 Items for Noting

In accordance with section 54(5)(b) of the *Local Government Act 2020*, a copy of the Audit and Risk Committee Biannual Report is to be tabled and subsequently recorded in the minutes of the meeting.

Attachments

1. Audit and Risk Committee Biannual Report - January to June 2024 [**1.8.1.1** - 7 pages]



Audit and Risk Committee

Biannual Report

January to June 2024



Introduction

East Gippsland Shire Council (Council) is required to establish an Audit and Risk Committee (the Committee) under section 53(1) of the *Local Government Act 2020* (the Act).

Additionally, section 54(1) of the Act requires councils to prepare and approve a Committee Charter (the Charter) which specifies the Committee's objectives, authority, composition, tenure, roles and responsibilities along with reporting, administrative and governance arrangements. The current Charter was adopted by Council 16 August 2022.

Section 54(5)(a) of the Act also requires the Committee to prepare a biannual audit and risk report that describes its activities, findings and recommendations. A copy of this report must also be provided to the Chief Executive Officer (CEO) for tabling at the next practicable Council meeting.

This Report outlines the activities of the Committee for the reporting period (January to June 2024).

Membership

The Committee is comprised of seven members: four independent members (one of whom is Chair), the Mayor of the day and two Councillors appointed by Council. The current membership of the Committee, including any changes that occurred during the reporting period, is set out below:

Council Representatives

Mayor, Councillor Tom Crook
Councillor Mark Reeves
Councillor Mendy Urie

Independent Members

Ms Celeste Gregory (2024 Chair)
Ms Claudia Goldsmith
Mr Jason Hellyer
Ms Susan Lloyd

Meetings and Attendance

In accordance with the Charter, an ordinary meeting is held once each quarter and a joint meeting with Councillors is held annually in September to discuss:

- Council's audited draft financial report and performance statement; and
- the Committee's self-assessed performance evaluation for the previous financial year.

As detailed in the Charter, a quorum will exist if four (4) or more Committee Members are present, and the number of external Independent Members present is equal to or greater than the number of Councillor members. Meetings during the reporting period complied with quorum requirements.



The Committee met twice during the reporting period:

Meeting Date	Type
19 February 2024	Ordinary Committee Meeting
27 May 2024	Ordinary Committee Meeting

In accordance with the Charter, Councillors who are not members of the Committee may attend meetings of the Committee as observers. Through the Chair, non-member Councillors may ask questions in relation to matters listed on the agenda but may not participate in discussion.

The Chief Executive Officer, General Manager Business Excellence, Manager Governance and Committee Secretariat will, when practicable and appropriate, attend all meetings of the Committee. Other members of Council staff may be invited to attend meetings to present reports.

Attendance during the reporting period is shown in Table 1.

Table 1

Member	Role	19/02/24	27/05/24
Cr Tom Crook	Mayor	✓	✓
Cr Mendy Urie	Council Representative	✓	✓
Cr Mark Reeves	Council Representative	✕	✓
Ms Celeste Gregory	Independent Chair	✓	✓
Ms Claudia Goldsmith	Independent Member	✓	✓
Ms Susan Lloyd	Independent Member	✓	✓
Mr Jason Hellyer	Independent Member	✓	✓

Attendance Key ✓ = In Attendance ✕ = Apology ⊖ = Not Required

Internal Audit

A key responsibility of the Committee is to monitor Council's internal audit program. The internal audit function of Council is supported by the engagement of independent Internal Audit professionals to provide analysis and recommendations aimed at improving Council's governance, risk, and management controls.

A three-year Strategic Internal Audit Plan was endorsed by the Committee in May 2023 and approved by Council in August 2023. The Committee monitors the delivery of the plan at each meeting.

A representative from Crowe Australasia attended each Committee meeting to provide an update on the progress of the Internal Audit Plan and to present results for each audit undertaken.



Implementation of Audit Recommendations

In accordance with the Committee's Charter, the Committee is also responsible for monitoring progress on actions required to achieve rectification of any issues identified following an Internal Audit. At the meeting held on 27 May 2024, the Committee noted the following progress:

Title Internal Audit								
	In Quarterly Report	Completed	On Schedule Original Due Date	On Schedule Adjusted Due Date	Behind Schedule	Not Commenced	On Hold	Not Updated
Management Plant and Equipment	1	1						
Food Act and Health Compliance	1			1				
Occupational Health and Safety (Staff)	6	6						
Records Management	3	3						
Payroll	6	2	2		2			
Child Safety Standards	20	13	6		1			
Credit Cards and Fuel Cards Review	6	6						
Stand Alone - Statutory Planning	2			2				

External Audit

The Victorian Auditor General's Office (VAGO) appointed RSD Audit to complete external audits of East Gippsland Shire Council, as required by the *Audit Act 1994*. A representative of RSD Audit attends meetings as required.

The 2023/24 Proposed Audit Strategy was presented to the Committee at its meeting of 19 February 2024 and the 2023/24 Interim Management Letter was presented to the Committee at its meeting of 27 May 2024.

Annual Work Program

The meeting agenda is driven by the Committee's Annual Work Program, which was formally endorsed at the meeting held 19 February 2024. The matters from the Annual Work Program considered by the Committee at each meeting are provided in **Table 2**.

Key Highlights

The key highlights for the Committee during the current reporting period were:

- Prior to the commencement of the year's meetings, the Chair met with the newly appointed Chief Executive Officer (CEO) to discuss how the Independent Members would like to work with the CEO and any concerns the Committee would like to see addressed over the coming year. The meeting was effective, and it was agreed between the Chair and the CEO to review the working relationship throughout the year to determine what is and isn't working effectively.



- Strategic Focus Area Presentations from Maddocks are very well received and the topics are relevant for Independent Members to discharge their role in an advisory capacity. The presentation during the February meeting was very informative and provided current contextual information for all members on the importance of Audit and Risk Committee oversight and the need for effective strategic oversight. May's presentation consisted of Climate Change and its relevance especially for the East Gippsland region.
- Work conducted in the cyber security space to increase Council's cyber security posture has been extensive and the team are to be commended.
- VAGO's Interim Management Letter provided an overview of the current status of the financial accounts, and there were no issues of a mandatory nature noted. It is noted, VAGO has a focus on asset valuations and in response to this, the policy was updated.
- In the May 2024 Capital Expenditure report, it was noted by the Committee the risks identified which may impact the delivery of the program. It is encouraging to see the team keep abreast of any issues which pose significant risks for delivery of the program.
- The Committee noted the Post Implementation Review for Civica ERP Implementation (along with Wellington Shire Council). As this project is part of a wider transformation program, the Committee noted the outcomes of the review and the key learnings. Staff provided an update and it was well received.
- Council provide updates of current issues within Local Government and the latest of the reports being the Municipal Monitor Report from City of Greater Geelong. The Committee welcomes these reports and any actions East Gippsland may be reviewing and undertaking.
- Overall engagement of staff from East Gippsland with the Committee is effective and issues are discussed in a pragmatic and solution-based manner.

The Committee received and considered reports/information on the following key areas of interest:

- The Audit and Risk Committee are focusing on old outstanding actions which have been open for some time. The concern relates to relevancy and whether gaps are being addressed through interim measures with periodic review. At the May 2024 meeting, members were advised a number of actions were closed pending completion of actions either through systems or processes. Although it is understood it is being worked on, premature closure of actions loses oversight by management and the Committee.
- Staff recruitment, retention and turnover within the Local Government sector is widely known to be an issue, and although it has been flagged with the Committee, it will remain to be a focus at a strategic level.
- Further to the cyber work noted above, this is an increasing risk across the sector and more and more Councils are now being subject to cyber incidents and loss of information through third parties. This will be an ongoing focus of the Committee.



- Risk Management continues to be a key area of interest as the Committee awaits the review being undertaken by a Consultant.
- With the rising costs of materials and labour (if required), the Committee are closely reviewing the Capital Expenditure program. It is understood these costs are outside of the control of Council and an issue across the sector however, it will continue to be a focal point.
- An audit of Council Governance was finalised during the period with actions noted. With the assent of the changes to the Local Government Act relating to training and other provisions related to Council election and induction, noted during the meeting as waiting to be passed, it was noted the actions in the report may need to be revised.

The Committee also received and considered a number of reports that are confidential in accordance with section 3 of the *Local Government Act 2020*. Accordingly, these have not been included in the above key highlights or areas of interest.



TABLE 2

Audit and Risk Committee Annual Work Program 2024	Meeting Dates			
	February		May	
Reports	Planned	Actual	Planned	Actual
Officer Reports				
Quarterly Finance Report	✓	✓	✓	✓
Quarterly Capital Works and Major Projects Report	✓	✓	✓	✓
Quarterly Councillors' Expenses Report	✓	✓	✓	✓
Quarterly Strategic Risk Management Report (Inc Risk Register)	✓	✓	✓	✓
Biannual Occupational Health and Safety Report			✓	✓
Quarterly Major Insurance and Legal Claims Report (Confidential)	✓	✓	✓	✓
ICT and Cyber Security Update (Confidential)	✓	✓	✓	✓
Integrity Reports (as required)	x	✓	x	✓
Annual LGPRF Report			✓	✓
Annual Investment Report	x	✓		
Audit Matters				
Internal Audit Plan Progress Update	✓	✓	✓	✓
Internal Audit Recommendations - Actions Update Report	✓	✓	✓	✓
Internal Audit Reports (as required)		✓		
Internal Audit Plan Delivery - Annual Review			✓	x
External Auditor - Financial Year Audit Strategy	✓	✓		
External Auditor - Interim Management Letter			✓	✓
Committee Matters				
Actions Arising Update	✓	✓	✓	✓
Annual Report - Completed Actions Arising	✓	✓		
Annual Work Program - Adoption	✓	✓		
Annual Work Program - Progress Report	✓	✓	✓	✓
Annual Performance Assessment			✓	✓
Biannual Activity Report	✓	✓		
Strategic Focus Areas - Presentations				
Function and Responsibilities of an Audit and Risk Committee	✓	✓		
Climate Change			✓	✓

2 Notices of Motion

2.1 Open and Transparent Briefings

Take notice that it is my intention to move at the Ordinary Meeting of Council to be held on Tuesday 27 August 2024 at 6.00 pm or at any adjournment of that meeting:

That Council:

- 1. note the Public Transparency Policy will be reviewed when a new Council is established;***
- 2. request that a report is provided to a future meeting of the new Council providing:***
 - a. options to revise the Public Transparency Policy and governance arrangements to disseminate information considered at Councillor Briefings, in accordance with the public transparency principles and confidentiality definitions of the Local Government Act 2020; and***
 - b. information relating to how the Mornington Peninsula Council were successful in their motion and what steps were taken to open their briefings to the public and how that benefits community; and***
- 3. request that a workshop occur with, and then a report is presented to the incoming Councillors on the importance of transparency and accountability being a key tenet of good governance.***

Signed: Cr Sonia Buckey

Date: 20 August 2024

Rationale

In accordance with section 57 of the *Local Government Act 2020*, Council must adopt and maintain a Public Transparency Policy. The Policy was adopted on 5 October 2021 and will be due for review in October 2024.

To ensure this Council is maintaining the highest level of transparency as prescribed by the *Local Government Act* my view is that we consider how we are providing information to the community in our briefing time. The review should consider how we publicly disseminate the Councillor briefing material and discussions to achieve this outcome. Open briefings in local government are essential for maintaining transparency and accountability, both of which are foundational to democratic governance. By conducting briefings openly, councils demonstrate their commitment to involving the community in the decision-making process and ensuring that their actions are subject to public scrutiny.

Transparency is a key tenet of good governance. It brings community on the journey with the organisation. When council briefings are open to the public, it allows people of our region to observe the deliberative process in real-time, fostering trust and reducing the potential for corruption or undue influence. Open briefings ensure that all stakeholders, including residents, local businesses, and interest groups, have access to the same information, thereby leveling the playing field. This openness enables the public to hold elected Councillor's accountable for their decisions, as it becomes clear how and why certain policies or actions are being pursued.

Furthermore, open briefings enhance accountability by requiring council members to explain their positions and justify their decisions in a public forum. Knowing that their discussions and decisions are being observed by the public encourages council members to act with greater integrity and diligence. It reduces the likelihood of opaque decision-making, where key discussions and deliberations might otherwise occur behind closed doors, leading to decisions that could favour a select few rather than the broader community.

Additionally, open briefings empower the public by providing them with the information needed to engage meaningfully with their local government. When the public is informed and aware, they are better equipped to participate in discussions, offer feedback, and hold their representatives accountable through elections and other democratic processes.

In summary, the openness sought is not to be seen as a hinderance to open and frank debate amongst the varying meeting forms. Open briefings in local government are a critical mechanism for ensuring transparency and accountability, fostering public trust, and encouraging active citizen participation in governance.

Councillors, I would have liked to have seen this advancement in transparency having open briefings for our organisation resolved in my Council term. I acknowledge we have been successful in addressing some of the cultural issues around public engagement with our revised community engagement policy. Also, we have addressed the transparency hub proposal and made provisions in our budget to progress this which will allow better access to the Public to the operations of the organisation.

In this instance, I have been guided by the CEO and our Governance Officer that at this stage, close to the caretaker period this motion is the best step forward. I will have to trust that the next Councillor Group elected will take the mantle of good will, this will be a decision entrusted to them and making sure they have a report and workshop to provide them with balanced information.

There will of course be times that the Chief Executive Officer can determine that items need to be confidential under section 3(1) of the *Local Government Act* 2020, section 58 of the Act states:

- a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;
- b) Council information must be publicly available unless—
 - i. the information is confidential by virtue of this Act or any other Act; or
 - ii. public availability of the information would be contrary to the public interest;

3 Deferred Business

4 Councillor and Delegate Reports

5 Officer Reports

5.1 Place and Community

5.1.1 Planning Permit Application 5.2023.350.1 - Timber harvesting and regeneration on private land, 959 Murrungowar Road Cabbage Tree Creek

Authorised by General Manager Place and Community

Conflict of Interest

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

Executive Summary

An application for a planning permit has been made for Native Timber Harvesting and Regeneration at 959 Murrungowar Road, Cabbage Tree Creek, being privately owned land. The application follows several years of consultation between the permit applicant and the relevant State Government Department, Department of Energy, Environment and Climate Action (DEECA).

The property has been subject to three previous planning permit applications for native timber harvesting. An application submitted in 2004 was not progressed due to insufficient information being provided. Application 179/2006/P was approved, but not implemented. Application 337/2014/P was withdrawn as the native vegetation provisions in effect at the time did not support timber regeneration as offsets for the removal/harvesting of native vegetation.

The application material (**Attachment 2**) includes the Property Vegetation Plan (PVP), prepared in accordance with the *Guidelines for the Removal, Destruction and Lopping of Native Vegetation* (DELWP, 2017; the *Guidelines*), and endorsed by DEECA. Council officers, in pre-lodgement advice, have avoided pre-judgement of the application by ensuring the outcome of the PVP – an agreement registered on the land in accordance with section 69 of the *Conservation, Forest and Land Act 1987* (CF&L Act).

The application was referred to relevant authorities, with referral responses (**Attachment 3**) indicating support for the proposal. Conditions of approval from referral authorities have been included in the recommended conditions at **Attachment 1**.

The application was subject to public notification and attracted one supporting submission (**Attachment 4**) and eight objections (**Attachment 5**). Objections relate to environment and biodiversity considerations, including highlighting flora and fauna that could be expected to be impacted by the loss of native vegetation on the land.

On the balance of considerations, including that the application:

- includes a property vegetation plan prepared in accordance with the *Guidelines*;
- is supported by DEECA who are responsible for assessment of biodiversity; and
- otherwise, is generally consistent with the East Gippsland Planning Scheme (Scheme), the Officer recommendation is to issue a notice of decision to grant a planning permit, subject to the conditions specified at **Attachment 1**.

Other options, including the option of requesting the Minister for Planning to determine the application, are outlined in the Options section of this report.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. being the Responsible Authority and having considered all the relevant planning matters, determines that Planning Permit Application 5.2023.350.1 is consistent with the requirements and objectives of the East Gippsland Planning Scheme and therefore resolves to issue a Notice of Decision to Grant a Permit for Timber Harvesting and Regeneration at 959 Murrungowar Road, Cabbage Tree Creek, subject to permit conditions in Attachment 1.***

Background

Property Description

The property at 959 Murrungowar Road, Cabbage Tree Creek is roughly 93 hectares, irregularly shaped, and located about 21 km east-northeast of the town of Orbost. Access from the Princes Highway is roughly 9 km north of the highway on Murrungowar Road, maintained by the Department of Transport and Planning (DTP).

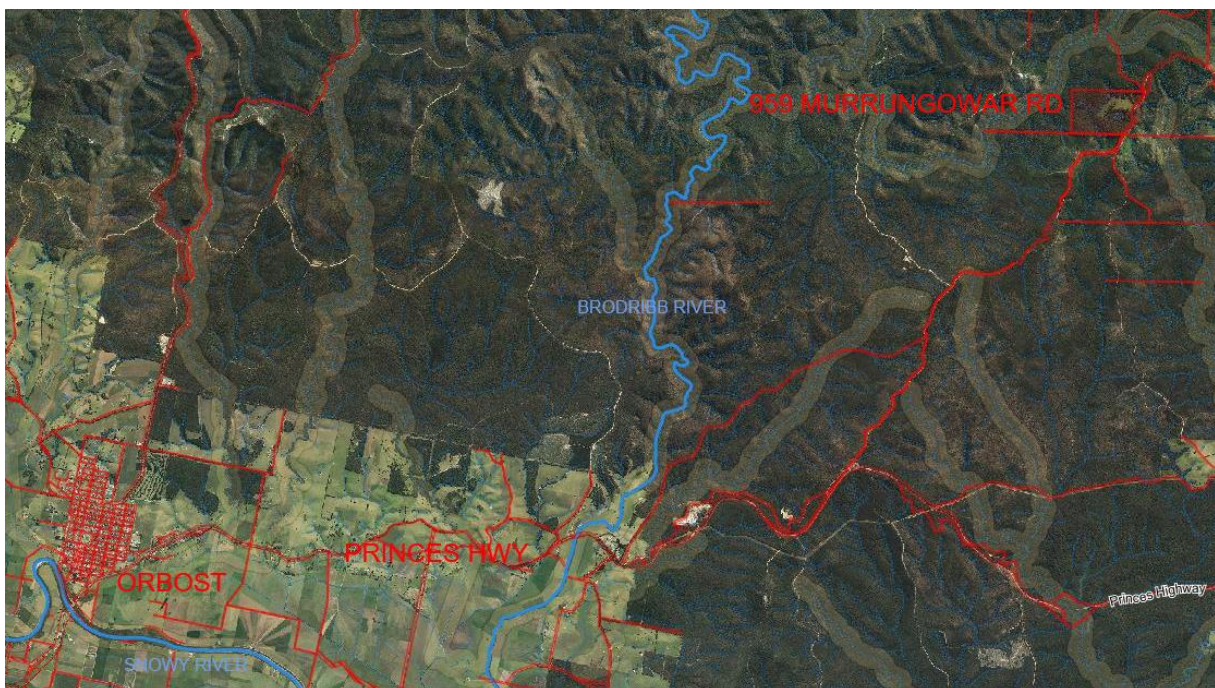


Figure 1 – the property in regional context (basemap with aerial circa 2020)

The application (**Attachment 2**) details relevant site history, summarised as including 20 ha of cleared agricultural land with the balance being forest of mixed age, owing to history of fire activity on the land and subsequent regeneration. The applicant advises there is no current grazing activity conducted on the land, however there has been active weed control implemented. Also, over time there has been selective harvesting of timber for fencing and other agricultural activity.

The site has varied topography, with gully areas crossing the site also being ephemeral waterways contributing to the Rocky River about 450 m west of the site, which flows to the Brodribb River to the west.

There are no buildings on the land. There are only 20 privately held allotments within five kilometres of the site. Many of the properties, and also broad areas of public land (Murrungower State Forest), have history of timber harvesting activity. From a desktop assessment, it appears that there are very few buildings across the area.

Application History

Previously three planning permit applications have been lodged with Council for native timber harvesting:

1. An application submitted in 2004 was not progressed due to insufficient information being provided.
2. A planning permit, 179/2006/P, was issued in 2006 and in the application documents it is stated that about one hectare of vegetation was removed. The permit subsequently lapsed.
3. A further application was made in 2014 - 337/2014/P. Under the provisions of the Scheme at the time, the proposed timber harvesting was not considered to be viable, owing to the requirement within the Native Vegetation Guidelines of the day for a 'modelled' specific offset that could not be met. The application was withdrawn in May 2015, with expectation that review of the guidelines would allow for a future application to be made.

It is understood that background work and documentation in support of the PVP has occurred since the current *Guidelines* were adopted in 2017. This background work included:

- Detailed investigation of on-site vegetation;
- Identification and mapping of species and communities to be protected from harvesting operations;
- Assessment of site context and current conditions, composition, topography, and erosion risk; and
- Preparation of a suitable plan for harvesting that considers the extent and condition of vegetation proposed to be harvested.

Proposal

The proposal, as outlined in **Attachment 2**, involves variable retention harvesting of native timber on the subject land and subsequently regenerating by planting replacement trees on site and managing the land to re-establishment.

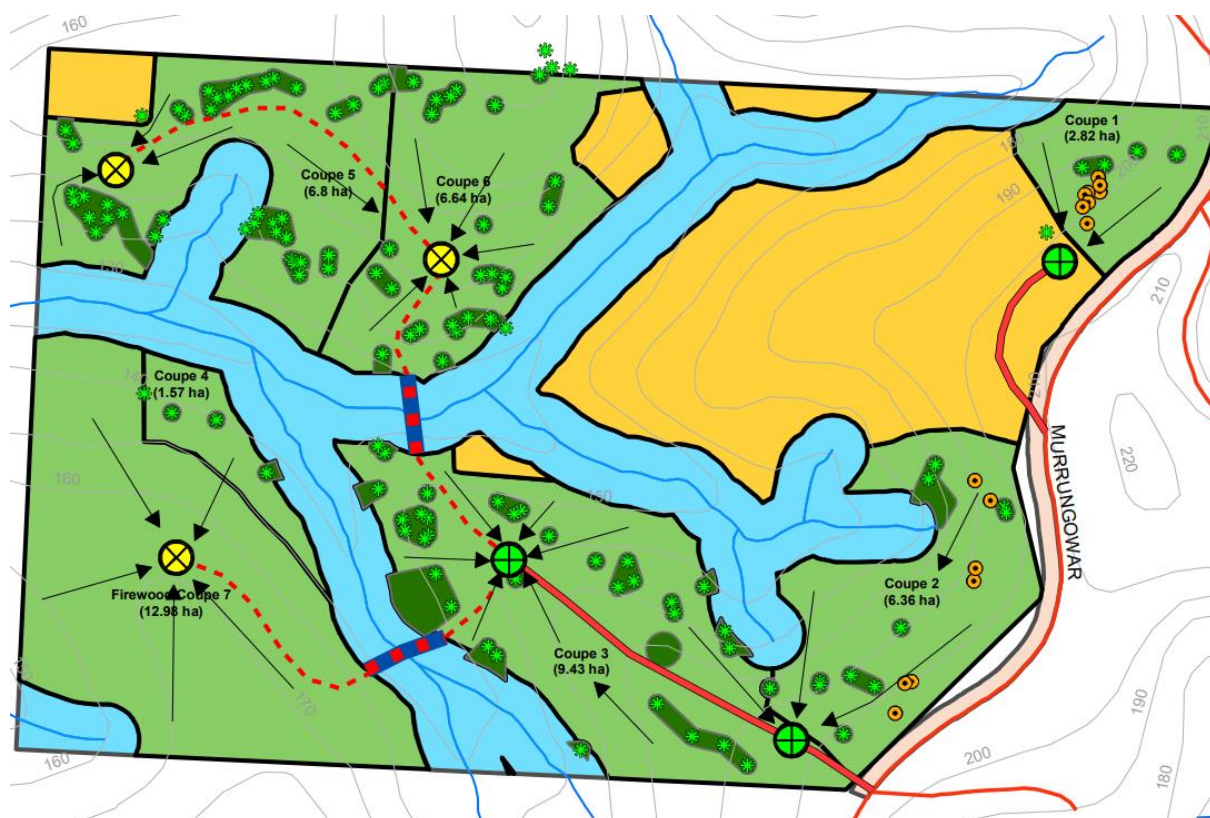
The particular details of the proposal are:

- Seven coupes of variable retention harvesting:
 - retaining key elements of stand structure at the time of logging;
 - includes retention of hollow bearing trees; and
 - includes retention and avoidance of harvesting in areas containing rare and threatened species.
- Coupes (Figures 2 and 3) comprise a total of 51.08 physical hectares, broken down to the following ecological value classes:
 - Herb-rich foothill forest 5.06 ha;
 - Damp forest 3.79 ha; and
 - Lowland forest 42.23 ha.
- A total Habitat Hectare value of 38.73.
- Use of existing road infrastructure, no permanent roading, allowing for regeneration of all disturbed areas.

- Temporary infrastructure relocated as necessary including temporary culverts and machinery.
- Expected outcome of 2000 metres cubed of D+ sawlog an up to 5000 tonnes of firewood or pulp logs over the life of the property vegetation plan (three to seven years, proposed).
- Post harvest regeneration by natural seed fall from retained and harvested trees. Low intensity prescribed regeneration burning may be required.

Native Vegetation Removed	Harvesting Type	EVC	Extent (Ha)	Condition Score	Habitat Hectares
Coupe 1	Retention Harvesting	Herb-rich Foothill Forest	1.15	0.76	0.88
		Lowland Forest	1.81	0.74	1.34
Coupe 2	Retention Harvesting	Herb-rich Foothill Forest	1.84	0.76	1.40
		Lowland Forest	4.97	0.74	3.68
Coupe 3	Retention Harvesting	Herb-rich Foothill Forest	2.07	0.76	1.57
		Lowland Forest	8.94	0.74	6.62
Coupe 4	Retention Harvesting	Damp Forest	0.89	0.79	0.70
		Lowland Forest	0.78	0.74	0.58
Coupe 5	Retention Harvesting	Damp Forest	0.77	0.79	0.61
		Lowland Forest	7.35	0.74	5.44
Coupe 6	Retention Harvesting	Damp Forest	1.86	0.79	1.47
		Lowland Forest	5.69	0.74	4.21
Coupe 7 (Firewood)	Retention Harvesting	Damp Forest	0.27	0.79	0.21
		Lowland Forest	12.70	0.79	10.03
		TOTAL	51.08		38.73

Figure 2 – Assessed native vegetation impacts (Application documents)



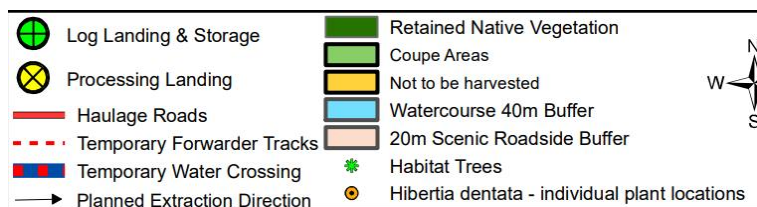


Figure 3 – Timber Harvesting Plan (Application Plans – Ecosystems Management Pty Ltd)

State Government position on native timber harvesting

The Victorian Government has for many years been progressing a transition away from native timber harvesting on public land, with the significant step taken in May 2023 to announce funding for transition in the industry. The announcement: [Delivering Certainty For Timber Workers](#) set the date of 1 January 2024 as the end of native timber harvesting in Victorian state forests.

The announcement and subsequent implementation steps taken to support the industry have not specifically addressed the ability for native timber harvesting to continue on private land. The announcement did attribute the accelerated timeframe to ‘increasingly severe bushfires, prolonged legal action and court decisions’ affecting disruptions to supply to Victorian mills and to harvesting activity.

Current Status

Pre-application discussions in relation to the proposal occurred in mid 2023, following the State government announcement. Officers liaised with the applicant and DEECA representatives to understand the scope of the proposal, and specifically queried how the proposal fits within the State government position on native timber harvesting. It is put that the *Guidelines* represent the prevailing position of the State government.

It is clear from the objections lodged that there is opposition from environmental groups to native timber harvesting. Many of the groups who have objected also opposed the continuation of native timber harvesting in State forests and were party to litigation and protest cited by the Government as disruption to the industry.

The application has been subject to referral and notice required or as deemed appropriate under the provisions of the Scheme. The current policies and objectives of the Scheme must be considered in making a recommendation. The expert advice of relevant referral authorities is also considered.

Options are presented in this report, with consideration given to various outcomes that may arise from the recommendation and alternative actions which can be taken by the responsible authority, including making no determination.

Legislation

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government’s Charter of *Human Rights and Responsibilities Act* 2006.

In preparing this report the Victorian *Gender Equality Act* 2020 has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act* 2020. The need for a Gender Impact Assessment has also been assessed.

The application is assessed in accordance with the requirements of the *Planning and Environment Act* 1987.

East Gippsland Planning Scheme

The land subject to the application is within Farming Zone 1, and adjacent to a road in the principal road network (Transport Zone 2). The property is within the Bushfire Management Overlay.

At the time of lodgement, the land was fully subject to the Erosion Management Overlay (EMO). Amendment C167egip was Gazetted 1 August 2024 and retracted mapping of the EMO from approximately 46 ha of the 51 ha total land area, where there is low erosion risk. Areas retained in the EMO are considered to have elevated erosion risk, and this is generally consistent with the PVP mapping of hazards including waterways.

Clauses 52.17 Native Vegetation applies to the proposal, and a permit is principally required for native vegetation removal under this provision. Clause 53.11 Timber Production also applies and specifies that timber production must be undertaken in accordance with the *Code of Practice for Timber Production* 2014 (*as amended* 2022, DELWP) and having considered road conditions in consultation with the road manager.

Planning Permit requirements

Planning Scheme Clause No.	Requirement for a permit
44.01-3 (EMO)	Remove any vegetation
52.17-1 (Native Vegetation)	Remove (harvest) native vegetation and regenerate the land in accordance with a property vegetation plan

Planning Policy Framework (PPF)

The PPF includes relevant planning policy at state, regional and local levels. Generally, it is considered that the proposal appropriately responds to the policy objectives and strategies set out in the PPF. More specifically, the following policy objectives are achieved:

Policy Reference	Objective or Strategy	Response
12	Environmental and Landscape Values	The proposal represents current industry best practice in relation to retention harvesting and regeneration, including avoidance of hollow bearing trees, buffer zones for waterways, and identification of threatened species. Weed management and control of species for regeneration is critical to the proposal.
12.01-1S	To protect and enhance Victoria's biodiversity.	The proposal appropriately considers the impacts of the use on biodiversity and has identified key species to be protected on the site, which will promote successful regeneration.
12.01-2S	To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.	The proposal involves the removal of native vegetation, but also proposes assisted regeneration to return the property to a pre-development state, in accordance with the <i>Guidelines</i> and associated property vegetation plan framework.
12.03-1S	To protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.	A buffer is applied to the waterways where no harvesting will occur and temporary structures will be established for waterway crossings, with return of the waterways to a pre-development state following harvesting activity.
12.03-1L	Limit the impact of infrastructure works, including roads and services on waterways and their environs.	Temporary works only are proposed within watercourses on the land. No permanent roads will be maintained.
13	Environmental Risk and Amenity	It is considered that the proposal has carefully considered environmental risks.
13.02-1S	Bushfire Planning	Although the land is within a bushfire management overlay and is a use subject to BMO control, there are no buildings and works proposed. No habitation will occur on the land. In times of elevated bushfire risk, the activity can be abandoned and in most cases equipment can be removed from the land to minimise environmental damage and property losses. Activities would be undertaken in a manner that reduces the chances of accidental bushfire ignition.

Policy Reference	Objective or Strategy	Response
13.04-2S	To protect areas prone to erosion, landslip or other land degradation processes.	Assessment of the site characteristics combined with the retention harvesting will ensure land stability and prevention of erosion during harvesting activity. Specific areas of erosion risk are more accurately mapped via retraction of EMO mapping through amendment C167egip, and the areas retained will be subject to specific management of the site as demonstrated in the proposed PVP.
13.04-2L	This policy applies to all land within the Erosion Management Overlay (EMO).	Works are minimised in the EMO by retention harvesting, temporary extensions of haulage routes only, and eventual regeneration of the temporary extensions.
14.01-1S	To protect the state's agricultural base by preserving productive farmland.	The land is not considered productive farmland, nor is it adjacent to productive farmland. Nevertheless, harvesting timber is considered to be an agricultural activity.
14.01-2S	To encourage sustainable agricultural land use.	It is considered that the proposal represents a sustainable agricultural land use that will not have a negative impact in the long term on the environment or other agricultural activity.
14.01-2L	This policy applies to all land within the Farming Zone (Schedules 1, 2, 3 and 4).	The timber industry is both primary produce and includes resource processing. The policy encourages support for such industry.
14.01-3S	To facilitate the establishment, management and harvesting of plantations and the harvesting of timber from native forests. Ensure protection of water quality and soil. Ensure timber production in native forests is conducted in a sustainable manner.	The objective and strategies relevant to this proposal are considered to be met. The selective harvesting program will ensure water and soil quality is not affected, and this results in sustainable conduct and management of native forests.
14.02-1S	To assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment. Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.	It is considered that the proposal, inclusive of buffer areas established along waterway corridors, will ensure the protection of the waterways and will minimise any potential impacts downstream of the proposal.

Policy Reference	Objective or Strategy	Response
14.02-1L	Catchment Management	The proposal is located within the Brodribb River special water supply catchment. The risk of contamination is considered low as a result of the proposed harvesting methods and the downstream natural quality of the environment, being wholly within Crown land. The application was referred to the relevant catchment manager, and no concerns or conditions have been imposed.
17	Economic Development	The proposal is considered to have an economic contribution to the local and regional economies. The proposal has the potential to assist in the retention of timber industry jobs in the region.
17.01-1S 17.01-1R 17.01-1L	Diversified economy Support rural economies to grow and diversify. Support production and processing facilities that add value to local agricultural, forestry and fisheries products. Expand the number and range of employment opportunities in rural industries.	The proposal supports production and processing in the regional context in relation to forestry.

Zones and Overlays

Farming Zone 1

Timber production is a Section 1 use of the land, subject to conditions. The conditions include compliance with Clause 53.11 and otherwise relate to plantation (planting for harvesting). This proposal is for harvesting and regeneration, but also meets the maximum area for timber production – 100 hectares – as set in Farming Zone Schedule 1. The property in total is approximately 92 hectares.

Accordingly, the proposed use of the land for timber production is 'as-of-right' and does not require further assessment.

Erosion Management Overlay (EMO)

The EMO includes a requirement for a permit for vegetation removal and does not provide an exemption from a permit in relation to the proposed activity. Since lodgement of the permit application, the EMO has been retracted from approximately 46 hectares of the approximately 93 hectares site area. Of the area remaining, which largely follows waterways, significant portions of the areas will not be harvested.

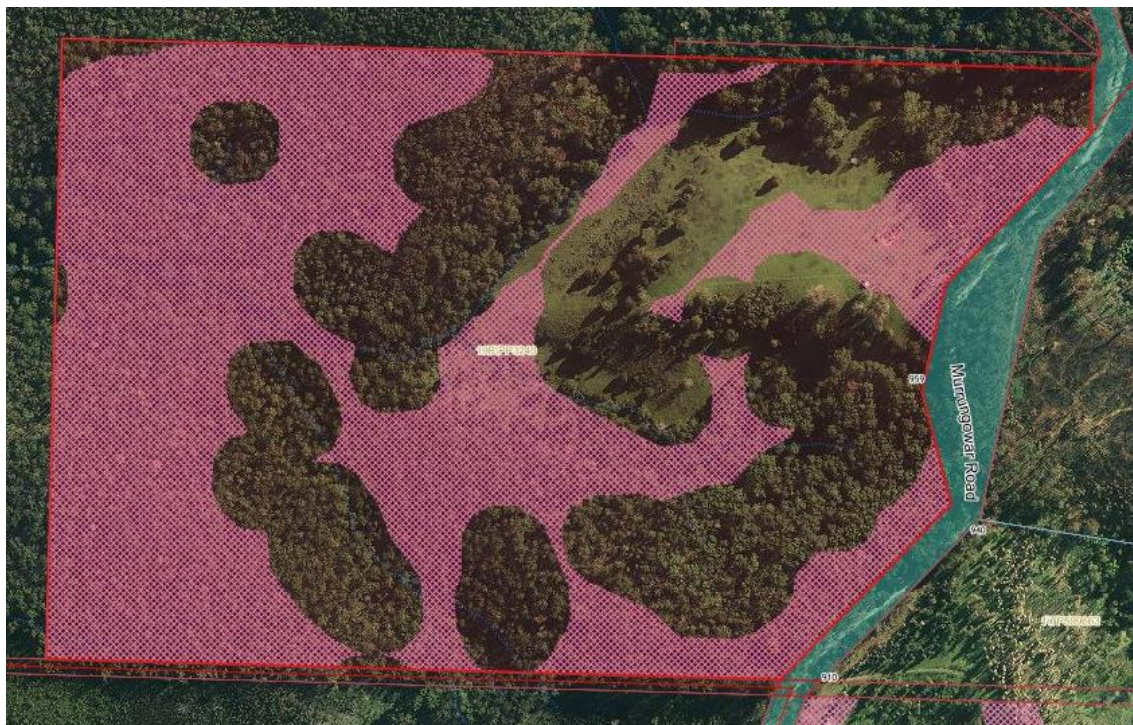


Figure 4 – D-EMO – Pink hatched areas were deleted from the EMO via C167egip

The consideration given to the appropriateness of the harvesting that will occur in the retained EMO areas is that the methodology of harvesting will reduce any erosion risk, as will the requirement for the land to be regenerated.

Relevant decision guidelines of the EMO are considered, and the proposed activity is considered not to represent significant erosion risk, and the land will be appropriately rehabilitated to prevent long term erosion impact.

Bushfire Management Overlay (BMO)

Timber production is a listed use requiring consideration under the BMO, however no buildings and works are proposed. Accordingly, no permit is required under the BMO, and no further consideration is given to the overlay. General bushfire policy is discussed in the PPF assessment.

Particular Provisions

Clause 52.17 Native Vegetation

A permit is required for removal of native vegetation from the land in accordance with the *Guidelines*, which is the basis for the preparation of the PVP. In accordance with the *Guidelines*, the relevant decision guidelines are also considered.

A PVP provides for the strategic management of native vegetation for a single property. A PVP relates to the management of native vegetation within a property contained within an agreement made pursuant to section 69 of the Conservation, Forests and Lands Act 1987.

This definition of a PVP can also be found at Clause 72 of the Victoria Planning Provisions. A PVP must:

- *be developed in accordance with the Guidelines, and in accordance with the relevant PVP template*
- *identify areas of native vegetation that will be removed*
- *identify how the native vegetation removal will be offset, and*
- *be approved by the Secretary to DELWP.*

A planning permit is required to remove the native vegetation specified in the PVP. The responsible authority must include conditions that the native vegetation removal must start within two years and be completed within ten years of the date of issuing a permit.

Decision guidelines to be considered

Efforts to avoid the removal of, and minimise the impacts on, native vegetation should be commensurate with the biodiversity and other values of the native vegetation, and should focus on areas of native vegetation that have the most value. Taking this into account consider whether:

- the site has been subject to a regional or landscape scale strategic planning process that appropriately avoided and minimised impacts on native vegetation
- the proposed use or development has been appropriately sited or designed to avoid and minimise impacts on native vegetation
- feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal.

The role of native vegetation to be removed in:

- Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway in a special water supply catchment area listed in the *Catchment and Land Protection Act 1994*.
- Preventing land degradation, including soil erosion, salination, acidity, instability and water logging particularly:
 - where ground slopes are more than 20 per cent
 - on land which is subject to soil erosion or slippage
 - in harsh environments, such as coastal or alpine areas.
- Preventing adverse effects on groundwater quality, particularly on land:
 - where groundwater recharge to saline water tables occurs
 - that is in proximity to a discharge area
 - that is a known recharge area.

The need to manage native vegetation to preserve identified landscape values.

Whether any part of the native vegetation to be removed, destroyed or lopped is protected under the *Aboriginal Heritage Act 2006*.

The need to remove, destroy or lop native vegetation to create defensible space to reduce the risk of bushfire to life and property, having regard to other available bushfire risk mitigation measures.

Whether the native vegetation to be removed is in accordance with any Property Vegetation Plan that applies to the site.

Whether an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the *Guidelines*.

Decision guidelines to be considered

For Clause 52.16 applications, consider in relation to the native vegetation to be removed:

- The purpose and objectives of the Native Vegetation Precinct Plan.
- The effect on any native vegetation identified for retention in the Native Vegetation Precinct Plan.
- The potential for the effectiveness of the Native Vegetation Precinct Plan to be undermined.
- The potential for the proposed development to lead to the loss or fragmentation of native vegetation identified for retention in the Native Vegetation Precinct Plan.
- Offset requirements in the Native Vegetation Precinct Plan.

For applications in both the Intermediate and Detailed Assessment Pathway only – consider the impacts on biodiversity based on the following values of the native vegetation to be removed:

- The extent.
- The condition score.
- The strategic biodiversity value score.
- The number and circumference of any large trees.
- Whether it includes an endangered Ecological Vegetation Class.
- Whether it includes sensitive wetlands or coastal areas.

For applications in the Detailed Assessment Pathway only – consider the impacts on habitat for rare or threatened species. Where native vegetation to be removed is habitat for rare or threatened species according to the *Habitat importance maps*, consider the following:

- The total number of species' habitats.
- The species habitat(s) that require a species offset(s).
- The proportional impact of the native vegetation removal on the total habitat for each species, as calculated in section 5.3.1 of the Guidelines.
- The conservation status of the species (per the Advisory Lists maintained by DELWP).
- Whether the habitats are highly localised habitats, dispersed habitats, or important areas of habitat within a dispersed species habitat.

Relevant Decision Guidelines

Considering the proposal put to the responsible authority, the PVP clearly identifies areas with significant biodiversity, environmental risk, and appropriately avoids impacting these areas. In the native vegetation removal report, Location 3 areas are assessed, and apply only to parts of the northwest corner of the land. An area to the northwest corner of the site is excluded from the proposed removal.

Remaining areas of removal are all within Location 1. Areas around waterways are provided with an appropriate buffer to prevent damage to the waterways.

Retention harvesting is proposed, to reduce overall impacts of the proposal on the biodiversity and to promote soil retention, prevention of erosion, and to improve success of regeneration.

Assessment of the proposal has been undertaken by DEECA as both recommending and determining referral authority. Conditions in accordance with the *Guidelines* have been imposed and are implemented through the proposed conditions at **Attachment 1**.

It is therefore considered that the proposal has appropriately responded to all aspects of the *Guidelines* and the proposal is suitable for approval.

Clause 53.11 Timber Production

Before deciding on an application to use or develop land for timber production, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- *The need to encourage plantation establishment and timber production in locations where it is of significance to national, state and regional economies, and in areas affected by salinity and other forms of land degradation.*
- *The role of native forest and plantations in:*
 - *Protecting water quality.*
 - *Conserving flora and fauna.*
 - *Preventing land degradation, including soil erosion, salinisation and water logging.*
 - *Preventing adverse effects on groundwater recharge.*
- *The preservation of and impact on the natural environment, cultural heritage and visual amenity.*
- *Whether it is appropriate to require environmental protection standards greater than those in the Code.*

It is considered that the proposal is made in accordance with the Code of Practice for Timber Production, 2014 (as amended 2022, DELWP). Referral of the application was made to Department of Transport and Planning with respect to management of Murrungowar Road, and conditions are imposed on behalf of DTP that relate to road conditions and repair if required as a result of haulage activities.

Collaborative procurement

Not applicable

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 2: 2.1 Statutory and strategic planning for land use delivers sustainable outcomes that balance the need for growth with the enhancement of our lifestyle, character, the built and natural environment.

Council Policy

In accordance with Council's *Planning Delegations Policy 2023*, the matter is reported to Council because it raises an issue of policy or process not covered by existing policy.

Consideration is given to the *Position Paper – Native Timber Harvesting in East Gippsland* adopted by Council in August 2022. It is considered that the proposal is generally consistent with the position paper.

Options

1. The officer recommendation proposes the issue of a notice of decision to grant a planning permit, based on the expert advice of DEECA in their endorsement of the PVP and setting of conditions by referral response. The option takes into consideration the competing state policy environment and suggests that in the absence of clear direction from the Government in relation to native timber harvesting on private land, the expertise of DEECA and the rigour of the Guidelines leave the matter as largely technical in nature.

Deviation from the recommendation of approval leaves the responsible authority vulnerable to review of the determination by the applicant, where there is no technical justification for refusal.

2. Councillors may consider responding to the concerns of raised by the objectors and inconsistency with policy regarding native timber harvesting on public land and resolving instead to issue a notice of refusal to grant a planning permit. Grounds of refusal must be carefully considered in order to be defended if the applicant lodges an appeal after the determination. The defence of any appeal would need to be focussed on how the proposal fails to meet specific objectives and purposes of the Scheme.

Matters relating to the federal *Environmental Protection and Biodiversity Conservation Act* 1999 (*EPBC Act*) may not sufficiently provide justification for refusal of the application in relation to the Scheme. Regardless of the outcome of the application, there may be further requirements to be met under the *EPBC Act*.

3. Section 97C of the *Planning and Environment Act* 1987 (the Act) provides that, before determining an application, the responsible authority may request that the Minister for Planning determine the application. It is considered that the application relates to matters of broader State policy not expressly covered by the Scheme, such as the Government's decision to end native timber harvesting on public land (state forests) at the start of 2024.

In the absence of a clearly stated position on native timber harvesting on private land, aside from the *Guidelines* which facilitate such activity, the Minister may be better placed to make a determination with respect to the application, given the Victorian Government policy and significant public issues involved. As far as officers are aware, this application is the first of its kind following the decision to end timber harvesting on public land.

If Council was to pursue this option, and the Minister agrees, it would take the matter out of Council's hands. Importantly, Section 97E of the Act provides that the Minister must refer any objections and submissions received to an independent planning panel. The panel must consider the objections and submissions referred to it and give any person who made an objection or submission referred to it a reasonable opportunity to be heard. The panel then reports its findings and recommendations to the Minister.

Resourcing

Financial

There are no direct financial impacts arise from the recommendation.

Plant and equipment

There are no plant and equipment required in relation to the recommendations.

Human Resources

There are no human resources impacts in relation to the recommendations, other than ongoing obligations for enforcement of permit conditions which apply to any planning approval (see 'Risk' section below).

Risk

The risks of this proposal have been identified and examined and are briefly outlined below:

VCAT appeal or litigation

It is considered that there is a risk of appeal or other litigation no matter the adopted position of the responsible authority. It is anticipated that a refusal of the application would result in an appeal by the applicant, and issue of a notice of decision to grant would result in appeal by one or more of the objectors. Making a determination consistent with the referral response of DEECA leaves the responsible authority in the best possible position to defend a determination. Associated with litigation is reputational risk, however a well-considered determination can be justified and defended.

Environmental

Objectors raise significant concerns regarding the environment impacts of the proposal. Again, the recommendation is based on advice from DEECA, which is the relevant agency to be providing advice on environmental matters. The potential environmental impacts have been assessed and are addressed in the Property Vegetation Plan, prepared in accordance with the *Guidelines for the Removal, Destruction and Lopping of Native Vegetation*, and endorsed by DEECA.

Enforcement

Objectors have also raised the question of whether Council has the necessary resources and/or expertise to undertake monitoring and enforcement of permit conditions relating to environmental management. This is a valid concern as the enforcement matters require significant technical expertise, which is not readily available to Council. To respond to this risk, a proposed condition of approval includes a requirement for a 'Compliance Monitoring Report' to be provided on a six-monthly basis, including details of compliance with the conditions of the permit and the Property Vegetation Plan. This requirement places the onus on the proponent to provide reporting from a suitably qualified independent person to ensure that compliance is being appropriately monitored and achieved.

Economic

There may be a significant economic impact for the broader East Gippsland community in relation to the recommendation. With the closure of native timber harvesting operations on public land in East Gippsland, several towns which were reliant on timber production activity for trade and employment are currently undergoing transition programs to support local economies. Although each application must be assessed on merits, if this application results in a permit granted, there may be other applications come forward and the resulting activity may assist in economic stability and growth in the region.

Social

It is considered that there is not necessarily any broad social impact resulting from the recommendation. The issue may divide some sections of the community with respect to environmental and economic debates but should not socially disadvantage individuals or groups.

Gender Impact Statement

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

Environmental

Significant consideration is given to environmental impacts resulting from the proposal, the content of the objections, and the processing of the Property Vegetation Plan in accordance with the *Guidelines*. As outlined elsewhere in this report, planning protection of biodiversity is a key planning policy objective and decision guideline of the Scheme. The recommendation is made with respect to environmental consideration, backed by expert advice from DEECA.

It is considered that referral of the proposal will likely be required under the EPBC Act. It is not for the responsible authority to consider that matter, however it is recommended that a note is placed on the permit as in **Attachment 1** to highlight this to the permit holder.

Climate change

This report has been prepared and aligned with the following Climate Change function/category:

Land Use Planning: Consideration is given to climate change in the local land use planning and includes responses to direct and indirect impacts.

Engagement

The application required referral to relevant authorities:

Referral Authority	Referral Requirement	Result of Referral
East Gippsland Water	Determining Authority – Clause 66.02-5 – Activity within a Special Water Supply Catchment	Unconditional consent to the grant of a permit.
DEECA	Recommending Authority – Clause 66.02-2 Native Vegetation where a property vegetation plan applies to the site. Determining Authority – Clause 66.02-6 Timber Production (harvesting native forest, operation of 10 hectares or greater)	Conditional consent to the grant of a permit
Department of Transport and Planning (DTP)	Notice of the proposal as road manager for Murrungowar Road.	Conditional consent, with conditions applied by the responsible authority.

The referral responses are provided at **Attachment 3**. Notably, DEECA are both a recommending and determining authority in relation to native vegetation and timber harvesting proposals. That DEECA have conditionally consented to the grant of the permit suggests that the proposal is consistent with the *Guidelines* and is suitable for endorsement. On this technical ground, the officer recommendation is made.

Public notice of the proposal

The application has been subject to notice of the application in accordance with section 52 of the Act to adjacent owners and occupiers by direct mail from the applicant and publication in one edition of the Snowy River Mail, under instruction by the responsible authority. By return of a statutory declaration, the notification requirements have been met by the permit applicant.

In response to public notice of the application, one supporting submission (**Attachment 4**) and eight objections (**Attachment 5**) have been received.

Support for the application

The letter of support is submitted by a neighbouring landowner, where timber harvesting activity has previously occurred. It is understood that surrounding state forest had also been previously harvested by this individual.

The letter comments on the significant resources that have been put into the preparation of the PVP and permit application, and the suitability of the proposal in consideration of the current framework for assessment of both the PVP and permit application.

Nature of the objections

In broad terms, the objections raise concerns about protection of biodiversity and raise issues related to inconsistency between the State government position to end native timber harvesting in State forests and the broader concern represented of impacts of any native timber harvesting.

Specific points raised in the objections include:

- Inconsistency with specific policies and objectives of the Scheme;
- Concerns about the resources available to monitor and regulate implementation of the proposal;
- Missing assessment of species potentially impacted;
- Insufficient protection measures for identified species;
- Bushfire impacts – both in relation to suitability given bushfire history and potential for increased risk;
- Concern that ‘no net loss’ is not being met in the proposal – cannot replace existing native forests with regenerated forests without losses;
- Consideration must be given to cumulative impact of biodiversity loss across East Gippsland;
- Impacts to waterways not fully considered;
- Code of Practice for Timber Production does not contain species specific protections for species at risk;
- EPBC Act implications have not been properly considered, and the proposal will be subject to referral, specifically from December 2024;
- Ineffectiveness of regeneration activity in past practice;
- Inconsistency with the Position Paper – Native Timber Harvesting in East Gippsland (EGSC August 2022)

Consideration of the objections

Concerns expressed in the objections have been considered by officers in the preparation of this report and response to the application. Many of the issues raised can be considered positively and negatively.

The direct flora and fauna impacts highlighted by objectors must be given due consideration. If the application for native vegetation removal were to be approved, the applicant must consider whether they have further obligations under Federal legislation (such as the *Environment Protection and Biodiversity Conservation (EPBC) Act*). This may result in rejection of the proposed activities, but it is noted that the responsible authority does not need to make its decision with the support of an EPBC referral outcome.

Ultimately, the officer recommendation is based on the referral responses provided by relevant authorities, specifically DEECA. The specific Guidelines established set the framework for the environmental consideration, and conditions set have respect to the decision guidelines set out in the requirements established by DEECA's predecessor department.

The State government's decision to end native timber harvesting in State forests has not extended to amendments to the East Gippsland Planning Scheme to restrict native timber harvesting on private land. Until such action occurs, the responsible authority must consider the Scheme and rely on due diligence being undertaken in relation to obligations beyond the scope of the Scheme. Certainly, the proponent is aware through this report and the objections raised of the considerations and scrutiny being applied in the public realm.

Attachments

1. 2023.350 Proposed Conditions [5.1.1.1 - 4 pages]
2. 2023.350 Application Documents (weblink) [5.1.1.2 - 1 page]
3. 2023.350 Referral Responses [5.1.1.3 - 10 pages]
4. 2023.350 Support Pentarch [5.1.1.4 - 2 pages]
5. 2023 350 Objections [5.1.1.5 - 63 pages]

PROPOSED CONDITIONS

Application: 5.2023.350.1
Proposal: Timber harvesting and regeneration
Property Address: 959 Murrungowar Road CABBAGE TREE CREEK 3889
Property Title CA: 19B

WHAT WILL THE PERMIT ALLOW?

Planning Scheme Clause no.	Description of what the permit will allow, in accordance with the endorsed plans
44.01-3 (EMO)	Remove any vegetation
52.17-1 (Native Vegetation)	Remove (harvest) native vegetation and regenerate the land in accordance with a property vegetation plan

WHAT WILL THE CONDITIONS OF THE PERMIT BE?**Amended plans**

- Before any works, removal, lopping or destruction of any native vegetation starts, an amended Property Vegetation Plan in accordance with the Department of Energy, Environment and Climate Action conditions must be submitted to and endorsed by the responsible authority.

Endorsed plan

- All works must be undertaken in accordance with the endorsed property vegetation plan to the satisfaction of the responsible authority.

Compliance Monitoring and Reporting

- Within six months of the harvesting operations commencing, and in six monthly intervals for the duration of the timber harvesting, a Compliance Monitoring Report must be provided by a suitably qualified independent person, appointed to the satisfaction of the Responsible Authority, providing details of compliance with all conditions of this permit and all requirements of the *Property Vegetation Plan 959 Murrungowar Road, Cabbage Tree Creek* (John McConachy, 21 February 2024).

Department of Transport and Planning conditions imposed by the responsible authority

- Timber harvesting operations must be conducted in accordance with the Code of Practice for Timber Production 2014, as amended 2022.
- Prior to the commencement of harvesting, details of the confirmed cartage route(s) must be provided to and approved by the Head, Transport for Victoria.
- Murrungowar Road must be maintained and kept clear of debris and loose objects along the cartage route.
- "Trucks Entering" Signs must be erected during logging activities and located between 180m to 250m either side of the access points. The signs shall not be placed in a position that will interfere with sight distances for other accesses or located in any other dangerous position.
- Prior to the commencement of harvesting operations, an existing conditions report must be submitted to and approved by the Head, Transport for Victoria. The existing conditions report must include a survey of the Murrungowar Road from the most northern access point of the subject site to the Princes Highway, which is proposed to be used as a cartage route.
- Within six months of the harvesting operations commencing, and in six month intervals for the duration of the timber harvesting or expiration of the permit (whichever occurs first), a Dilapidation Report must be submitted to and approved by the Head, Transport for Victoria, prior

to submission to the responsible authority. The Bi-Yearly Dilapidation Report must include the following:

- a. A copy of the existing conditions report, requested prior to the commencement of timber harvesting.
 - b. The report must cover the Murrungowar Road, proposed to be used as a cartage route outlined in the existing conditions report from the most northern access point of the subject site to the Princes Highway.
 - c. The report must outline the required maintenance works along the cartage route of Murrungowar Road that need to be undertaken to ensure that the pre-harvesting condition of the road is maintained.
10. Within one month of the approval of the Dilapidation Report, or any such time as agreed with the Head, Transport for Victoria, the maintenance works outlined in the Dilapidation Report must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria.
 11. Within seven days of being notified by the Head, Transport for Victoria of a road safety issue along the cartage route, the harvesting operator or manager must ensure any remedial work is completed to the satisfaction and at no cost to the Head, Transport for Victoria.
 12. Access points and crossovers must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.
 13. Within one week of the timber harvesting ceasing operation, the harvesting operator or manager must advise the Head, Transport for Victoria that harvesting operations are complete. A final Dilapidation Report must then be submitted, within an agreed timeframe, and approved by the Head, Transport for Victoria. All final repair works must be completed within an agreed timeframe, to the satisfaction of and at no cost to the Head, Transport for Victoria.

Department of Energy, Environment and Climate Action conditions

Notification of permit conditions

14. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

Endorsed plans

15. Before works start, a plan making provision for maintenance and repair of damage to any existing road in adjacent State forest used as a haulage route for the permitted timber harvesting must be endorsed by the Department of Energy, Environment and Climate Action, approved by the responsible authority and form part of the permit.

Amended plans

16. Before any works, removal, lopping or destruction of any native vegetation starts an amended Property Vegetation Plan must be approved by the Department of Energy, Environment and Climate Action and endorsed by the responsible authority. The amended Property Vegetation Plan must:
 - a. be in the form of the vegetation plan template (DELWP, December 2023 version 1.1); and
 - b. be generally in accordance with the current Department of Energy, Environment and Climate Action approved Property Vegetation Plan *Property Vegetation Plan 959 Murrungowar Road, Cabbage Tree Creek* (John McConachy, 21 February 2024); and
 - c. include an updated Native Vegetation Removal Report that reflects the endorsed native vegetation removal permitted to be removed (51.08 hectares) under the current approved Native Vegetation Plan *Property Vegetation Plan 959 Murrungowar Road, Cabbage Tree Creek* (John McConachy, 21 February 2024).

Endorsed plans

17. The amended Property Vegetation Plan must be submitted to the responsible authority and form part of the permit.

Agreements under section 69 of the Conservation, Forests and Lands Act 1987

18. Before any works or native vegetation removal, the owner of the land must enter into an agreement with the responsible authority and the Secretary to the Department of Energy, Environment and Climate Action. The agreement must provide the following:
 - a. the approved Property Vegetation Plan becoming a Property Vegetation Plan within the meaning of Clause 72 of the Victoria Planning Provisions and being legally binding and enforceable under the Planning and Environment Act 1987 as well as being enforceable as a deed; and
 - b. ensure the offsetting of the native vegetation on the subject land, as required by and in accordance with native vegetation guidelines; and
 - c. ensure regeneration reports are submitted to the responsible authority at intervals identified in the amended Property Vegetation Plan; and
 - d. be recorded on the property title; and
 - e. remain on the property title until the responsible authority is satisfied the condition of native vegetation regeneration has achieved the vegetation quality assessment condition scores reported prior to timber harvest operations listed in Table 2: Assessed native vegetation impacts of the amended Property Vegetation Plan.

The owner of the land must pay all of the responsible authority and Department of Energy, Environment and Climate Action's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

19. Regeneration reports must be submitted to the Responsible Authority at intervals and in accordance with the amended Property Vegetation Plan.

Protection of retained native vegetation

20. Before works or native vegetation removal start, the approved coupe areas including buffers must be identified on ground to the satisfaction of the responsible authority.
21. Before works or native vegetation removal start, a vegetation protection fence or other suitable measure(s) must be established around all areas of retained native vegetation, including scattered trees to the satisfaction of the responsible authority.

These measures must be located on the exclusion area boundary.

The native vegetation protection measures must be maintained until works are completed to the satisfaction of the responsible authority.

Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or works, the following is prohibited:

- a. vehicular or pedestrian access; and
- b. trenching or soil excavation; and
- c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products; and
- d. entry and exit pits for underground services; and
- e. any other actions or activities that may result in adverse impacts to retained native vegetation; and
- f. low intensity regeneration burning.

The responsible authority may consent in writing to vary these requirements.

Native vegetation permitted to be removed, destroyed or lopped

22. The native vegetation permitted to be removed, destroyed or lopped under this permit is limited to the seven coupes identified in the amended Property Vegetation Plan being 51.08 hectares of native vegetation.

Native vegetation offset requirements for timber harvesting

23. The timber harvesting operation must fully comply with the requirements and Specifications of the amended Property Vegetation Plan.
24. To offset the removal of 51.08 hectares of native vegetation, the permit holder must provide evidence to the satisfaction of the responsible authority that the coupe areas have regenerated to pre-harvest conditions identified in the approved Property Vegetation Plan.

Expiry of permit for removing native vegetation in accordance with an approved property vegetation plan.

25. This permit will expire if one of the following circumstances applies:
- The removal, destruction or lopping of native vegetation does not start within two years of the date of this permit; and
 - The removal, destruction or lopping of native vegetation is not completed within ten years of the date of this permit.

The responsible authority may consent in writing to extend the permit, request changes to the Property Vegetation Plan, or refuse a written request made before the permit expires to extend the permit.

Notes

- The cartage of timber associated with harvesting operations is extraordinary traffic for the purpose of Section 112 of the Road Management Act 2004.
- The permit holder should undertake due diligence in relation to any other statutory approvals that may apply with respect to the proposed activity, including but not limited to cultural heritage, flora and fauna protection (state and federal jurisdiction), traffic management, and works in waterways.

Department of Energy, Environment and Climate Action notes

3. All wildlife in Victoria is protected under the Wildlife Act 1975. Prior to removal of trees/vegetation landholders are advised to contact the Conservation Regulator to determine if a Wildlife Act authorisation is required. For further information please contact environmental.research@deeca.vic.gov.au

Post harvest regeneration low intensity burns during the prohibited period (fire danger period and subsequent amended declarations) require a written permit from the municipal fire prevention officer or the CFA District Office. The landowner should liaise with the Department of Energy, Environment and Climate Action, the CFA and any other relevant fire authority before, during and after any regenerative burns are undertaken.

The application documents are available from the following weblink:

https://egswazstorage.blob.core.windows.net/pubwebcontent/520233501_959_Murrungowar_Road.pdf



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/24/21536

20 May 2024

Reference Number(s): 5.2023.350.1
Referral Authority: East Gippsland Shire Council
For: Timber harvesting and regeneration
Location: 959 Murrungowar Road Cabbage Tree Creek
Applicant: J McConachy

In response to the above application, it is noted that the property is within a declared water supply catchment. The application has been assessed in accordance with the Guidelines for Planning Permits in Open, Potable Water Supply Catchment Areas (November 2012). East Gippsland Water does not have any requirements at this location and does not object to a permit being granted.

Further enquiries may be directed to Pauline Buchanan (5150 4479) or via email to planning@egwater.vic.gov.au. Available by appointment only at our Bairnsdale office.

Yours faithfully,

A handwritten signature in dark ink, appearing to read "Neville Pearce", is written over a light blue rectangular background.

NEVILLE PEARCE
EXECUTIVE MANAGER SUSTAINABILITY AND INFRASTRUCTURE
East Gippsland Water

cc: J McConachy



Department of Energy, Environment and Climate Action

Robert Pringle
Statutory Planning Co-ordinator
East Gippsland Shire Council
273 Main Street
BAIRNSDALE VIC 3875

Our Ref: 00004525

planning@egipps.vic.gov.au

Dear Mr Pringle

REFERENCE NUMBER: 5.2023.350.1

PROPOSAL: TIMBER HARVESTING AND REGENERATION

ADDRESS: 959 MURRUNGOWAR ROAD, CABBAGE TREE CREEK

Thank you for your correspondence received on 26 April 2024 pursuant to sections 52 and 55 of the *Planning and Environment Act 1987*.

The application seeks planning permission for Timber harvesting and regeneration on private land. The application has been referred to the Department of Energy, Environment and Climate Action (DEECA) as a referral authority in a number of capacities. **DEECA has assessed the application under the prevailing planning policy and planning scheme provisions and it was determined the timber harvesting proposal satisfactorily addresses the Property Vegetation Plan and the Code of Forest Practice for native forest timber harvesting requirements to minimise or mitigate impacts, particularly impacts on biodiversity and the offset requirement to regenerate the coupe.**

Under delegation from the Secretary, the Department of Energy, Environment and Climate Action (DEECA) is:

- a recommending referral authority through Clause 66.02-2 *Native vegetation* where the type of application is in the detailed assessment pathway in the East Gippsland Planning Scheme; and
- a determining referral authority through Clause 53.11 *Timber harvesting*.

Notice of application has been given to the Department of Energy, Environment and Climate Action (DEECA) as an adjoining land owner.

This application seeks planning permission for Timber harvesting and regeneration.

Approximately 20 hectares of the 93 hectare property is cleared grazing land. There is currently no grazing and an effective weed control program has kept this part of the land available for grazing. It is proposed to fence the cleared land before any timber harvesting activity and continue the weed control program. In the past, small volumes of timber for on-farm use occurred under an exemption as well as timber harvesting (approximately 1 hectare) under a planning permit (179/2006/P).

The forested component of the property comprises a multi-age dry sclerophyll forest. All waterways running through the property feed into the Rocky River to the west. A significant proportion of the site's biodiversity and ecological values are contained within riparian areas.

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 authorized by law. Enquiries about access to information about you held by the Department should be directed to foi.unit@delwp.vic.gov.au or FOI Unit, Department of Energy, Environment and Climate Action, PO Box 500, East Melbourne, Victoria 8002.



OFFICIAL

A high level of protection for those riparian areas is achieved by providing 40m buffers along the mapped waterways.

Timber harvesting is proposed to be conducted over 3 to 7 years, in stages defined by 7 harvest areas (coupes). Harvesting is planned to be conducted in accordance with a retention harvesting regime to ensure:

- older forest elements are retained within areas identified for timber harvesting; and
- linked to riparian vegetation to provide improved habitat connectivity and ecological processes.

The proposed cartage route is from existing minor forest roads located within the subject land to two existing minor roads located within adjoining State forest on to the Murrungowar Road, then along the Princes Highway to various market locations.

Sections of the *Code Practice for Timber Production 2014 (Amended 2022)* with overlap to biodiversity matters addressed in the Property Vegetation Plan were also considered as follows:

- Section 3.2.1 Water Quality, River Health and Soil Protection
- Section 3.5.1 Regeneration
- Section 3.5.2 Stocking Assessment and Remedial Treatment
- Section 3.5.3 Tending

Code compliance rests with the responsible authority, however, monitoring and ensuring minimising environment impacts and successful regeneration is interlinked and coupled with matters of interest to DEECA.

Relevant sections of the *Code Practice for Timber Production 2014 (Amended 2022)* which have common biodiversity considerations with the Property Vegetation Plan were assessed as follows:

1. Code Section 3.2.2 *Conservation of Biodiversity*

Pre-harvest surveys were conducted by qualified personnel using DEECA Survey Standards to assess presence/absence of Listed threatened species, non-threatened species with protection in the Code and MSPs, Ecological Vegetation Classes (EVCs) - threatened or with Code protections from analysis of Victorian Biodiversity Atlas records, EVC mapping and DEECA Habitat Distribution Models (HDMs). These targeted surveys informed the final Property Vegetation Plan, addressing the following:

- Long-footed Potoroo identified on property from camera monitoring - habitat has been protected in gullies and lower slopes;
- Yellow-bellied Gliders were observed below Code thresholds for protection. Large trees and Hollow Bearing Trees (HBTs) are proposed to be retained in clusters outside of mapped waterway areas to provide additional habitat for this species and other arboreal mammals and HBT dependent species;
- no threatened aquatic fauna was observed. Precautionary protection was applied to all waterways (40m exclusion buffers) to support persistence of aquatic species and to mitigate risk of mobilised sediment entering waterways;
- no threatened vegetation communities (*Flora and Fauna Guarantee Act 1988* (FFG Act) nor *Environment Protection and Biodiversity Conservation Act 1999*

(EPBC Act)) were identified on the property from mapping or in-field assessments.

Precautionary protection of all FFG Act Listed flora species was provided in the Property Vegetation Plan by the proponent to support the persistence of these species post harvest operations.

Weed surveys were completed and weeds mapped to support post harvest weed management.

The Property Vegetation Plan prescribes:

- maintaining linear corridors through the property to enable connectivity to adjoining forest and the broader landscape to support species persistence.
- buffering all mapped waterways by 40 metres from stream centreline and excluded from timber harvest operations providing habitat for Long-footed Potoroos and Yellow-bellied Gliders.
- existing roading and timber harvesting infrastructure (landings, snig tracks and crossings) to be used during harvest operations to minimise impacts of timber harvesting operations.
- no timber harvest operations will occur within 20m of the adjoining public road providing additional habitat connectivity with adjoining forest and the broader landscape.
- post harvest regeneration will use silvicultural systems that suit the ecological requirements of the forest type with soil and tree stored seed to ensure persistence of provenances native to the area.
- should regeneration burning be used, fire will be low intensity and will be excluded from harvest exclusion areas.

2. Code Section 3.2.1 *Water Quality, River Health and Soil Protection*

Protection of all waterways exceed those required in the Code. Slopes are <20 degrees and are low to moderate risk requiring at maximum a 20 m harvest exclusion buffer – a 40m buffer has been applied.

A Property Vegetation Plan has been prepared and approved by the Department of Energy, Environment & Climate Action. The submitted Property Vegetation Plan has been prepared on a superceded template and an amended plan is required. The revised template makes administrative and process changes without changes to the content.

Having considered the application DEECA does not object to the granting of a planning permit and recommends permit conditions and notes as they relate to native vegetation regulation and timber harvesting as follows:

Notification of permit conditions

1. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

Endorsed plans

2. Before works start, a plan making provision for maintenance and repair of damage to any existing road in adjacent State forest used as a haulage route for the permitted

timber harvesting must be endorsed by the Department of Energy, Environment and Climate Action, approved by the responsible authority and form part of the permit.

Amended plans

3. Before any works, removal, lopping or destruction of any native vegetation starts an amended Property Vegetation Plan must be approved by the Department of Energy, Environment and Climate Action and endorsed by the responsible authority. The amended Property Vegetation Plan must:
 - a) be in the form of the vegetation plan template (DELWP, December 2023 version 1.1); and
 - b) be generally in accordance with the current Department of Energy, Environment and Climate Action approved Property Vegetation Plan *Property Vegetation Plan 959 Murrungowar Road, Cabbage Tree Creek* (John McConachy, 21 February 2024); and
 - c) include an updated Native Vegetation Removal Report that reflects the endorsed native vegetation removal permitted to be removed (51.08 hectares) under the current approved Native Vegetation Plan *Property Vegetation Plan 959 Murrungowar Road, Cabbage Tree Creek* (John McConachy, 21 February 2024).

Endorsed plans

4. The amended Property Vegetation Plan must be submitted to the responsible authority and form part of the permit.

Agreements under section 69 of the Conservation, Forests and Lands Act 1987

5. Before any works or native vegetation removal, the owner of the land must enter into an agreement with the responsible authority and the Secretary to the Department of Energy, Environment and Climate Action. The agreement must provide the following:
 - a. the approved Property Vegetation Plan becoming a Property Vegetation Plan within the meaning of Clause 72 of the Victoria Planning Provisions and being legally binding and enforceable under the *Planning and Environment Act 1987* as well as being enforceable as a deed; and
 - b. ensure the offsetting of the native vegetation on the subject land, as required by and in accordance with native vegetation guidelines; and
 - c. ensure regeneration reports are submitted to the responsible authority at intervals identified in the amended Property Vegetation Plan; and
 - d. be recorded on the property title; and
 - e. remain on the property title until the responsible authority is satisfied the condition of native vegetation regeneration has achieved the vegetation quality assessment condition scores reported prior to timber harvest operations listed in Table 2: Assessed native vegetation impacts of the amended Property Vegetation Plan.

The owner of the land must pay all of the responsible authority and Department of Energy, Environment and Climate Action's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

6. Regeneration reports must be submitted to the Responsible Authority at intervals and in accordance with the amended Property Vegetation Plan.

Protection of retained native vegetation

7. Before works or native vegetation removal start, the approved coupe areas including buffers must be identified on ground to the satisfaction of the responsible authority.
8. Before works or native vegetation removal start, a vegetation protection fence or other suitable measure(s) must be established around all areas of retained native vegetation, including scattered trees to the satisfaction of the responsible authority.

These measures must be located on the exclusion area boundary.

The native vegetation protection measures must be maintained until works are completed to the satisfaction of the responsible authority.

Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or works, the following is prohibited:

- a) vehicular or pedestrian access; and
- b) trenching or soil excavation; and
- c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products; and
- d) entry and exit pits for underground services; and
- e) any other actions or activities that may result in adverse impacts to retained native vegetation; and
- f) low intensity regeneration burning.

The responsible authority may consent in writing to vary these requirements.

Native vegetation permitted to be removed, destroyed or lopped

9. The native vegetation permitted to be removed, destroyed or lopped under this permit is limited to the seven coupes identified in the amended Property Vegetation Plan being 51.08 hectares of native vegetation.

Native vegetation offset requirements for timber harvesting

10. The timber harvesting operation must fully comply with the requirements and specifications of the amended Property Vegetation Plan.
11. To offset the removal of 51.08 hectares of native vegetation, the permit holder must provide evidence to the satisfaction of the responsible authority that the coupe areas have regenerated to pre-harvest conditions identified in the approved Property Vegetation Plan.

Expiry of permit for removing native vegetation in accordance with an approved property vegetation plan.

12. This permit will expire if one of the following circumstances applies:
 - a) The removal, destruction or lopping of native vegetation does not start within two years of the date of this permit; and

- b) The removal, destruction or lopping of native vegetation is not completed within ten years of the date of this permit.

The responsible authority may consent in writing to extend the permit, request changes to the Property Vegetation Plan, or refuse a written request made before the permit expires to extend the permit.

Permit Notes

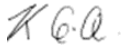
All wildlife in Victoria is protected under the *Wildlife Act 1975*. Prior to removal of trees/vegetation landholders are advised to contact the Conservation Regulator to determine if a Wildlife Act authorisation is required. For further information please contact environmental.research@deeca.vic.gov.au

Post harvest regeneration low intensity burns during the prohibited period (fire danger period and subsequent amended declarations) require a written permit from the municipal fire prevention officer or the CFA District Office. The landowner should liaise with the Department of Energy, Environment and Climate Action, the CFA and any other relevant fire authority before, during and after any regenerative burns are undertaken.

In accordance with section 66 of the *Planning and Environment Act 1987*, 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.

If you have any queries regarding this matter, please contact Elaine Wood on 0417 952 712 or at pe.assessment@delwp.vic.gov.au.

Yours sincerely



Kate Anderson

Senior Manager Planning Services

DEECA Planning and Environment Assessment

24/05/2024

Cc: jccontractors46@gmail.com



Department of Transport and Planning

GPO Box 2392
Melbourne, VIC 3001 Australia
www.transport.vic.gov.au

Ref: PPR 46532/24

Robert Pringle
East Gippsland Shire Council
273 Main Street
Bairnsdale VIC 3875

Dear Robert

PLANNING APPLICATION NO.: 5.2023.350.1
DEPARTMENT REFERENCE NO: PPR 46532/24
PROPERTY ADDRESS: 959 MURRUNGOWAR ROAD, CABBAGE TREE CREEK
VIC 3889

Section 52 – No objection subject to conditions being imposed

Thank you for providing notice dated 10 July under Section 52 of the *Planning and Environment Act 1987*.

This applications seeks planning permission for timber harvesting and regeneration.

The Head, Transport for Victoria has considered this application and does not object to the grant of a permit subject to the following conditions be included in the planning permit:

1. **Timber harvesting operations must be conducted in accordance with the Code of Practice for Timber Production 2014, as amended 2022.**
2. **Prior to the commencement of harvesting, details of the confirmed cartage route(s) must be provided to and approved by the Head, Transport for Victoria.**
3. **Murrungowar Road must be maintained and kept clear of debris and loose objects along the cartage route.**
4. **“Trucks Entering” Signs must be erected during logging activities and located between 180m to 250m either side of the access points. The signs shall not be placed in a position that will interfere with sight distances for other accesses or located in any other dangerous position.**
5. **Prior to the commencement of harvesting operations, an existing conditions report must be submitted to and approved by the Head, Transport for Victoria. The existing conditions report must include a survey of the Murrungowar Road from the most northern access point of the subject site to the Princes Highway, which is proposed to be used as a cartage route.**



6. Within six months of the harvesting operations commencing, and in six month intervals for the duration of the timber harvesting or expiration of the permit (whichever occurs first), a Dilapidation Report must be submitted to and approved by the Head, Transport for Victoria, prior to submission to the responsible authority. The Bi-Yearly Dilapidation Report must include the following:
 - a) A copy of the existing conditions report, requested prior to the commencement of timber harvesting.
 - b) The report must cover the Murrungowar Road, proposed to be used as a cartage route outlined in the existing conditions report from the most northern access point of the subject site to the Princes Highway.
 - c) The report must outline the required maintenance works along the cartage route of Murrungowar Road that need to be undertaken to ensure that the pre-harvesting condition of the road is maintained.
7. Within one month of the approval of the Dilapidation Report, or any such time as agreed with the Head, Transport for Victoria, the maintenance works outlined in the Dilapidation Report must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria.
8. Within seven days of being notified by the Head, Transport for Victoria of a road safety issue along the cartage route, the harvesting operator or manager must ensure any remedial work is completed to the satisfaction and at no cost to the Head, Transport for Victoria.
9. Access points and crossovers must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.
10. Within one week of the timber harvesting ceasing operation, the harvesting operator or manager must advise the Head, Transport for Victoria that harvesting operations are complete. A final Dilapidation Report must then be submitted, within an agreed timeframe, and approved by the Head, Transport for Victoria. All final repair works must be completed within an agreed timeframe, to the satisfaction of and at no cost to the Head, Transport for Victoria.

If the above requested conditions are not imposed, the Head, Transport for Victoria would object to the permit application as the safety of the arterial road network may be impacted by the heavy vehicle loads along the cartage route.

Please forward a copy of any decision to this office as required under Section 64 of the *Planning and Environment Act 1987*.

Should you have any enquiries regarding this matter, please contact Raelene Pooley on 0437601928 or Raelene.Pooley@transport.vic.gov.au.

Yours sincerely



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

24 / 07 / 2024

Cc: permit applicant

From: Nick Firth [n.firth@pentarch.com.au]
Sent: Monday, 22 April 2024 2:39:02 PM
To: Planning Unit Administration
Subject: Submission to Planning Application 5.2023.350.1

You don't often get email from n.firth@pentarch.com.au. [Learn why this is important](#)

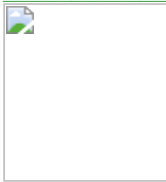
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Please see attached letter regarding the Planning Application 5.2023.350.1 adjoining our property at 910 Murrungowar Road.

Thanks
Nick

Nick Firth
Resource Manager

PENTARCH FORESTRY
PO BOX 189
Eden NSW 2551
Mob: +61 498 761 306
Email: n.firth@pentarch.com.au



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Re: Planning Application 5.2023.350.1

22nd April 24

Pentarch Forestry (Pentarch), as land managers for Sapphire Forests at 910 Murrungowar Road CABBAGE TREE CREEK, 3889, would like to provide comment in support of the proposed timber harvesting at 959 Murrungowar Road CABBAGE TREE CREEK, 3889.

The Property Vegetation Plan attached to the Planning Permit provides an extremely detailed assessment of the proposed timber harvesting activity. Pentarch would like to acknowledge the significant time and effort the applicant has dedicated to preparing this document.

The plan has been independently assessed and approved by experts from the Department of Energy, Environment and Climate Action. In doing so the plan meets the requirement to minimise impacts on biodiversity, whilst also providing protections for endangered species, water quality, soil erosion, cultural heritage and visual amenity.

The proposed timber harvesting and regeneration activity is also consistent with the historical and ongoing land use for this property and those in the surrounding vicinity.

Having a section 69 agreement in place provides assurance that the regeneration and ongoing sustainable forest management is maintained into the future.

The East Gippsland Shire Council's *Environmental Sustainability Strategy 2022-2032* highlights sustainable forestry as an area of focus to achieve the sustainable management of natural resources. This plan provides an excellent example of how sustainable forest management can be undertaken within EGSC.

Pentarch is supportive of the application and wishes the applicant success with their endeavours.

Regards

Nick Firth
Resource Manager, Pentarch Forestry

PENTARCH FORESTRY PTY LTD

Level 1, 99 Coventry Street
Southbank VIC 3006 Australia

Ph: +61 3 9621 7900

Web: pentarch.com.au

ABN 22 159 663 420

From: Snapforms Notifications [no-reply@snapforms.com.au]
Sent: Wednesday, 24 April 2024 6:37:31 PM
To: Planning Unit Administration
Subject: Objection to a Planning Permit Application

Objection to a Planning Permit Application

An 'Objection to a Planning Permit Application' has been submitted via the East Gippsland Shire Council website, the details of this submission are shown below:

Name: Lisa Roberts on behalf of Friends of Bats and Habitat Gippsland

Email address: friendsofbatsgippsland@gmail.com

Postal address : Bairnsdale 3875

Planning permit number: 5.2023.350.1

What has been proposed?: Timber harvesting and regeneration

What is the address to be used or developed?: 959 Murrungowar Rd Cabbage Tree Creek 3889

Who has applied for the permit?: John McConachy

What are the reasons for your objection?: See attached pdf file

How would you be affected by the granting of this permit?: See attached pdf file

Attach any further information: [Objection FoBHG 959 Murrungower.pdf](#)

Privacy Statement: Yes



Bairnsdale, 3875

friendsofbatsgippsland@gmail.com

To: East Gippsland Shire Council
Email: feedback@egipps.vic.gov.au
24-04-2024

Friends of Bats and Habitat Gippsland

Objection to Planning permit: 5.2023.350.1
959 Murrungowar Rd Cabbage Tree Creek 3889 CA:19B
Permit Applicant: John McConachy
Permit proposal: Timber harvesting and regeneration

Friends of Bats and Habitat Gippsland opposes John McConachy's application for logging and regenerating native forests.

We are a community group in Gippsland and East Gippsland who research and advocate for conservation, research and education for bats and their habitat. Our group's primary interest is bats and the forests they forage in. We have representatives from a range of local Landcare groups, local and national environment groups and wildlife rescue & rehabilitation organisations. We network with other bat advocacy organisations and researchers from Adelaide to Cairns and we network with local naturalists, mammal and bird experts.

Here are the reasons for our objection:

Native forest logging on public land in Eastern Victoria ceased on 1 January 2024. Native forests on private land are now under serious threat from logging and the subsequent losses of biodiversity, habitat, carbon, and water.

The permit application does not comply with the East Gippsland Shire Planning Scheme

The East Gippsland Shire Planning Scheme states that *"Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values."*(Clause 12)

Flora and Fauna Protection:

The Flora and Fauna Guarantee Act requires public authorities to consider the Act's objectives and Action Statements. Section 4B of the Flora and Fauna Guarantee Act (**FFG Act**) - the state's main threatened species legislation - imposes a duty on public authorities to give proper consideration to the objectives of that Act and Action Statements. ¹ [Flora and Fauna Guarantee Act 1988 \(legislation.vic.gov.au\)](https://www.legislation.vic.gov.au/Flora-and-Fauna-Guarantee-Act-1988), pp15-16.

Regulatory Concerns:

We have doubts over regional councils' resources to regulate private land logging and see potential for East Gippsland Shire Council to be involved in lengthy legal litigation.

Inadequate Surveys:

Surveys didn't cover all species potentially impacted. These include but are not limited to, the Spot-tailed quoll, Lace Monitor, Long-nosed Potoroo, Southern Brown Bandicoot, Pilotbird, Masked Owl, Powerful and Sooty Owls, Gang Gang Cockatoo, the critically endangered South-eastern Glossy Black Cockatoo, and a range of microbats, which are likely to feed, nest and shelter on the property.

Protection Measures:

Protection measures are insufficient for the Long-footed Potoroo.

Fire Recovery Uncertainty:

Forests recovering from bushfires have a high risk of not regenerating properly, given historical challenges with regeneration by government logging agencies.

The permit proposal will increase the bushfire risk to the surrounding community.

Logged and regenerating forest is at a greater risk of bushfire. Between 7-80 years post-logging the risk of severe fire increases significantly¹. Logged forests burn at higher severity regardless of the weather conditions². Young regenerating forest is also at greater risk of repeatedly re-burning. If native forest at 959 Murrungowar Rd is logged it will contribute to an elevated fire risk for decades to come.

Signed

L. Roberts, Bairnsdale
Coordinator Friends of Bats and Habitat Gippsland

¹ Lindenmayer, D.B., C. Taylor, and W. Blanchard. 2021. Empirical analyses of the factors influencing fire severity in southeastern Australia. *Ecosphere* **12**: article e0371.

² Lindenmayer, D.B., P. Zylstra, R. Kooyman, C. Taylor, M. Ward, and J.E.M. Watson. 2022. Logging effects outweighed fire weather effects to promote crown fire in the 2019-20 Australian forest fires. *Nature Ecology and Evolution* **6**:533-5.

From: Shelly NUndra <@hotmail.com>
Sent: Wednesday, 24 April 2024 5:00:22 PM
To: Planning Unit Administration
Subject: Fw: Planning permit objection

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From: Shelly NUndra <@hotmail.com>
Sent: Wednesday, 24 April 2024 4:59 PM
To: feedback@egipps.vic.gov.au <feedback@egipps.vic.gov.au>; plannung@egipps.vic.gov.au <plannung@egipps.vic.gov.au>
Subject: Planning permit objection

OBJECTION TO PLANNING PERMIT APPLICATION

Planning Permit Reference Number: 5.2023.350.1

**Address: 959 Murrungowar Road, Cabbage Tree Creek
3889 CA: 19B**

To whom it may concern,

I wish to raise my strong objection to Planning Permit Application 5.2023.350.1 which seeks to log over 50 ha of native forest.

This forest contains biodiversity values of sufficient significance to warrant its protection from the known wide ranging damage caused by industrial logging. The forest contains mapped habitat for EPBC Endangered & FFG listed Yellow Bellied Gliders & Greater Gliders (and call-back recorded for YBG's), Long Footed Potoroos, many mature hollow-bearing habitat trees, Hibertia dentata colonies, Persoonia sylvatica (both rare), and an impressive diversity of other significant flora species.

The proposal seeks to log 7 coupes here, which will take out the majority of native forest remaining on the property. The application claims no net loss of native vegetation will be lost, but I strongly disagree. Logging mature native forest creates permanent loss of biodiversity, species diversity, forest structure and complexity. Burning coupes after logging exacerbates these losses, encouraging drier, silviculturally desirable species of eucalypt to regenerate which rarely if ever resemble the complex ecosystem which once existed. Additionally, protecting individual hollow-bearing trees is not a long-term solution for their survival (many die of exposure or fire or fall over due to loss of soil stability caused by logging machinery), nor will individual trees in an exposed logging coupe provide realistically suitable habitat for native fauna. Trees and fauna must exist within an interconnected community. This is something loggers don't seem to understand.

Given the Victorian government ended native forest logging in January 2024 due to VicForests economic unsustainability and shocking environmental performance, it is a cynical and immoral exercise to allow it to continue on private land, when our native forests and species so

desperately need protection. There are very few good quality native forest refuges left after 40 years of clearfell logging in East Gippsland.

Proposals such as this should be referred to the EPBC Act, because they concern matters of national environmental significance, and not decided solely by local councils who are poorly equipped to make the proper assessments, and indeed could be inadvertently breaking the law. I understand that by the end of 2024, local councils will be required to do this anyway.

Please do not approve this application.

Sincerely,
Michelle Barnes

@hotmail.com

From: Mary Connor [mailto:mary.connor@gmail.com]
Sent: Wednesday, 24 April 2024 5:01:46 PM
To: Planning Unit Administration
Subject: Attention Planning department. Robert Pringle.

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Please find objection to planning permit with application reference 5.2023.350.1
Affecting land at 959 Murrungowar rd Cabbage Tree Creek 3889. CA:19B

From
M. R. Connor
PO Box 1000 Sale
[mailto:mrconnor@gmail.com]
Sent from my iPad

I object to the issue of a planning permit application 5.2023.350.1

My family and I are East Gippsland Shire rate payers and residents for many generations.

I have long been concerned with degradation of our local forests and the lack of action by authorities to protect forests to mitigate climate change. This application affects my emotional wellbeing and my confidence in regulation to preserve our forests.

It is evident from the application that DEECA has assisted to facilitate the logging development.

EGSC has an obligation to preserve these natural areas for subsequent generations and to mitigate climate change.

Logging this forest is Inconsistent with East Gippsland Shire climate change policy.

The application would not align with stated East Gippsland conservation values

Each development adds to the cumulative loss of high conservation areas. For example The Shire has other applications for developments in high biodiversity areas. (development on Raymond Island with threatened species and Point Fullerton with threatened species and RAMSAR values)

The cumulative loss of high conservation areas has become even more critical after the 2019 to 2020 Bush fires. The unburnt areas are important as the site is surrounded by burnt areas of varying intensity. Preserving unburnt patches is highlighted by David Lindenmayer.
<https://www.pnas.org/doi/full/10.1073/pnas.2002269117>

I note threatened long footed potoroo Habitat. 80% of the potoroo modelled Habitat was affected by the 2019/ 20 bushfire. Likely there are more long footed potteroo than the detection in 2017 as it is mostly unburnt but surrounded by burnt areas so providing a refuge.

The diversity of species is high with yellow belly gliders calling and probable other vulnerable species present such as Lace monitor,

This high value forest has diverse plant species as shown in the application surveys. Platylobium species found during the surveys is significant so much so that there is a deficiency in published data about it. The proposed 20m buffer may not be adequate to save it.

Loggers will have to get the logs and machinery across waterways in at least 2 places to get the logs to the road for transport. There are plans into manage crossings in the application but crossings will still be damaging to the waterways.

There are the buffers for the Waterways which were not surveyed and likely to have extraordinary values. Micro managing buffer zones around rare and threatened species is

unlikely to protect them. There is a need for decision makers to look at the big picture such as the impact of recent fires and cumulative losses and disturbance.

The mapping on the application is inconsistent with DEECA VICMAPS which shows rainforest. This is concerning.

The other inconsistency

The proposed harvesting operation will NOT require the permanent removal of any native vegetation as the operation will use existing roading infrastructure.”

Logging such a high value forest for firewood is unnecessary. The shire should be not promote wood heating due to its emissions and impact on health. There is firewood available from FFMV activities with strategic fire breaks and roadside clearing.

There is extensive tax payer funded transition from native forest logging in place. There should be no financial pressure or incentives to supply logs from private land.

From: Snapforms Notifications [no-reply@snapforms.com.au]
Sent: Tuesday, 23 April 2024 1:34:33 PM
To: Planning Unit Administration
Subject: Objection to a Planning Permit Application

Objection to a Planning Permit Application

An 'Objection to a Planning Permit Application' has been submitted via the East Gippsland Shire Council website, the details of this submission are shown below:

Name: Blake Nisbet (on behalf of the Victorian National Parks Association)

Email address: blake@vnpa.org.au

Postal address : Level 3, 60 Leicester Street, Carlton Vic, 3053

Mobile phone number: +61 3 9341 6500

Home phone number: +61 3 9341 6500

Work phone number: +61 3 9341 6500

Planning permit number: 5.2023.350.1

What has been proposed?: Timber harvesting and regeneration

What is the address to be used or developed?: 959 Murrungowar Road CABBAGE TREE CREEK 3889
CA: 19B

Who has applied for the permit?: John McConachy

What are the reasons for your objection?: Please see attached documents

How would you be affected by the granting of this permit?: Please see attached documents

Attach any further information: [Objection to Permit Application 5.2023.350.1_VNPA.pdf](#), [Protected Matters - MNES layers - April 19th 2024.pdf](#)

Privacy Statement: Yes

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



23 April 2024

Objection to Planning Permit Application – Planning and Environment Act 1987

Planning Permit Number: 5.2023.350.1

Address to be used or developed: 959 Murrungowar Road CABBAGE TREE CREEK 3889 CA: 19B

Permit applicant: John McConachy

Permit proposal: Timber harvesting and regeneration

Dear East Gippsland Shire,

We are writing to object to the above planning permit application, which relates to the proposal to conduct native forest timber harvesting operations on private land in Cabbage Tree Creek, East Gippsland. We write on behalf of our dozens of supporters in the East Gippsland Shire and outline our reasons for objection below.

What are the reasons for your objection?

In reviewing the current arrangements in place, we find the approval of this application by the East Gippsland Shire to be accompanied with major compliance, legal and political risks. For example:

- a. Chapter 3 of the Victorian Code of Practice for Timber Production 2014 (**the Code**) applies to private land native forest. Chapter 3 does not contain any of the important species-specific prescriptions and protections that apply to logging of native forest on public land. Nor does it contain requirements to conduct pre-harvest surveys likely to identify biodiversity values during the planning phase. The Code, as it applies to private land, contains inadequate protections to mitigate any ecological risk and impacts to threatened species and communities.
- b. Section 4B of the Flora and Fauna Guarantee Act (**FFG Act**) - the state's main threatened species legislation - imposes a duty on public authorities to give proper consideration to the objectives of that Act and Action Statements when performing functions that are likely to impact on biodiversity. The East Gippsland Shire must comply with this duty when granting permits, entering into agreements, approving or endorsing timber harvesting plans and engaging in compliance and other functions, as required.

- c. In 2017, there were 54 species of forest-dependent flora and fauna listed under the FFG Act¹. The unprecedented intensity and scale of the 2019-20 bushfires has only made matters worse, with 63 forest-dependent species added to Victoria's FFG Act in 2021, almost doubling what was already a long list². There are now at least 117 forest-dependent species listed under the FFG Act, many of which occur in East Gippsland's forests. Many of these already have Action Statements under the FFG Act, and the remaining Action Statements will continue to trickle in. This places an extreme burden on the East Gippsland Shire's obligations under s4B of the FFG Act, and the granting of this permit would be met with significant legal and compliance risks under the FFG Act.
- d. Local governments, particularly regional councils, have reported that they are poorly resourced and lack capacity to properly assess and ensure compliance with impacts of private land logging. The Office of the Conservation Regulator (**OCR**) has also previously advised that it does not have a direct role in the regulation and oversight of private land forestry.
- e. Victoria is the most cleared state in Australia, with 70-80% of private land already cleared. Private land native forest logging is inconsistent with the State Government's policy approach to native vegetation removal. Clauses 12.01 and 52.17 of the Victorian Planning Scheme provides that the objective of native vegetation management is **to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation**. Under the Scheme and the State Guidelines for the removal, destruction or lopping of native vegetation (2017), this includes implementing a three-step process to: 1) Avoid the removal, destruction or lopping of native vegetation; 2) Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided; and 3) Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation. Private land native forest logging does not appear to follow this process which creates a double standard for other rural land holders and may create an incentive for further land clearing under the guise of native forest logging on private land.
- f. Using the three Ecological Vegetation Types (**EVCs**) proposed for timber harvesting as an example³, the modernised East Gippsland Regional Forestry Agreement (**RFA**) shows that there are over 25,000 ha of these merchantable EVCs on private land across the East Gippsland RFA area, with no protection through private land covenants, indicating the scale on which this issue could escalate.⁴ The RFA also shows that across the entire East Gippsland area, there is only 13 ha of Herb-rich Foothill Forest EVC. Approving this permit will set a

¹ VEAC Conservation Values of State Forests Report (2017), pp56-58. <[VEAC Conservation Values of State Forests Report](#)>.

² Threatened Species & Communities Risk Assessment: Tranche 2 Risk Assessments Report; Platypus Risk Assessment Report; Little Eagle Risk Assessment Report (2022). <[Threatened Species and Communities Risk Assessment \(environment.vic.gov.au\)](#)>.

³ Lowland Forest, Herb-rich Foothill Forest & Damp Forest

⁴ East Gippsland Regional Forest Agreement (as amended March 2020), (Table 1a).

dangerous precedent and amount further pressure on native vegetation, biodiversity, water, climate and local government capacity.

- g. Native Forest Logging no longer has a social license here in Victoria. Most Victorians do not like native forest logging and that includes in rural and regional areas.⁵
- h. The modernised RFAs will end in December 2024.⁶ There will no longer be an exemption under the Environment Protection & Biodiversity Conservation Act (**EPBC Act**) for native forest logging operations that are planned or occurring on private land. Native forest logging operations that are planned or occurring on private land from December 2024 will require a referral under the EPBC Act, where they may have a significant impact on Matters of National Environmental Significance (**MNES**). Many of our forest-dependent species are listed as a MNES and are threatened by native forest logging operations (e.g. Greater Glider, Yellow-bellied Glider, Long-footed Potoroo). In the lead up to December 2024, the East Gippsland Shire will need to consider the EPBC Act when exercising their functions.

The Property Vegetation Plan (**PVP**) associated with this permit application states that “*Timber harvesting is proposed to be conducted over a period of 3 – 7 years*”. The Protected Matters Search Tool (attached) shows that there are 45 threatened species and 11 migratory species which are protected under the EPBC Act (MNES), for which the species or species habitat may, is likely to, or is known to occur on the property the subject of this permit application. This includes species threatened by native forest logging operations such as the Greater Glider, Yellow-bellied Glider and Long-footed Potoroo (the latter two of which are known to occur). As such, if the permit is to be granted, the East Gippsland Shire and the Department of Energy, Environment & Climate Action (**DEECA**) would need to direct the applicant to refer these proposed operations to the Department of Climate Change, Energy, the Environment and Water (**DCCEEW**) to be assessed under the EPBC Act prior to any operations occurring from December 2024.

- i. The proposed timber harvesting operations in Cabbage Tree Creek is inconsistent with Commonwealth Recovery Plans adopted under the EPBC Act for forest-dependent species, such as for the Long-footed Potoroo which is known to occur on the property. There are other MNES known or likely to occur on the property, such as the Yellow-bellied and Greater Gliders, which do not currently have Recovery Plans, but for which the release of such plans is anticipated and could be published in the 3-7 year time frame of these proposed logging operations.

⁵ [New Victorian election poll: environment more influential than infrastructure and Covid - Victorian National Parks Association \(vnpa.org.au\)](https://vnpa.org.au).

⁶ [Victorian Regional Forest Agreements \(deeca.vic.gov.au\)](https://deeca.vic.gov.au).

- j. Recent Threatened Species and Communities Risk Assessments (**TSCRA**), as required by the Victorian Government under the Regional Forestry Agreements (**RFAs**), only assessed risks of future logging on public land (not private land). Therefore, it's largely unknown what additional protection measures from logging are required for threatened species and communities in private native forests to avoid significant impacts to MNES under the EPBC Act, both in the lead up to, and following the termination of the RFAs in December 2024.

Planning Scheme

We note the objectives of the East Gippsland Shire Planning Scheme that *“Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.”*(Clause 12)

We also note Clause 12.01-1S ‘Protection of biodiversity’ which commits council to the protection and enhancement of Victoria’s biodiversity. Council strategies to achieve this objective includes:

“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.”

We also note clause 12.01-02S ‘Native vegetation management’ that seeks *“To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.”*

This proposal for timber harvesting is inconsistent with the above objectives and strategies of the East Gippsland Shire. Native forest logging on private land is being seen as a potential loophole around the Victorian government’s decision to ban the practice on public land, and this proposal is an attempt to exploit it. A large part of the reasoning behind the Victorian Government’s decision to end native forest logging was due to its negative impacts on ecological health and biodiversity in Victoria’s forests.

The property is subject to an Erosion Management Overlay. We note that page 28 of the PVP states that:

“The primary objective of the Erosion Management Overlay is to ensure that land use and development is directed to locations and carried out in ways that minimise its vulnerability to the threat of erosion.

When conducted in accordance with the Code of Forest Practice for Timber Production 2014 (Amended 2021) (DEECA 2021), timber harvesting on native forest presents a low risk. The predominant risk to erosion and subsequent risk to water quality is from earthworks associated with road construction and the operation of extraction tracks. The Timber Harvesting Plan and referred Standards as applied to road and extraction track construction, maintenance and rehabilitation will adequately mitigate risk of both short term and long-term erosion risk over the entire property.”

Under clause 44.01 in the schedule of the East Gippsland Shire Erosion Management overlay, there is no mention of any exemptions or decision guidelines which specify that works are exempt if conducted in accordance with *the Code of Forest Practice for Timber Production 2014 (Amended 2021) (DEECA 2021)*.

The decision guidelines explicitly note that consideration must be given to *“Whether the removal of vegetation will increase the possibility of erosion, the susceptibility to landslip or other land degradation processes, and whether such removal is consistent with sustainable land management”* and *“Any proposed measures to minimise the extent of soil disturbance”* amongst others.

Page 19 of the PVP clearly states that the *“Overall soil erosion risk associated with timber harvesting in accordance with this plan is moderate”*. This indicates that the proposed measures to minimise the extent of soil disturbance are inadequate and that the possibility of erosion will likely increase if the permit is granted.

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

We write on the behalf of East Gippsland’s forests and the biodiversity that calls these forests home, which would be affected by the granting of this permit. We represent a voice for dozens of our supporters in the East Gippsland Shire and our collective advocacy to halt and reverse the declines of our wildlife and natural ecosystems.

We have used this section to go into further detail of the key issues associated with the potential granting of this permit, foreshadowed in paragraphs a-j above, in the context of some key threatened species known or likely to occur on the property. This list is in no way exhaustive, and we see similar issues arise with other threatened species such as the Pilotbird, Lace Monitor, Long-nosed Potoroo, Southern Brown Bandicoot, Masked Owl, Gang Gang Cockatoo and South-eastern Glossy Black Cockatoo, which are likely to occur on the property.

Southern Greater Glider

The Southern Greater Glider is listed as endangered under both the FFG Act and the EPBC Act. Timber harvesting operations and planned burning (such as that proposed in this permit application) are both listed as key threats to the species under the FFG Act Action Statement and the EPBC Act Conservation Advice. We note that under the FFG Act, 'the loss of hollow-bearing trees in Victorian native forests' is listed as a potentially threatening process, and that salvage logging is currently being added to this list⁷. Logging and regeneration burning is known to exacerbate the loss of hollow-bearing trees⁸ and these operations could be considered salvage logging due to the recent disturbance event – the 2019-20 bushfires.

The PVP states that the property contains high value modelled habitat for the Greater Glider, and that surveys were undertaken in accordance with the Forest Protection Survey Program (**FPSP**) guidelines (up to 1km transect). The PVP goes on to say that in relation to the impacts from the 2019-20 bushfires, the property was “*subject to only low intensity fire, with minimal crown loss and rapid post-fire recovery.*” We note that there is a post-fire record of Southern Greater Glider in the Victorian Biodiversity Atlas (**VBA**) just 1.5km north-east of the property. The Protected Matters Search Tool states that Greater Glider or its habitat are likely to occur on the property. For these reasons, we believe it's likely that the property contains high quality habitat and resident populations of the Greater Glider, and that the area is serving as critical refuge for the species following the 2019-20 bushfires.

The spotlighting transects surveyed on the property, as seen in Appendix 3.1, are inadequate and unlikely to detect resident Greater Glider populations in the areas proposed for timber harvesting operations. This has been well documented in the Supreme Court rulings of Justice Richards, who was extremely critical of the FPSP spotlighting guidelines and their efficacy to detect Greater Gliders (and Yellow-bellied Gliders) in areas proposed for timber harvesting, based on expert scientific evidence. See excerpt below:⁹

“First, VicForests’ current approach to detecting greater gliders and yellow-bellied gliders is considerably less than the precautionary principle requires.^[2021] The ecologists agreed – and VicForests accepted – that to plan properly for habitat retention and appropriate silvicultural methods, it is necessary to know where in a coupe gliders occur. VicForests’ practice of limiting the survey effort to a one kilometre transect in a coupe, often from an existing road or track, is inadequate for this purpose. It leaves most parts of a coupe unsurveyed, with the result that VicForests plans and conducts timber harvesting operations without knowing whether gliders live in those parts of the coupe and, if so, the location of their habitat – the home ranges of greater gliders and the feed trees and hollow-bearing den trees used by yellow-bellied gliders. Without that knowledge, it is not possible for

⁷ Observed on the DEECA website during consultation period, 2023-2024.

⁸ David Lindenmayer, *The Forest Wars*, pp46.

⁹ *Environment East Gippsland vs VicForests*, [Environment East Gippsland Inc v VicForests \(No 4\) \[2022\] VSC 668 \(4 November 2022\)](#) ([austlii.edu.au](#)), para 270

VicForests to retain the habitat that is essential for the conservation of those gliders. This knowledge gap is most concerning in relation to greater gliders, which have small home ranges and disperse poorly across hostile habitat, and are very likely to die as a result of intensive logging in and around their home ranges.”

We further note that the proposed silvicultural systems to be used under this permit application is the use of ‘Variable Retention Harvesting regime (as applied by VicForests in adjoining State Forest)’. Here is what Justice Richards had to say about VicForests Variable Retention Harvesting regime: ¹⁰

“... variable retention harvesting was not shown to be effective to conserve greater glider populations in harvested coupes. The available evidence was that variable retention harvesting is of no short to medium term benefit to greater gliders, and that its impact is similar to clearfall harvesting.

VicForests’ current approach falls well short of what the precautionary principle requires for the conservation of greater gliders. The ecological evidence was clear - greater gliders that live in coupes that are harvested in accordance with VicForests’ current practices will probably die as a result of the harvesting operations.”

The timber harvesting operations proposed in this application are unlikely to meet the following Operational Goal under clause 3.2.2 of the Code, due to inadequate survey efforts and protections for the endangered Greater Glider:¹¹

“Planning, harvesting, roading and silvicultural treatment in private native forests specifically address the conservation of biodiversity, in accordance with relevant legislation and regulations, and considering relevant scientific knowledge”.

We also believe that the granting of this permit application would be inconsistent with your obligations under S4B of the FFG Act, as you must give proper consideration to the following objectives of the Act in exercising this function:¹²

(a) to guarantee that all taxa of Victoria's flora and fauna, other than taxa specified in the Excluded List, can persist and improve in the wild and retain their capacity to adapt to environmental change; and

(b) to prevent taxa and communities of flora and fauna from becoming threatened and to recover threatened taxa and communities so their conservation status improves; and

(c) to protect, conserve, restore and enhance biodiversity, including— (i) flora and fauna and their habitats; and (ii) genetic diversity; and (iii) ecological communities; and (iv) ecological processes; and

¹⁰ Environment East Gippsland vs VicForests, [Environment East Gippsland Inc v VicForests \(No 4\) \[2022\] VSC 668 \(4 November 2022\) \(austlii.edu.au\)](#), para 5

¹¹ The Code of Practice for Timber Production 2014 (as amended 2022), [Microsoft Word - Code of Practice for Timber Production 2014 \(as amended 2022\).docx \(forestsandreserves.vic.gov.au\)](#), pp58.

¹² [Flora and Fauna Guarantee Act 1988 \(legislation.vic.gov.au\)](#), pp15-16.

(d) to identify and mitigate the impacts of potentially threatening processes to address the important underlying causes of biodiversity decline; and

(e) to ensure the use of biodiversity as a natural resource is ecologically sustainable; and

The current approach of this permit application used to survey for and protect Greater Gliders from the impacts of timber harvesting operations, is highly inconsistent with the above objectives of the FFG Act and clause 3.2.2 of the Code. As there is immense amounts of scientific evidence and Supreme Court rulings to support that this approach causes serious and irreversible damage to the Greater Glider, it's unlikely that such operations would be approved under the EPBC Act once the RFAs are terminated in December. As such, the permit should not be granted by the East Gippsland Shire.

Yellow-bellied Glider

The Yellow-bellied Glider is listed as vulnerable to extinction under both the FFG Act and the EPBC Act. Timber harvesting and planned burning is listed as a key threat to the species under the EPBC Act Conservation Advice. The species does not yet have an Action Statement under the FFG Act but its release is anticipated.

The PVP states that the property contains high value modelled habitat for the Yellow-bellied Glider, and that surveys were undertaken in accordance with the Forest Protection Survey Program (**FPSP**) guidelines (up to 1km transect). We note the confirmed presence of the Yellow-bellied Glider on the property outlined in Appendix 3.1. We refer back to Justice Richards' Supreme Court rulings above which is heavily critical of the FPSP survey guidelines - which have been adopted for the pre-harvest surveys on the Cabbage Tree Creek property – and their efficacy in detecting and (therefore) protecting populations of the Yellow-bellied Glider. We also refer to the below excerpt from Justice Richards which is highly critical of Variable Retention Harvesting – such as that proposed in this permit application – and its impacts on resident Yellow-bellied Glider populations:¹³

“...Variable retention harvesting was not shown to be effective to conserve yellow-bellied gliders in harvested coupes, and its impact is comparable to clearfall harvesting. The ecological evidence was that yellow-bellied gliders that live in coupes that are harvested in accordance with VicForests' current practices will probably die as a result of the harvesting operations.”

The timber harvesting operations proposed in this application are unlikely to meet the following Operational Goal under clause 3.2.2 of the Code, due to inadequate survey efforts and protections for the vulnerable Yellow-bellied Glider:¹⁴

¹³ Environment East Gippsland vs VicForests, [Environment East Gippsland Inc v VicForests \(No 4\) \[2022\] VSC 668 \(4 November 2022\) \(austlii.edu.au\)](#), para 8

¹⁴ The Code of Practice for Timber Production 2014 (as amended 2022), [Microsoft Word - Code of Practice for Timber Production 2014 \(as amended 2022\).docx \(forestsandreserves.vic.gov.au\)](#), pp58.

“Planning, harvesting, roading and silvicultural treatment in private native forests specifically address the conservation of biodiversity, in accordance with relevant legislation and regulations, and considering relevant scientific knowledge”.

We also believe that the granting of this permit application would be inconsistent with your obligations under S4B of the FFG Act, as you must give proper consideration to the objectives of the Act in exercising this function (see objectives a-e outlined under sub-heading Greater Glider above).¹⁵

The current approach of this permit application used to survey for and protect Yellow-bellied from the impacts of timber harvesting operations, is highly inconsistent with objectives a-e of the FFG Act and clause 3.2.2 of the Code. As there is immense amounts of scientific evidence and Supreme Court rulings to support that this approach causes serious and irreversible damage to the Yellow-bellied Glider, it's unlikely that such operations would be approved under the EPBC Act once the RFAs are terminated in December. As such, the permit should not be granted by the East Gippsland Shire.

Long-footed Potoroo

The Long-footed Potoroo is listed as endangered under both the FFG Act and the EPBC Act. Forestry operations, fire and habitat fragmentation are listed as key threats under both the FFG Act Action Statement and EPBC Act Conservation Advice. Under the Action Statement, the following key threat is identified:¹⁶

“Fires (including planned burns) that are too frequent or intense can remove the habitat structure required for refuge and foraging by Long-footed Potoroos, increase predation risks, alter food resource availability, cause direct mortality and lead to loss of populations.”

We note that Long-footed Potoroo has been detected on the property, as outlined in Appendix 4. We also note that in the PVP, under the section ‘Offset Requirements – Regeneration’, the following statement is made in relation to Tolerable Fire Intervals (TFIs):

“Any preparation and implementation of a prescribed regeneration burning plan to assist regeneration of harvested areas will consider and implement:

- *enhance biodiversity values in accordance with Tolerable Fire Intervals (TFIs) for the applicable Ecological Vegetation Class (EVC).”*

Plans to re-disturb these forests with logging and fire at such frequent intervals would be inconsistent with the TFIs of the EVCs present on the property, would decimate (not enhance) biodiversity values and threaten the persistence of the Long-footed Potoroo in the area.

¹⁵ [Flora and Fauna Guarantee Act 1988 \(legislation.vic.gov.au\)](https://www.legislation.vic.gov.au/), pp15-16.

¹⁶ [Long-footed Potoroo AS 11179 \(environment.vic.gov.au\)](https://www.environment.vic.gov.au/), pp2

The property vegetation was burnt with low severity fire just 4 years ago. The Damp Forest EVCs on the property have a minimum TFI of 25 years (both low and high severity), so logging/burning these forests prior to the year 2045 would be detrimental to the integrity of native vegetation and local biodiversity, including the endangered Long-footed Potoroo. The Lowland Forest EVCs on the property have a minimum TFI of 8 years (low severity) to 25 years (high severity), so similarly, these forests should not be disturbed (logging or burning) until at least 2028-2045, pending the fluctuation of severity across the EVC. Herb-rich Foothills Forest EVCs have a minimum TFI of 10 years (low severity) to 25 years (high severity), and so these vegetation types on the property should not be disturbed with logging/fire until at least 2030-2045.¹⁷

The permit application to re-disturb this forest with fire and logging below the EVC's minimum TFIs, if granted, would have detrimental impacts on the floristic composition and structure of these forests, the conservation of biodiversity and the ecological regeneration of these forests. In this context, the proposed application is inconsistent with clause 3.2.2 of the Code and objectives a-e of the FFG Act. For the endangered Long-footed Potoroo, such disturbance would be inconsistent with the following objectives of its Action Statement:¹⁸

“• Mitigate threats to populations and habitat to increase resilience, improve genetic fitness and minimise future population decline.

• Increase the Long-footed Potoroo's range and/or extent, by providing opportunities for natural movement This goes well beyond the impacts to just one specific species, such as the Long-footed Potoroo. “

It would also be inconsistent with the following conservation actions outlined in the Action Statement:¹⁹

“Avoid and/or mitigate impacts associated with fire management

• Ensure that species distribution data and ecological information is available and considered in fire management activities.

Develop, update and apply forestry protections

• Where relevant, incorporate species-specific protection measures into plans and permits relating to timber harvesting operations in native forest on private land.

Identify and protect refuges

¹⁷ [Report-84-REDUCED-SIZE-Growth-Stages-and-Tolerable-Fire-Intervals-For-Victorias-Native-Vegetation-Data-Se.pdf \(ffm.vic.gov.au\)](#), TFIs for Moist Forest, Tall Mixed Forest (eastern) and Foothills Forest.

¹⁸ [Long-footed Potoroo AS 11179 \(environment.vic.gov.au\)](#)

¹⁹ [Long-footed Potoroo AS 11179 \(environment.vic.gov.au\)](#)

- *Identify and protect habitat areas that provide important refugia from disturbance events (e.g., fire) or significant weather events (e.g., drought).*

Improve habitat connectivity

- *Restore habitat and/or provide appropriate engineering solutions to improve connectivity between Long-footed Potoroo habitat patches where necessary.”*

We also note that under the Commonwealth Recovery Plan for Long-footed Potoroo, the current policy is to avoid planned fires at potoroo sites.²⁰

The proposed application to disturb these forests with fire and logging below their minimum TFI is inconsistent with clause 3.2.2 of the Code, the objectives of the FFG Act and the Action Statements for threatened species, such as the Long-footed Potoroo. If the permit were to be granted, this frequency of disturbance would be felt by much more than just one species, and would significantly detriment the floristic composition and structure, and the conservation of biodiversity in the area. As such, the permit should not be granted in this context.

Conclusion and Recommendations

For the reasons outlined above, we strongly object to permit application 5.2023.350.1 relating to the planned timber harvesting operations in Cabbage Tree Creek. There is overwhelming scientific evidence to suggest that these proposed operations would be detrimental to the integrity of native vegetation and the conservation of biodiversity, including for iconic threatened species like the Greater Glider, Yellow-bellied Glider and Long-footed Potoroo.

These proposed operations are inconsistent with the objectives of the FFG Act, the Action Statements for various threatened species known or likely to occur on the property, the Commonwealth Conservation Advice and Recovery Plans for threatened species known or likely to occur on the property, and the Victorian and East Gippsland Planning Schemes.

Granting such an application would be accompanied with significant legal, compliance and political risks for the East Gippsland Shire.

As such, we strongly urge you to deny permit application 5.2023.350.1.

If you have any questions feel free to contact Blake Nisbet, Nature Conservation Campaigner at blake@vnpa.org.au

Victorian National Parks Association (VNPA)
Level 3, 60 Leicester Street, Carlton Vic, 3053
Phone: +61 3 9341 6500
Email: vnpa@vnpa.org.au



²⁰ [Long-footed Potoroo \(Potorous longipes\) Recovery Plan \(dcceew.gov.au\)](#), pp17

From: Blake Nisbet [blake@vnpa.org.au]
Sent: Tuesday, 23 April 2024 1:39:04 PM
To: Feedback Address For Web Page
Subject: Re: Automated Response From East Gippsland Shire

You don't often get email from blake@vnpa.org.au. [Learn why this is important](#)

EXTERNAL EMAIL: This email has originated from outside of the East Gippsland Shire Council network. Do not click links or open attachments unless you recognise the sender and know the content is safe. Contact ICT ServiceDesk if you are unsure.

Dear East Gippsland Shire,

I wish to follow up by attaching the following document to assist the Victorian National Parks Association's formal objection to permit application 5.2023.350.1, which I just submitted to you. This attachment was inadvertently excluded from the last email and I apologise for that. The attached document shows the list of Matters of National Environment Significance that are known to occur, likely to occur, or which may occur on 959 Murrungowar Road CABBAGE TREE CREEK 3889 CA: 19B.

Kind regards,

Blake Nisbet
Nature Conservation Campaigner,
Victorian National Parks Association

From: Feedback Address For Web Page <Feedback@egipps.vic.gov.au>
Sent: Tuesday, April 23, 2024 1:33 PM
To: Blake Nisbet <blake@vnpa.org.au>
Subject: Automated Response From East Gippsland Shire

Thank you for contacting the East Gippsland Shire Council
If your enquiry is urgent, please call us on 03 51 539 500, our call service is available after-hours and public holidays as well as business days.
We wish to advise that we have received your correspondence and will respond to you as soon as possible.
Thank you for contacting Council.



Australian Government

Department of Climate Change, Energy,
the Environment and Water

EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected. Please see the caveat for interpretation of information provided here.

Report created: 19-Apr-2024

[Summary](#)

[Details](#)

[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)

Summary

Matters of National Environment Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the [Administrative Guidelines on Significance](#).

World Heritage Properties:	None
National Heritage Places:	None
Wetlands of International Importance (Ramsar)	None
Great Barrier Reef Marine Park:	None
Commonwealth Marine Area:	None
Listed Threatened Ecological Communities:	2
Listed Threatened Species:	45
Listed Migratory Species:	11

Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place. Information on the new heritage laws can be found at <https://www.dcceew.gov.au/parks-heritage/heritage>

A [permit](#) may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species.

Commonwealth Lands:	None
Commonwealth Heritage Places:	None
Listed Marine Species:	18
Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves Terrestrial:	None
Australian Marine Parks:	None
Habitat Critical to the Survival of Marine Turtles:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have

State and Territory Reserves:	None
Regional Forest Agreements:	1
Nationally Important Wetlands:	None
EPBC Act Referrals:	4
Key Ecological Features (Marine):	None
Biologically Important Areas:	None
Bioregional Assessments:	1
Geological and Bioregional Assessments:	None

Details

Matters of National Environmental Significance

Listed Threatened Ecological Communities

[\[Resource Information \]](#)

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Status of Vulnerable, Disallowed and Ineligible are not MNES under the EPBC Act.

Community Name	Threatened Category	Presence Text
Natural Temperate Grassland of the South Eastern Highlands	Critically Endangered	Community may occur within area
River-flat eucalypt forest on coastal floodplains of southern New South Wales and eastern Victoria	Critically Endangered	Community likely to occur within area

Listed Threatened Species

[\[Resource Information \]](#)

Status of Conservation Dependent and Extinct are not MNES under the EPBC Act.

Number is the current name ID.

Scientific Name	Threatened Category	Presence Text
BIRD		
Anthochaera phrygia Regent Honeyeater [82338]	Critically Endangered	Species or species habitat may occur within area
Botaurus poiciloptilus Australasian Bittern [1001]	Endangered	Species or species habitat likely to occur within area
Calidris acuminata Sharp-tailed Sandpiper [874]	Vulnerable	Species or species habitat may occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
Callocephalon fimbriatum Gang-gang Cockatoo [768]	Endangered	Species or species habitat likely to occur within area

Scientific Name	Threatened Category	Presence Text
<u>Calyptrorhynchus lathamii lathamii</u> South-eastern Glossy Black-Cockatoo [67036]	Vulnerable	Species or species habitat likely to occur within area
<u>Climacteris picumnus victoriae</u> Brown Treecreeper (south-eastern) [67062]	Vulnerable	Species or species habitat may occur within area
<u>Falco hypoleucos</u> Grey Falcon [929]	Vulnerable	Species or species habitat likely to occur within area
<u>Gallinago hardwickii</u> Latham's Snipe, Japanese Snipe [863]	Vulnerable	Species or species habitat likely to occur within area
<u>Grantiella picta</u> Painted Honeyeater [470]	Vulnerable	Species or species habitat likely to occur within area
<u>Hirundapus caudacutus</u> White-throated Needletail [682]	Vulnerable	Species or species habitat likely to occur within area
<u>Lathamus discolor</u> Swift Parrot [744]	Critically Endangered	Species or species habitat may occur within area
<u>Melanodryas cucullata cucullata</u> South-eastern Hooded Robin, Hooded Robin (south-eastern) [67093]	Endangered	Species or species habitat may occur within area
<u>Neophema chrysostoma</u> Blue-winged Parrot [726]	Vulnerable	Species or species habitat likely to occur within area
<u>Numenius madagascariensis</u> Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area
<u>Pycnoptilus floccosus</u> Pilotbird [525]	Vulnerable	Species or species habitat likely to occur within area

Scientific Name	Threatened Category	Presence Text
Rostratula australis Australian Painted Snipe [77037]	Endangered	Species or species habitat likely to occur within area
Stagonopleura guttata Diamond Firetail [59398]	Vulnerable	Species or species habitat may occur within area
CRUSTACEAN		
Euastacus diversus Orbost Spiny Crayfish [66782]	Endangered	Species or species habitat likely to occur within area
FISH		
Prototroctes maraena Australian Grayling [26179]	Vulnerable	Species or species habitat may occur within area
FROG		
Heleioporus australiacus Giant Burrowing Frog [1973]	Vulnerable	Species or species habitat may occur within area
Litoria aurea Green and Golden Bell Frog [1870]	Vulnerable	Species or species habitat may occur within area
Litoria raniformis Southern Bell Frog,, Growling Grass Frog, Green and Golden Frog, Warty Swamp Frog, Golden Bell Frog [1828]	Vulnerable	Species or species habitat may occur within area
Litoria watsoni Southern Heath Frog, Watson's Tree Frog [91509]	Endangered	Species or species habitat likely to occur within area
Uperoleia martini Martin's Toadlet [1873]	Endangered	Species or species habitat may occur within area
MAMMAL		
Dasyurus maculatus maculatus (SE mainland population) Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population) [75184]	Endangered	Species or species habitat likely to occur within area

Scientific Name	Threatened Category	Presence Text
<u>Isoodon obesulus obesulus</u> Southern Brown Bandicoot (eastern), Southern Brown Bandicoot (south-eastern) [68050]	Endangered	Species or species habitat likely to occur within area
<u>Petauroides volans</u> Greater Glider (southern and central) [254]	Endangered	Species or species habitat likely to occur within area
<u>Petaurus australis australis</u> Yellow-bellied Glider (south-eastern) [87600]	Vulnerable	Species or species habitat known to occur within area
<u>Potorous longipes</u> Long-footed Potoroo [217]	Endangered	Species or species habitat known to occur within area
<u>Potorous tridactylus trisulcatus</u> Long-nosed Potoroo (southern mainland) [86367]	Vulnerable	Species or species habitat likely to occur within area
<u>Pseudomys fumeus</u> Smoky Mouse, Konoom [88]	Endangered	Species or species habitat may occur within area
<u>Pteropus poliocephalus</u> Grey-headed Flying-fox [186]	Vulnerable	Foraging, feeding or related behaviour may occur within area
PLANT		
<u>Acacia lanigera var. gracilipes</u> [31652]	Endangered	Species or species habitat may occur within area
<u>Amphibromus fluitans</u> River Swamp Wallaby-grass, Floating Swamp Wallaby-grass [19215]	Vulnerable	Species or species habitat may occur within area
<u>Astrotricha sp. Wingan Inlet (J.A.Jeanes 2268)</u> Wingan Star-hair [85675]	Endangered	Species or species habitat may occur within area
<u>Caladenia tessellata</u> Thick-lipped Spider-orchid, Daddy Long-legs [2119]	Vulnerable	Species or species habitat likely to occur within area

Scientific Name	Threatened Category	Presence Text
Cryptostylis hunteriana Leafless Tongue-orchid [19533]	Vulnerable	Species or species habitat likely to occur within area
Dianella amoena Matted Flax-lily [64886]	Endangered	Species or species habitat likely to occur within area
Prasophyllum spicatum Dense Leek-orchid [55146]	Vulnerable	Species or species habitat may occur within area
Thelymitra matthewsii Spiral Sun-orchid [4168]	Vulnerable	Species or species habitat likely to occur within area
Thesium australe Austral Toadflax, Toadflax [15202]	Vulnerable	Species or species habitat may occur within area
Xerochrysum palustre Swamp Everlasting, Swamp Paper Daisy [76215]	Vulnerable	Species or species habitat may occur within area
REPTILE		
Liopholis montana Mountain Skink [87162]	Endangered	Species or species habitat may occur within area
Lissolepis coventryi Swamp Skink, Eastern Mourning Skink [84053]	Endangered	Species or species habitat likely to occur within area
Listed Migratory Species [Resource Information]		
Scientific Name	Threatened Category	Presence Text
Migratory Marine Birds		
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area
Migratory Terrestrial Species		
Hirundapus caudacutus White-throated Needletail [682]	Vulnerable	Species or species habitat likely to occur within area

Scientific Name	Threatened Category	Presence Text
Monarcha melanopsis Black-faced Monarch [609]		Species or species habitat likely to occur within area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat known to occur within area
Rhipidura rufifrons Rufous Fantail [592]		Species or species habitat known to occur within area
Migratory Wetlands Species		
Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat may occur within area
Calidris acuminata Sharp-tailed Sandpiper [874]	Vulnerable	Species or species habitat may occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]	Vulnerable	Species or species habitat likely to occur within area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area

Other Matters Protected by the EPBC Act

Listed Marine Species	[Resource Information]	
Scientific Name	Threatened Category	Presence Text
Bird		

Scientific Name	Threatened Category	Presence Text
Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat may occur within area
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area overfly marine area
Bubulcus ibis as Ardea ibis Cattle Egret [66521]		Species or species habitat may occur within area overfly marine area
Calidris acuminata Sharp-tailed Sandpiper [874]	Vulnerable	Species or species habitat may occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area overfly marine area
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area overfly marine area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]	Vulnerable	Species or species habitat likely to occur within area overfly marine area
Haliaeetus leucogaster White-bellied Sea-Eagle [943]		Species or species habitat likely to occur within area
Hirundapus caudacutus White-throated Needletail [682]	Vulnerable	Species or species habitat likely to occur within area overfly marine area
Lathamus discolor Swift Parrot [744]	Critically Endangered	Species or species habitat may occur within area overfly marine area

Scientific Name	Threatened Category	Presence Text
Merops ornatus Rainbow Bee-eater [670]		Species or species habitat may occur within area overfly marine area
Monarcha melanopsis Black-faced Monarch [609]		Species or species habitat likely to occur within area overfly marine area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat known to occur within area overfly marine area
Neophema chrysostoma Blue-winged Parrot [726]	Vulnerable	Species or species habitat likely to occur within area overfly marine area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area
Rhipidura rufifrons Rufous Fantail [592]		Species or species habitat known to occur within area overfly marine area
Rostratula australis as Rostratula benghalensis (sensu lato) Australian Painted Snipe [77037]	Endangered	Species or species habitat likely to occur within area overfly marine area
Sterna striata White-fronted Tern [799]		Migration route may occur within area

Extra Information

Regional Forest Agreements	[Resource Information]
Note that all areas with completed RFAs have been included. Please see the associated resource information for specific caveats and use limitations associated with RFA boundary information.	

RFA Name	State
East Gippsland RFA	Victoria

EPBC Act Referrals			[Resource Information]
Title of referral	Reference	Referral Outcome	Assessment Status
Not controlled action			
Biodiversity Impacts Audit	2011/6191	Not Controlled Action	Completed
Improving rabbit biocontrol: releasing another strain of RHDV, sthrn two thirds of Australia	2015/7522	Not Controlled Action	Completed
INDIGO Central Submarine Telecommunications Cable	2017/8127	Not Controlled Action	Completed
Not controlled action (particular manner)			
INDIGO Marine Cable Route Survey (INDIGO)	2017/7996	Not Controlled Action (Particular Manner)	Post-Approval

Bioregional Assessments			[Resource Information]
SubRegion	BioRegion	Website	
Gippsland	Gippsland Basin	BA website	

Caveat

1 PURPOSE

This report is designed to assist in identifying the location of matters of national environmental significance (MNES) and other matters protected by the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) which may be relevant in determining obligations and requirements under the EPBC Act.

The report contains the mapped locations of:

- World and National Heritage properties;
- Wetlands of International and National Importance;
- Commonwealth and State/Territory reserves;
- distribution of listed threatened, migratory and marine species;
- listed threatened ecological communities; and
- other information that may be useful as an indicator of potential habitat value.

2 DISCLAIMER

This report is not intended to be exhaustive and should only be relied upon as a general guide as mapped data is not available for all species or ecological communities listed under the EPBC Act (see below). Persons seeking to use the information contained in this report to inform the referral of a proposed action under the EPBC Act should consider the limitations noted below and whether additional information is required to determine the existence and location of MNES and other protected matters.

Where data are available to inform the mapping of protected species, the presence type (e.g. known, likely or may occur) that can be determined from the data is indicated in general terms. It is the responsibility of any person using or relying on the information in this report to ensure that it is suitable for the circumstances of any proposed use. The Commonwealth cannot accept responsibility for the consequences of any use of the report or any part thereof. To the maximum extent allowed under governing law, the Commonwealth will not be liable for any loss or damage that may be occasioned directly or indirectly through the use of, or reliance

3 DATA SOURCES

Threatened ecological communities

For threatened ecological communities where the distribution is well known, maps are generated based on information contained in recovery plans, State vegetation maps and remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Threatened, migratory and marine species

Threatened, migratory and marine species distributions have been discerned through a variety of methods. Where distributions are well known and if time permits, distributions are inferred from either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc.) together with point locations and described habitat; or modelled (MAXENT or BIOCLIM habitat modelling) using

Where little information is available for a species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc.).

In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More detailed distribution mapping methods are used to update these distributions

4 LIMITATIONS

The following species and ecological communities have not been mapped and do not appear in this report:

- threatened species listed as extinct or considered vagrants;
- some recently listed species and ecological communities;
- some listed migratory and listed marine species, which are not listed as threatened species; and
- migratory species that are very widespread, vagrant, or only occur in Australia in small numbers.

The following groups have been mapped, but may not cover the complete distribution of the species:

- listed migratory and/or listed marine seabirds, which are not listed as threatened, have only been mapped for recorded
- seals which have only been mapped for breeding sites near the Australian continent

The breeding sites may be important for the protection of the Commonwealth Marine environment.

Refer to the metadata for the feature group (using the Resource Information link) for the currency of the information.

Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [Office of Environment and Heritage, New South Wales](#)
- [Department of Environment and Primary Industries, Victoria](#)
- [Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [Department of Environment, Water and Natural Resources, South Australia](#)
- [Department of Land and Resource Management, Northern Territory](#)
- [Department of Environmental and Heritage Protection, Queensland](#)
- [Department of Parks and Wildlife, Western Australia](#)
- [Environment and Planning Directorate, ACT](#)
- [Birdlife Australia](#)
- [Australian Bird and Bat Banding Scheme](#)
- [Australian National Wildlife Collection](#)
- Natural history museums of Australia
- [Museum Victoria](#)
- [Australian Museum](#)
- [South Australian Museum](#)
- [Queensland Museum](#)
- [Online Zoological Collections of Australian Museums](#)
- [Queensland Herbarium](#)
- [National Herbarium of NSW](#)
- [Royal Botanic Gardens and National Herbarium of Victoria](#)
- [Tasmanian Herbarium](#)
- [State Herbarium of South Australia](#)
- [Northern Territory Herbarium](#)
- [Western Australian Herbarium](#)
- [Australian National Herbarium, Canberra](#)
- [University of New England](#)
- [Ocean Biogeographic Information System](#)
- [Australian Government, Department of Defence](#)
- [Forestry Corporation, NSW](#)
- [Geoscience Australia](#)
- [CSIRO](#)
- [Australian Tropical Herbarium, Cairns](#)
- [eBird Australia](#)
- [Australian Government – Australian Antarctic Data Centre](#)
- [Museum and Art Gallery of the Northern Territory](#)
- [Australian Government National Environmental Science Program](#)
- [Australian Institute of Marine Science](#)
- [Reef Life Survey Australia](#)
- [American Museum of Natural History](#)
- [Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Please feel free to provide feedback via the [Contact us](#) page.

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Department of Climate Change, Energy, the Environment and Water

GPO Box 3090

Canberra ACT 2601 Australia

+61 2 6274 1111

From: eeg@eastgippsland.net.au
Sent: Tuesday, 23 April 2024 3:08:48 PM
To: Feedback Address For Web Page
Subject: Objection to planning application - Club Terrace

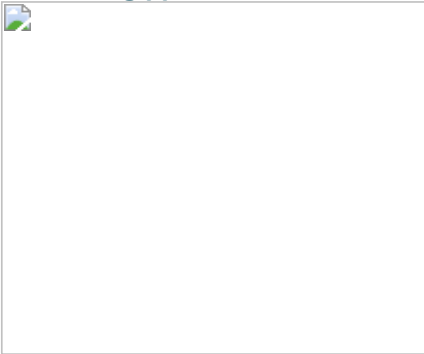
EXTERNAL EMAIL: This email has originated from outside of the East Gippsland Shire Council network. Do not click links or open attachments unless you recognise the sender and know the content is safe. Contact ICT ServiceDesk if you are unsure.

Please find attached EEG's objection to an application to log private land at Club Terrace.

Environment East Gippsland inc
Locked Bag 3
ORBOST Vic 3888

(03) 5154 0145

www.eastgippsland.net.au





Locked Bag 3, Orbost
Victoria 3888 AUSTRALIA
eeg@eastgippsland.net.au
ABN: 30 865 568 417
www.eastgippsland.net.au

Objection to Planning Permit Application for private land logging

Environment East Gippsland inc is submitting this objection to the application to log mature forest at 959 Murrungowar Road Cabbage Tree Creek.

Planning Permit application # 5.2023.350.1.

EEG has been advocating for the protection of the natural habitat and wildlife of the region since the early 1980s. We have a formal membership of over 350 and a supporter base and social media following of over 12,000. Our work is supported by many across the country and across all walks of life, from farmers and blue-collar workers to lawyers. The interest in environmental protection and especially a love for forests, is ever growing.

Reasons for our objection

Lack of oversight and regulation capacity

EEG has previously reported illegal clearing of native vegetation with no proper investigation or outcome. We know of others who have also reported serious breaches of the law regarding illegal land clearing. As the Responsible Authority, the East Gippsland Shire appears extremely under-resourced or unwilling to perform its obligations when such reports are received.

We have grave concerns if this permit is granted the shire will be unable to adequately oversee and monitor any logging operations being carried out randomly over a seven-year period (or longer).

East Gippsland — our breathing space

Opening the floodgates

Proper consideration of all associated legislation is paramount. In particular, the Flora and Fauna Guarantee Act which requires public authorities to consider the protection of listed plants and wildlife, and the requirements in their Action Statements. Section 4B of the Act would be very relevant to consider.

Does the Shire have the capacity to regulate private land logging operations long term? Past evidence of many local councils shows that without dedicated funding, resourcing, expertise and will, regulating land clearing or logging does not happen. This is potentially [misfeasance or malfeasance](#) of public office.

Decent resourcing and upskilling are essential to ensure adherence to environmental laws, to mandatory regeneration obligations, to the proper protection of streams, biological values and so on. The Shire could soon see thousands of hectares of private land up for clearing and claimed regeneration.

Since logging in state forests has ceased under VicForests, there is now huge pressure on private owners of native forests. Some of these areas are extremely valuable, especially where they have escaped the past 50 years of clearfelling regimes in state forests. This leaves mature unexploited forests a rarity and with high natural values.

East Gippsland forests

This region is a 'Noah's Ark' for so much of Victoria's now rare and threatened wildlife. Assessments of the past have shown that, relative to its size, it is seven times more important for protection of rare species and habitat than the rest of the state.

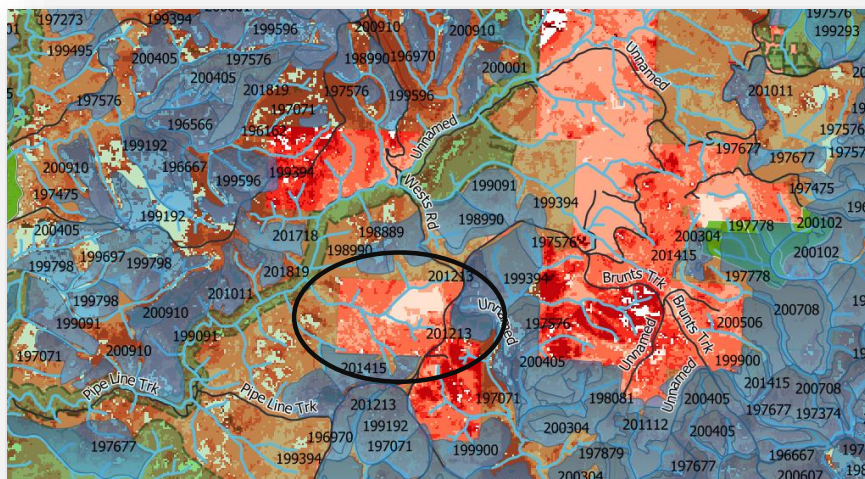
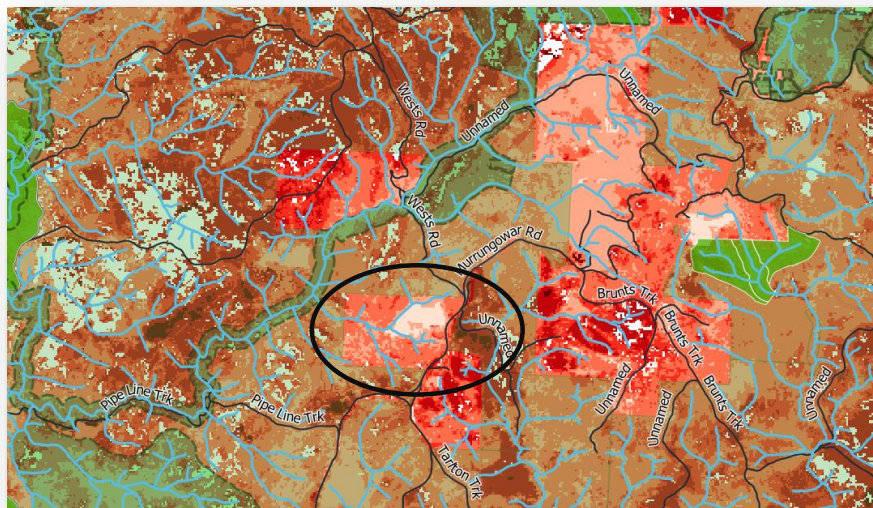
The forests that are now recovering are providing critical habitat for the wildlife that survived or is beginning to move in from unburnt areas. This should be factored into any decision made on logging.

Logging's relevance to bushfires

The Black Summer bushfires impacted an estimated 80% of the region to varying degrees of severity. The below map shows that forests around this private land near Cabbage Tree Creek had a low to moderate fire

severity and should be better able to recover well and provide refuge habitat.

The second map shows the logging history in state forests for the same area. Much was logged in the last 20 years. The young thick regrowth would have been extremely vulnerable to the impacts of bushfire. Research by Lindenmayer, Taylor, Mackey and Norman clearly shows that logging and thinning forests increases the risk and severity at which it would burn in a bushfire. For fire safety reason alone, allowing this mature forest to return to a healthy state should also be considered.



Regeneration

Recent investigations of past logging in both The Central Highlands Ash forests and the mixed forests of eastern Victoria show an appalling failure by authorities to ensure forests regrow. This failure has gone on for decades.

[After the Logging](#) is a 2021 report, based on data obtained under Freedom of Information laws. It has exposed for the first time how Victoria's state logging agency is failing to regrow forests as required despite its claims to be doing so.

Relevantly, mixed forests of the type in this application failed to regenerate adequately in 30% of all logged coupes.

There is understandable concern that simply stating that the forests will be regrown after logging does not make it happen - even with the expertise of the state's logging agency. How would the Shire be any better at regulating and enforcement?

The likelihood of serious regeneration failure after a forest in fire recovery is subjected to 40 tonne machinery and chainsaws, is high (see [research](#) on post-fire logging). Without a constant and dedicated focus on the obligation of the Responsible Authority to ensure that the Planning Act is adhered to (logged areas must be regenerated), it could by default, become an area for grazing (nudge-wink).

Glider populations

Surveys for the Greater and Yellow-bellied Gliders appear to be extremely cursory, with possibly only 10% of the area surveyed.

Our successful legal case in 2022 against VicForests regarding Glider surveys and protections clearly showed these minimal survey requirements were ineffective and protections inadequate. Reasons given and the expert witness reports should be used to help inform the Shire as to adequate measures needed to meet section 4B of the FFGA.

Long-footed Potoroo

The detection of the endangered Long-footed Potoroo (LFP) in Brown Mountain, saw the 2010 Supreme Court judgment cite the LFP Action Statement requirements of a 50ha protection zone. These protection zones were ordered to be applied.

This is a nationally endangered species listed under the EPBC Act.

We believe it was inadequate for a regional DEECA officer to apply a minimal 'home brand' protection measure. LFPs need a far larger range across slopes and time to feed on a range of seasonal fungi. The narrow buffers against cleared forest would also increase predation by foxes.

We don't see that stream buffers are a serious attempt to protect this endangered species, given its known habitat requirements.

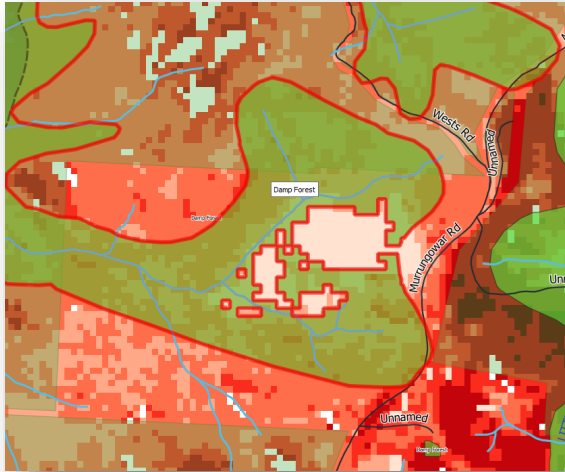
1. Each Long-footed Potoroo (LFP) detection site outside the Core Protected Area will generate a Special Management Zone (SMZ) of approximately 150 ha.
2. As far as possible, SMZ boundaries will follow recognisable landscape features such as ridges, spurs and watercourses.
3. Within each SMZ, at least one third (~50 ha) will be protected from timber harvesting and new roading.
4. This will be known as Long-footed Potoroo Retained Habitat.
5. The LFP Retained Habitat will include the best LFP habitat in the SMZ, which will generally be in gullies and on lower, sheltered slopes.
6. The LFP Retained Habitat may include areas otherwise unavailable for timber harvesting due to restrictions under the Code of Practice for Timber Harvesting.
7. The SMZ will also have a general restriction of one third of the total area that can be harvested in any three year period. If more than one coupe is to be harvested in an SMZ in the same year, the coupes must be separated by at least the equivalent of another coupe width.
8. The SMZ, with the LFP Retained Habitat clearly delineated, will be shown as part of the Forest Management Area zoning scheme.
9. The SMZ will be designed by DSE, in consultation with VicForests, and approved by DSE.
10. If the ~150 ha area includes any part of an existing conservation reserve or Special Protection Zone (SPZ), these areas will retain their existing reservation or zoning status but will be considered for inclusion as part of the area of retained habitat. In such cases, the final area designated as SMZ may be correspondingly smaller.

LFP Action Statement. FFGA.

Damp and herb rich foothill forest

The assessment for damp forest where logging is proposed appears to be different to the EVC mapping provided by the Victorian mapping Database.

The Herb-rich Foothill Forests are a depleted EVC in East Gippsland and we strongly urge the shire to protect what remains on private land.



Variable Retention Logging

The offer to carry out what is called '*variable retention harvesting*' does not reduce impact on the forest or rare wildlife. It's little more than a guise for clearfelling. The Supreme Court judge in the 2022 Glider case was scathing of it as any sort of compromise offering.

To leave isolated trees with a hollow in a sea of churned earth, crushed understorey and stumps, seems either ignorant or insulting. This does not provide habitat, micro-climates, shelter, food or connectivity.

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

As stated in our introduction, we represent many East Gippsland residents and those further afield who have a strong love of this region's natural wonders, especially the richly diverse forests and incredible wildlife.

Experiencing the horrific bushfires has been traumatic for everyone who has a love of nature. Whether living here or watching from afar, it was the same; seeing the loss of millions of wildlife that were burnt alive, the incineration of rainforests, the giant girthed old trees that had sheltered birds and gliders for hundreds of generations – gone.

Governments can't keep perpetuating these losses. Planning laws alongside associated legislation must be considered together.

Daily we see news reports and new studies that show more evidence of a

world in a state of ecological collapse. The main drivers of habitat destruction and species loss being logging, land clearing, fire, toxic pollution and of course climate extremes.

By granting this permit it would be aiding and abetting this catastrophe. It is now acknowledged globally that we are in a biodiversity crisis. Australia is one of the worst culprits as a developed nation. It would show that the recognised *Responsible Authority* would have no responsibility, no care, and sustainability and environment policies that are hollow.

This would not be just a single case to decide on. This would be a huge foot in the door that could encourage an avalanche of similar applications which would also be legally challengeable. It would be incrementally escalating the biodiversity crisis and at odds with a number of laws and obligations.

Communities, with the help of friends and families, agencies, and insurance, are recovering from the Black Summer losses. The complexity of our forest ecosystems can take decades or hundreds of years to properly recover. The state environmental legislation as well as the Federal EPBC Act and local government laws should be part of what will inform the council's decision.

We urge the shire to deny the application on the many grounds cited above, and on its moral and legal responsibility.

Environment East Gippsland inc.
23 April 2024

Contact: eeg@eastgippsland.net.au

From: GECO East Gippsland [geco@geco.org.au]
Sent: Wednesday, 24 April 2024 10:01:25 AM
To: Feedback Address For Web Page
Subject: Objection to Planning Permit Application Planning Permit Number: 5.2023.350.1

You don't often get email from gecco@geco.org.au. [Learn why this is important](#)

EXTERNAL EMAIL: This email has originated from outside of the East Gippsland Shire Council network. Do not click links or open attachments unless you recognise the sender and know the content is safe. Contact ICT ServiceDesk if you are unsure.

To whom it may concern,

Please find attached Objection to Planning Permit Application 5.2023.350.1

Let us know if there are any issues with the attached document.

Thanks

The GECO Collective
Goongerah Environment Centre (GECO)
[W: www.geco.org.au](http://www.geco.org.au)
[Fb: https://www.facebook.com/GECOEastGippsland/](https://www.facebook.com/GECOEastGippsland/)
[Tw: https://twitter.com/eastgippyforest](https://twitter.com/eastgippyforest)

To support our work: <http://www.geco.org.au/donate>

We live and work on the lands of the Gunaikurnai and Bidjell and Monero people. We acknowledge the thousands of years of their ongoing custodianship of the land and pay respect to elders past and present.



Objection to Planning Permit Application

Planning Permit Number: 5.2023.350.1

959 Murrungowar Road CABBAGE TREE CREEK 3889 CA: 19B

The Goongerah Environment Centre Office (GECO) has significant experience in matters relating to forest conservation and a long-standing interest in East Gippsland's forests, over the past 30 years.

We (GECO) believe this application should be rejected as if approved it would result in irrevocable damage to forest values which our group has been actively seeking to protect for several decades.

We note Clause 12.01-1S 'Protection of biodiversity' which commits council to the protection and enhancement of Victoria's biodiversity. Council strategies to achieve this objective include a requirement to:

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

We also note clause 12.01-02S 'Native vegetation management' that seeks *"To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation"*.

This proposal for timber harvesting/logging is inconsistent with the above objectives and strategies of the East Gippsland Shire and planning policy framework.

The application is also viewed as inconsistent with various Flora and Fauna Guarantee Act (FFGA) action statements, in particular those pertaining to Long-footed Potoroo, the Yellow-bellied Glider, Southern Greater Glider, Lace Monitor and others.

The Victorian Code of Practice for Timber Production 2014, as it applies to private land, contains inadequate protections to mitigate against many ecological risks and impacts to threatened species and communities that are known to or are likely to exist at the site and should, in our view, not be relied upon to protect matters of state and national environmental significance.

We contend any approval of the subject application, in the absence of contemporary and comprehensive assessments of biodiversity values, consistent with recent legal precedents set for public land, is highly likely to result in outcomes contrary to the intent of the planning scheme and the Shire's Environmental Sustainability Strategy. Specifically, Clauses 12.01 and 52.17 of the Victorian Planning Scheme which provides that the objective of native vegetation management is ***'to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation'***.

With known presence of threatened species (Long footed Potoroo and various others) and the acknowledged presence of significant numbers of hollow bearing trees across the proposed development site, we contend approval of the proposed activities would be contrary to the objectives of the FFG & EPBC Act and should therefore be refused.

Matters of National Environmental Significance (MNES).

Many of our forest-dependent threatened species (e.g. Greater Glider, Yellow-bellied Glider, Long-footed Potoroo) are listed as 'Matters of National Environmental Significance (MNES) under the EPBC Act, and native forest logging operations are recognised as key a threat to their survival in Recovery Plans and FFG Action Statements. In the lead up to December 2024, the East Gippsland Shire will need to consider the EPBC Act when exercising their functions as both a regulatory and approval agency in such matters.

We note that the proposed activities include the *"Preparation and implementation of a prescribed burning plan to assist regeneration of harvested areas, to reduce the incidence and impacts of fires entering the property from adjoining State Forest and promote biodiversity in the EVC's in accordance with Tolerable Fire Intervals (TFI's)."* We submit that further disturbances to the identified vegetation communities following the major disturbance event of the 2019/2020 bushfires, is inconsistent with the natural disturbance regimes recognised as necessary for the maintenance of ecological function. Any further fire and logging disturbance would significantly degrade the habitat quality and natural vegetation successional processes known to exist at the site.

The proposal maintains *harvesting operations will NOT require the permanent removal of any native vegetation*. However, the intentional or inadvertent removal of a significant number of mature, hollow bearing trees will impact on critical habitat necessary for the survival of threatened arboreal species. This is in itself recognised by numerous threatened species Recovery Plans and Action Statements which acknowledge the loss of hollow-bearing trees, exacerbated by fire disturbance, as a

major threatening process. Tree hollows are recognised as habitat features that take decades, and in many cases well over 100 years to develop. This operation, if approved, is highly likely to result in the removal and/or degradation of tree hollows, and impacts to ecosystem processes required for the maintenance of known critical habitat attributes for a range of arboreal fauna.

Regulatory risk and cost shifting

Of significant concern to our group is that currently the EGSC possesses limited capacity or embedded knowledge of the logging regulatory framework, while also being charged with significant compliance responsibilities as the regulator of such activities. We maintain this akin to cost shifting by the state, and these circumstances place the Shire in the unenviable position of either having to build the required regulatory capacity, at significant cost to ratepayers, or places the Shire at great risk of failing to do so. We believe the State should be providing regulatory clarity on these matters, rather than imparting such responsibilities and associated regulatory risks to ill-equipped local government entities.

Clause 53.11-2 of the EG planning scheme requires timber production to comply with the Code of Practice for Timber Production 2014 (amended 2021). The Code must be complied to the satisfaction of the responsible authority, which is the Shire of East Gippsland. We question if the EGSC is adequately equipped to regulate these activities? We strongly contend, at the present time, it is not. EGSC should not be issuing permits, which by logical extension, the provisions of which cannot or are unlikely to be enforced during and after the operation.

Contravention of Shire's policy position paper on native forest timber harvesting

We also note that the currently proposed silvicultural methods are at odds with EGSC's policy on timber production, as they will amount to large areas being entirely cleared of trees, consistent with clear-felling. The EGSC's policy position paper on native forest timber harvesting does not support silvicultural practices which are essentially indistinguishable from clear-fell logging. This will be a clear fell operation in practice albeit under a different name, in this case 'variable retention harvesting'.

The timber harvesting operation is said to yield approximately 2,000 m³ of D+ sawlog and up to 5,000 tonnes of firewood or pulp logs over the life of the PVP, meaning the majority of the extracted wood volume will end up as low-grade products, such as pulp rather than "high value timber products" as the Shire's own policy supports. In our considerable experience of logging operations in this type of forest in East Gippsland, log volume estimates prior to logging nearly always over-estimate the volume of sawlogs and once operational, consistently produce a majority of low grade logs which go to low value end uses. We believe this will be the case with this operation, should it be approved and as such represents poor use and a total compromise of all other present values for short term profit. Accordingly, taking a holistic, long term view, the Shire should reject this proposal.

From: Snapforms Notifications [no-reply@snapforms.com.au]
Sent: Wednesday, 24 April 2024 4:38:40 PM
To: Planning Unit Administration
Subject: Objection to a Planning Permit Application

Objection to a Planning Permit Application

An 'Objection to a Planning Permit Application' has been submitted via the East Gippsland Shire Council website, the details of this submission are shown below:

Name: Gippsland Environment Group

Email address: info@geg.org.au

Postal address : P.O. Box 320, Clifton Creek, Vic, 3875

Planning permit number: 5.2023.350.1

What has been proposed?: Timber harvesting and regeneration

What is the address to be used or developed?: 959 Murrungowar Rd Cabbage Tree Creek 3889 CA:19B

Who has applied for the permit?: John McConachy

What are the reasons for your objection?: Please see our detailed PDF attached. In brief: - The permit application does not comply with the East Gippsland Shire Planning Scheme. - The proposal poses risks to listed threatened species and communities - and poses a regulatory risk to Council. - The proposal will increase the bushfire risk to the surrounding community. The proposed operations will destroy significant native vegetation and be detrimental to the conservation of biodiversity, including the threatened Yellow-bellied Glider, Southern Greater Glider, and Long-footed Potoroo. The operations will be inconsistent with the objectives of the FFG Act, and the EG Planning Scheme, and will increase the fire risk to Cabbage Tree Creek community for many decades.

How would you be affected by the granting of this permit?: Gippsland Environment Group (GEG) has advocated for the protection of the Gippsland environment and its unique wildlife for almost two decades. We have approx. 30 members, the majority are Gippsland residents. GEG was incorporated in January 2006 with the purposes of promoting conservation values and environmental understanding; raising awareness of the Gippsland environment and threats it faces; promoting environmental, social, and economic sustainability; and to make representation to the appropriate level of government regarding local issues.

Attach any further information: [GEG objection_ EGSC permit app 5.2023.350.1 Murrungowar Rd.pdf](#)

Privacy Statement: Yes



To: East Gippsland Shire Council
273 Main Street
Bairnsdale Vic 3875
Email: feedback@egipps.vic.gov.au

P.O. Box 320 Bellbird Rd
Clifton Creek, Vic, 3875

24 April 2024

Objection to Planning Permit Application

Planning permit: 5.2023.350.1
Address to be used or developed: 959 Murrungowar Rd Cabbage Tree Creek 3889 CA:19B
Permit Applicant: John McConachy
Permit proposal: Timber harvesting and regeneration

East Gippsland Shire Planning:

Gippsland Environment Group (GEG) writes to object to the above planning permit application to conduct native forest logging operations on private land near Cabbage Tree Creek, East Gippsland.

Native forest logging on public land in Eastern Victoria ceased on 1 January 2024. Native forests on private land are now under serious threat from logging and the concomitant losses of biodiversity habitat, carbon storage, water retention, and tourism amenity.

What are the reasons for your objection?

The permit application does not comply with the East Gippsland Shire Planning Scheme

The East Gippsland Shire Planning Scheme states that *"Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values."* (Clause 12) Clause 12.01-1S 'Protection of biodiversity' commits council to the protection and enhancement of Victoria's biodiversity. Council strategies to achieve this objective include:

"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."

Sentinel satellite imagery (see Appendix 1) shows the cumulative land clearing that has occurred in the vicinity of Murrungowar Rd since 2019. It is evident further land clearing as per the permit application will cause further loss and fragmentation of habitat and biodiversity.

Risks to listed threatened species and communities

The Property Vegetation Plan (PVP) contained in this permit application does not adequately address risks to threatened species occurring or likely to occur on the property.

The Victorian Code of Forest Practice for Timber Production 2014 chapter 3 specifically relates to private land native forest logging regulations. Chapter 3 does not contain any of the Management Standards and Prescriptions (MSPs) relating to the protection of threatened flora and fauna that applied to native forest logging on public land, nor any requirement to undertake pre-harvest surveys.

However, the Flora and Fauna Guarantee act (FFG Act) section 4B imposes a duty on public authorities such as the East Gippsland Shire Council to give proper consideration to the objectives of that Act and Action Statements when granting permits or approving timber harvesting plans that are likely to impact on biodiversity.

The Property Vegetation Plan (PVP) included in the permit application identifies that two nationally threatened species, Long-footed Potoroo and Yellow-bellied Gliders were recorded. The PVP also indicates that modelled habitat of the nationally endangered Southern Greater Glider occurs on the property. The property was burnt in the 2019-20 bushfires but the forest was subject to only low intensity fire. The Victorian Biodiversity Atlas (VBA) has a post-fire record of a Greater Glider just 1.5 km north-east of the property.

The spotlighting survey transects undertaken on the areas of the property proposed for logging (shown at Appendix 3.1 of the PVP) are completely inadequate to identify (and thus protect) resident Southern Greater Gliders and Yellow-bellied gliders. The PVP states the survey transects complied with guidelines issued by DEECA's Forest Protection Survey Program (FPSP). The FPSP guidelines were criticized by Justice Richards Supreme Court ruling in *EEG v VicForests* 2022. Justice Richards determined that the FPSP guidelines were inadequate to detect all gliders in a coupe and less than required to comply with the precautionary principle¹.

The PVP proposed protections for Yellow-bellied glider are seriously inadequate. The Orders handed down by Justice Richards in the *EEG v VF* case required much more stringent conditions than proposed by this PVP. Where Yellow-bellied gliders were recorded in a coupe, VicForests was required to exclude 60% of the logged area, to protect all Yellow-bellied glider sap-feed trees and hollow bearing trees and retain 100m waterway buffers.

The PVP proposes to mitigate impacts on Gliders by using variable retention harvesting. This will not conserve glider populations in the harvested areas of the property. In fact any Greater gliders (home range 1-4 ha) in those areas will probably die. Justice Richards determined that the impact of variable retention harvesting on Gliders is similar to clearfell harvesting².

¹ *Environment East Gippsland vs VicForests, Environment East Gippsland Inc v VicForests (No 4) [2022] VSC 668 (4 November 2022)* (austlii.edu.au), para 270

² *Environment East Gippsland vs VicForests, Environment East Gippsland Inc v VicForests (No 4) [2022] VSC 668 (4 November 2022)* (austlii.edu.au), para 5

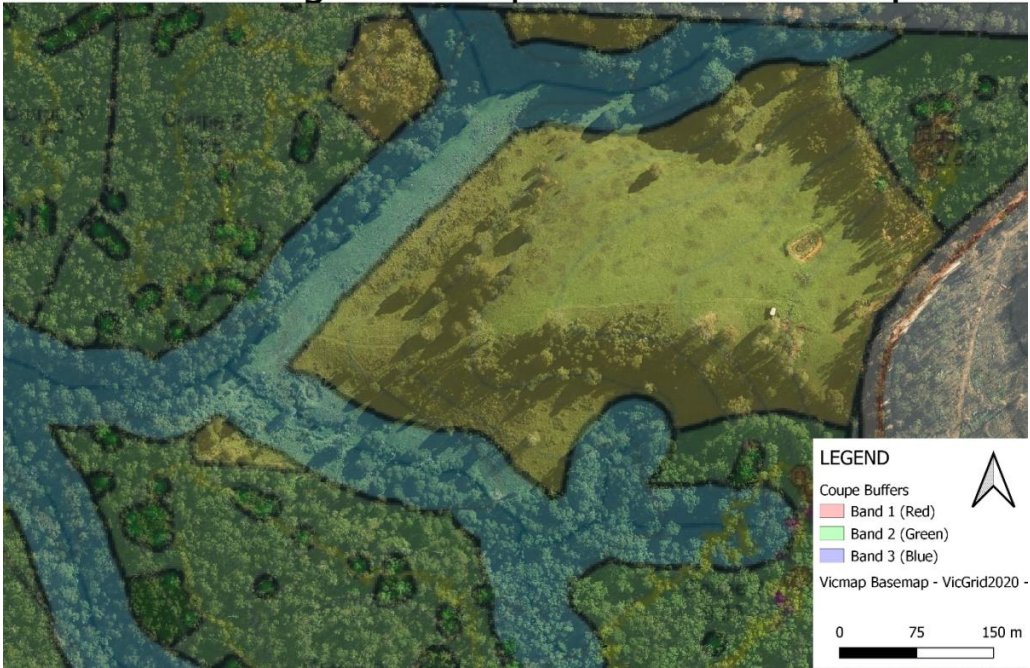
The PVP Appendix 4 states that a Long-footed Potoroo was detected on the property. The Long-footed Potoroo is listed as endangered under the FFG Act and EPBC Act. Forestry operations, fire, and habitat fragmentation are identified as key threats in both the FFG Action Statement and the EPBC Conservation Advice.

The PVP indicates that the area will be logged over 3-7 years and post-logging regeneration fires will be lit. Continual logging and frequent fire disturbance will threaten the survival and persistence of any Long-footed Potoroos present.

Proposed mitigation measures to protect the very high biodiversity values of the property are inadequate, namely 40m waterway buffers, 10m exclusion buffers on listed flora species, 10m ‘non-exclusion buffers’ for rare plants, and small vegetation exclusion zones containing hollow-bearing (arboreal habitat) trees.

The application infers that a 40m waterway buffer will “provide adequate protection measures for [Long Footed Potoroo] protected species throughout harvesting operations” (p.31). However, significant sections of the waterway buffer cover previously cleared or heavily disturbed land, containing exotic pasture grasses and other non-suitable vegetation, with little or no habitat value for Potoroos (see map below).

Murrungower Coupe buffers - Close up

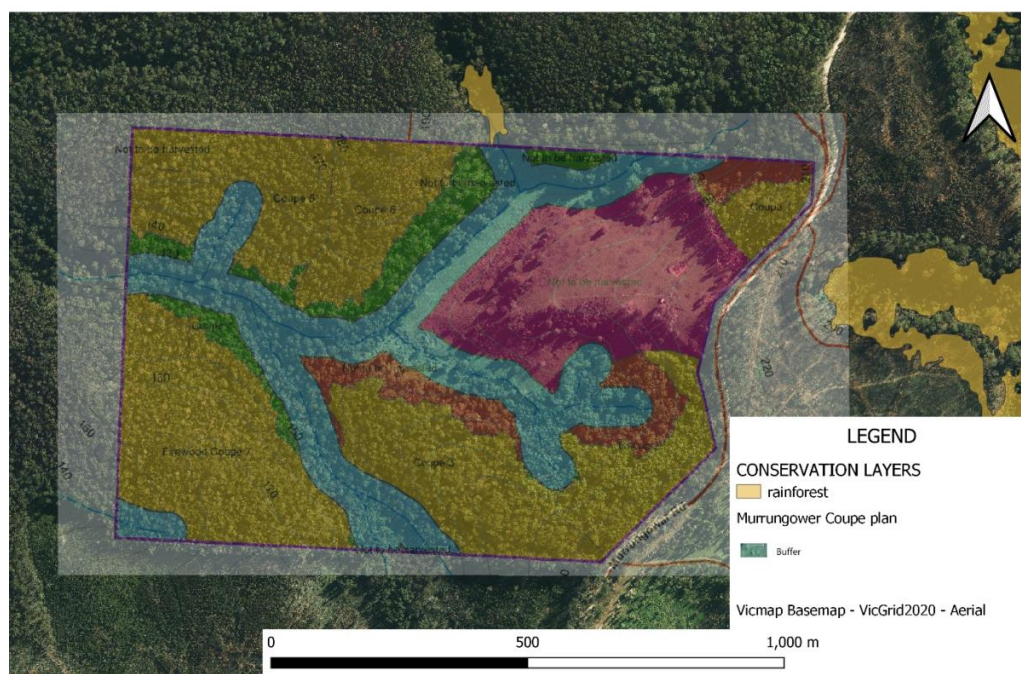


Small, scattered exclusion zones of retained habitat (hollow-bearing trees with 10m vegetation buffer and isolated 10m radial buffers around threatened flora species) are highly likely to be significantly impacted by regeneration burns and windthrow post logging.

As is evident in nearby areas of state forest, variable retention harvesting and accompanying regeneration burns often destroy or significantly impact retained vegetation. Habitat trees that survive post-logging burns, are often weakened and subject to windthrow, resulting in loss of retained habitat over time. The 10m 'buffers' around rare flora species within which logging is permitted are also vulnerable to post-logging regeneration burns and offer minimal if any protection to these significant flora values which all contribute to the sites very high conservation values.

Moreover, the application states "rainforest is found throughout many parts of East Gippsland, there was no observed presence of either warm or cool temperate rainforest found within or immediately adjoining the harvested areas" (p.30). This is inconsistent with DEECA rainforest mapping (1:100000 scale) which clearly shows rainforest occurs along one of the mapped waterways and very large stands can be found just across the road (see map below).

Proposed Murrungower Coupe plans



Regulatory risk to Council.

As referred to above, Council has obligations to protect biodiversity under FFG Act s4B. The survey standards and biodiversity protections for Yellow-bellied Glider, Southern Greater Glider and Long-footed Potoroo detailed in the PVP clearly do not meet the level of protections required by the recent EEG v VicForest Supreme Court decision. Granting of the permit application would therefore be inconsistent with Council's obligation under the FFG Act.

The Regional Forest Agreements will terminate at the end of 2024 and thus the EPBC exemption for logging under the RFAs will also cease. The PVP states that logging at the property will occur over 3-7 years, therefore Council and DEECA will need to direct the applicant to refer proposed plans for native forest logging occurring post-December 2024 to the EPBC Act to be assessed as a potential controlled action.

The permit proposal will increase the bushfire risk to the surrounding community.

Logged and regenerating forest is at a greater risk of bushfire. Between 7-80 years post-logging the risk of severe fire increases significantly³. Logged forests burn at higher severity regardless of the weather conditions⁴. Young regenerating forest is also at greater risk of repeatedly re-burning. There has been significant logging in the Murrungowar Rd vicinity (see Appendix 1). If additional native forest at 959 Murrungowar Rd is logged it will contribute to an elevated fire risk for decades to come.

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

Gippsland Environment Group (GEG) has advocated for the protection of the Gippsland environment and its unique wildlife for almost two decades. We have approx. 30 members, the majority are Gippsland residents.

GEG was incorporated in January 2006 with the purposes of promoting conservation values and environmental understanding; raising awareness of the Gippsland environment and threats it faces; promoting environmental, social, and economic sustainability; and to make representation to the appropriate level of government regarding local issues.

Conclusion

Gippsland Environment Group strongly objects to the granting of Planning permit 5.2023.350.1 application for logging on private land at Murrungowar.

The proposed operations will destroy significant native vegetation and be detrimental to the conservation of biodiversity, including the threatened Yellow-bellied Glider, Southern Greater Glider, and Long-footed Potoroo.

The operations will be inconsistent with the objectives of the FFG Act, and the EG Planning Scheme, and will increase the fire risk to Cabbage Tree Creek community for many decades.

John Hermans,
President, Gippsland Environment Group

³ Lindenmayer, D.B., C. Taylor, and W. Blanchard. 2021. Empirical analyses of the factors influencing fire severity in southeastern Australia. *Ecosphere* **12**: article e0371.

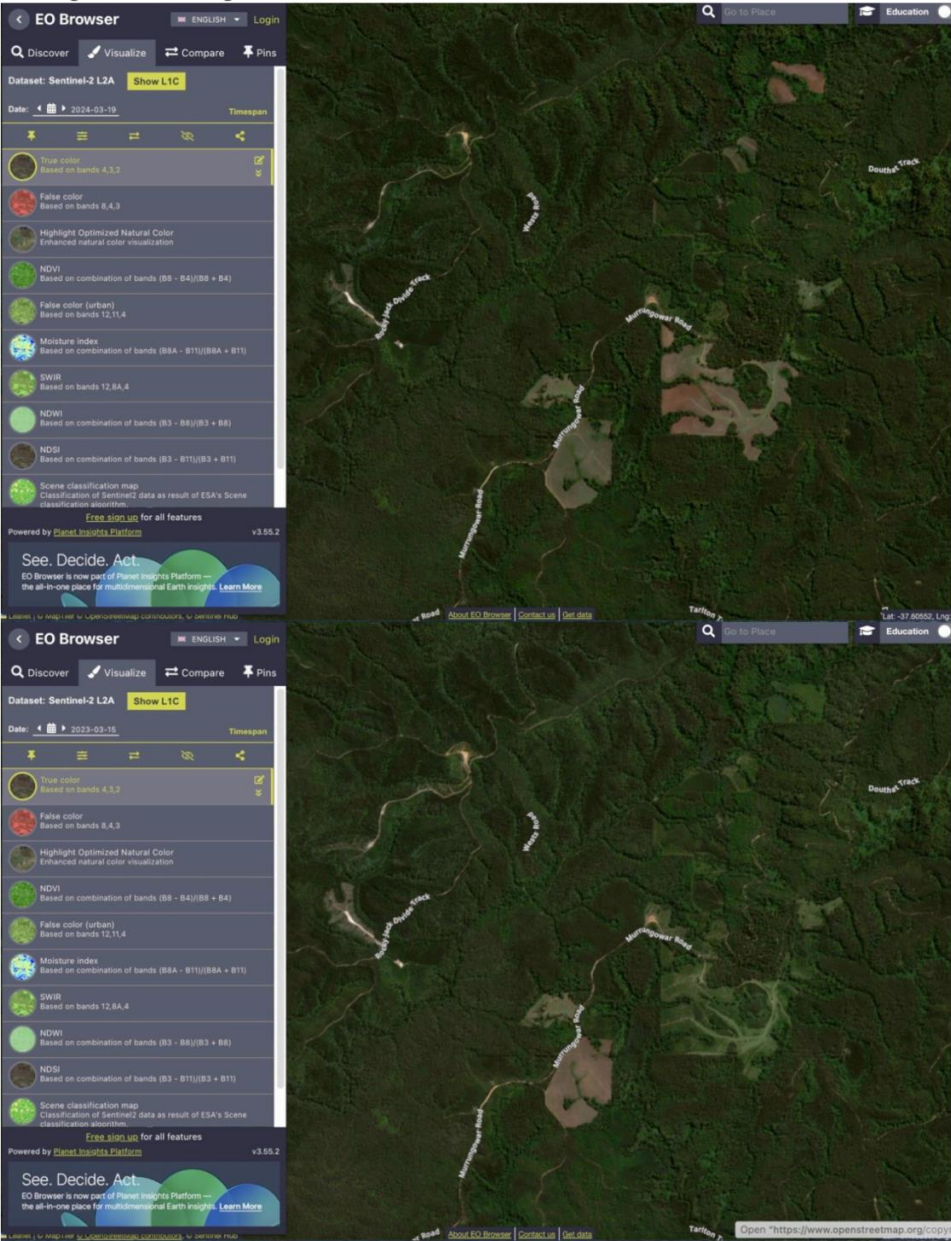
⁴ Lindenmayer, D.B., P. Zylstra, R. Kooyman, C. Taylor, M. Ward, and J.E.M. Watson. 2022. Logging effects outweighed fire weather effects to promote crown fire in the 2019-20 Australian forest fires. *Nature Ecology and Evolution* **6**:533-5.

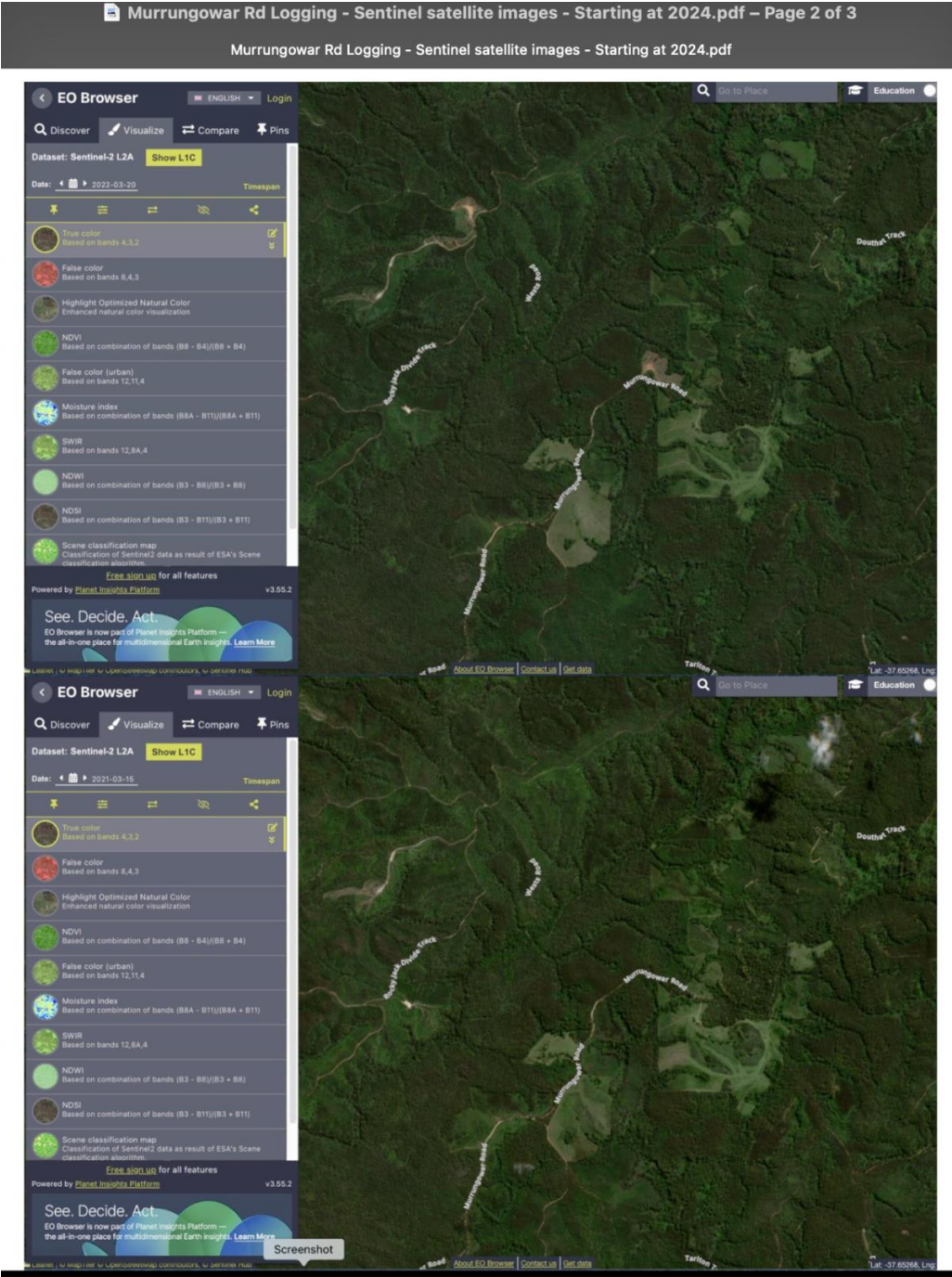
Appendix 1

Murrungowar Rd Logging - Sentinel satellite images - Starting at 2024.pdf – Page 1 of 3

Murrungowar Rd Logging - Sentinel satellite images - Starting at 2024.pdf

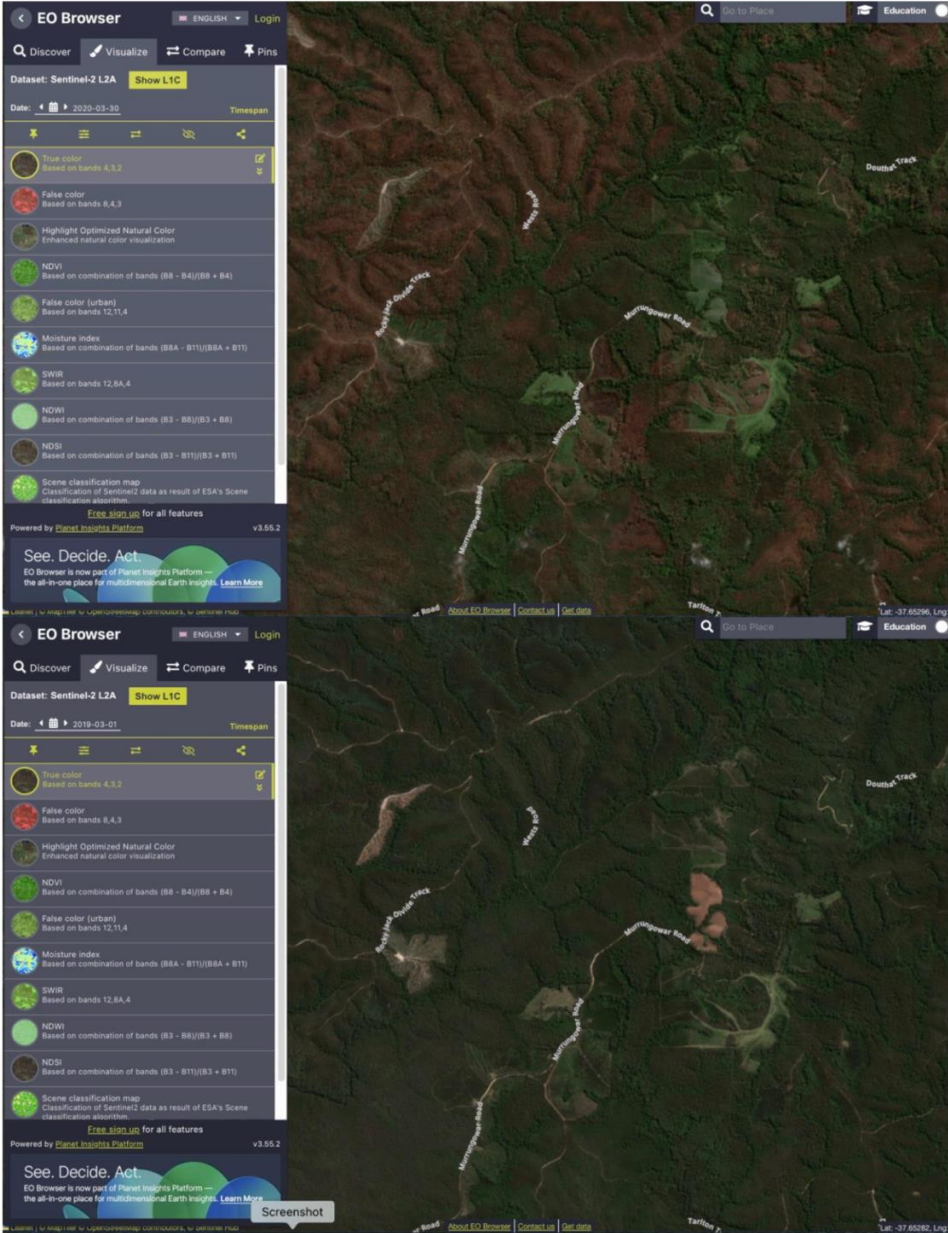
Murrungowar Rd Starting at 2024 - 2019





Murrungowar Rd Logging - Sentinel satellite images - Starting at 2024.pdf

Murrungowar Rd Logging - Sentinel satellite images - Starting at 2024.pdf



From: Angelica Panopoulos [admin@victorianforestalliance.org.au]
Sent: Wednesday, 24 April 2024 4:39:55 PM
To: Feedback Address For Web Page
CC: Victorian Forest Alliance
Subject: Objection to Permit Application 5.2023.350.1.

You don't often get email from admin@victorianforestalliance.org.au. [Learn why this is important](#)

EXTERNAL EMAIL: This email has originated from outside of the East Gippsland Shire Council network. Do not click links or open attachments unless you recognise the sender and know the content is safe. Contact ICT ServiceDesk if you are unsure.

To whom it may concern

My name is Angelica Panopoulos and I am lodging this objection to the Permit Application 5.2023.350.1 on behalf of the Victorian Forest Alliance. Please find the objection attached to this email.

I have also copied into this email the Victorian Forest Alliance President, Dr Sue Lewis.

Kind Regards

Angelica Panopoulos

Victorian Forest Alliance

Campaign Coordinator



m: 0478 686 370

e: admin@victorianforestalliance.org.au

w: www.victorianforestalliance.org.au

Follow us on [Facebook](#), [Instagram](#), [Twitter](#)

I live and work on the stolen lands of the Wurundjeri Woi Wurrung Peoples.

I acknowledge their long and ongoing custodianship of Country and pay my deepest respect to Elders past and present.

East Gippsland Shire Council
273 Main Street (PO Box 1618)
Bairnsdale VIC 3875
Email feedback@egipps.vic.gov.au

OBJECTION to application by John McConachy for the proposed logging and regeneration of native forests.

Address: 959 Murrungowar Road CABBAGE TREE CREEK 3889.

Permit application: 5.2023.350.1.

24 April 2024

The Victorian Forest Alliance is a grass-roots collective of more than 30 forest groups fighting for the protection of Victoria's native forests from logging.

The VFA strongly urges the East Gippsland Shire to deny this application for the following reasons:

- Section 4B of the Flora and Fauna Guarantee Act (**FFG Act**) - the state's main threatened species legislation - imposes a duty on public authorities to give proper consideration to the objectives of that Act and Action Statements. [Flora and Fauna Guarantee Act 1988 \(legislation.vic.gov.au\)](https://legislation.vic.gov.au/legislation/vic.gov.au), pp15-16.
- The survey carried out are inadequate to properly assess impacts on rare and threatened species and did not cover all possible species which could be using this forested area. These include the Lace Monitor, Long-nosed Potoroo, Southern Brown Bandicoot, Pilotbird, Masked Owl, Powerful and Sooty Owls, Gang Gang Cockatoo, and the endangered South-eastern Glossy Black Cockatoo, which are likely to feed, nest and shelter on the property.
- Inadequate protection measures along streams only for Long-footed Potoroo detected on this site.

Habitat loss, degradation or modification	
Forestry operations	<ul style="list-style-type: none">• Forestry operations have the potential to remove or degrade habitat, compact soils, contribute to erosion and sedimentation, exacerbate the spread of introduced species, pathogens and parasites, and cause mortality of individuals.

- The Long-footed Potoroo has a current species-specific prescription in the Code:
 - In the North East and East Gippsland Forest Management Areas, apply a management area of approximately 150 ha for each Long-footed Potoroo detection site that is outside the Core Protected Area (i.e. within Special Protection Zones and conservation reserves).

from: https://bio-prd-naturekit-public-data.s3.ap-southeast-2.amazonaws.com/actionstmts/Long-footed_Potoroo_AS_11179.pdf

Notes: As far as possible, **management area** boundaries will follow recognisable landscape features such as ridges, spurs and watercourses. Within each **management area**, at least one third (50 ha) will be protected from **timber harvesting and new roading**. This will be known as **Long-footed Potoroo Retained Habitat**. The LFP Retained Habitat will include the best LFP habitat in the **SMZ**, which will generally be in gullies and on lower, sheltered slopes. The LFP Retained Habitat may include areas otherwise unavailable for **timber harvesting due to restrictions under the Code**. The **management area** will also have a general restriction of one third of the total area that

From the Code of Forest Practices Management Standards and Procedures - June 2022.
https://www.forestsandreserves.vic.gov.au/_data/assets/pdf_file/0025/573820/Schedule-1-Management-Standards-and-Procedures-for-timber-harvesting-operations-in-Victorias-State-forests.pdf

Under the Federal EPBC Act the LFP is listed as endangered and logging is listed as a major threat to its survival.

Low risk	Moderate risk	High risk Competition with feral pigs	Very high risk Altered fire regimes
Low risk	Moderate risk Clearing for agriculture Weed invasion	High risk Timber harvesting	Very high risk

<https://environment.gov.au/biodiversity/threatened/species/pubs/217-conservation-advice-15022022.pdf>

- VFA has serious concerns over the capacity of regional councils to manage their legal obligations as the Responsible Authority to supervise or regulate what happens on private land. For years, there has been very damning evidence of many serious breaches of the law pertaining to clearing native vegetation. These are almost never investigated or prosecuted. Land-owners know this.

Without adequate resourcing by council or by the State Government to help regulate and enforce private land logging, we foresee that any approvals will never be checked on a regular basis or by a qualified person. It is unlikely that there will be any means to ensure logging is carried out as required and the minimal protection measure applied.

- The forest is currently recovering from bushfire impacts. There is no guarantee that it will successfully regenerate as a functioning ecosystem after two such major injuries.

The state government with its many resources have been unable to ensure its logging agencies regenerate many thousands of hectares of logged forests over the years. We are extremely concerned a shire council with almost no expertise or ability to oversee private land logging, could ensure any regeneration, let alone the level required.

3.5 Forest Regeneration and Management

This section covers the **regeneration** of private **native forest** and the subsequent management of such **stands**, where required. Unless required for another **approved** purpose, private **native forests** in Victoria are to be successfully **regenerated** to approximate the original forest composition.

3.5.1 Regeneration

Regeneration of private **native forests** must be in accordance with *Guidelines for the removal, destruction or lopping of native vegetation (2017)* an incorporated document in the VPPs and all planning schemes.

Operational Goals

Harvested **native forest** is managed to ensure that the **forest** is **regenerated** and that the **biodiversity** of the **native forest** is perpetuated.

The natural **floristic** composition and representative gene pools are maintained when regenerating **native forests** by using appropriate seed sources and mixes of dominant species.

The VFA believes that allowing this approval to clear the majority of trees and understory from this property will have a negative effect on forests and adjoining areas. The Shire would be liable. It would set a precedent of approving damaging logging with almost no ability to be supervised. We

believe the Council and its staff would have to be aware of this. The effect of this could see many thousands of hectares of habitat for East Gippsland's struggling wildlife, approved for clearing and supposed regeneration. This would likely seriously affect many rare wildlife species, increase bushfire threat, water quality, neighbouring property owners, impact local climate and rainfall patterns, weed invasion and other associated environmental damages.

Therefore, the VFA strongly urges the East Gippsland Shire to reject this application.

Regards,

Dr Sue Lewis
President

Angelica Panopoulos
Campaign Coordinator



5.1.2 Amended Development Plan - 19 Lomandra Boulevard Lucknow

Authorised by General Manager Place and Community

Conflict of Interest

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

Executive Summary

This report presents to Council a proposal to amend an approved development plan for land at 19 Lomandra Boulevard, Lucknow. The proposal seeks to amend the use and development of part of the development plan area from residential lots to a residential village. A copy of the proposal and associated documentation are at **Attachment 1**.

Two rounds of community engagement have been completed in accordance with Council's Development Plan Policy. A summary table outlining the outcomes of the community engagement is at **Attachment 2**. The outcome of the community engagement process is that there is significant objection to the proposed amendment to the development plan. Concerns raised by the community relate to the quality of buildings, impact on amenity, character, housing density, and traffic implications associated with the proposal.

A Planning Assessment addressing the relevant sections of the East Gippsland Planning Scheme is at **Attachment 3**.

In principle, the proposed use and development of a residential village is considered to be appropriate. It will provide greater choice and diversity in housing and is in a location which provides appropriate servicing infrastructure and access to a range of community, education, transport, health, employment and recreation facilities. Bairnsdale is the regional centre for East Gippsland and is identified as the primary growth area for the municipality.

However, the proposed amendment to the development plan is based on the future provision of unregistered moveable dwellings. The information provided by the applicant in relation to this type of housing fails to appropriately address the delivery of well-designed and resource efficient residential development that contributes to creating more sustainable settlements. This is contrary to the requirements of the East Gippsland Planning Scheme and East Gippsland Housing and Settlement Strategy (2023).

On balance, it is therefore recommended that the proposal to amend the development plan be refused.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. refuses the proposed amendment to the development plan for 19 Lomandra Boulevard, Lucknow (as amended 19/04/2024) as provided in Attachment 1 based on the following grounds:***
 - a. the applicant has failed to provide adequate information regarding the provision of quality, well designed, sustainable housing;***
 - b. the proposal does not facilitate a high level of residential amenity;***
 - c. the proposal fails to contribute positively to the local context or support environmentally sustainable development; and***
- 3. authorises the Chief Executive Officer or delegate to write to the proponent to request the submission of amended plans that provide permanent housing to deliver high quality urban design, a high level of residential amenity and environmentally sustainable development outcomes.***

Background

Planning Scheme Amendment C62 was approved in 2009 which rezoned the subject land to Residential 1 Zone (now General Residential Zone) and applied the Development Plan Overlay Schedule 3. This allowed for the outward growth for Bairnsdale for residential development, a small neighbourhood centre and a retirement village.

A development plan for the land was approved on 11 August 2009. The approval included a staged residential subdivision, a local activity centre, retirement village and public open space. An amended development was approved for the whole site on 31 October 2011, which replaced the proposed retirement village with a residential subdivision layout (99 lots).

Planning Permit 547/2009/P was issued in October 2010 and allowed for a staged subdivision of the land. Planning permission has also been issued for vegetation removal and the use and development of a display village.

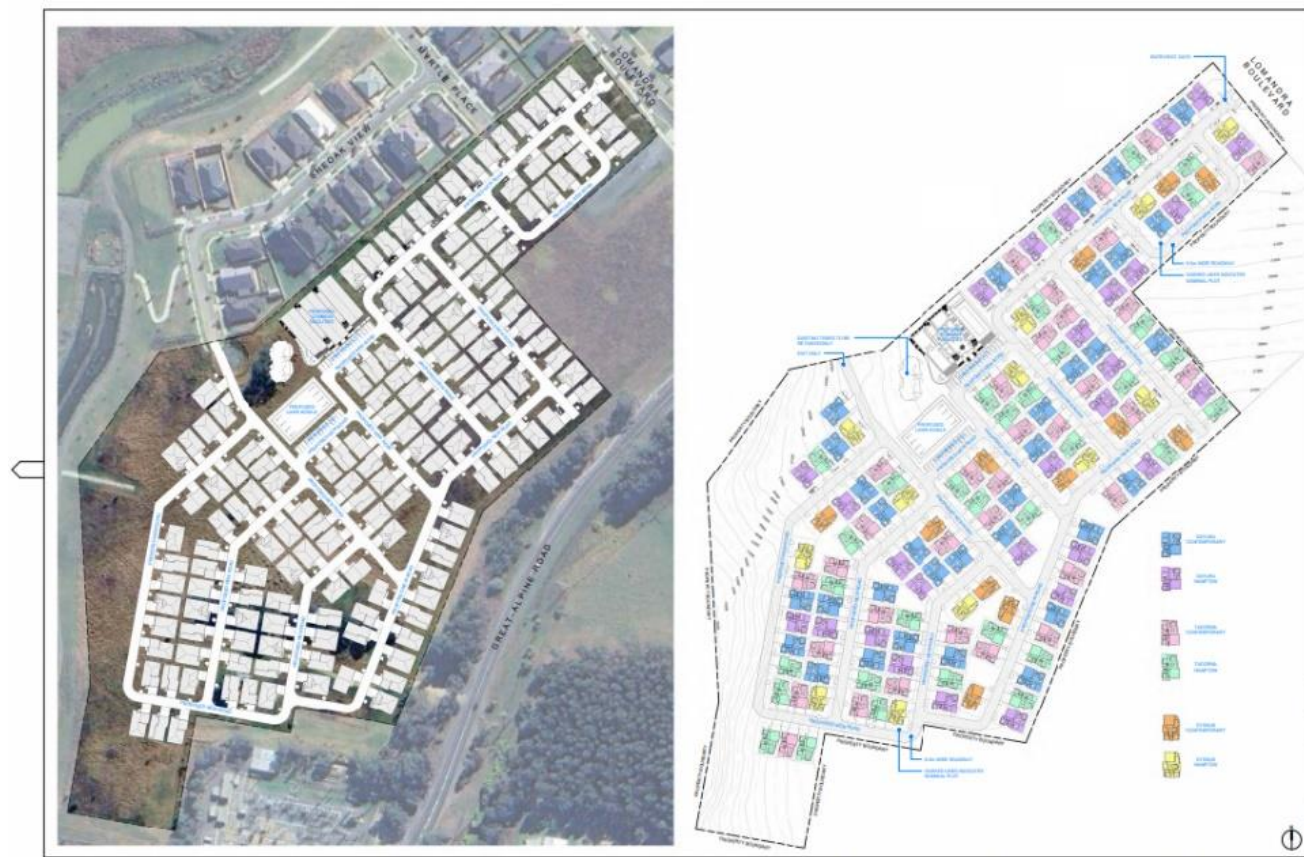
The subject land is zoned General Residential Zone where a planning permit is required to use and develop land for a residential village. The land is also covered by the Development Plan Overlay - Schedule 3 (DPO3) which contains specific controls for the *Brookfield Lakes Development Plan Area* including subdivision requirements, public open space, stormwater management, landscaping, erosion management and reticulated services.

Discussion

Proposal

The proposal seeks approval for an amended development plan to allow for use of land for the purposes of a residential village. The subject land is approximately 8ha and has frontages to Lomandra Boulevard, Sheoak View and Myrtle Place.

The proposed layout of the residential village is shown below.



The planning scheme defines a residential village as: *“Land in one ownership, containing a number of dwellings, used to provide permanent accommodation and which includes communal, recreation, or medical facilities for residents of the village”*.

As this definition does not specify the form of proposed dwellings, it is possible to construct homes that are classed as ‘unregistered moveable dwellings’ (UMDs). This type of dwelling is generally constructed in lightweight materials on a chassis or in prefabricated sections and transported to the site. The proponent has advised that the proposed residential village will deliver UMDs across the subject site. The homes will be owned by the occupant with the land leased under a tenancy agreement.

UMDs do not require building permits and are not subject to the same building regulations and energy efficiency ratings as standard dwellings. Details of the proposed UMDs have not been provided by the proponent, although it is noted that a planning permit will be required for the residential village if the development plan amendment is supported. More detailed information regarding the UMDs would be required as part of any future planning application.

Planning Considerations

The proposal has been considered against the requirements of the East Gippsland Planning Scheme and submissions received during the community consultation process. A summary of consultation submissions is provided at **Attachment 2**. A detailed Planning Assessment report is provided at **Attachment 3**.

Housing and Settlement Strategy (2023)

Council recently adopted the Housing and Settlement Strategy 2023 (HSS) which updates the local planning policy approach for the delivery of sustainable settlements and housing across the municipality. The HSS is currently being progressed via a Planning Scheme Amendment process (C169egip). The strategic principles of the HSS include:

- Housing development that creates compact towns and settlements will be supported to enable the efficient and sustainable use of land and infrastructure.
- Initiatives that deliver improved housing affordability, diversity, and innovation will be supported to provide greater choice for residents throughout all stages of life.
- Well designed and resource-efficient developments that contribute to creating more sustainable towns and settlements will be supported.

Submissions

The amended development plan was subject to two rounds of community consultation. A total of 144 responses were received in relation to round one of consultation and 65 responses were received for round two. The key land use planning themes raised in submissions are summarised below:

- Proposed delivery of UMDs.
- Compatibility of the proposed residential village with restrictive covenants on land within the Brookfield Lakes precinct.
- Density of housing.
- Adverse impact on the character and amenity of the area.
- Concerns regarding infrastructure provision (e.g., traffic impact), environmental risks (bushfire and erosion) and environmental values.

The proposed amendment to the development plan requires a carefully balanced assessment of the key planning considerations.

The inclusion of a residential village provides diversity of housing choice to meet the needs of the community, particularly relating to smaller households and more affordable housing options. This aspect of the proposal is consistent with the Planning Scheme and the Housing and Settlement Strategy.

The mechanism for delivery of the residential village via UMDs, however, is not considered to be consistent with Planning Scheme policy requirements or the Housing and Settlement Strategy. As outlined earlier in this report, UMDs do not require a building permit for construction and as such there is no guaranteed mechanism to deliver homes that provide an appropriate level of amenity and reflect principles of environmentally sustainable development. These concerns were reflected in submissions received from the community.

These two key planning considerations are not mutually exclusive. It is considered possible to deliver a residential village that provides well located, diverse housing options to meet community needs, and high quality, sustainable housing. To achieve this outcome, it is considered that the residential village should comprise permanent homes that are required to address building regulations regarding amenity, energy efficiency etc.

It is acknowledged that the consideration of a development plan is only the first step in the planning process towards the delivery of the residential village. A planning permit would still be required for use and development of the land. The assessment of any future planning permit application, however, must be generally in accordance with an approved development plan. In this context, it is not considered appropriate to defer the assessment of built form outcomes to the planning permit stage.

In addition, once a development plan is approved, any future planning permit application is exempt from being advertised to affected landowners. Given the level of interest and concern raised by the community in relation to the proposed residential village, and in particular the quality of future homes, it is considered important to address the issue of built form outcomes at this stage of the planning process.

On balance, it is therefore recommended that the amendment to the development plan be refused.

Legislation

This report has been prepared in accordance with *Local Government Act 2020*.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act 2006*.

The implications of this report have been assessed and align with the principles and objects of the *Gender Equality Act 2020*.

Collaborative procurement

Not applicable.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 2: 2.1 Statutory and strategic planning for land use delivers sustainable outcomes that balance the need for growth with the enhancement of our lifestyle, character, the built and natural environment.

Council Policy

The amended development plan has undergone a community consultation and engagement process in accordance with Council's Development Plan Policy.

Options

There are 3 options for Councillors to consider:

1. Approve the amended development plan to facilitate a residential village as part of the Brookfield Lakes development plan area; or
2. Refuse the amended development plan and authorise the Chief Executive Officer or delegate to write to the proponent to encourage the preparation of a development plan that provides permanent built form housing solutions to deliver high quality urban design, a high level of residential amenity and environmentally sustainable development outcomes; or **Preferred**
3. Defer a decision regarding the amended development plan, specifying the reasons for deferral. Should Officers receive additional information prior to the Council meeting, this is an option that Councillors may wish to pursue to allow thorough consideration of any new material and re-engagement with the objectors to the proposal.

Resourcing

Financial

The assessment and consideration of the matter has been undertaken by the Planning and Development Unit within existing financial resources.

Plant and equipment

Nil.

Human Resources

Internal resources have been utilised for the assessment and consideration of the matter.

Risk

The decision of Council may be challenged at the Victorian Civil and Administrative tribunal (VCAT). The decision of Council must be in accordance with the East Gippsland Planning Scheme and adopted Strategies and Plans of Council.

Economic

The continued development of Brookfield Lakes Estate will deliver increased housing opportunities and increased economic activity in the construction sector.

Social

Social impacts have been considered as part of the response to concerns raised in the community consultation at **Attachment 2**.

Gender Impact Statement

Nil.

Environmental

There are no adverse environmental impacts associated with the development plan. Technical reports include statements addressing servicing and erosion management of the site.

Climate change

This report has been prepared and aligned with the following Climate Change function/category:

Land Use Planning: Consideration is given to climate change in the local land use planning and includes responses to direct and indirect impacts.

Engagement

A table outlining community engagement outcomes is provided at **Attachment 2**.

A petition was received by the Council on 15 August 2023 containing 26 names and signatures. This report addresses and responds to the grounds contained in the petition. In accordance with Governance Rule 8.7(6), where a petition relates to a planning matter which is the subject of a public submission process it will be treated as a joint submission.

Attachments

1. Proposal documents [5.1.2.1 - 169 pages]
2. Summary of submissions [5.1.2.2 - 10 pages]
3. Planning Assessment [5.1.2.3 - 13 pages]



**Proposed Lifestyle Village
19 Lomandra Boulevard, Lucknow**

**Town Planning Report -
Access & Servicing Strategy**

Prepared for:
Bennett Williams Pty Ltd

Prepared by:
Crossco Consulting Pty Ltd
PO Box 858
Bairnsdale Vic 3875



R:/2685
Version: Rev 2



Document revision

Version	Date	Prepared by	Comments
DRAFT	30/09/2022	Crossco	Distributed to Bennett Williams by email
Rev 1	15/11/2022	Crossco	Update to reflect planning consent required
Rev 2	15/04/2024	Crossco	Update layout (Tomas O'Malley Architect, (23035, Rev 1 30/11/2023)

Notice:

This Access & Servicing Strategy:

- 1. Has been prepared by Crossco Consulting Pty Ltd for Bennett Williams Pty Ltd.***
- 2. Is for the use by Bennett Williams Pty Ltd in seeking planning approval for the proposed lifestyle village at 19 Lomandra Boulevard, Lucknow.***
- 3. Is for the use of East Gippsland Shire in assessing any application for an amendment to the Development Plan submitted on behalf of Bennett Williams Pty Ltd for the proposed development at 19 Lomandra Boulevard, Lucknow.***



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1. Background

Crossco Consulting Pty Ltd has been engaged by Bennett Williams Pty Ltd to prepare an Access & Servicing Strategy to accompany a Development Plan application that will be submitted to East Gippsland Shire Council for a Lifestyle Village at 19 Lomandra Boulevard, Lucknow.

The site is subject to the East Gippsland Shire Planning Scheme and is zoned GRZ1 (General Residential Zone – Schedule 1) and more exclusively DPO3 (Clause 43.04 Development Plan Overlay, Schedule 3, Brookfield Lakes Development Plan Area).

2. Site Overview

2.1 Property Details

Lot / Plan No.	Lot 2 on PS 643132
Property Address	19 Lomandra Boulevard, Lucknow 3875
Boundaries	Reserve (Goose Gully waterway) to the west (Res 1 on PS643132) Existing Dwellings & vacant land to the north Great Alpine Road (arterial road) to the east Substation to the south

2.2 Site Location

The site is located in Lucknow, within the Brookfield Lakes subdivision / development plan area (East Gippsland Planning Scheme DPO3) and adjacent to the Great Alpine Road. Refer to Appendix 2 (Property Report).

Land to the north is developed for residential purposes with existing dwellings that have the following services available:

- Municipal Road access & drainage
- Sewer & Water (East Gippsland Water)
- Electricity
- Natural gas
- Communications



Figure 1: Locality Plan

Figure 1 provides an overview of the location of the site in relation to existing development at Brookfield Lakes. The waterways and wetlands associated with the town are also shown.

Figure 2 and Figure 3 show the site in the context of the abutting land and infrastructure.



Figure 2: Aerial Overview



Figure 3: Site Aerial

3. Proposal

19 Lomandra Boulevard, Lucknow is proposed to be developed for the use and development of a Lifestyle Village.

The development creates:

- Approximately 157 sites, and
- Community facilities

This report and attached Crossco Drawings are based on the following information provided by Bennett Williams:

- Subject Site Feature survey by Miller Merigan (16 June 2021)
- Proposed site plan by Tomas O'Malley Architect (23035, Rev 1 30/11/2023)

4. Services

4.1 Building Development

Proposed sites can be developed to provide for vehicle access and drainage. This report does not consider excavation and alteration of site levels for construction and/or placement of buildings including foundations.

4.2 Roads & Drainage

The information below is based on engineering design completed to a concept / indicative design stage and based on survey and reports by Others.

Refer to separate report/s by Others for details regarding road hierarchy / traffic management and vmpd assessments.

4.2.1 Roads

New roads are proposed to be constructed to access the proposed development as follows:

Northern access & egress	Access & egress through the northern part of the site will be provided by connection to existing road, Lomandra Boulevard. The connection to Lomandra Boulevard is proposed to be divided (splitter island) before entry to the 6m wide "proposed new road".
Western egress	An additional egress from the Lifestyle Village will be provided via a proposed cul-de-sac termination of Sheoak View that incorporates a private road into the Lifestyle Village (refer to layout by Others). This will enable vehicles travelling along Sheoak View to safely turn at the proposed termination of Sheoak View prior to the private Lifestyle Village access road.

Road and drainage design are proposed to be generally consistent with the planning scheme and other relevant design standards. All internal road and drainage assets will be retained in private ownership.

4.2.2 Site Drainage

The "Feature and Level Plan" (2 sheets) by Miller Merigan at Appendix 3 shows site contours and illustrates that:

- the land generally grades to the west, into the Reserve and constructed stormwater treatment system in Goose Gully Creek (by Others).
- the entry locations to the subdivision have an elevation of:
 - o Lomandra Boulevard 33 m AHD
 - o Sheoak View 24m AHD
- consistent with best practice drainage will be an integral aspect of the design of the road network.

Three sub-catchments have been identified with drainage outfalling into the existing stormwater treatment system at 3 locations:

Sub-catchment A (north-west):

- drain into the existing wetland to the north-west of the existing allotments, north of the Cultural Heritage Site via stormwater drains.

Sub-catchment east:

- drain to an existing sediment pond to the west of the site, south of the Cultural Heritage Site, via stormwater drains.

- Sub-catchment south:
- drain into the existing wetland to the south-west of the site via stormwater drains.

The stormwater outfall locations are shown on Crossco Drawings at Appendix 1.

4.3 Stormwater Treatment and Detention

The Brookfield Lakes Stormwater Management solution has been designed and constructed by Others.

A separate memorandum has been prepared by Crossco Consulting Pty Ltd and is not duplicated in this report.

4.4 Sewer & Water

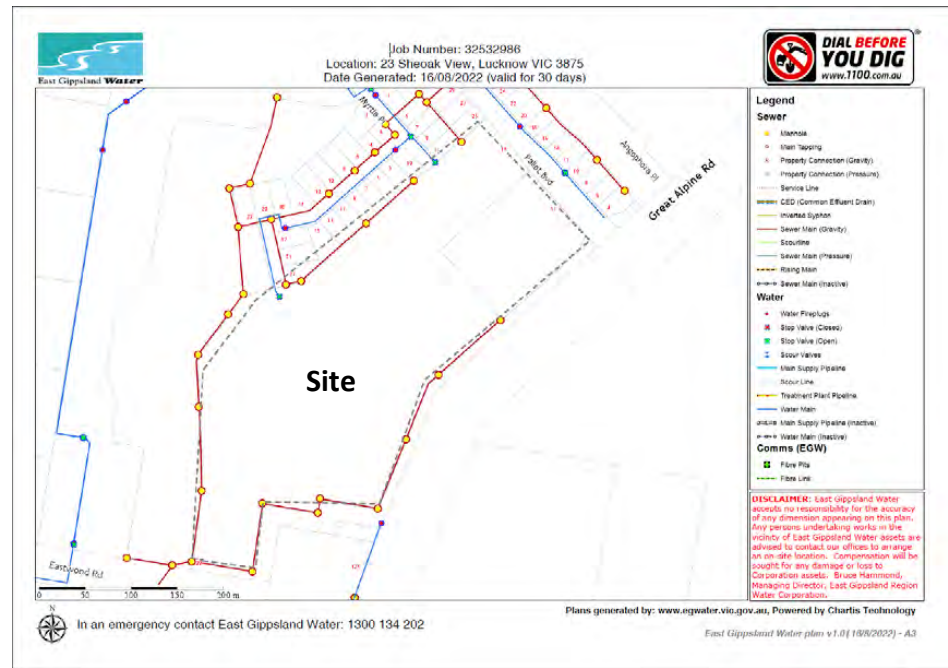


Figure 4: EGW Assets¹

¹ DBYD

4.4.1 Sewer

Authority	East Gippsland Water (EGW)
Existing sewer system	<p>The general arrangement of sewer and water assets in the area are shown at Figure 5, with additional information provided at:</p> <ul style="list-style-type: none"> - Crossco Drawings at Appendix 1 - DBYD plans at Appendix 3. <p>Sewer Gravity Main: There is a sewer gravity main (225mm diameter) to the east, south and west borders of the site.</p> <p>Reticulated sewer: Wastewater generated at existing properties to the north of the proposed development outfall to an existing EGW sewer (c150mm and 225mm dia) within the adjacent subdivision.</p>

In summary wastewater management is provided as follows:

- Part - outfall to an existing 225 dia sewer gravity main to the west of the site by proposed internal sewer.
- Part - outfall to an existing 225 dia sewer gravity main to the east and south of the site by proposed internal.
- Part - outfall to an existing 225 dia sewer gravity main to the west of the site by proposed internal.

All internal sewers are proposed to be privately owned assets and will be constructed to AS3500.
All connections / outfalls to EGW assets will be constructed to EGW standards (WSAA).

4.4.2 Water

Authority	East Gippsland Water
Existing reticulated potable water	<p>The general arrangement of sewer and water assets in the area are shown at Figure 5, with additional information provided at:</p> <ul style="list-style-type: none"> - Crossco Drawings at Appendix 1 <p>Existing properties at:</p> <ul style="list-style-type: none"> - Myrtle Place and Lomandra Boulevard are serviced by a 150mm dia watermain. - Sheoak View are serviced by a 100mm dia watermain that terminates at the cul-de-sac of Sheoak View.

The proposed Lifestyle Village sites will be serviced by the extension of the existing reticulated watermain in the adjacent subdivision. The surrounding development was completed with

provision for this future subdivision, and as such there are available watermains to connect to at Lomandra Boulevard and Sheoak View as shown on Crossco Drawings at Appendix 1.

All internal watermains are proposed to be privately owned assets and will be constructed to AS3500.
All connections to EGW assets will be constructed to EGW standards (WSAA).

4.5 Electrical

Figure 6 shows existing Ausnet assets in the area, with overhead services shown in blue and underground shown in maroon. The supply terminates at both the cul-de-sac of Sheoak View and the south-east end of Myrtle Place.



Figure 5: Ausnet Assets

Authority	Ausnet
Existing electrical infrastructure	<p>The general arrangement of Ausnet (electricity mains) assets in the area are shown at Figure 6, with additional information provided at:</p> <ul style="list-style-type: none">- Crossco Drawings at Appendix 1 <p>Existing surrounding properties connected to mains electricity.</p>

The electricity supply will be constructed underground.
An indicative / concept electrical layout is shown on Crossco Drawing 2685/004-006.

- Public / street lighting will be included in the detailed electricity design.
- Where Road Reserve is vested in Council (ie. intersection at Lomandra Boulevard and cul-de-sac termination of Sheoak View), street lighting is proposed to be provided on the “street circuit” and will be designed, approved and constructed in accordance with Ausnet requirements. Street lighting design will apply Ausnet and EGSC approved poles and LED technology.
 - Internal / Private road street lighting will be “behind the meter”.

4.6 Communications

Authority	Telstra and NBN Co
Existing communications infrastructure	<p>The general arrangement of Telstra assets in the area are shown at Figure 8, with additional information provided at:</p> <ul style="list-style-type: none">- Crossco Drawings at Appendix 1 <p>All Telstra and NBN assets are located in existing road reserves.</p> <p>Existing surrounding properties are serviced by both Telstra and NBN.</p>



Telstra and NBN existing cables are proposed to be extended to service the proposed development as shown on the Crossco Drawings at Appendix 1.

All communications assets are proposed to be constructed underground within proposed access road corridors.

5. Environmental Management

5.1 Construction Phase

Construction of the access and servicing infrastructure outlined in this report will require management to ensure there is no off-site impact.

Compliance with EPA publication 1834 through all phases of construction works is strongly recommended. The publication cover page and excerpt of table of contents is included at Figure 9.

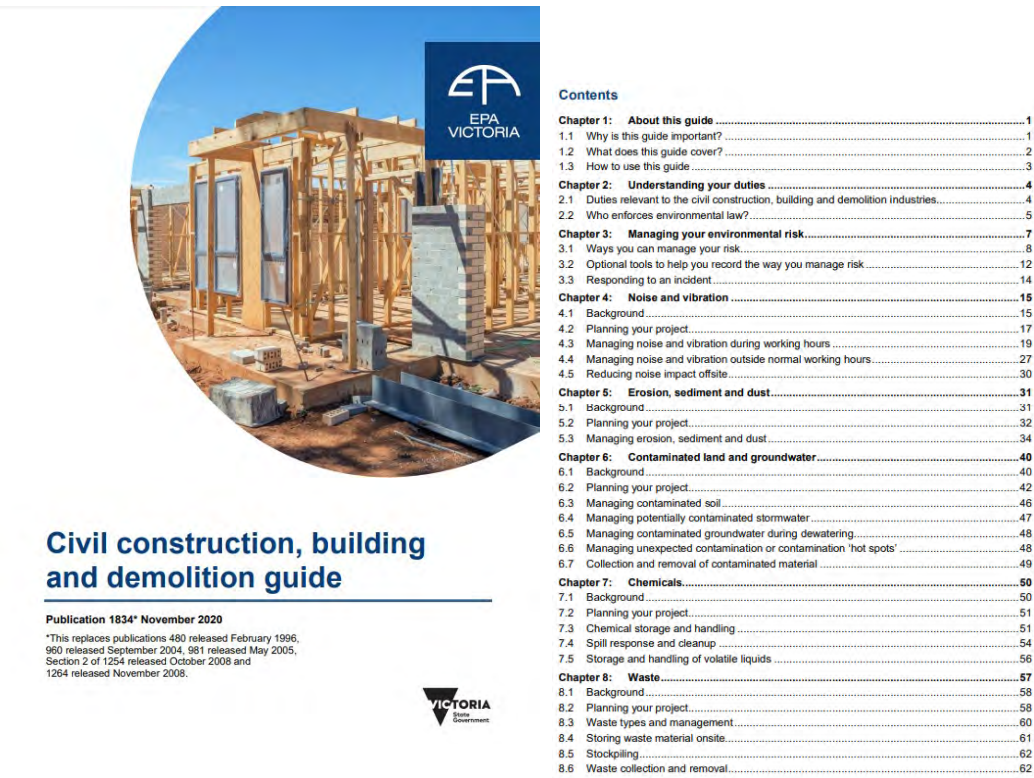


Figure 7: EPA Publication 1834 cover & ToC excerpt

6. Summary

Key issues are:

- A northern access to the proposed development is from Lomandra Boulevard.
- A west access to the proposed development is from Sheoak View.
- Three drainage outfalls are proposed to the existing stormwater management system (constructed by Others).
- All internal services including roads, sewer, watermain, electricity and communications are proposed to remain in private ownership. All connections to public roads, and assets in utility ownership are proposed to be constructed to the relevant asset manager / owner standards.
- Compliance with EPA Publication 1834 during all phases of construction will ensure environmental risk are managed.

M Supplitt
MIEAust CPEng NER

15/04/2024



Appendix

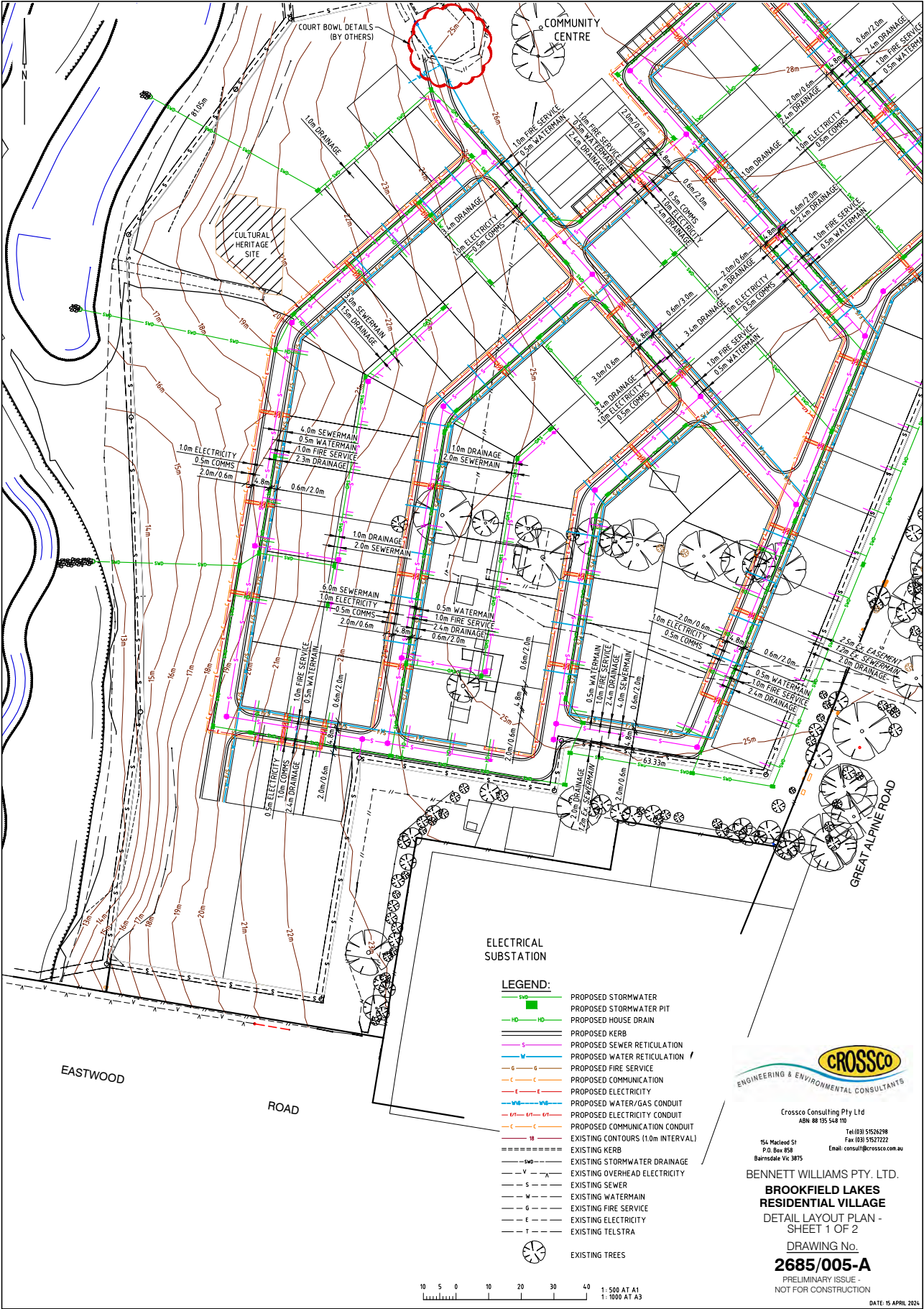
Appendix 1 – Crossco Drawings

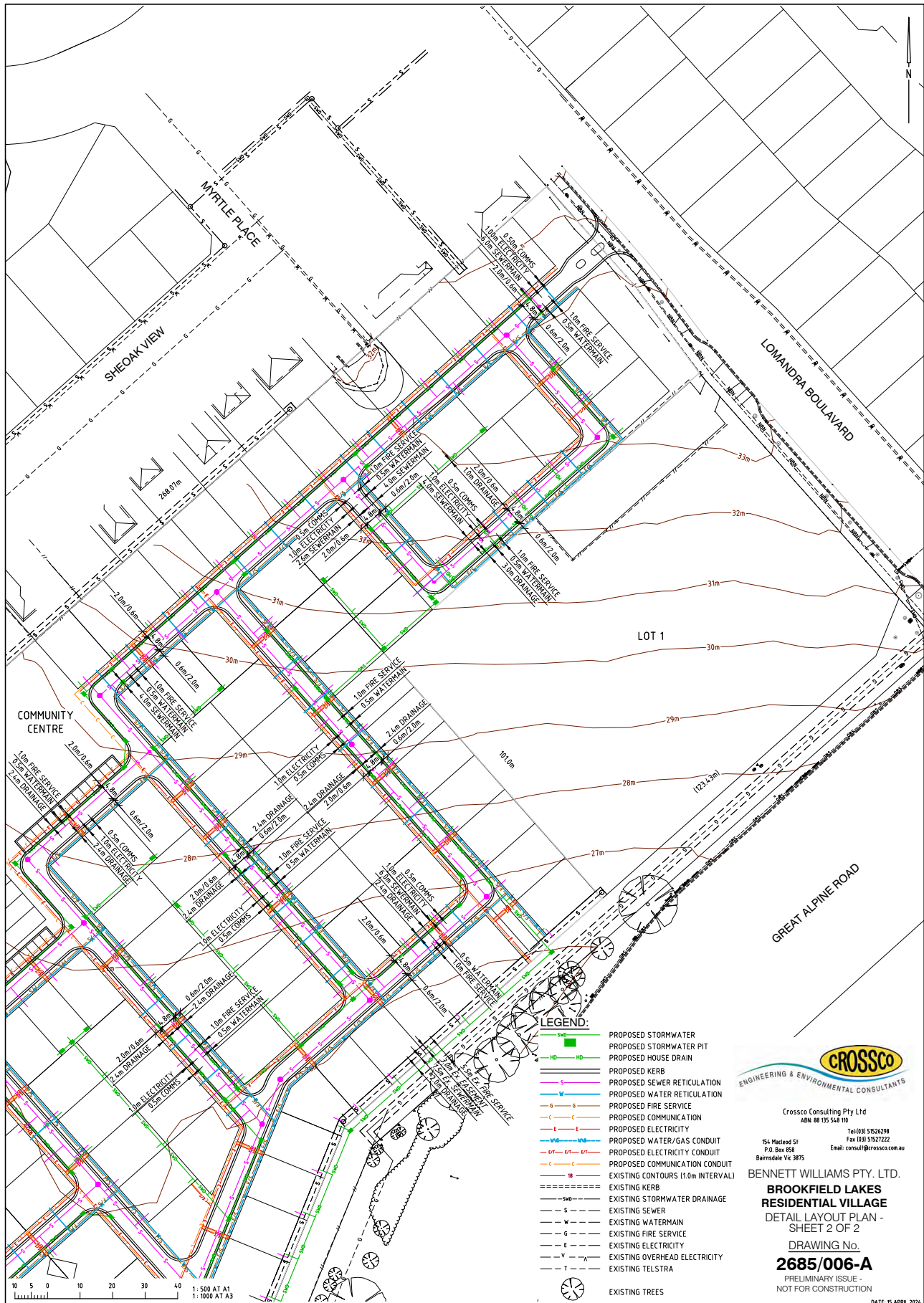
2685/004 Overall Design

2685/005 Service Layout Plan Sheet 1 of 2

2685/006 Service Layout Plan Sheet 2 of 2







Appendix 2 – Property Report

PROPERTY REPORT



From www.planning.vic.gov.au at 05 September 2022 03:45 PM

PROPERTY DETAILS

Lot and Plan Number: **Lot 2 PS643132**
Address: **19 LOMANDRA BOULEVARD LUCKNOW 3875**
Standard Parcel Identifier (SPI): **2\PS643132**
Local Government Area (Council): **EAST GIPPSLAND** www.eastgippsland.vic.gov.au
Council Property Number: **99810**
Directory Reference: **Vicroads 689 N3**

This parcel is in a designated bushfire prone area.
Special bushfire construction requirements apply. Planning provisions may apply.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>

SITE DIMENSIONS

All dimensions and areas are approximate. They may not agree with those shown on a title or plan.



Area: 81715 sq. m (8.17 ha)

Perimeter: 1470 m

For this property:

— Site boundaries

— Road frontages

Dimensions for individual parcels require a separate search, but dimensions for individual units are generally not available.

9 overlapping dimension labels are not being displayed

Calculating the area from the dimensions shown may give a different value to the area shown above

For more accurate dimensions get copy of plan at [Title and Property Certificates](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**
Urban Water Corporation: **East Gippsland Water**
Melbourne Water: **Outside drainage boundary**
Power Distributor: **AUSNET**

STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**
Legislative Assembly: **GIPPSLAND EAST**

PROPERTY REPORT



PLANNING INFORMATION

Planning Zone [COMMERCIAL 1 ZONE \(C1Z\)](#)
[SCHEDULE TO THE COMMERCIAL 1 ZONE \(C1Z\)](#)
[GENERAL RESIDENTIAL ZONE \(GRZ\)](#)
[GENERAL RESIDENTIAL ZONE - SCHEDULE 1 \(GRZ1\)](#)
[TRANSPORT ZONE 2 - PRINCIPAL ROAD NETWORK \(TRZ2\)](#)

Planning Overlay [DEVELOPMENT PLAN OVERLAY \(DPO\)](#)
[DEVELOPMENT PLAN OVERLAY - SCHEDULE 3 \(DPO3\)](#)
[EROSION MANAGEMENT OVERLAY \(EMO\)](#)
[EROSION MANAGEMENT OVERLAY SCHEDULE \(EMO\)](#)

Areas of Aboriginal Cultural Heritage Sensitivity:

All or part of this parcel is an 'area of cultural heritage sensitivity'.

Planning scheme data last updated on 31 August 2022.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the **Planning and Environment Act 1987**. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

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Areas of Aboriginal Cultural Heritage Sensitivity

All or part of this parcel is an 'area of cultural heritage sensitivity'.

'Areas of cultural heritage sensitivity' are defined under the Aboriginal Heritage Regulations 2018, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

For further information about whether a Cultural Heritage Management Plan is required go to <http://www.aav.nrms.net.au/aavQuestion1.aspx>

More information, including links to both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018, can also be found here - <https://www.aboriginalvictoria.vic.gov.au/aboriginal-heritage-legislation>

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Read the full disclaimer at <https://www2.delwp.vic.gov.au/disclaimer>

Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).

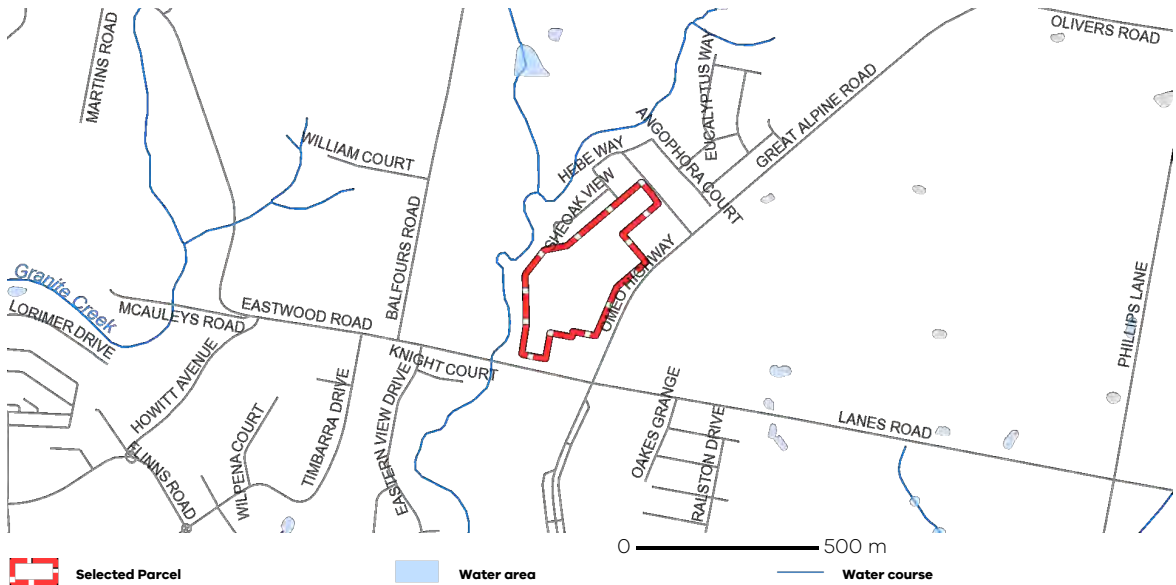
PROPERTY REPORT: Lot 2 PS643132

Page 2 of 3

PROPERTY REPORT

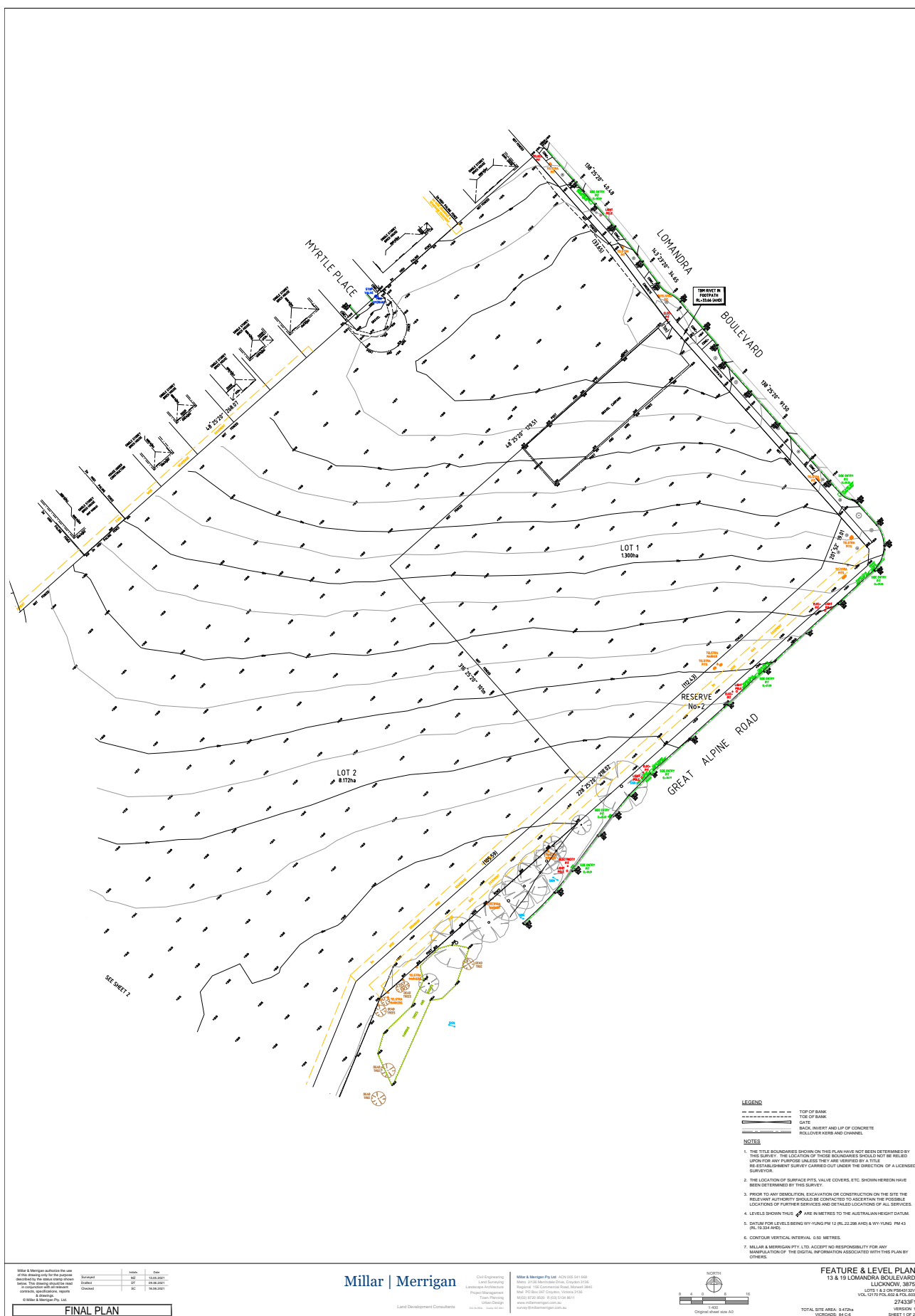


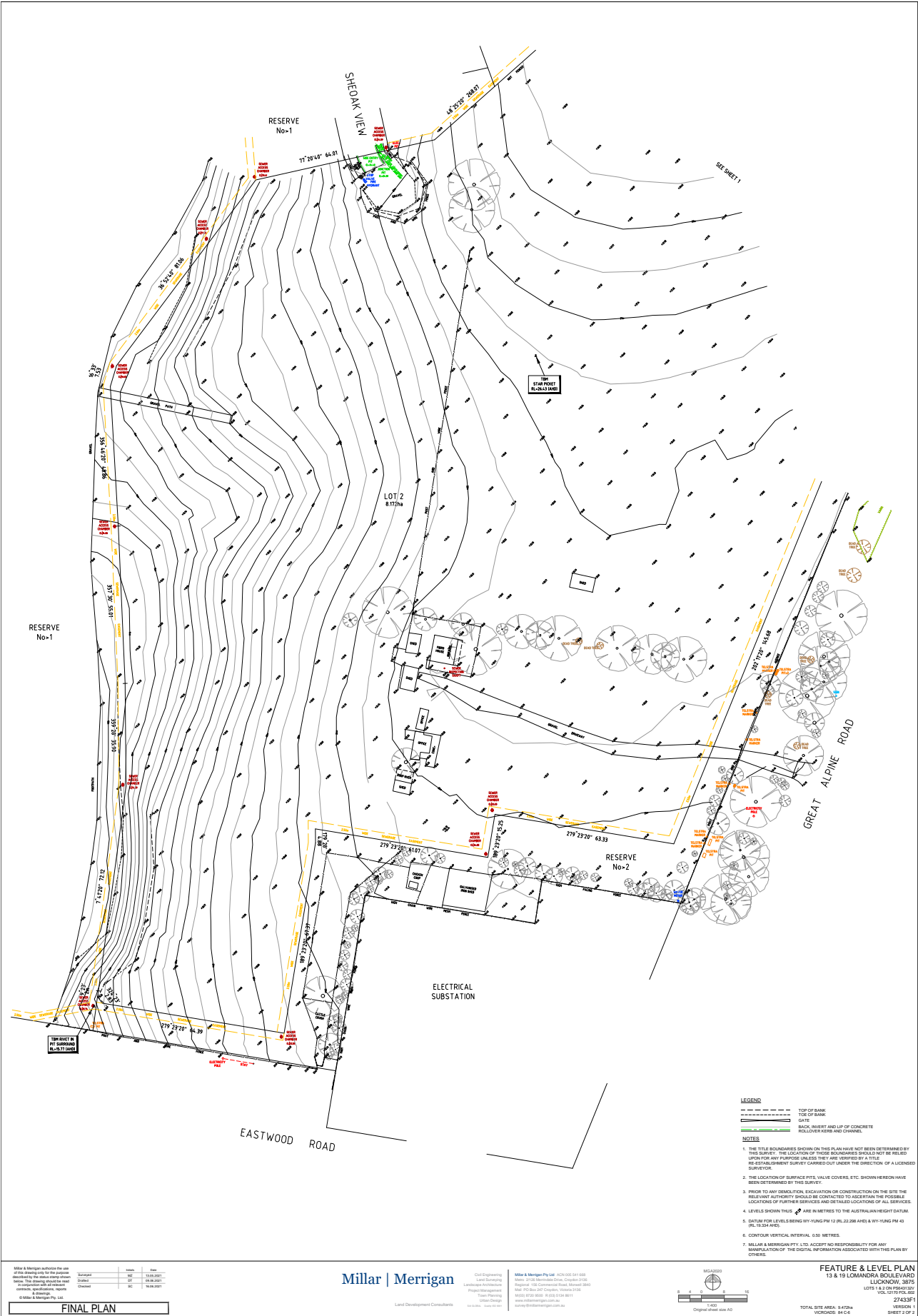
Area Map



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Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).
PROPERTY REPORT: Lot 2 PS643132

Appendix 3 – Feature & Level Plan





Appendix 4 – Dial before you dig



APA Group
PO Box 6014 Halifax Street
South Australia 5000



For your immediate information THERE IS A GAS DISTRIBUTION PIPELINE AND/OR ASSOCIATED INFRASTRUCTURE in the area of your works.

16/08/2022

Company: Crossco Consulting
Narelle Gibbons
154 Macleod Street
Bairnsdale
VIC 3875

consult@crossco.com.au

Dear Narelle Gibbons

Sequence Number: 214840782
Worksite Address: 23 Sheoak View
Lucknow
VIC 3875

You are hereby notified that the attached Duty of Care requirements apply to any activity in the vicinity of Gas Assets operated by APA, please ensure you read and comply with all the relevant requirements.

Should you have any questions with regards to the attached information please contact our Dial Before You Dig officer - 1800 085 628.

Caution - Damage to gas assets could result in possible explosion and fire with the risk of personal injury.

For Gas Emergencies please call 1800 GAS LEAK (1800 427 532).

Please find enclosed the following information:

- APA's Duty of Care, If you are unclear of your obligations under these requirements please contact the APA Representative listed above immediately
- An overview map with your requested area highlighted to assist in identifying the location of APA's Gas Assets
- A map(s) showing APA's Gas Assets in the requested area, this information is valid for 30 days from the date of this response, **please check this represents the area you requested**, if it does not, please contact the APA Representative listed above immediately

Please Note: For some DBYD enquiries, you might receive 2 responses from the APA Group. Please read both responses carefully as they will relate to different assets. It is your responsibility to action all requirements set out in APA Group responses.

Please take some time to review the entire response document and check the information supplied and please let us have any feedback by sending an email to DBYDNetworksAPA@apa.com.au or contacting us direct on 1800 085 628.

Yours Faithfully,

Dial Before You Dig Officer
APA Group
Email: DBYDNetworksAPA@apa.com.au

Mapping information is provided as AS5488-2013 Quality Level D

APA Group • PO Box 6014 Halifax Street SA 5000 • Email: DBYDNetworksAPA@apa.com.au • Template: VIC Affected Jun 2022
Page 1 of 8 • 16/08/2022



Duty of Care - Working Around Gas Assets

General Conditions

- This location enquiry is valid for 30 days from the date of this response
- Expired locations, i.e., over 30 days from the date of this response, require a new Dial Before You Dig request to validate location information
- The location information supplied in this document shall be used as a guide only. APA Group shall not be liable or responsible for the accuracy of any such information supplied pursuant to this request
- It is the responsibility of the excavator to expose all Gas Assets, including Gas Service pipes (see below), **by hand**. Gas Asset depths may vary according to ground conditions
- Gas Service (inlet service) connecting Gas Assets in the street to the gas meter on the property are typically **not** marked on the map
- Generally, a map of the inlet service connection installation may be found inside the gas meter box
- The use of Non Destructive Digging (hydro-excavation) is permitted only if the following are adhered to:
 - a) maximum water pressure of 1000psi
 - b) impacting the gas asset must be prevented at all times
 - c) vertical movements in the vicinity of the gas asset such as pushing the pressure wand nozzle or vacuum tube into the soil to break it up is prohibited
 - d) the use of root cutting heads/turbo nozzles is prohibited at all times
 - e) a minimum distance of 100mm shall be maintained between the end of the pressure wand nozzle and the gas asset. Aiming directly at the gas asset shall be avoided at all times
 - f) a dead man trigger or similar, shall be installed on the wand
 - g) once a gas asset has been exposed via hydro-excavation methods, a visual check must be undertaken to ensure no damage has occurred to the pipe or its coating
- This information has been generated by an automated system based on the area highlighted in your DBYD request and has not been independently verified. **It is your responsibility** to ensure that the information supplied in this response matches the dig site you defined when submitting your Dial Before You Dig enquiry. If the information does not match the dig site or you have any question, please contact APA immediately using the details listed on the first page and / or please resubmit your enquiry

Mapping information is provided as AS5488-2013 Quality Level D

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Page 2 of 8 • 16/08/2022



- If you still require an on-site visit from an APA representative for location or site watch support, this can be provided. A minimum of 5 business days are required to arrange attendance by an APA Group representative.
- The following rates are applicable to APA on-site representation for supervision or location:

Item	Rate
Site Watch - Normal Hours	\$143.42 (hr)
Site Watch - After Hours	\$175.06 (hr)
Electronic Locate – Normal Hours	\$143.42 (hr)
Electronic Locate – After Hours	\$175.06 (hr)
Cancellation	2 hrs (where less than 1 business day notice is provided)
Mains Proving	As quoted by APA

Notes:

- All prices are exclusive of GST
 - All partial hours will be charged at a full hour rate for the first hour, 1hr minimum charge.
 - Cancellations must be received 1 business day prior to the booked supervision otherwise a 2hr charge will be incurred
 - Contact us for State specific hours of business.
- For **Gas Emergencies** please call 1800 GAS LEAK (1800 427 532).

APA CHANGE NOTIFICATION

The map below may have different symbols to those you are familiar with.

APA recently upgraded the asset mapping software utilised for Dial Before You Dig requests.

To avoid confusion, please carefully review the legend along with the map.

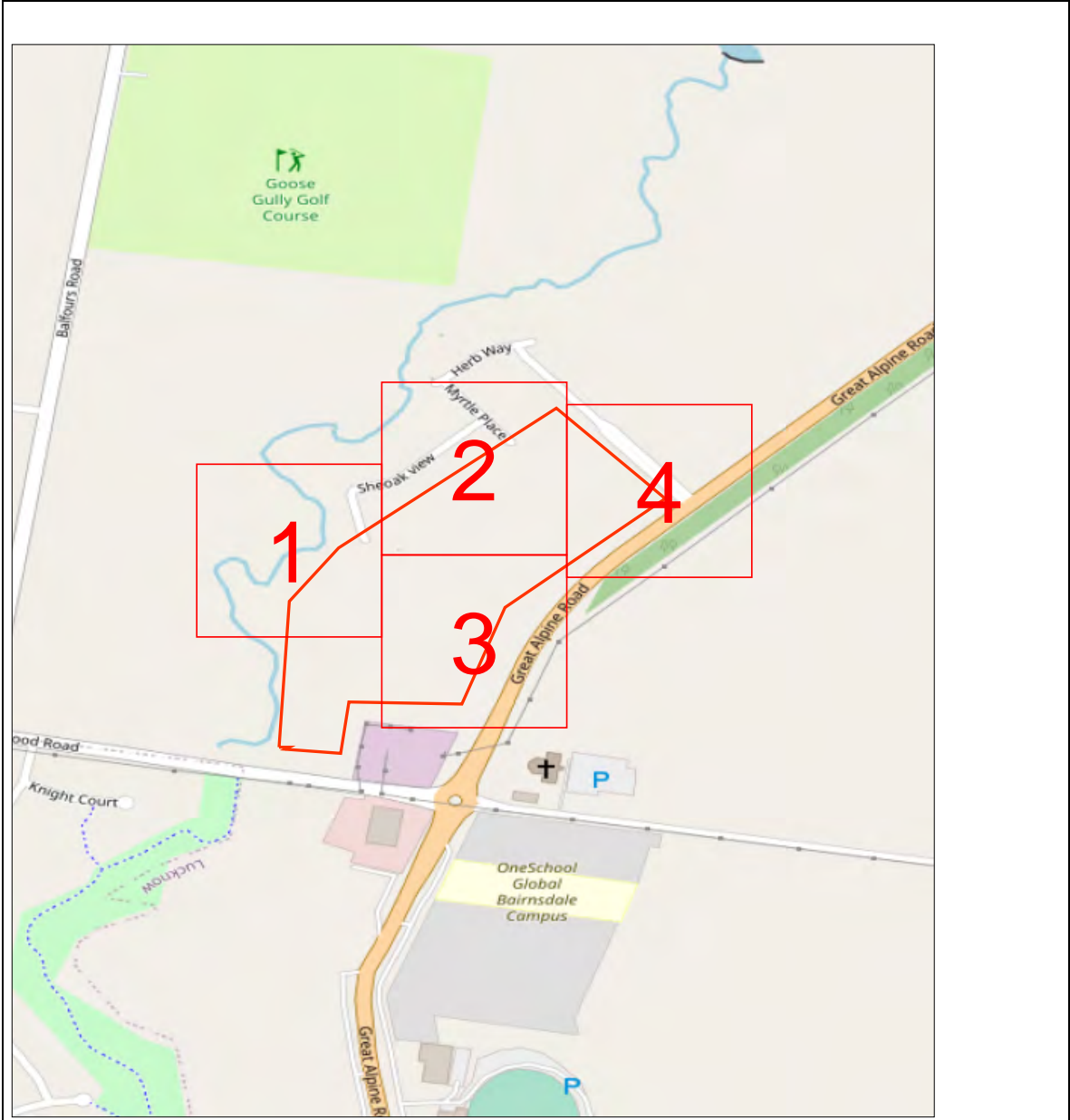
Please direct any questions to DBYDNetworksAPA@apa.com.au

Mapping information is provided as AS5488-2013 Quality Level D

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Page 3 of 8 • 16/08/2022



Site Address	23 Sheoak View Lucknow 3875	Sequence No	214840782
Name	Narelle Gibbons		
Email	consult@crossco.com.au		



Scale 1: 6000		Enquiry Area	Map Key Area
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APA Group does not guarantee the accuracy or completeness of the map and does not make any warranty about the data. APA Group is not under any liability to the user for any loss or damage (including consequential loss or damage) which the user may suffer resulting from the use of this map.

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Page 4 of 8 • 16/08/2022			



LEGEND

PIPE AND BOUNDARIES	PIPE CODE / MATERIALS	OBJECTS or TERMS
LOW PRESSURES	C# [e.g. C2] Cast Iron	VALVES
MEDIUM PRESSURES	CU Copper	BURIED VALVES
HIGH PRESSURES	N2 Nylon	REGULATORS
TRANSMISSION PRESSURES	P# [e.g. P6] Polyethylene (PE)	GAS SUPPLIED = YES
PRIORITY MAIN (BEHIND PIPE)	P6,P7,P9-P12 Medium Density PE	CP RECTIFIER UNIT
PROPOSED (COLOUR BY PRESSURE)	P2,P4,P8 High Density PE	CP TEST POINT/ ANODE
LPG (COLOUR BY PRESSURE)	S# [e.g. S8] Steel	SYPHON
ABANDONED	W2 Wrought Galv. Iron	TRACE WIRE POINT
IDLE	W3 Poly Coat Wrought Galv. Iron	PIPELINE MARKER
SLEEVE		NOT TIED IN
CASING / SPLIT (BEHIND PIPE)		DEPTH OF COVER
EASEMENT/ JURISDICTION		BACK / FRONT OF KERB

EXAMPLES
40P6 in 80C2 40mm High Pressure Medium Density Polyethylene in an 80mm Cast Iron Casing
63S8 63mm Medium Pressure Steel

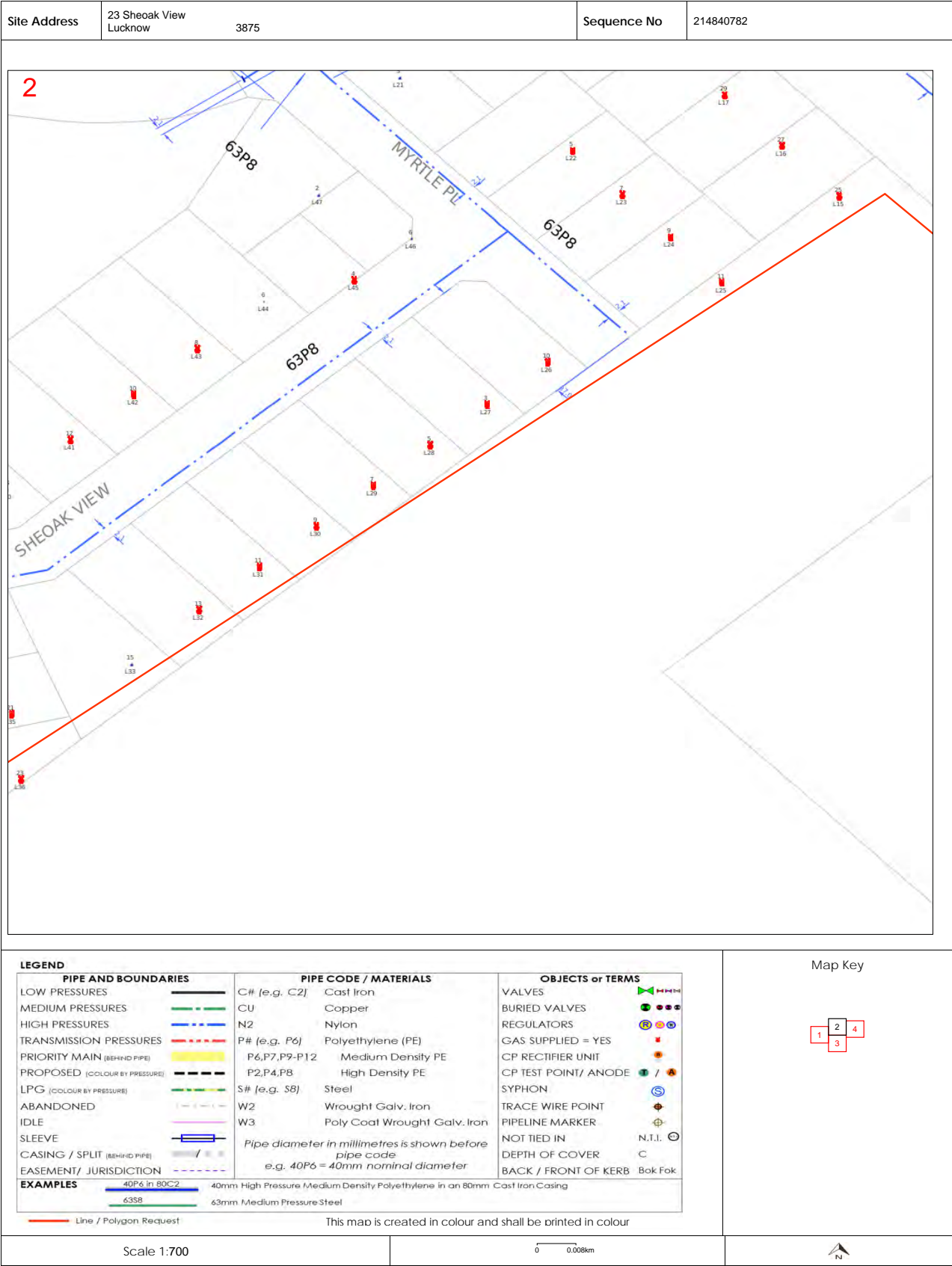
This map is created in colour and shall be printed in colour

Scale 1:700

0 0.008km

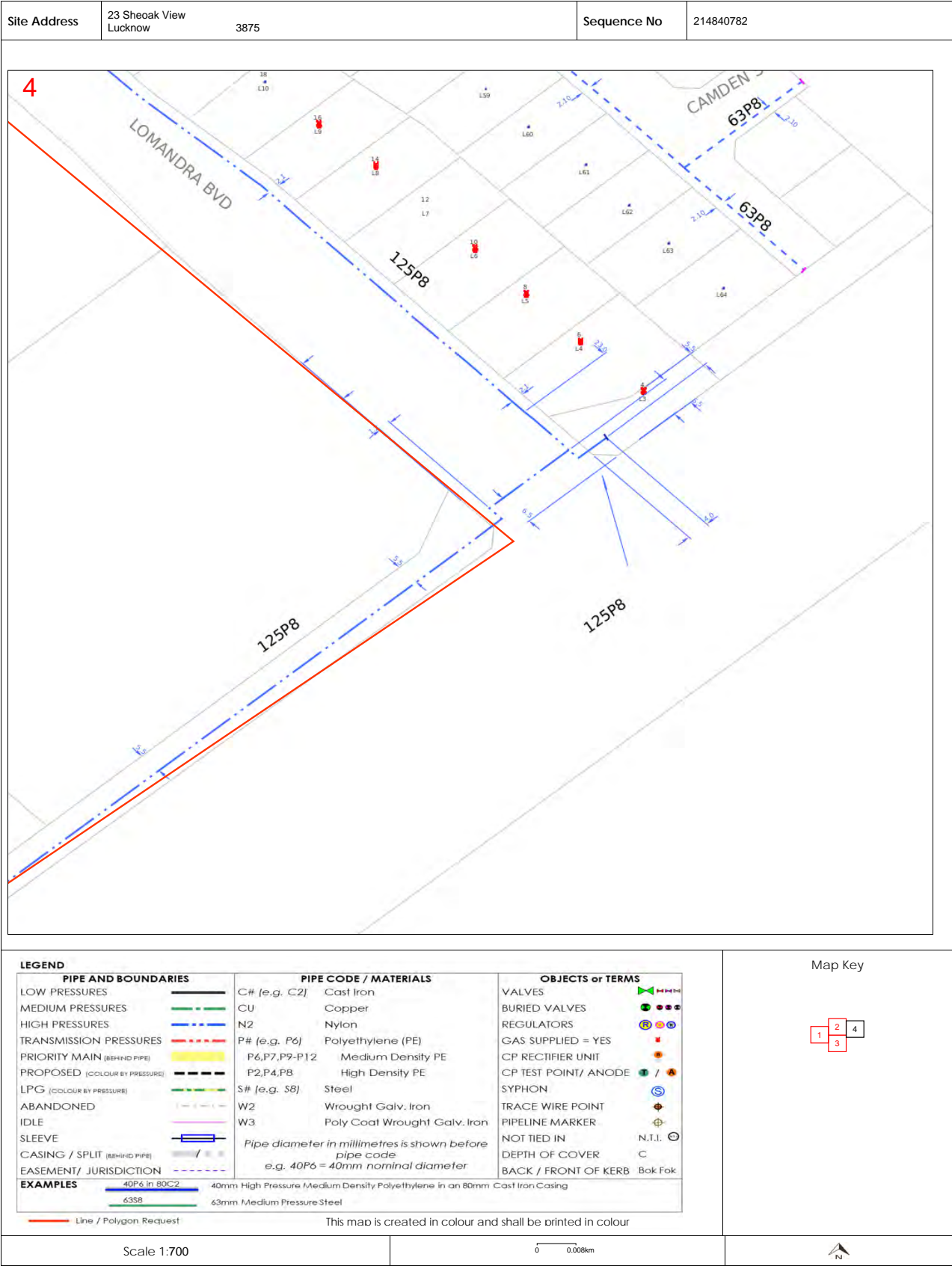
Map Key

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MEMORANDUM

PROJECT: Brookfield Lakes Lifestyle Village, 19 Lomandra Boulevard, Lucknow
To: Tristan Layton, The Planning Professionals
CC: Craig Trembath, Bennett Williams Pty Ltd
From: Crossco
Revision / Date: Rev 2 15/04/2024
Re: Brookfield Lakes Stormwater Management

1 PURPOSE

The purpose of this memorandum is to document desktop investigations undertaken by Crossco regarding the stormwater management strategy adopted for the Brookfield Lakes development, and in particular assumptions made regarding the development of the area of the subject proposed Lifestyle Village¹.

This memorandum has been prepared in lieu of a Stormwater Management Strategy as the Responsible Authority has received and approved design stormwater management at the site.

It is noted that there has been no material change to “best practice” requirements for stormwater detention or treatment since the time reports and designs previously approved by the Responsible Authority (RA) were prepared. Various amendments to the planning scheme have been made but the “best practice” requirements set out in CSIRO 1999 are unchanged. Previous reports were completed when ARR 1987 was in place and since ARR 2016 has been introduced along with updates to IFD information and the potential implications of this is considered in this memorandum.

¹ Ref: Tomas O’Malley Architect site plan (23035, Rev 1 30/11/2023)

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2 PREVIOUS REPORTS

Crossco understands that the RA has approved a range of documents relevant to stormwater design, management and construction at the Brookfield Lakes development. Crossco is in specifically in receipt of the documents outlined in Table 1.

Table 1: Previous Reports

Document	Comment / Purpose
Brookfield Lakes Development Bairnsdale, Water Technology Final 1, April 2008 (WT2008)	<i>This report has been formed to address the following objectives:</i> <ul style="list-style-type: none"> · <i>Surface Water Management Assessment – Analyse existing surface water conditions and develop management strategies. The analysis will be in accordance with the current Concept Development Plan and will satisfy the Council's and CMA's relevant Water Quality requirements and guidelines.</i> · <i>Stormwater Management Plan – Assess stormwater yield and quality issues that arise through the development of the site and provide conceptual design advice on the sizing and location of suitable stormwater treatment measures.</i> · <i>Erosion management plan – Analyse the development areas for erosion potential and propose mitigation measures and strategies to minimise/eliminate this risk.</i>
Brookfield Lakes WSUD Functional Design Technical Report V01, Water Technology, May 2011	<i>... This study follows from the Stormwater Management Plan prepared by Water Technology in 2008. The functional design will consist of major waterway improvement for the Goose Gully Creek within the study site, 3 offline wetlands, 3 sedimentation ponds and 1 online lake. This design meets both the CMA's and Council's requirements and follows Melbourne Waters design guidelines. This report will outline the key design considerations and it is recommended to be viewed along with the Brookfield Lakes WSUD Functional Design Drawings.</i>
Brookfield Lakes Waterway Management Plan V4, Water Technology, April 2012	<i>This Waterway Management Plan has been prepared in response to a requirement of the East Gippsland Catchment Management Authority (EGCMA) prior to the development of Brookfield Lakes, a proposed new suburb of Bairnsdale north of Lucknow, The development adjoins Goose Gully, an ephemeral watercourse that extends from Deptford Road to the north to the Mitchell River in the south</i>
Brookfield Lakes Erosion Management Report (Supplement to Stormwater Management Plan) V02, Water Technology, August 2012	<i>.... Further to the Erosion Management Plan completed in April 2008 by Water Technology, this report outlines the erosion control requirements and risks for potential impacts that the Brookfield Lakes development may present to the area whilst in its 'Construction Phase'.</i>

The above documents have been provided to Crossco by Town Planners, and we understand these can be relied on for the purpose of the planning submission.

3 EXISTING CONSTRUCTION

Construction Stage 1 has been completed with further stages currently under construction.

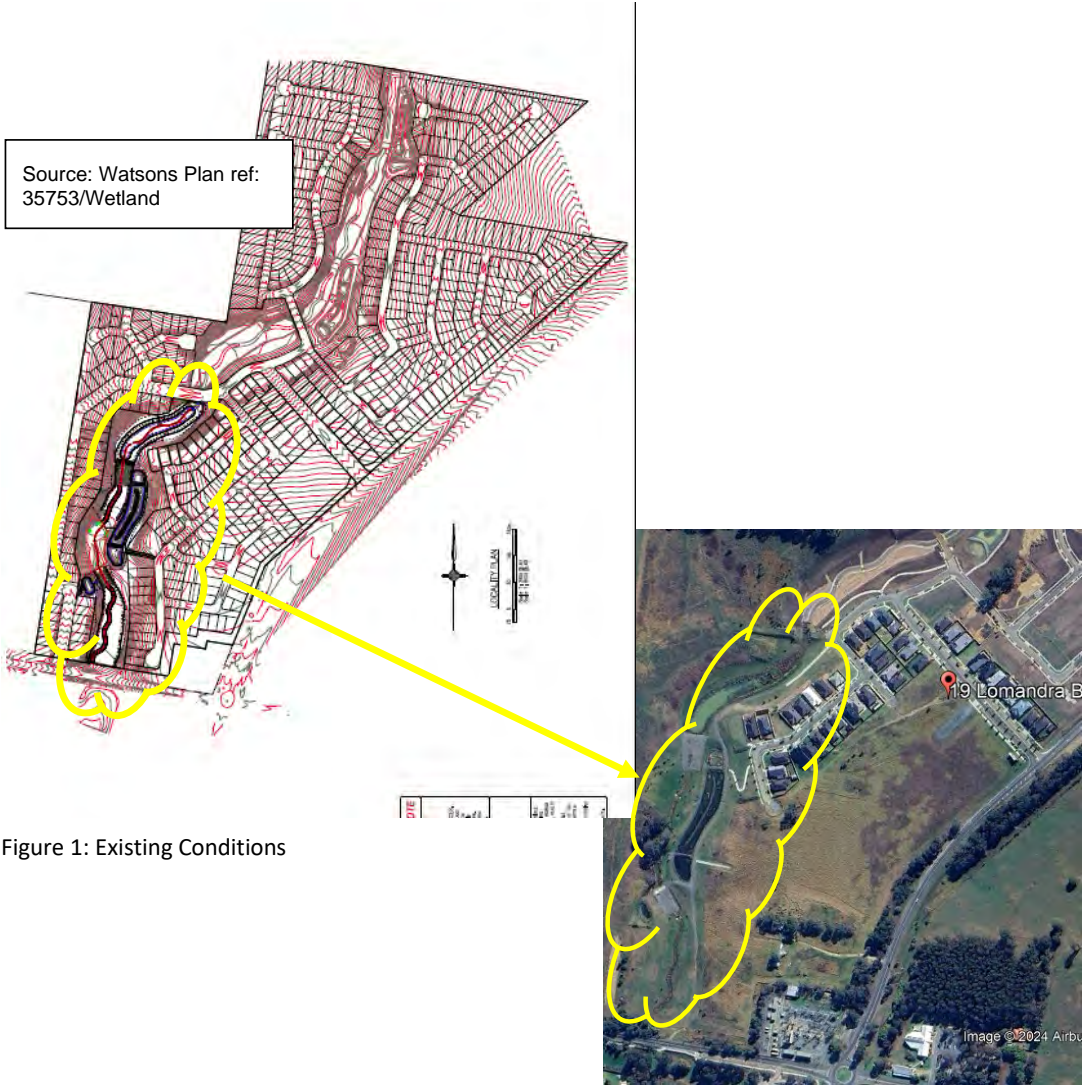


Figure 1: Existing Conditions

Construction of Brookfield Lakes has commenced with Stage 1 of the stormwater management wetlands completed. Figure 1 shows:

- Layout of stage 1 stormwater management works in the waterway.
- Current “google earth” image showing constructed wetlands.

Construction of future stages has commenced including upstream (of Stage 1) waterway and stormwater treatment elements.

4 WT2008 V SUBJECT PROPOSAL

Referring to reports summarised in Table 1, the Functional Design (May 2011) is based on the analysis documented in the April 2008 report. Therefore, the underlying assumptions and findings of the April 2008 report are compared to ensure consistency with the subject proposal.

Consistent with advice from Town Planners who have engaged in discussions and obtained reports from the RA, stormwater management design and construction at Brookfield Lakes is based on WT2008.

4.1 Extent of WT2008 Study

The WT2008 report identifies the area shown below as the “study site” which is a total area of the “Brookfield Lakes” development which is 62.8 ha in total or which 48.4 ha will be developed².

The current extent of the Brookfield Lakes development project is consistent with the WT 2008 report.



Figure 2: WT2008 Study Site



Figure 3: WT2008 Figure 2-4

² WT2008 p 9

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4.2 Extent and Use of subject area

The WT 2008 report was based on a preliminary development plan (except at Figure 3), which shows a “Retirement Village” over an area of 8.2 ha.



Figure 4: Proposed³

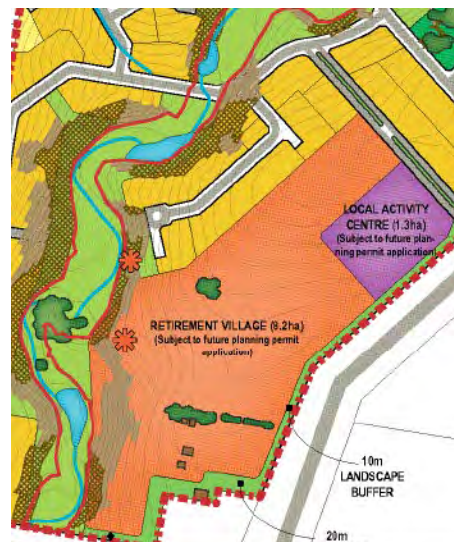


Figure 5: WT2008

The subject proposed development (refer to Figure 2) is a proposed Lifestyle Village over an area of 8.17 ha (refer to property report at Attachment 1).

The proposed Lifestyle Village use and area are consistent with the WT2008 report.

4.3 Stormwater Detention

4.3.1 Upstream / Contributing Catchment

The WT2008 report considers the contributing catchment and notes that:

The Goose Gully catchment comprises the proposed Brookfield Lakes study site, 121 hectares of localised catchment that drains through the site from the west and east, and an upstream catchment of 609 hectares. The predominant land use for the catchment is grazing.

The localised catchment was split into 14 sub-catchments of approximately equal size.

These sub catchments were based on the topography of the site and also the proposed land use under developed conditions. The sub-catchment delineation is shown in Figure 5-1. Flows entering the creek upstream of Doyles Road were not included in the local runoff model. These flows were based on previous modelling (Earthtech, 2007).⁴

³ Ref: Proposed site plan by Tomas O'Malley Architect (23035, rev 1 30/11/2023)

⁴ Water Technology report J791/R01, April 2008 (WT2008) p 10.

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Flows from the upstream catchment are in the order of 32 m³/s for the 100Year ARI flood event, where most of the drainage reserve will be inundated (as shown by the red extent in Figure 2-4). Currently a majority of the upstream catchment is undeveloped, so any potential future development should be taken into account.⁵

Crossco understands that the "Earthtech 2007" report is the source of the pre and post-development flows north of Doyles Road (upstream contributing catchment) that are relied on by WT2008, EGCMA and the RA as the basis of the Functional and Detailed Design for storage and treatment of stormwater in the Brookfield Lakes development.

Since 2008 some areas of the contributing catchment have been rezoned (to Rural Living c 2016) which should have been considered by Earthtech 2007 (subject to the scope of work). The purpose of the Earthtech 2007 report appears to be consideration of the 2 x 3m box culverts at Eastwood Road, with the Earthtech 2007 study confirming that these would not overtop in a 100 year ARI flood event.⁶

WT2008 adopted Earthtech 2007 modelling upstream of Brookfield Lakes which considered post-development conditions. Some upstream areas have been rezoned to RL since 2008.

4.3.2 Subject site

WT2008 identified 14 subcatchments (refer to Figure 6), with the proposed Lifestyle Village occupying the subcatchment identified as 13. This subcatchment 13 area is consistent with the area of the subject proposed Lifestyle Village.

WT2008 then provides RORB model output (refer to Figure 7 for diagrammatic representation) which provides a prediction of "the effect of development of existing hydrology within Goose Gully Creek"⁷. The RORB node and reach network modelled clearly includes the area of the subject proposed Lifestyle Village.

The required storage to attenuate flows in a 100 year ARI storm and 1 year ARI storm are discussed.

It is understood that this storage data was adopted for detailed design (by Others) and relied on by EGCMA and the RA when considering design documentation for approval and therefore "as constructed" meets all requirements.

⁵ Water Technology report J791/R01, April 2008 (WT2008) p 6.

⁶ Water Technology report J791/R01, April 2008 (WT2008) p 3

⁷ WT2008, p17.



Figure 5-1– Catchment Delineation- 14 sub catchments.

Figure 6: WT2008 subcatchment delineation

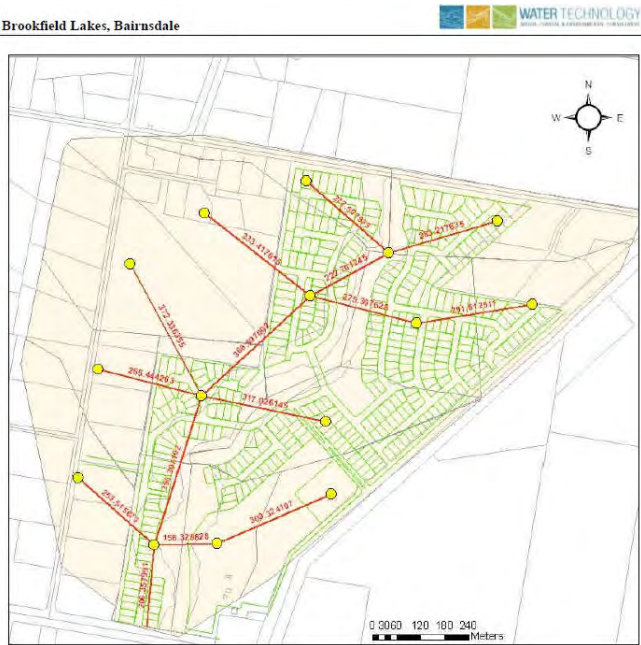


Figure 5-2– RORB node and reach network

Figure 7: WT2008 RORB figure

4.4 Stormwater Treatment Model

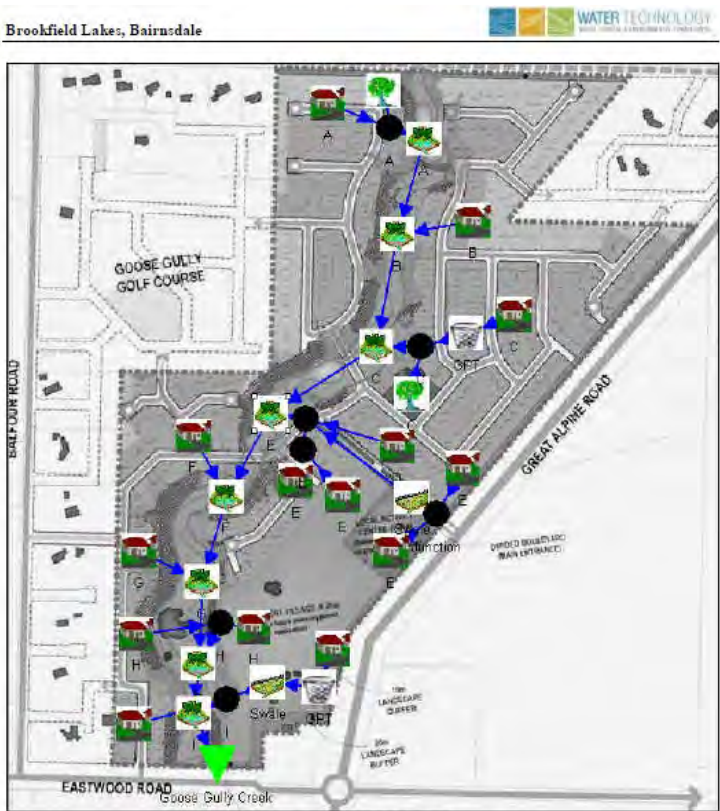


Figure 8: WT2008 Treatment Model layout

The treatment model layout included in WT2008 shows the subject proposal area is included in the treatment model, with a GPT / Swale included in the model, and that “best practice” treatment is achieved.

It is understood that this treatment model has been updated (by Others) to demonstrate detailed design (by Others) meets all treatment requirements and supports the approval of detailed design (constructed and under construction) by EGCMA and the RA.

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PROPOSED BROOKFIELD LAKES LIFESTYLE VILLAGE



5 PROPOSED STORMWATER MANAGEMENT

The development of the subject 8.17ha area does not propose stormwater storage or treatment additional to that proposed for the Brookfield Lakes development.

The approved stormwater design and Waterway Management Plan (by Others) have been developed to provide for the development of the Brookfield Lakes development area as described in WT2008.

Stormwater generated at the proposed development (8.17 ha) is proposed to outfall to an existing sediment pond (refer to attached Crossco Drawing No 2685/004-006 Services Layout Plan), to the north-west of the subject 8.17 ha area.

Stormwater detention and treatment is provided for in the existing treatment system as approved by EGCMA and the RA consistent with WT2008 as amended.

6 LIMITATIONS

This memorandum has been prepared by Crossco based on information provided by Town Planners that Crossco understands was sourced by Town Planners from the RA, including:

- Brookfield Lakes Development, Water Technology Report J791/R01, April 2008 (WT2008).
- Brookfield Lakes WSUD Functional Design Technical Report, May 2001.
- Brookfield Lakes Waterway Management Plan, April 2012.
- Brookfield Lakes Erosion Management Report (Supplement to Stormwater Management Plan), August 2012.

Crossco are not a party to and have not been provided with detailed design reports or confirmation that the Water Technology reports have been carried forward and form the basis of detailed design. As the above reports were provided by the RA, Crossco has no reason to doubt that the ongoing approvals provided by the EGCMA and RA for works undertaken (by Others) at Brookfield Lakes are consistent with the above reports prepared by Water Technology.

7 ATTACHMENTS

Attachment 1 – Property Report

Attachment 2 – Crossco Drawing No 2685/004-006

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PROPOSED BROOKFIELD LAKES LIFESTYLE VILLAGE



Attachment 1 – Property Report

PROPERTY REPORT



From www.planning.vic.gov.au at 05 September 2022 03:45 PM

PROPERTY DETAILS

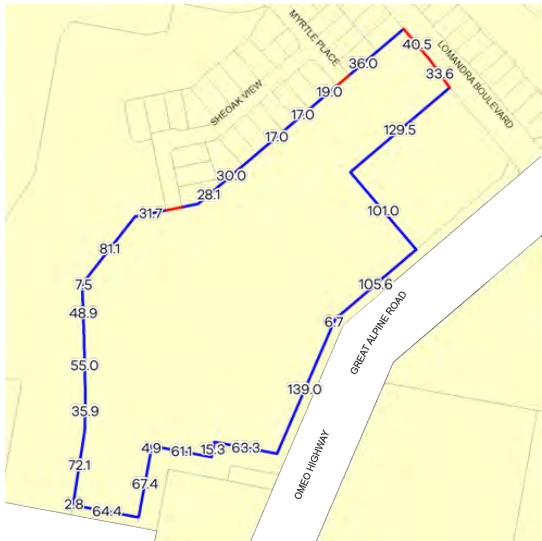
Lot and Plan Number: **Lot 2 PS643132**
Address: **19 LOMANDRA BOULEVARD LUCKNOW 3875**
Standard Parcel Identifier (SPI): **2\PS643132**
Local Government Area (Council): **EAST GIPPSLAND** www.eastgippsland.vic.gov.au
Council Property Number: **99810**
Directory Reference: **Vicroads 689 N3**

This parcel is in a designated bushfire prone area.
Special bushfire construction requirements apply. Planning provisions may apply.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>

SITE DIMENSIONS

All dimensions and areas are approximate. They may not agree with those shown on a title or plan.



Area: 81715 sq. m (8.17 ha)
Perimeter: 1470 m
For this property:
— Site boundaries
— Road frontages
Dimensions for individual parcels require a separate search, but dimensions for individual units are generally not available.
9 overlapping dimension labels are not being displayed
Calculating the area from the dimensions shown may give a different value to the area shown above
For more accurate dimensions get copy of plan at [Title and Property Certificates](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**
Urban Water Corporation: **East Gippsland Water**
Melbourne Water: **Outside drainage boundary**
Power Distributor: **AUSNET**

STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**
Legislative Assembly: **GIPPSLAND EAST**

PROPERTY REPORT



PLANNING INFORMATION

Planning Zone [COMMERCIAL 1 ZONE \(C1Z\)](#)
[SCHEDULE TO THE COMMERCIAL 1 ZONE \(C1Z\)](#)
[GENERAL RESIDENTIAL ZONE \(GRZ\)](#)
[GENERAL RESIDENTIAL ZONE - SCHEDULE 1 \(GRZ1\)](#)
[TRANSPORT ZONE 2 - PRINCIPAL ROAD NETWORK \(TRZ2\)](#)

Planning Overlay [DEVELOPMENT PLAN OVERLAY \(DPO\)](#)
[DEVELOPMENT PLAN OVERLAY - SCHEDULE 3 \(DPO3\)](#)
[EROSION MANAGEMENT OVERLAY \(EMO\)](#)
[EROSION MANAGEMENT OVERLAY SCHEDULE \(EMO\)](#)

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'Areas of cultural heritage sensitivity' are defined under the Aboriginal Heritage Regulations 2018, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

For further information about whether a Cultural Heritage Management Plan is required go to <http://www.aav.nrms.net.au/aavQuestion1.aspx>

More information, including links to both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018, can also be found here - <https://www.aboriginalvictoria.vic.gov.au/aboriginal-heritage-legislation>

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Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).

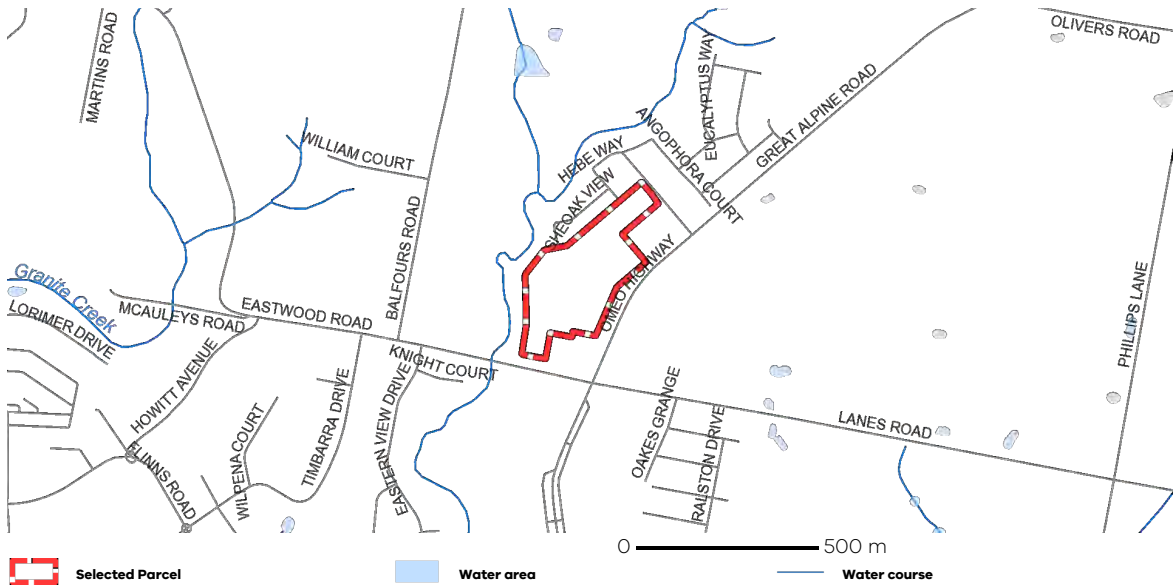
PROPERTY REPORT: Lot 2 PS643132

Page 2 of 3

PROPERTY REPORT



Area Map



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PROPERTY REPORT: Lot 2 PS643132

BENNETT WILLIAMS PTY LTD

PROPOSED BROOKFIELD LAKES LIFESTYLE VILLAGE

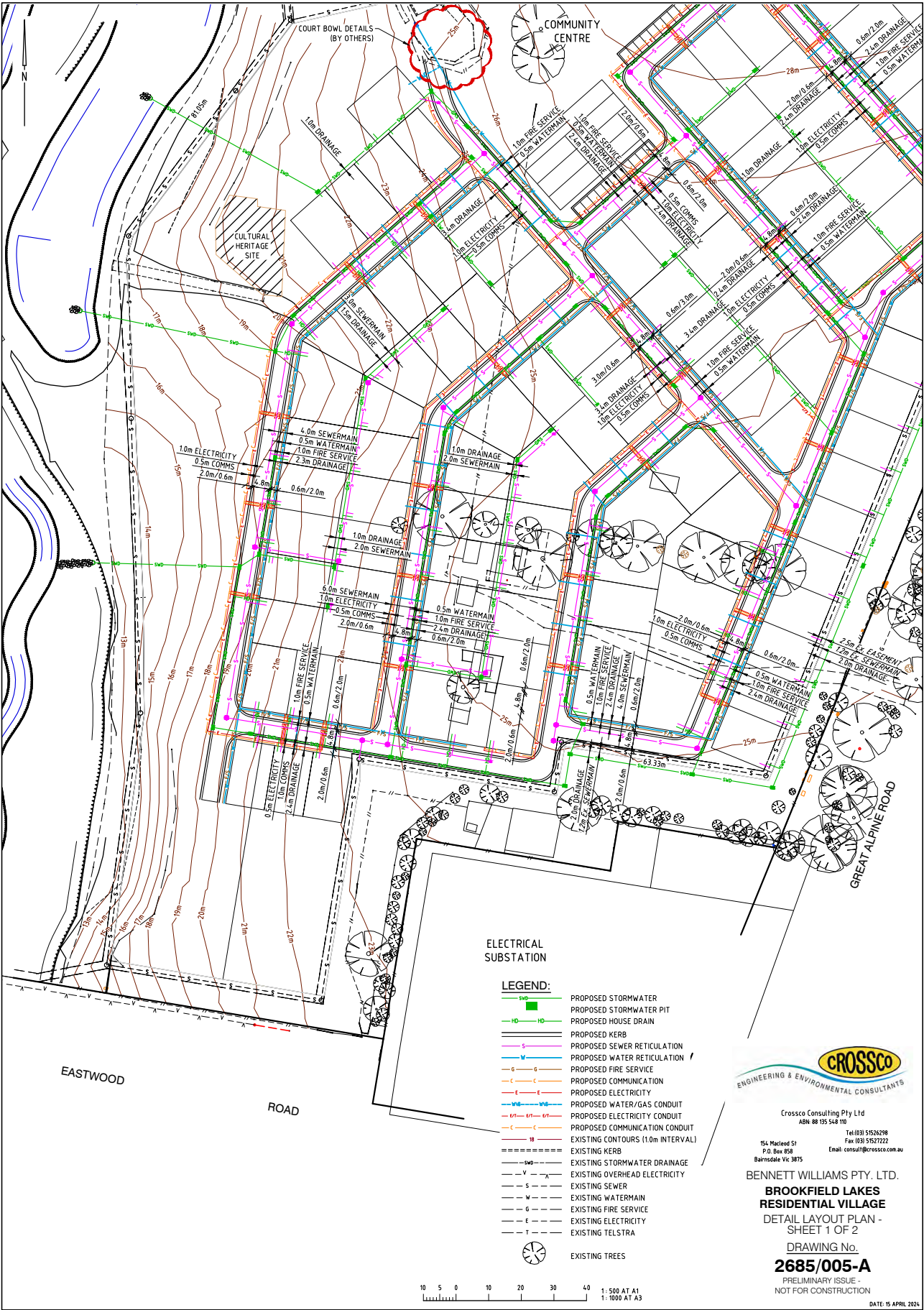


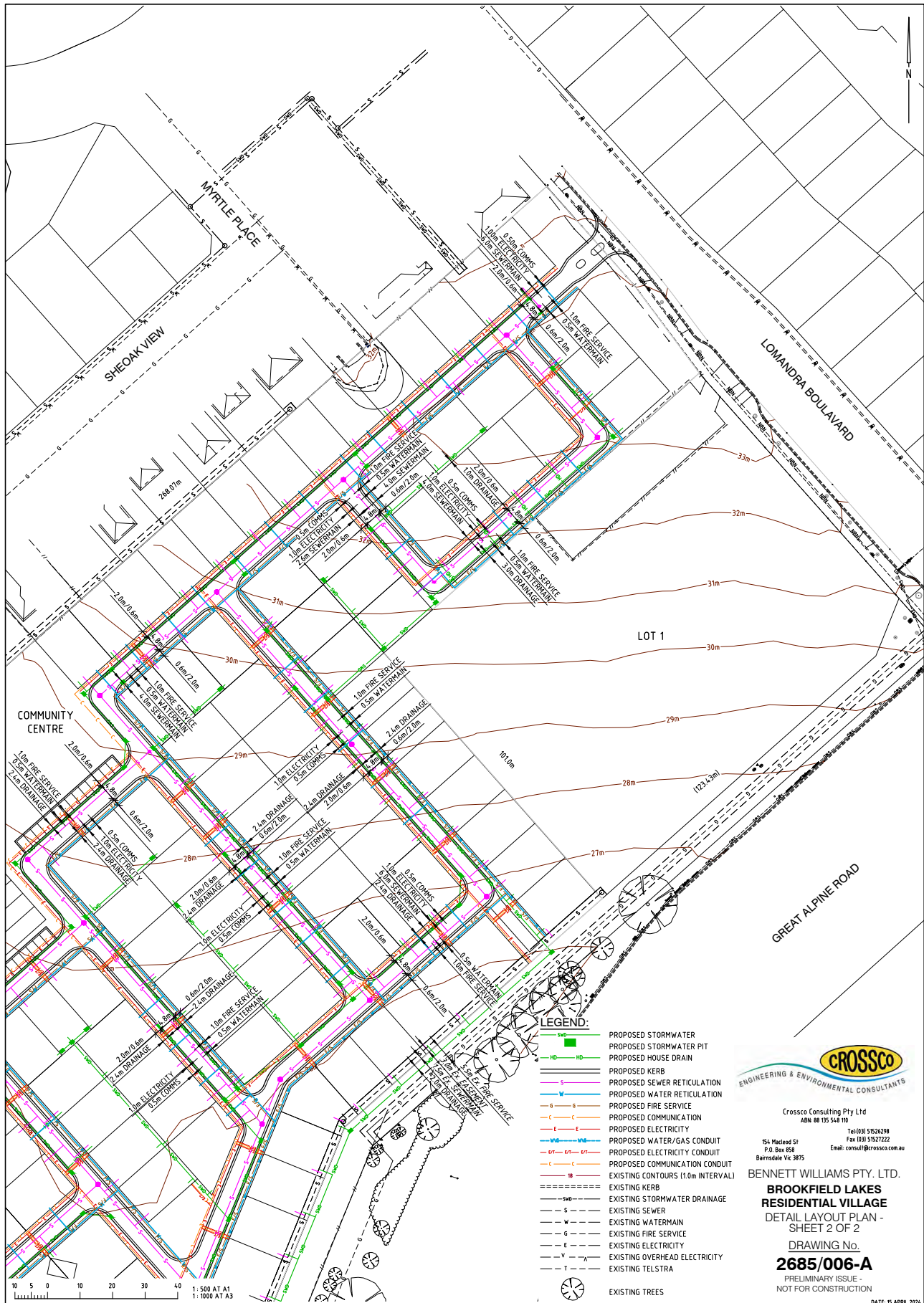
Attachment 2 – Crossco Drawing No 2685/004-006

15 April 2024

Version: Rev 2







LANDSCAPE SPECIFICATIONS:

- EXCAVATION**
ALL BUILDERS RUBBLE AND WEEDS TO BE THOROUGHLY REMOVED PRIOR TO SOIL PREPARATION.
- SOIL PREPARATION**
SP SURFACED TO 200mm DEPTH AND INCORPORATE GYPDUM AT RATE OF 1.5KG PER SQUARE METRE. INCORPORATE 'HEAVY' ORGANIC COMPOST INTO SITE TOPSOIL AT RATE OF 50KG PER SQUARE METRE. ENSURE A DEPTH OF 200mm TOPSOIL TO GARDEN AND LAWN AREAS. PREVENT COMPACTION OF PREPARED SOIL.
- MULCH**
75mm THICK LAYER OF BARK MULCH TO BE APPLIED TO ALL GARDEN BEDS AFTER PLANTING. (NOTE: TUBESTOCK PLANTING TO BE INSTALLED AFTER MULCHING).
- FERTILISING**
APPLY 25G PER PLANT 'GROW SAFE' SPREADABLE MICROBIAL (OR SIMILAR APPROVED) TO PLANTING HOLE AT TIME OF PLANTING.
- PLANT MATERIAL**
TO BE VIGOROUS, WELL ESTABLISHED OF GOOD FORM AND NOT ROOT BOUND.
- PLANTING**
BEFORE PLANTING, THOROUGHLY WATER PLANTS AND PLANTING AREA. WATER AGAIN IMMEDIATELY AFTER PLANTING ENSURING WATER PENETRATES GROUND AROUND ROOT BALL.
ALL TREES LOCATED IN LAWN AREAS TO HAVE A 3m RADIUS 1.75m DEPTH BARK MULCH SUBCIRCLES. KEEPING TRUNK CLEAR OF MULCH. ALL HEDGECHECK PLANTINGS TO BE IN MULCHED GARDEN BEDS. STAKE TREES WITH 3 EACH 30mm x 30mm x 1800mm HARDWOOD STAKES AND TIE WITH 10mm FABRIC TIE ALLOWING TREE TO SWAY.
- EDGING**
100mm x 40mm STEEL GARDEN EDGING TO BE INSTALLED BETWEEN INTERFACE OF LAWN AND GARDEN BEDS (EXCLUDING REGISTRATION ZONES).
- DRAINAGE**
INSTALL SUB-SURFACE AGG DRAINAGE TO REAR AND FRONT YARDS OF RESIDENCES. COMMUNITY FACILITY AND BEHIND ALL RETAINING WALLS. ALL PAVED AREAS TO DRAIN TO PITS AND NOT GARDEN AREAS.
- IRRIGATION**
A FULLY AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED TO COMMUNITY FACILITY AND ENTRY GATE. LANDSCAPING CONSISTING OF DRIPPER IRRIGATION TO GARDEN BEDS AND POP-UPS SPRINKLERS TO LAWNS.

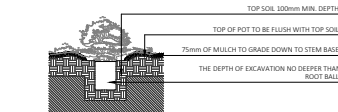
PLANT SCHEDULE

PLANT	QUANTITY	REMARKS	DATE	BY
BANKSIA MARGINATA	10	10 x 100mm x 100mm x 100mm	15/04/2024	LIZ FILMER
EUCALYPTUS CAMALDULENSIS	10	10 x 100mm x 100mm x 100mm	15/04/2024	LIZ FILMER
FRAXINUS PENNSYLVANICA 'URBELL'	10	10 x 100mm x 100mm x 100mm	15/04/2024	LIZ FILMER
EUCALYPTUS POLYANTHEMOS	10	10 x 100mm x 100mm x 100mm	15/04/2024	LIZ FILMER
BANKSIA SERRATA	10	10 x 100mm x 100mm x 100mm	15/04/2024	LIZ FILMER
ANGOPHERA COSTATA	10	10 x 100mm x 100mm x 100mm	15/04/2024	LIZ FILMER
CALLISTEMON SEBERI	10	10 x 100mm x 100mm x 100mm	15/04/2024	LIZ FILMER
TELKOA SERRATA 'GREEN VASE'	10	10 x 100mm x 100mm x 100mm	15/04/2024	LIZ FILMER
ALLOCAUARIINA LITTORALIS	10	10 x 100mm x 100mm x 100mm	15/04/2024	LIZ FILMER
CORREA ABLA 'COASTAL PINK'	10	10 x 100mm x 100mm x 100mm	15/04/2024	LIZ FILMER
ACACIA IMPLEXA	10	10 x 100mm x 100mm x 100mm	15/04/2024	LIZ FILMER
PITTOSPORIUM TOBIRA 'MISS MUFFET'	10	10 x 100mm x 100mm x 100mm	15/04/2024	LIZ FILMER
TULBAGHIA VIOLACEA	10	10 x 100mm x 100mm x 100mm	15/04/2024	LIZ FILMER
ACACIA IMPLEXA	10	10 x 100mm x 100mm x 100mm	15/04/2024	LIZ FILMER
ACACIA MELANOXYLON	10	10 x 100mm x 100mm x 100mm	15/04/2024	LIZ FILMER
BANKSIA INTEGRIFOLIA 'SENTINEL'	10	10 x 100mm x 100mm x 100mm	15/04/2024	LIZ FILMER
BANKSIA MARGINATA	10	10 x 100mm x 100mm x 100mm	15/04/2024	LIZ FILMER
ALLOCAUARIINA VERTICILLATA	10	10 x 100mm x 100mm x 100mm	15/04/2024	LIZ FILMER

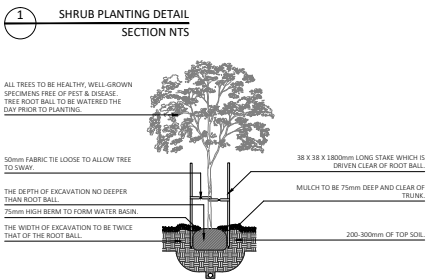
KEY TO SYMBOLS



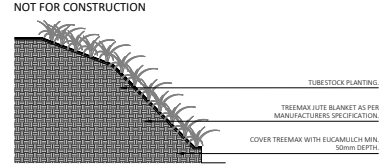
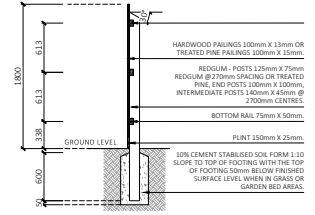
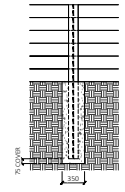
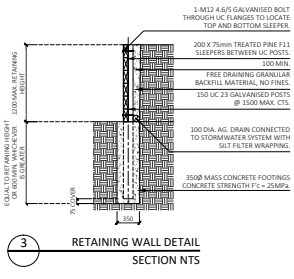
BANKSIA INTEGRIFOLIA 'SENTINEL' SCREENING HEDGE.
EXISTING TREES WITH MIXED PLANTING AND BENCH SEAT.
BENCH SEATING.
ALLOCAUARIINA LITTORALIS.
EUCALYPTUS CAMALDULENSIS.
MIXED PLANTING OF ACACIA IMPLEXA, ACACIA MELANOXYLON, BANKSIA INTEGRIFOLIA, BANKSIA MARGINATA, ALLOCAUARIINA VERTICILLATA, EUCALYPTUS POLYANTHEMOS SCREENING TREES.
3000mm WIDE PATH WITH BENCH SEATING AND PICNIC TABLE.



- NOTES:
- ERADICATE WEEDS BY SPRAYING WITH GLYPHOSATE OR REMOVING BY HAND.
 - LOOSELY BREAK UP SOIL WITH A FORK AND COMBINE WITH A 75mm DEPTH OF ORGANIC MATTER.
 - DIG A HOLE TWICE THE WIDTH AND ONE AND A HALF THE DEPTH OF THE POT SIZE.
 - FILL THE HOLE WITH WATER BEFORE PLANTING AND ALLOW TO DRAIN THOROUGHLY.
 - PLACE THE PLANT IN THE HOLE & BACKFILL WITH FRESH TOPSOIL.
 - SPREAD WITH A 50mm LAYER OF FINE COMPOSTED MULCH AND WATER DEEPLY AFTER PLANTING.
 - IF PLANTING IS TALLER THAN 1M, SUPPORT PLANT WITH 750mm LONG X 25 X 25 HARDWOOD STAKE TIED WITH JUTE WEBBING TIES.
 - GARDEN BEDS TO BE WELL DRAINED WITH GEO-FABRIC SOCKED AGRICULTURAL DRAINS WITH SCREENINGS SURROUNDING CONNECTED TO SALT PIT PRIOR TO STORMWATER SYSTEM.



- NOTES:
- GARDEN BEDS TO BE WELL DRAINED WITH DRAINAGE AS PER DRAINING. BEFORE PLANTING, THOROUGHLY WATER TREES TO BE TRANSPLANTED. AFTER PLANTING WATER IS TO BE CONCENTRATED WITH DIPPERS PLACED DIRECTLY ON TOP OF ROOT BALL AFTER PLANTING IT IS ESSENTIAL MOISTURE LEVELS OF ROOTBALL ARE REGULARLY CHECKED TO ENSURE ROOTBALL DOES NOT DRY OUT.



- NOTES:
- UNDULATING GROUND DISTURBED OR FORMED DURING CONSTRUCTION IS TO HAVE EROSION CONTROL MEASURES APPLIED. THIS MAY BE MEANS OF HYDROSEEDING WITH AUSTRALIAN NATIVE GRASS MIX OR NATIVE PLANTINGS AS SPECIFIED WITH JUTE MATTING AND MULCH.

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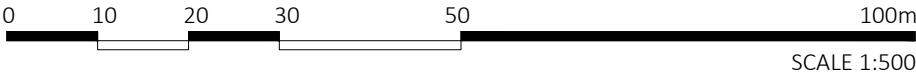
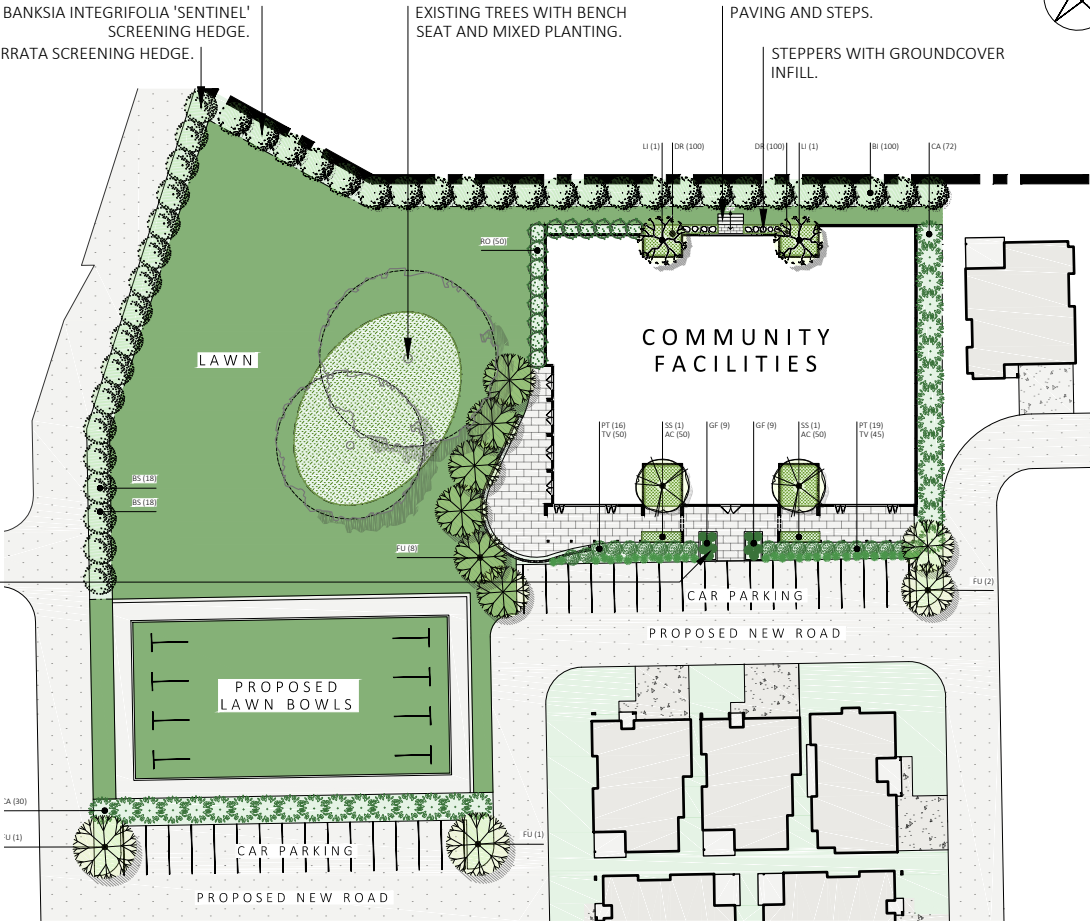
PLANT SCHEDULE

Code	Botanical Name	Common name	Qty.	Pot Size	H x W
TREES (COMMUNITY FACILITIES)					
U	Lagerstoeimia indica 'Tuscarora'	Crepe myrtle	2	45ltr	6mx3m
BI	Banksia integrifolia 'Sentinel'	Sentinel banksia	100	45ltr	2.5mx1m
BS	Banksia serrata	Old Man Banksia	18	45ltr	10mx5m
SS	Sapium sebiferum	Chinese tallow tree	2	45ltr	8mx8m
FP	Fraxinus pennsylvanica 'Urdbell'	Urbanite ash	12	45ltr	15mx8m
SHRUBS, GRASSES, GROUNDCOVERS & CLIMBERS					
DR	Dichondra repens	Kidney weed	200	tubestock	0.1mx1m
RO	Rosemary 'Jackmans Prostrate'	Prostrate rosemary	50	140mm	0.3mx1.5m
AC	Arthropodium cirratum	Renga lily	100	140mm	0.8mx0.8m
GF	Gardenia florida	Gardenia	18	200mm	1mx1m
CA	Correa abla 'Coastal Pink'	Coastal pink correa	102	140mm	1.5mx1.5m
PT	Pittosporum tobira 'Miss Muffet'	Dwarf pittosporum	35	200mm	1mx1m
TV	Tulbaghia violacea	Society garlic	95	140mm	0.5mx0.5m

KEY TO SYMBOLS

- EXISTING TREE
- LAGERSTOEMIA INDICA 'TUSCARORA'
- SAPIUM SEBIFERUM
- FRAXINUS PENNSYLVANICA 'URBDELL'
- BANKSIA INTEGRIFOLIA 'SENTINEL'
- BANKSIA SERRATA
- CORREA ABLA 'COASTAL PINK'
- PITTOSPORUM TOBIRA 'MISS MUFFET'
- ROSEMARY 'JACKMANS PROSTRATE'
- GARDENIA FLORIDA
- TULBAGHIA VIOLACEA
- DICHONDRA REPENS
- ARTHROPODIUM CIRRATUM

RAISED PLANTER BOX ON BOTH SIDES.



BROOKFIELD LAKES

SITE ADDRESS: Great Alpine Road

DWG TITLE:
COMMUNITY FACILITIES
LANDSCAPE CONCEPT PLAN

DWG NO.
2

REV.
-

SCALE: 1:500@A3
DATE: 10 April 2024

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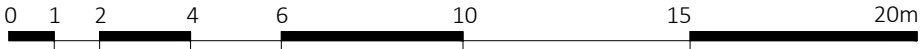
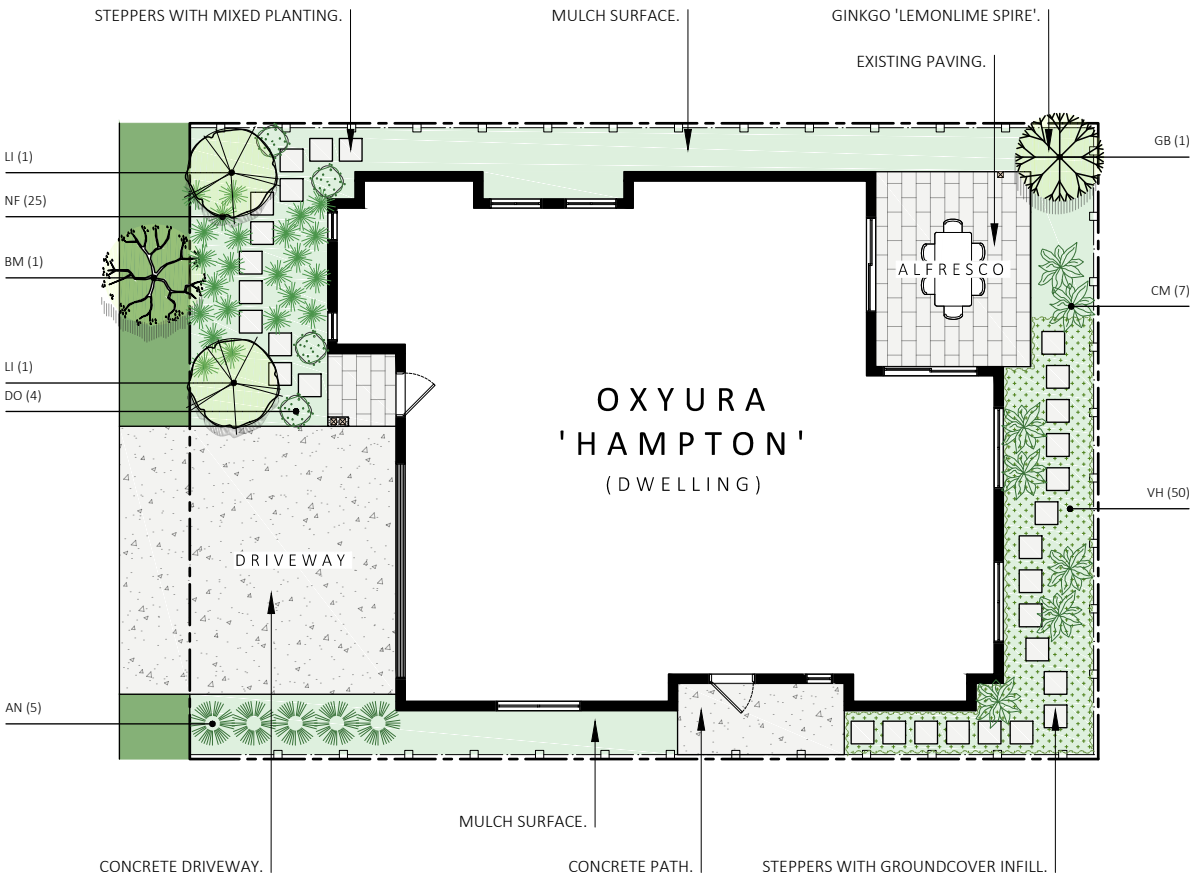


PLANT SCHEDULE

Code	Botanical Name	Common name	Qty.	Pot Size	H x W
TREES (SAMPLE OXYURA 'HAMPTON' DWELLING)					
LI	Lagerstoeimia indica 'Tuscarora'	Crepe myrtle	2	45ltr	6m x 3m
GB	Ginkgo 'Lemonlime spire'	Dwarf maidenhair tree	1	45ltr	5m x 3m
BM	Banksia marginata	Silver Banksia	1	45ltr	5m x 4m
SHRUBS, GRASSES, GROUNDCOVERS & CLIMBERS					
CM	Clivia miniata	Kaffir lily	7	200mm	0.7m x 0.7m
AN	Anigozanthos 'Gold Velvet'	Kangaroo paw	5	140mm	1.2m x 1.1m
DO	Daphne odora	Daphne	4	140mm	1m x 1.1m
NF	Nepeta faassinii	Catmint	25	140mm	0.4m x 0.6m
VH	Viola hederacea	Native violet	50	tubestock	0.1m x 1.1m

KEY TO SYMBOLS

- BANKSIA MARGINATA
- LAGERSTOEIMIA INDICA 'TUSCARORA'
- GINKGO 'LEMONLIME SPIRE'
- ANIGOZANTHOS 'GOLD VELVET'
- DAPHNE ODORA
- CLIVIA MINIATA
- NEPETA FAASSINII
- VIOLA HEDERACEA



SCALE 1:100

BROOKFIELD LAKES

SITE ADDRESS: Great Alpine Road

DWG TITLE:
DWELLING
LANDSCAPE CONCEPT PLAN

DWG NO.
3

REV.
-

SCALE: 1:100@A3
DATE: 10 April 2024

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Planning Report

Amendment to a Development Plan for the use and development the subject land for a "residential village"

19 Lomandra Boulevard, Lucknow

Amended July 2023

po box 7076
geelong west
vic 3218
info@theplanningprofessionals.com.au

Office 1
396 Latrobe Terrace
Newtown VIC 3220





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Introduction and Background

This is an application to amend a Development Plan as it affects the subject land, being 19 Lomandra Boulevard, Lucknow for a "residential village".

A Development Plan has been prepared and endorsed for the subject land, including adjoining and adjacent land within the "Brookfield Lakes" Development Plan area for typical suburban residential purposes. The adjacent land is currently under development generally in accordance with the endorsed Development Plan.

This amendment applies to the subject land only and is the precursor to a detailed planning permit application to follow. We make this application on the basis of Clause 43.04 of the East Gippsland Planning Scheme, where:

"A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority...a permit granted must be generally in accordance with the development plan."

A residential village is not considered to be generally in accordance with the existing development plan.

The proposal is for the use and development of the subject land for a "residential village" which is defined by the Scheme as:

"Land, in one ownership, containing a number of dwellings, used to provide permanent accommodation and which includes communal, recreation, or medical facilities for residents of the village."

"Residential Villages" are often referred to "lifestyle communities" or "residential land lease communities". For the purposes of this report we will refer to the land use by its definition within the Scheme - a "residential village".

Why is the application made?

The market has seen a dramatic increase in demand for these types of housing outcomes in recent history, particularly in regional areas. This is due to a multitude of factors, which are explored in detail in the following report, but in crude summary have been highly influenced by:

- an ageing population,
- the social aspiration for support and a community,
- the desire to downsize from a typical suburban sized dwelling and land areas to smaller, lower maintenance housing options, and
- the social aspiration to 'age in place'

This is particularly the case for Bairnsdale where there is a high share of an ageing demographic and limited housing options within the municipality of any variation that would serve to transition people into semi-retirement and beyond. There are few available sites within the township



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boundaries that have the capacity to accommodate a housing outcome such as the proposed and this application represents a rare opportunity.

What is a residential village?

Residential villages are owned and managed by a single entity and each house site is leased on a long term agreements to the occupants of the village. The villages are often occupied by an ageing population seeking to downsize their dwelling type and a lower maintenance ,community oriented living arrangement. We would make the distinction that a residential village is seperate and distinct from a retirement village as defined by the Planning Scheme. Whilst it is expected that a large majority of occupants may be retired, the village would not make that distinction.

The village would include a community centre building and village green. The centre may include facilities such as meeting rooms for clubs and social gatherings, a cafe, and a gymnasium. It is intended to be the gathering place and the centre for social gatherings within the village.

Sites within the village would be more compact than the dimensions of a typical residential subdivision. Housing may be provided with a certain design theme or a series of housing "types". This is to achieve a high standard of housing within the village and establish a uniform character throughout.

This amendment includes an amended access and servicing strategy and stormwater management review undertaken by Crossco Consulting. The remainder of the servicing of the land would be generally in accordance with the Development Plan endorsed and accompanying technical reports.

The following consist of the application documents:

- Planing Report (The Planning Professionals)
- Site Analysis Plan (The Planning Professionals)
- Landscape Masterplan (Filmer Landscaping)
- Community Centre Landscape Concept (Filmer Landscaping)
- Dwelling site landscape concept (Filmer Landscaping)
- Bairnsdale Residential Land Lease Community Market Assessment (One Fell Swoop)
- Access and Servicing Strategy (Crossco Consulting)
- Stormwater Management memorandum (Crossco)

Background Technical Reports

- Brookfield Lakes Erosion Management Report (Water Technology 2012)
- Brookfield Lakes stormwater, waste water and Erosion Management Plan (Water Technology 2008)
- Brookfield Lakes Functional Design Report (Water Technology 2011)
- Brookfield Lakes Wetland Management Plan (Water Technology 2012)

The accompanying plans and attachments describe the proposal in greater detail.



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- 1. The locality and site analysis
 - 1.1. The subject land is known as 19 Lomandra Boulevard, Lucknow and is generally described by the accompanying plans and generally below:



Figure 1. Subject land identified in read (google maps 2020)

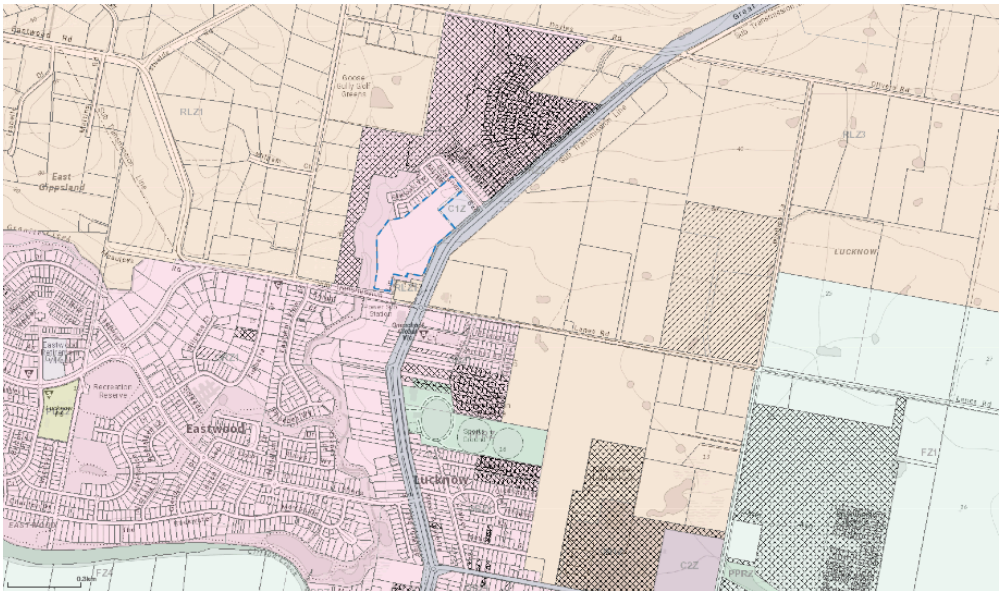


Figure 2. Subject land within its surrounding context (VicPlan)



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- 1.2. The subject land consists of a single parcel of land located at the north western intersection of the Great Alpine and Eastwood Roads.
- 1.3. The subject land is located within the south eastern corner of what is known as the Brookfield Lakes Development Plan area. The subject land is bounded on the west by Goose Gully Creek to Sheoak View, where the subject land adjoins 11 parcels of residential suburban land. The land is bounded to the north by Lomandra Boulevard and wraps around the commercially zoned land with a frontage to both Lomandra Boulevard and the Great Alpine Road. A reservation buffers the subject land between the Great Alpine Road and the electrical substation on the north western corner of Eastwood Road and Great Alpine Road.
- 1.4. The subject land contains an old single dwelling and a number of outbuildings.
- 1.5. The topography of the land slopes from the northern boundary from a contour of 33 metres falling to the southern boundary and Goose Gully Creek to the west to a contour of approximately 16 metres. A consistent gentle slope covers the vast majority of the land to the north, east and south with steeper grades experienced on the western boundary with an interface to Goose Gully Creek.
- 1.6. The land contains a sewerage easement on the eastern and southern boundaries .
- 1.7. Neighbouring land to the west and north has commenced development for a typical suburban suburban greenfield subdivision.
- 1.8. Development has commenced for the subdivision and in some circumstances has been completed with a number of dwellings on Lomandra Boulevard and Sheoak Way.
- 1.9. Drainage and wetland systems on Goose Gully Creek have commenced, and have been completed in some areas. The previously endorsed Development Plan had nominated this as the principle drainage and water treatment system for the Brookfield Lakes precinct.
- 1.10. The activity centre and main commercial core of Bairnsdale is located some 2.4 kilometres south of the subject land.
- 1.11. The Bairnsdale train station is located some 2.8 kilometres south of the subject land.
- 1.12. A CHMP has been completed and endorsed for the subject land (AAV 10290). An aboriginal heritage site was found during excavations and has since been registered (8422-0502 as identified by the CHMP). Recommendations of the CHMP for the site include:
 - *No significant ground disturbance to occur within the site*
 - *temporary fencing to enclose the site for the duration of any development*
 - *any revegetation of the site must be undertaken under supervision of the Registered Aboriginal Party.*



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- *Ongoing weed management*

1.13. The Development Plan has considered these recommendations and avoided any potential conflict with the site of Significance.

1.14. The subject land is formally described as:
Lot 2 on Plan of Subdivision 643132V
Bvd, Lucknow

19 Lomandra



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2. Zones & Overlays

2.1. The subject land is affected by the following zones and overlays:

- General Residential Zone
 - Schedule 1 to the GRZ
- Commercial 1 Zone
 - Schedule to the C1Z
- Transport Zone 2
- Development Plan Overlay
 - Schedule 3 to the DPO
- Erosion Management Overlay
 - Schedule to the EMO

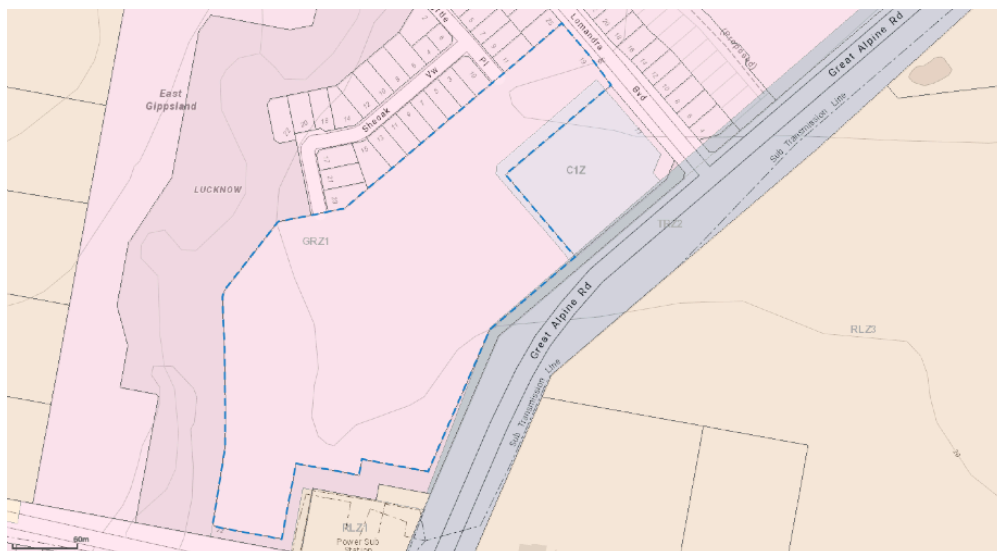


Figure 3. Vicplan mapping

2.2. The vast majority of land is located within the General Residential Zone. There appears to be some anomalous mapping errors that identify small and marginal strips of land within the Transport Zone 2 and the Commercial 1 Zone on its eastern and northern boundaries. Neither zoning anomalies creates any opportunity for prohibited land uses under the proposal.



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3. The Development Plan and the Proposed Amendment

Operation of the Development Plan Overlay and this application

- 3.1. The accompanying plans describe the proposed amendment in more detail and provides a clear framework for the proposed development of the land and future planning permit applications.
- 3.2. It is our understanding that the entire Brookfield Lakes Development Plan area had a Development Plan prepared and endorsed for a "retirement village" (Miller Merrigan, August 2021). Subsequently, prior to the permit applicant acquiring the land, an Amendment to the Development Plan was lodged and endorsed which nominated the subject land for a traditional residential subdivision.
- 3.3. The Development Plan overlay states: *"A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority."* Subsequently any planning permit granted must be generally in accordance with the development plan. The proposed residential village is not considered to be *"generally in accordance with"* a traditional suburban subdivision and this is the reason for this application.
- 3.4. This amendment applies only to the subject land being 19 Lomandra Boulevard, Lucknow. The application has no bearing on the existing Development Plan, which would remain in place with this residential village option substituting the previously endorsed plan as it relates to the subject land only.

Residential Village - The Model

- 3.5. The proposal is for the use and development of the subject land for a "residential village" which is defined by the Scheme as:
"Land, in one ownership, containing a number of dwellings, used to provide permanent accommodation and which includes communal, recreation, or medical facilities for residents of the village."
- 3.6. The village would include a community centre building and village green. The centre may include facilities such as meeting rooms for clubs and social gatherings, a cafe, and a gymnasium. It is intended to be the gathering place and the centre for social and community purposes within the village.
- 3.7. "Residential Villages" are often referred to "lifestyle communities" or "residential land lease communities".
- 3.8. Residential villages are owned and managed by a single entity and each housing site is leased on a long term agreements to the occupants of the village under the Residential Tenancies Act 1997.



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- 3.9. The villages are often occupied by an ageing population seeking to downsize their dwelling type to a lower maintenance community oriented living arrangement.
- 3.10. Due to the target market demographic of the villages, dwellings within a residential village are typically smaller one and two bedroom dwellings within minimal secluded private open space to reduce site maintenance and upkeep.
- 3.11. There would be no on site primary healthcare or critical care offered within the village as would typically be offered in a "retirement village".
- 3.12. Due to distinct management and market opportunities for the owners and occupants of the village, residential villages are often, upon completion of development, registered with the Council as a Caravan Park. This is for a multitude of reasons but primarily that the village can be occupied with Unregistrable Moveable Dwellings (UMD's) and that occupants are afforded benefits from occupation within the village.
- 3.13. It's important to note that despite being a registered caravan park, the land would not operate as a typical tourist park, nor would it allow any camping on the subject land. All sites would have a constructed UMD on them in a consistent design theme.
- 3.14. The dwellings would typically be purchased simultaneously with entering into tenancy agreements within the village by the occupants. The dwelling would be owned by the occupant with the land leased on a tenancy agreement under Part 4A of the Residential Tenancies Act 1997.
- 3.15. This is the way in which Residential Villages operate throughout the industry by large operators such as Stockland, Lifestyle Communities and Ingenia. Registration as a caravan park does not alter its definition under the East Gippsland Planning Scheme.
- 3.16. UMDs are often constructed in-situ on site and to a very high quality commensurate with the quality one would expect from a newly constructed dwelling. Whilst moveable, a UMD often only leaves the site at the end of its useful lifespan.
- 3.17. Providing a high quality housing outcome is critical to the proposal. For reference some examples of UMDs within a residential village context have been provided below.
- 3.18. As is evidenced there is a consistent built form theme and construction standard both of which would be developer led in order to achieve a consistent outcome and quality within the village.



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Figure 4. Typical Residential Village streetscape



Figure 5. Typical Residential Village streetscape



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Figure 6. Residential Village on dual road fronted sites

- 3.19. The benefits of being being a registered caravan park extend financially to the residents. Many residents typically qualify for rental assistance from Centrelink that, depending on the circumstance, is not means tested. This further contributes to the affordability of residential villages as occupants enter different stages of their life after full time work.
- 3.20. The village would have its own set of operational rules which would seek to control and mitigate the potential for adverse amenity such as noise, pets, the keeping of caravans and vehicles, and parking.



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4. Planning policy and land use
- 4.1. This section discusses the relevant planning policy and strategic planning context in detail and offers a response to the relevant planning provisions.

CLAUSE 11 - SETTLEMENT - PPF
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 ... Bairnsdale...
- Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.

CLAUSE 11.01-1R - SETTLEMENT - GIPPSLAND
Strategies

- Support urban growth in Latrobe City as Gippsland's regional city, at Bairnsdale...as regional centres, and in sub-regional networks of towns.
- Provide regional social infrastructure in the regional city and regional centres.

Source: Department of Transport, Planning and Local Infrastructure

- 4.2. **Response**
- State and Regional policy is broad in its application but offers strong strategic support for the development of suitably zoned and strategically identified urban land for residential purposes. The proximity of the subject land to what will be a future activity centre supports the notion of more intensive residential development at higher densities than typical greenfield suburban subdivisions.



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The regional settlement strategy has identified Bairnsdale as a Regional Centre where growth should be supported and the Responsible Authority should *"proactively encourage and facilitate opportunities for major-scale development in areas identified for 'significant growth'"* (Gippsland Regional Growth Plan 2014)



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CLAUSE 12 - ENVIRONMENTAL AND LANDSCAPE VALUES - PPF
Clause 12.03-1S River Corridors, waterways, lakes and wetlands
Objective
To protect and enhance river corridors, waterways, lakes and wetlands
Strategies
Ensure development does not compromise bank stability, increase erosion or impact on a water body or wetland's natural capacity to manage flood flow.

- 4.3. **Response:**
The existing approved Development Plan has considered the neighbouring creek corridor in detail (see background documents lodged with this application.) The wetland and water treatment system has been designed accordingly.
- An updated stormwater treatment and management memorandum has been lodged with this application and confirms the drainage and stormwater treatment associated with the Brookfield Lakes Development Plan area already under development is sufficient for the demands expected by the proposed development.



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CLAUSE 15 - BUILT ENVIRONMENT- PPF**Clause 15.01-1S Urban Design****Objective**

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Strategies

...Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.

Clause 15.01-5S Neighbourhood Character**Objective**

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

Strategies

Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.

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 respecting the:

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

4.4. Response:

Whilst not a level of detail that is required to be provided at the stage of a Development Plan, the quality of housing and the character of the community which the proponent is seeking to provide is important. A number of examples of comparable residential villages have been provided in the report above.

A subsequent permit application may include plans for the different housing types to be endorsed or may include a set of design guidelines in which all housing would need to comply.

**CLAUSE 16 - HOUSING - VPP'S****Clause 16.01-1S Housing Supply****Objective**

- To facilitate well-located, integrated and diverse housing that meets community needs.

Strategies

- Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and **other housing suitable for older people**, ...
- Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
- Identify opportunities for increased residential densities to help consolidate urban areas.
- Facilitate diverse housing that offers choice and **meets changing household needs** by widening housing diversity through a mix of housing types.
- Encourage the development of well-designed housing that:
 - Provides a high level of internal and external amenity.
 - Incorporates universal design and adaptable internal dwelling design.
- Support opportunities for a range of income groups to choose housing in well-serviced locations.
- Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres....

Clause 16.01-2S Housing Affordability**Objective**

To deliver more affordable housing closer to jobs, transport and services.

Strategies

Improve housing affordability by:

- Ensuring land supply continues to be sufficient to meet demand.
- **Increasing choice in housing type, tenure and cost** to meet the needs of households as they move through life cycle changes and to support diverse communities.
- Promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community.
- Encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes.

4.5.

Response:

State policy is clear in its intended outcome which is entirely consistent with the proposal.

The proposed village would contribute to an offering of housing and social facilities that are "suitable for older people".

The market need and economic assessment is addressed in greater detail in this report to follow but in short, the proposal offers a choice of product that would provide variety in the market to a growing demographic that "meets the changing household needs".

The proposal responds positively to the objectives and strategies outlined above.



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CLAUSE 21 - MUNICIPAL STRATEGIC STATEMENT**Clause 21.02 Municipal Overview**

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

Clause 21.03-1 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 1.3

Ensure a range of lot sizes and dwelling types to provide diversity and choice in new residential areas.

Objective 3 - Bairnsdale

To provide for a fifteen year land supply to accommodate the future population growth within Bairnsdale.

Strategy 3.4

Support the future orderly and sequential development of designated urban growth for Bairnsdale within significant growth areas as identified in the Bairnsdale Growth Strategy, November (2009) and at Plan 3 Revitalisation and Growth Strategy.

4.6.

Response:

Brookfield Lakes was identified in the Bairnsdale Growth Strategy as a future growth site. The Brookfield Lakes Development Plan and this amendment are a part of the realisation of that strategy. Local policy, above, calls upon the Responsible Authority to "ensure a range of lot sizes, dwelling types and provide diversity and choice in new residential areas". The proposal responds directly and positively to that policy and would achieve precisely that in comparison to the surrounding residential land. A residential village is a new housing option directed at a growing demographic within the municipality.

The proposal provides an opportunity to provide an alternative form of housing to an ageing population that is not currently supplied in the developments surrounding the subject land, allowing that population to age in place and continue to live in their local community. Merely providing more greenfield residential subdivisions in the same form and function as they have traditionally been supplied is at odds with the above strategic statements.



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CLAUSE 21 - MUNICIPAL STRATEGIC STATEMENT

Clause 21.07-1 Built Environment and Heritage

East Gippsland is renowned for its natural beauty. We will link this to the built environment through encouraging high standards of design across the Shire, ensuring that developments are in keeping with the character of the natural landscape and supports the social and economic wellbeing of our many towns...

Clause 21.07 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.

4.7. **Response:**

The proposed village would provide a consistent built theme and environment that can and would be controlled at developer level and via permit conditions if deemed necessary.

A subsequent permit application would address the specific design solutions in detail if necessary. A Development Plan is not intended to address design detail.



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CLAUSE 21 - MUNICIPAL STRATEGIC STATEMENT**Clause 21.08 Housing**

Over 43,000 people live in East Gippsland and the population is growing as inward migration increases. We need to cater for the housing needs and preferences of all members of our community – young and old. To achieve this we will promote quality housing which is diverse, accessible, and affordable. We will also expand flexible housing and support accommodation for those who may be more vulnerable, such as our seniors and young people...

Clause 21.07 Residential Development**Objective 1**

To cater for the housing needs and preferences of all segments of the community.

Strategy 1.1

Encourage the supply of elderly persons' housing in the main centres and facilitate development of community housing...

Strategy 1.3

Encourage the building and construction sector to provide a range of housing types and styles including higher density dwellings in town centres, to provide choice for consumers.

Strategy 1.4

Encourage development of East Gippsland as a retirement destination.

Strategy 1.7

Facilitate urban development for Bairnsdale within the existing town boundary identified in the Bairnsdale Growth Strategy, November (2009) and on Plan 3 Revitalisation and Growth Strategy.

Objective 2

To ensure social considerations are taken into account when considering applications for residential development.

4.8. Response:

Accompanying this submission is a market assessment of the residential land lease ????? communities with specific reference to the local economy and market. In short the market assessment demonstrates that:

- The Bairnsdale catchment supports a higher than average population of the 65+ cohort
- The 65+ cohort is projected to grow by 23.1% in the next ten years
- The catchment has a lower than average "need for assisted living" in the 65+ cohort
- There is limited supply of comparable living arrangements in the catchment
- Median house price has increased to \$550,000 in the catchment supporting the notion of alternative affordable housing is low in low and high in demand
- The market gap within the catchment based on both high and low scenarios is expected to show a significant undersupply of retirement living accommodation continuing for at least the next decade

Market conditions reflect the policy imperatives outlined above. There is a demonstrable need for a greater supply of smaller and different housing options within the municipality and Bairnsdale in particular. The policy above calls for "support", "encouragement" and "facilitation" of the housing outcomes anticipated. Such positive language requires more than simple, passive assessment, it requires the Responsible Authority to adopt a role that actively seeks to implement opportunities that meet the stated criteria, opportunities.



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CLAUSE 21 - MUNICIPAL STRATEGIC STATEMENT**Clause 21.09 Economic Development**

The Council will continue to play an important role in developing the region's economy. We will encourage businesses to invest in niche commercial markets and will encourage industry to locate (or relocate) to strategic locations close to major towns. We will encourage our traditional industries to remain competitive and to source new markets thereby expanding the number and range of jobs on offer...

Clause 21.09 Commercial**Objective 1**

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

Strategy 1.1

Encourage development of recreational and personal services, 'lifestyle' industries and other niche market opportunities targeting active retirees.

4.9. Response:

There will be demonstrable direct and indirect economic benefits realised as a result of the proposal, during the development phase of the village and ongoing after the village commences operation. Obviously during development phase there will be opportunities for local trades, services industries and construction to provide services.

Perhaps more importantly, there will be an ongoing economic impact and benefit as the village is occupied. In the absence of an alternative and realistic housing option that facilitates the growing ageing population to 'age in place', net spend is otherwise captured by municipalities that are providing these housing options. The proposal allows a population that would otherwise be lost, to continue to spend and service the local economy. Such expenditure would, obviously include the weekly groceries and fuel as well as ancillary services such as medical health care services.

The provision of up to 151 sites will provide additional support for these service industries and an opportunity for a greater and more localised market base. It is not an uncommon practice for service industries to undertake in home visits on a specified weekly basis to a number of patients within the one residential community. This outcome is not unanticipated by the MSS above and calls upon "encouragement of recreational and personal services, 'lifestyle' industries and other niche market opportunities targeting active retirees."

The proposal is well supported by the above objectives and strategies.



CLAUSE 32.08 - GENERAL RESIDENTIAL ZONE - VPP'S

Purpose

*...To encourage development that respects the neighbourhood character of the area.
To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations*

**Clause 32.07-2 Table of uses
Section 2 use - Permit required**

Use	Condition
Accommodation	

4.10. **Response:**
The proposal is entirely consistent with the purpose of the zone.

The proposal provides a diversity of housing types and outcomes that would service the largest and highest growing demographic within the municipality. 53% of the population are aged 50 and over and of those cohorts, the two fastest growing demographics are the "Seniors" aged 70-84 and the "empty nesters" aged 60-69. This is precisely the target market for the proposal (id Community, 2022)

In the local context, the proposal is providing for a different housing outcome than is provided elsewhere within the township and offers convenient access to services, transport and the emerging Brookfield Lakes town centre.

The provisions of the zone would be addressed in greater detail in the subsequent planning permit application.



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CLAUSE 43.04 - DEVELOPMENT PLAN OVERLAY - VPP'S**Purpose**

To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

**SCHEDULE 3 TO CLAUSE 43.04 - DEVELOPMENT PLAN OVERLAY
BROOKFIELD LAKES DEVELOPMENT PLAN AREA****4.0 Requirements for developments plan**

There must be only one Development Plan for the whole of the land to which this Schedule applies. The Development Plan must not exclude any parts of the property or separate parcels of land. Unless otherwise directed by the responsible authority the Development Plan must contain:

Development Principles

- *Measures to implement the following development principles:*
 - *A subdivision layout which responds to the features of the land as identified in the Site Analysis Plan.*
 - *A subdivision layout which is sympathetic to remnant native vegetation, particularly mature indigenous trees and vegetation, within the abutting road reserves.*
 - *A network of open space across the site.*
 - *Usable and attractive open space nodes along Goose Gully reserve.*
 - *That new development incorporates water sensitive urban design principles for appropriate drainage solutions.*
 - *That indigenous plant species should be used for landscaping of public open space reserves and for revegetation in accordance with the Department of Environment, Land, Water and Planning's Revegetation Planting Standards.*
 - *That the subdivision layout is designed to facilitate the provision of efficient and effective pedestrian, bicycle and vehicle movements, and to ensure connectivity with the existing public transport network.*
 - *The subdivision provides appropriate linkages and interfaces with adjoining land.*
 - *Development of land in a manner that protects areas prone to erosion, landslip or other land degradation process.*
 - *No direct access for individual lots being provided to the Great Alpine Road.*

4.11. Response:

The proposal is for the use of the land for a "Residential Village". The majority of the above has been provided for in the existing development plan as endorsed by the Responsible Authority. The proposal does not make any changes to the way in which stormwater is to be treated.. The proposed amendment makes no alteration to the public open space network within the Brookfield Lakes DP area.

The proposal meets the above requirements.



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SCHEDULE 5 TO CLAUSE 43.04 - DEVELOPMENT PLAN OVERLAY
Residential Growth Areas

4.0 Requirements for developments plan
Cultural Heritage Management Plan

- Details of any required Cultural Heritage Management Plan required under the Aboriginal Heritage Act 2006.

Site Analysis Plan

- A Site Analysis Plan which shows the topography of the land, areas prone to erosion or inundation, the location of any existing:
 - Vegetation.
 - Drainage lines.
 - Access points.
 - Water bodies.
 - Buildings.
 - Easements.
 - Sites of conservation, heritage or archaeological significance and other significant features.

4.12. **Response:**

A Cultural Heritage Management Plan has been prepared for the entire Brookfield Lakes Development Plan area including the subject land for a "retirement village". The intent of the proposed land use is consistent with the CHMP and that the recommendations of the approved CHMP can and would be fulfilled under the proposal.

A site analysis plan has been prepared for this particular site and is attached to this submission in accordance with the requirement above.



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SCHEDULE 5 TO CLAUSE 43.04 - DEVELOPMENT PLAN OVERLAY
Residential Growth Areas

4.0 Requirements for developments plan

Erosion Management Plan

- An Erosion Management Plan prepared by a suitably qualified person that:

- Details the extent of all earthworks.
- Details the means to stabilise disturbed areas.
- Identifies the means by which soils prone to erosion will be managed.
- Includes appropriate measures for erosion mitigation.
- Identifies any impacts of the proposed residential development.
- Identifies the means by which soils prone to erosion will be managed. A geotechnical report, by a suitably qualified person, must be submitted including appropriation measures for erosion mitigation and impacts on proposed residential development.

Public Open Space Plan

- A Public Open Space Plan which:
- Provides an open space linear linkage along Goose Gully that connects the site to existing urban areas.
- Concentrates usable and attractive open space nodes along the Goose Gully linear linkage.
- Includes details of the function and maintenance of any wetland system, including for drainage purposes.
- Includes a Landscape Concept Plan showing proposed landscaping for all public areas forming part of the Development Plan area. Plant species indigenous to the site should be used for landscaping of public open space reserves. Plant species indigenous to the site must be used for revegetation, in accordance with the Department of Environment, Land, Water and Planning's Revegetation Planting Standards.
- Incorporates water sensitive urban design principles including recycling infrastructure and use of treated water.
- Provides a landscaped vegetation/tree reserve along the Great Alpine Road, and Doyles and Eastwood Roads.

4.13. **Response:**

The previously endorsed Development Plan included an Erosion Management Plan and Strategy that is attached to this amendment. The design solution has considered erosion management holistically in siting and layout. A subsequent planning permit application will be required to include a geotechnical risk assessment which will include recommendations that will inform functional measures to mitigate any associated risk.

The proposed concept sets aside considerable public open space to connect the land through to the Linear Goose Gully Creek open space network. The internal footpath network has also been integrated with both the adjoining subdivision allowing connectivity with the linear park network and within the neighbouring subdivision.

A landscaped reserve has already been implemented and vested to the council.



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SCHEDULE 5 TO CLAUSE 43.04 - DEVELOPMENT PLAN OVERLAY
Residential Growth Areas

4.0 Requirements for developments plan

Stormwater Management Plan

- A Stormwater Management Plan including:
 - Construction and maintenance requirements for water bodies and wetlands.
 - Details of stormwater management measures.
 - Details of how the development will comply with best practice environmental management for urban stormwater.
 - Any other matters as required by the responsible authority and the relevant water authority.

Traffic Management Plan

- A Traffic Management Plan which:
 - Describes the internal road network including traffic volumes, pedestrian and cyclist pathways and internal road hierarchy.
 - Provides a vehicular and pedestrian connection to Eastwood Road.
 - Describes the provision of public transport services and facilities.
 - Identifies appropriate linkages to adjoining land.
 - Restricts direct vehicular access to the Great Alpine Road by means of a landscaped vegetation/tree reserve.

Infrastructure Plan

- A plan, or explanation, which identifies the physical infrastructure to be provided, detailing how it is to be funded and when it is to be provided.

4.14. **Response:**

All of the above has been addressed in detail by the current Development Plan.

Notwithstanding that, further work by Crossco has been undertaken and lodged with this application regarding access and servicing and stormwater management for the proposal at hand.



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5. Strategic Context

- 5.1. There are a number of relevant local strategic plans and strategies that speak to the proposal. The following outlines some relevant strategies that support the proposal.
- 5.2. East Gippsland Shire Council is currently preparing a housing strategy that is not yet publicly available. For that reason the strategy has not been reviewed or discussed in this submission.

BAIRNSDALE GROWTH STRATEGY, VOLUME 1 - 2009**6. Managing Growth****6.1 Overview**

This population is forecast to age at a rate greater than the Victorian average and as such will require diversity in housing types and a strengthened base of core health and community services to meet their ongoing needs. The housing profile of Bairnsdale will need to respond by providing opportunities to age in place of independent or assisted care living in central and non CBD based locations proximate to key services...

7.1 Promoting Housing Diversity

Housing diversity aims to respond as much to the needs of residents entering the housing market for the first time in growth areas, as to the needs of older residents re-thinking their living arrangements. At present, opportunities to downsize from the traditional family home into a unit or smaller house in town, near key services, are limited. This situation should be addressed through a specific project and policy statement prepared by Council to direct and facilitate development of housing and support services to enable the community to age in place.

It is important for older residents to be provided the opportunity to 'age in place' in order for them to maintain established social, recreation and medical networks, which help to improve overall quality of life. For many, the limited supply of smaller independent or assisted care housing types in town is forcing people to remain in houses that no longer suit their needs and are located a distance from town. As such, opportunities for increasing the offer of medium density housing and assisted care facilities is important as part of the overall housing mix.

- 5.3. It is abundantly clear that proposals such as this are anticipated by strategy to respond to the distinct market opportunities and demands. The proposal is market led and is certainly consistent with the housing and demographic themes identified in 2009 and which have continued to grow in the intervening period.



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- 5.4. The proposal represents a tangible opportunity for the Responsible Authority to respond to the strategic drivers and would be in achievement of the following objectives and strategies:

BAIRNSDALE GROWTH STRATEGY, VOLUME 1 - 2009

7. Promoting Housing Diversity

7.2 Objectives

- *Encourage a mix of housing types and lot sizes near the CBD to meet the needs of the changing population*
- *Encourage evolution of housing stock to meet the needs of a changing population.*

7.3 Strategies

- *Apply a DPO to land in the northern portion of the north-east growth area to include design, layout and density requirements to achieve overall housing diversity in this area.*
- *Re-visit existing development plans in north Bairnsdale to ensure that they reflect current planning policy in regard to housing diversity as required by Clause 56.*
- *Encourage the development of housing for retired people in various formats to suit lifestyle, financial and mobility needs. Retirement villages, or similar housing arrangements, should be located in accord with the following criteria:*
 - *Near community and health services.*
 - *Within walking distance of a local shop.*
 - *On, or within walking distance to, a bus route*

- 5.5. The subject land is situated at the interface of what will be a future neighbourhood level activity centre and contributes to the notion of a "retirement village, or similar housing arrangement" near community and health services and within a walkable catchment of future local shops and commercial services.
- 5.6. The proposal is well supported by and would serve to work towards, the achievement of a number of residential growth and housing diversity strategies for the Responsible Authority.



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6. Merits of the proposal

- 6.1. The proposed amendment to the Development Plan is extremely well supported by State and local planning policy.
- 6.2. The subject land is located within a walkable catchment of a future Activity Centre.
- 6.3. The proposal anticipates the development of smaller and more accessible housing types than is currently provided for within the Municipality.
- 6.4. There is a higher than Regional Victoria average of the 65+ year old cohort within the immediate catchment and that cohort is expected to grow by more than 23% in the next 10 years. There is an objective need for additional dwelling types to support this demographic.
- 6.5. The proposal *"ensures a range of lot sizes, dwelling types and provide diversity and choice in new residential areas"* consistent with local policy statements and imperatives.
- 6.6. The proposal provides opportunities to "age in place" within the municipality consistent with strategy.
- 6.7. The proposal would provide a direct, immediate, and ongoing economic benefit to the Municipality than otherwise would be the case if the subject land were to be developed for a traditional suburban subdivision.
- 6.8. Previous iterations of the Development Plan have considered the use of the land albeit for a "retirement village". The proposal is not a considerable departure from that expectation.
- 6.9. An appropriately detailed planning permit application, in due course, would ensure the proper management of the site and proposed activities.
- 6.10. The proposal is consistent with planning policy, and the relevant detailed provisions of the scheme, as far as can reasonably be applied to the proposal.
- 6.11. The proposal would not result in off-site amenity impacts or cause material detriment to any party.



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7. Conclusions

- 7.1. The proposal is consistent with planning policy, and responds well to relevant policies.
- 7.2. The proposal would not result in off-site amenity impacts or cause material detriment to any party.
- 7.3. For these reasons and the reasons contained in the body of this submission it is respectfully submitted that the amendment to development plan should be endorsed.



OUR REF: R:/2685/ Town Planning

15 April 2024

Mr T Layton
Planning & Property Partners
13/1 Collins Street
Melbourne Vic 3000

Via email: tlayton@pppartners.com.au

Dear Tristan

**Revised Layout Plan
Proposed Development – 19 Lomandra Drive, Lucknow**

Further to your email of 14/03/2024 and subsequent discussion with Craig Trembath (Bennett Williams) I have reviewed:

- Proposed site plan by Tomas O'Malley Architect 23035, Rev 1 30/11/2023 (Concept Plan Nov 2023).
- Brookfield Lakes Development Plan July 2011, endorsed by East Gippsland Shire 31/10/2011, East Gippsland Planning Scheme CI 43.04, Schedule 3 (Brookfield DP July 2011).
- Other documents advised by the RA as relevant:
 - Brookfield Lakes Waterway Management Plan, WaterTechnology, April 2012
 - Brookfield Lakes Erosion Management Report (Supplement to Stormwater Management Plan), WaterTechnology, August 2012
- previous reports as amended, prepared by Crossco based on a previous concept site layout:
 - "Town Planning Report - Access & Servicing Strategy", Crossco Consulting Pty Ltd, Rev 1 dated 15/11/2022.
 - "Memorandum – Brookfield Lakes Stormwater Management", Crossco Consulting Pty Ltd, Rev 1 dated 15/11/2022.

Crossco has been engaged to provide an opinion as to if the proposed Concept Plan Nov 2023 is consistent with the Brookfield DP July 2011.

For the reasons set out below it is my assessment that the proposed Concept Plan Nov 2023 is consistent with the relevant Development Principles set out in the Brookfield DP July 2011.

Crossco Consulting Pty Ltd
ABN: 88 135 548 110
154 Macleod Street (PO Box 858),
Bairnsdale Vic, 3875
Telephone: (03) 5152 6298
Email: consult@crossco.com.au
Web: www.crossco.com.au



I understand it is the Proponent's intention to seek Responsible Authority approval to:

- update the Brookfield DP July 2011 with the proposed Concept Plan Nov 2023, which clarifies the layout of the area identified on the Development Plan July 2011.
- use of the site identified in the proposed Concept Plan Nov 2023 for the purpose of "Lifestyle Village".

It is further my understanding that the proposed development will result in:

- the subject site remaining in one ownership (no subdivision is proposed), and
- the proponent seeking registration of the site as a "Caravan Park" under the *Residential Tenancies Act 1997*, and therefore ongoing operation of the site will be regulated by the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010*.

Following is a review of a number of key elements of DPO3 as they relate to the endorsed Brookfield DP July 2011 and Crossco's engagement, expertise and experience:

- Design Principles
- Site Analysis
- Subdivision Concept
- Erosion Management Plan

Development Principles

Schedule 3 to Clause 43.04 of the East Gippsland Planning Scheme sets out thirteen (13) "Development Principles" that any "proposed development plan must contain".

Attachment 1 tabulates each of the "Development Principles" and:

1. Duplicates the Brookfield DP July 2011 responses.
2. Addresses how each of the "Development Principles" relevant to Crossco's engagement is addressed by the proposed Concept Site Layout Nov 2023.

The proposed Concept Site Layout Nov 2023 can be designed, constructed and operated in accordance with the Design Principles of DPO3.

Responses to each Design Principle are included at Attachment 1.

Development Status

The development as approved (*Brookfield DP July 2011*) has commenced with infrastructure and a number of dwellings constructed.

Figure 1 shows the endorsed development plan¹ (*Brookfield DP July 2011*) overlayed with an aerial photograph taken 08/01/2023 and shows road construction, dwellings and Goose Gully wetland constructed. The aerial photograph is included at Attachment 1. Figure 1 indicates that the development has progressed in a manner consistent with the endorsed *Brookfield DP July 2011*.



Figure 1: Indicative DP / Aerial² Overlay

¹ Ref: *Brookfield DP July 2011* at page 179 of 252

² Source Nearthmaps 08/01/2023



Development Plan

The proposed Concept Plan Nov 2023 is particular to the area of the site to the south-east of the Brookfield DP July 2011 area identified for “Retirement Village (8.2 ha)” and “Local Activity Centre (1.3 ha)”.

Figure 2 indicates that the location and general arrangement of the proposed Concept Plan Nov 2023 (proposed “Lifestyle Village”) is consistent with the 8.2 ha area labelled in the Brookfield DP July 2011 as “Retirement Village (8.2 ha)”.



Figure 2: Indicative Brookfield DP³ / Concept Site Layout Nov 2023 Overlay

The above overlaid drawings are included separately at Attachment 2.

³ Ref: *Brookfield DP July 2011* at page 179 of 252

Subdivision Concept Plan

The endorsed *Brookfield DP July 2011* includes a *Subdivision Concept Plan* which indicates area of the Brookfield Lakes development to be subdivided. The area (red) labelled as “Retirement Village” is shown as being retained in one ownership (no subdivision), which is consistent with the proposed *Concept Layout Plan Nov 2023*. I note that the proposed *Concept Layout Plan Nov 2023* shows “sites” on the plan, which is consistent with no formal subdivision being proposed.

Figure 3 indicates that the proposed *Concept Plan Nov 2023* is consistent with *Subdivision Concept Plan* included in the *Brookfield DP July 2011*.



Figure 3: Indicative Subdivision Concept Plan⁴ / Concept Site Layout November 2024 Overlay

The above overlaid drawings are included separately at Attachment 3.

⁴ Ref: *Brookfield DP July 2011* at page 152 of 252

Site Analysis

Figure 3 indicates that the proposed *Concept Plan Nov 2023* is consistent with the *Site Analysis Plan July 2011* included in the *Brookfield DP July 2011*. There is a drainage line identified on the *Site Analysis Plan July 2011* to the south-west of the subject site (circled yellow in Figure 3). The indicated location of this drainage line is consistent with the contours and will be confirmed during detailed design. The proposed *Concept Plan Nov 2023* indicates development commencing to the eastern extent of the drainage line.

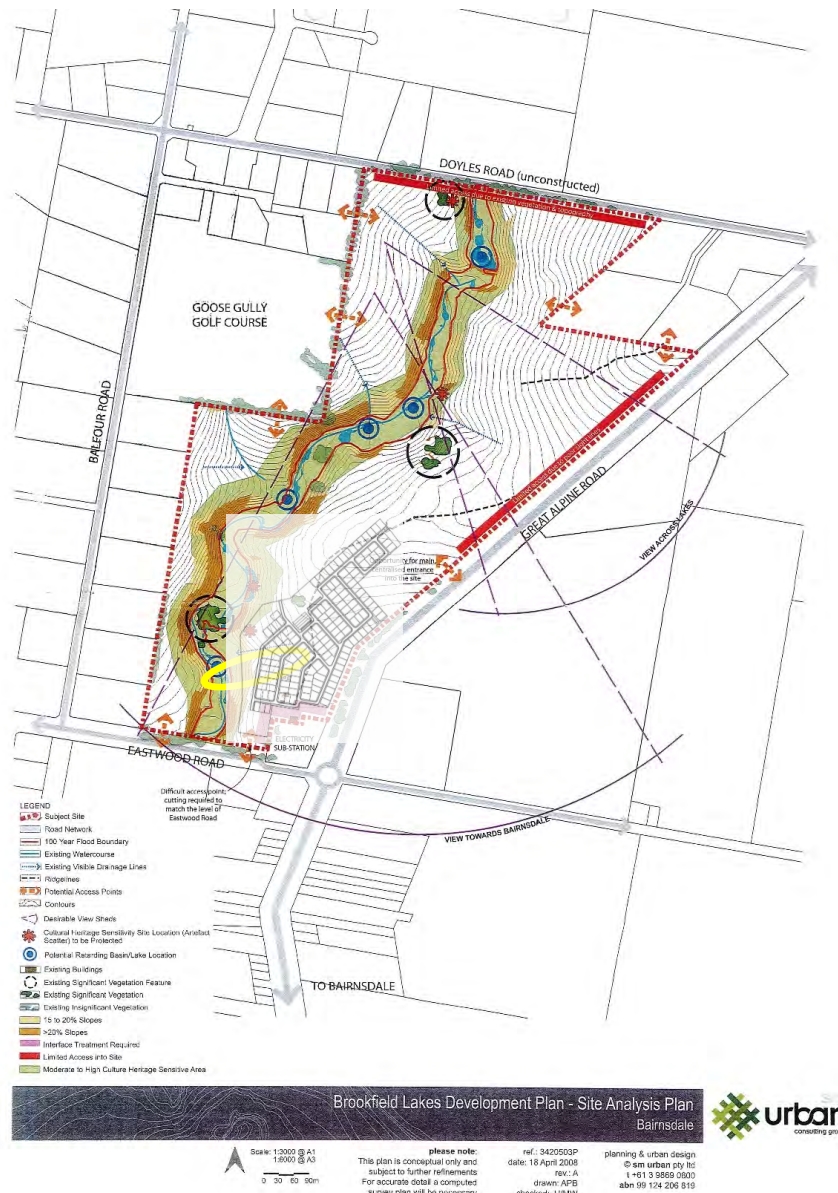


Figure 4: Site Analysis Plan⁵ / Concept Site Layout Nov 2023 Overlay

⁵ Ref: *Brookfield DP July 2011* at page 44 of 252



The above overlayed drawings are included separately at Attachment 3.

Erosion Management

The endorsed Brookfield DP July 2011 includes an *Erosion Management Plan* which indicates area of the Brookfield Lakes development with slopes >15% and prone to erosion. The proposed Concept Site Layout Nov 2023 indicates that slopes >15% are proposed to be green space and not developed for sites.

Figure 3 indicates that proposed Concept Plan Nov 2023 is consistent with the mapping of erosion prone zones shown on the *Erosion Management Plan* included in the Brookfield DP July 2011.

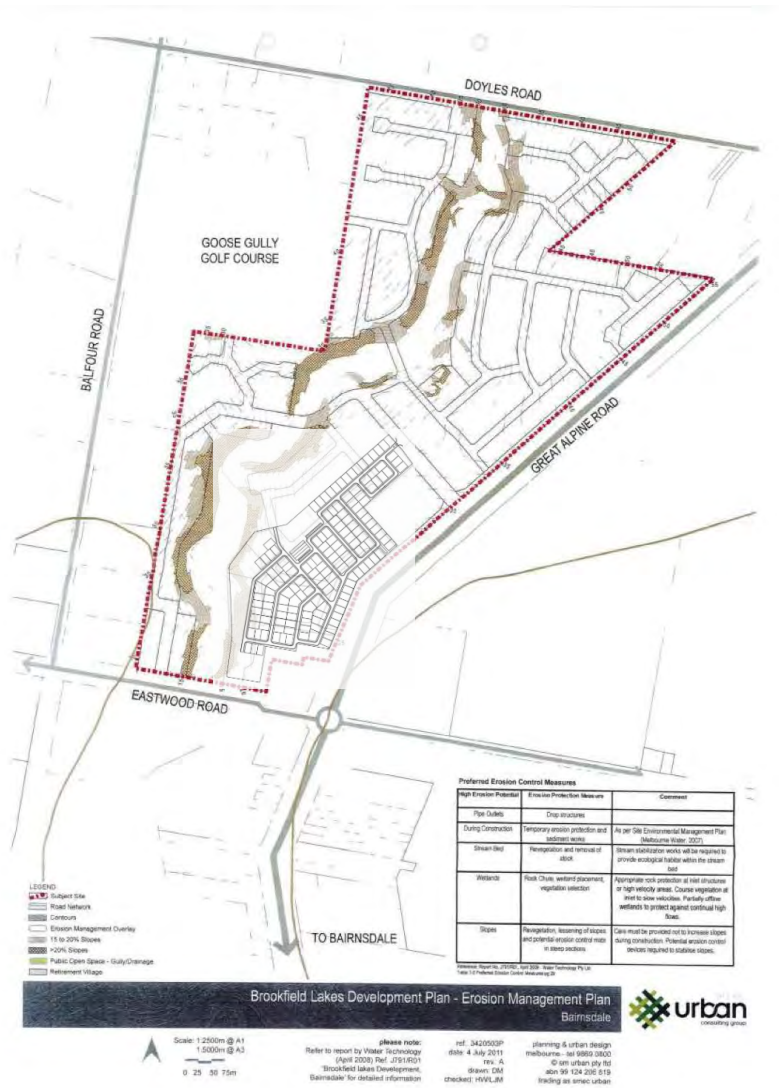


Figure 5: Indicative Erosion Management Plan⁶ / Concept Site Layout Nov 2023 Overlay

⁶ Brookfield Development Plan p181 of 252



The above overlayed drawings are included separately at Attachment 4.

The "Preferred Erosion Control Measures" identified in the Erosion Management Plan can be incorporated into the design and construction phases.

In addition to the Erosion Management Plan included in the Brookfield DP July 2011, a further "Brookfield Lakes Erosion Management Report (Supplement to Stormwater Management Plan)" August 2012 was completed by WaterTechnology. While the status of this report is unclear the erosion management strategies recommended should be implemented in any works undertaken at the site.

Notwithstanding existing Brookfield DP July 2011 documents approved by the Responsible Authority, I recommend that any approval for the development requires compliance with EPA publication 1834 (November 2020) during all phases of construction.

Development Servicing

Access & Utilities


Refer to separate Access & Servicing report Rev 2 dated 15/04/2024 prepared by Crossco.

Stormwater Management

Refer to separate Memorandum Rev 2 dated 15/04/2024 prepared by Crossco.

I would be pleased to provide any further information or clarifications you require when considering this offer. Please do not hesitate to contact me on 5152 6298.

Yours faithfully


Margaret Supplitt
 MIEAust CPEng NER
 15/04/2024



Attachments:

Attachment 1 – CI 43.04 Schedule 3 (DPO3) Development Principles Summary

Attachment 2 – Aerial photograph – Source: Nearmaps 08/01/2023

Attachment 3 - Brookfield DP July 2011 / Concept Layout Nov 2023 overlay

Attachment 4 – Brookfield DP July 2011 Subdivision Concept Plan / Concept Layout Nov 2023 overlay

Attachment 5 – Proposed Concept Layout Plan / Erosion Management Plan overlayed (p 5 of 5)

ATTACHMENT 1
Development Principles Response

Requirements of DPO3	How the Proposed DP responds (DP July 2011)	How the Concept Site Layout Nov 2023 Responds (Crossco response)
<i>A subdivision layout which responds to the features of the land as identified in the Site Analysis Plan.</i>	<i>The DP facilitates residential development within an identified area. The design of the DP provides residential development of a variety of lot sizes, that responds to the topography and position of the site; including standard housing lots, and lower density / larger lots at the edges of the development. The road network that provides for good connectivity through the site, maximizing connections to external streets, links to the open space and takes advantage of existing natural features by establishing desirable view lines into the open space corridor. The proposed internal road network provides for a regulated and logical residential community with excellent accessibility and attractive sustainable streetscapes.</i>	No subdivision is proposed. As with the July 2011 response a drainage line to the south-west is identified as encroaching into the proposed "Retirement Village". The Concept Site Layout Nov 2023 is consistent with the DP July 2011 response.
<i>A subdivision layout which is sympathetic to remnant native vegetation, particularly mature indigenous trees and vegetation, within the abutting road reserves.</i>	<i>A tree reserve / landscaped buffer along the Great Alpine Road and linking back into Goose Gully, providing for a protection of vegetation along the road reserve, increased opportunities for planting of a buffer, and the opportunity for a walking trail along the reservation that will provide linkages into internal streets and the open space network. The design of the landscape would be based on sustainability principles, by being environmentally sensitive and by building upon the existing natural attributes of the site. Particular emphasis would be placed on the provision of quality open space that recognises opportunities for residents to become conscious of their natural environment.</i>	Refer to report by Others
<i>A network of open space across the site.</i>	<i>An open space corridor that connects the site from south to north, that will provide for drainage functions as well as retention of heritage assets and existing significant vegetation, protection of significant slope and landscaping / enhancement of the corridor with native vegetation and walking trails.</i>	Refer to report by Others
<i>Useable and attractive open space nodes along Goose Gully reserve.</i>	<i>Goose Gully is the principal focus of landscape development works for the estate, comprising:</i> <ul style="list-style-type: none"> - <i>Footpaths to Council standard, providing access to the gully and water bodies where possible without disturbing areas of habitat;</i> - <i>Establishment of a tree-lined shared pathway to Council standard through the Goose Gully corridor with other shared pathways leading to residential areas and beyond;</i> - <i>Creation of grassed open parkland with shade trees, furniture and naturalistic planting areas;</i> - <i>Provision of picnic areas, possibly with BBQ facilities and an all-weather shelter;</i> - <i>A playground providing for pre-school and primary school age children; and</i> - <i>Park furniture such as benches, and rubbish bins to Council standard.</i> 	Consistent with the endorsed DP July 2011, land interfacing with Goose Gully is proposed to be green space and seamlessly integrate with the existing Reserve area.
<i>That new development incorporates water sensitive urban design principles for appropriate drainage solutions.</i>	<i>Water Sensitive urban design principles have been incorporated into the DP, swale drainage are provided, and appropriate planting species have been incorporated into filter debris where appropriate. Water retention</i>	The Brookfield Lakes development has been the subject of a number of reports pertaining to WSUD. The following reports have been reviewed by Crossco in preparing this Opinion:

Requirements of DPO3	How the Proposed DP responds (DP July 2011)	How the Concept Site Layout Nov 2023 Responds (Crossco response)
	<i>and detention models have input into the drainage elements incorporated into Goose Gully. The provision of a wetland area along Goose Gully will collect and treat stormwater runoff, prior to its discharge off site. The proposed reserve to accommodate for overland flow incorporates the use of other WSUD solutions as required.</i>	<ul style="list-style-type: none"> - Brookfield Lakes Development Bairnsdale, Water Technology Final 1, April 2008 (WT2008) - Brookfield Lakes WSUD Functional Design Technical Report V01, Water Technology, May 2011 - Brookfield Lakes Waterway Management Plan V4, Water Technology, April 2012 - Brookfield Lakes Erosion Management Report (Supplement to Stormwater Management Plan) V02, Water Technology, August 2012 <p>It is understood that this storage data was adopted for detailed design (by Others) and relied on by EGCMA and the RA when considering design documentation for approval and therefore “as constructed” meets all requirements.</p> <p>It is understood that the WT 2008 stormwater treatment model has been updated (by Others as part of the overall development that incorporates the subject site) to demonstrate detailed design (by Others as part of the overall development that incorporates the subject site) meets all treatment requirements and supports the approval of detailed design (constructed and under construction) by EGCMA and the RA.</p> <p>It is understood that stormwater detention and treatment is provided for in the existing treatment system (by Others as part of the overall development that incorporates the subject site) as approved by EGCMA and the RA consistent with WT2008 as amended.</p> <p>The <i>Concept Site Layout Nov 2023</i> is consistent with the DP July 2011 and assumptions made in the above reports, in particular in respect of future use of the subject land.</p>
<i>That indigenous plant species should be used for landscaping of public open space reserves and for revegetation in accordance with the Department of Sustainability and Environment’s Revegetation Planting Standards.</i>	<i>A landscape plan for public areas provides for revegetation in accordance with East Gippsland Planning scheme requirements and DSE’s regulations.</i>	Refer to report by Others
<i>That the subdivision layout is designed to facilitate the provision of efficient and effective pedestrian, bicycle and vehicle movements, and to ensure connectivity with the existing public transport network.</i>	<i>The road network that provides for good connectivity throughout the site, maximizing connections to external streets, links to the open space and takes advantage of existing natural features by establishing desirable view lines into the open space corridor. Pedestrian and bicycle pathways have been provided linking across the site. Eastwood Road and Great Alpine Road provide bus services into Bairnsdale township.</i>	Refer to report by Others
<i>The subdivision provides appropriate linkages and interfaces with adjoining land.</i>	<i>Road linkages to all adjoining land have been provided for in the DP. Road frontages have also been provided to components of adjoining land providing direct access into the site.</i>	Refer to report by Others
<i>Development of land in a manner that protects areas prone to erosion, landslip or other land degradation processes.</i>	<i>A complete assessment of erosion issues on the site has been undertaken by Water Technology in April 2008, their Report J791/R01, see Attachment H. Erosion measures have been incorporated into the DP.</i>	Refer to “Erosion Management” in letter. The <i>Concept Site Layout Nov 2023</i> is consistent with the approved DP July 2001 and does not encroach on land >15% slope.

Requirements of DPO3	How the Proposed DP responds (DP July 2011)	How the Concept Site Layout Nov 2023 Responds (Crossco response)
		It is recommended that any planning permit issued reflects current site management guidelines, being EPA Publication 1834.
<i>No direct access for individual lots being provided to the Great Alpine Road.</i>	<i>An entry from Great Alpine Road, which is a divided boulevard style of street, that links directly to the gully linear open space.</i>	The <i>Concept Site Layout Nov 2023</i> is consistent with this principle.
<i>Cultural Heritage Management Plan Details of any required Cultural Heritage Management Plan required under the Aboriginal Heritage Act 2006.</i>	<i>A cultural Heritage Management Plan is in progress and partly completed and negotiated with appropriate parties and has been prepared detailing the location of artifact locations being protected. See Attachment F.</i>	Refer to report by Others
<i>Site Analysis Plan A Site Analysis Plan which shows the topography of the land, areas prone to erosion of inundation, the location of any existing:</i> <ul style="list-style-type: none"> - Vegetation - Drainage lines - Access points - Water bodies - Buildings - Easements - Sites of conservation, heritage or archaeological significance and other significant features 	<i>A site analysis plan is at Attachment B.</i>	In the context of provision of utilities, site access and stormwater management; the <i>Concept Site Layout Nov 2023</i> is consistent with the DP July 2011.
<i>Erosion Management Plan An Erosion Management Plan prepared by a suitably qualified person that:</i> <ul style="list-style-type: none"> - Details the extend of all earthworks. - Details the means to stabilise disturbed areas. - Identifies the means by which soils prone to erosion will be managed. - Includes appropriate measures for erosion mitigation. - Identifies any impacts of the proposed residential development. - Identifies the means by which soils prone to erosion will be managed. A geotechnical report, by a suitably qualified person, must be submitted including appropriate measures for erosion mitigation and impacts on proposed residential development. 	<i>An Erosion Management Plan is at Attachment G. This is supported by the Water Technology report at Attachment H.</i>	Refer to "Erosion Management" in letter. The <i>Concept Site Layout Nov 2023</i> is consistent with the approved DP July 2001 and does not encroach on land >15% slope. It is recommended that any planning permit issued reflects current site management guidelines, being EPA Publication 1834. Consistent with best practice detailed design will require a geotechnical investigation and/or soils investigation to ensure infrastructure design does not create a hazard during construction or post-commissioning. All works and site development proposed by the <i>Concept Site Layout Nov 2023</i> can be undertaken in accordance with the <i>Erosion Management Plan</i> approved July 2011.

ATTACHMENT 2

(Source: Nearmaps 08/01/2023)



ATTACHMENT 3

Concept Site Layout Nov 2023 / Development Plan July 2011



Nov 2023 Proposed concept layout plan

Note images are NOT the same scale.



Development Plan, Brookfield Lakes - Bairnsdale

Scale: 1:2,500m @ A1
1:5,000m @ A3
0 25 50 75m

please note: This plan is based on preliminary information only and may be subject to change as a result of formal Council/KiwiCity advice, detailed site investigations and confirmation by survey.

ref: 3420003P
date: 1 July 2011
rev: 0
drawn: DM
checked: PM

planning & urban design
melbourne - tel 0865 0800
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July 2011 Development Plan

ATTACHMENT 4

Concept Site Layout Nov 2023 / Site Analysis Plan July 2011



Nov 2023 Proposed concept layout plan



July 2011 Site Analysis Plan

Note images are NOT the same scale.

ATTACHMENT 4

Concept Site Layout Nov 2023 / Subdivision Concept Plan July 2011



Nov 2023 Proposed concept layout plan

Note images are NOT the same scale.

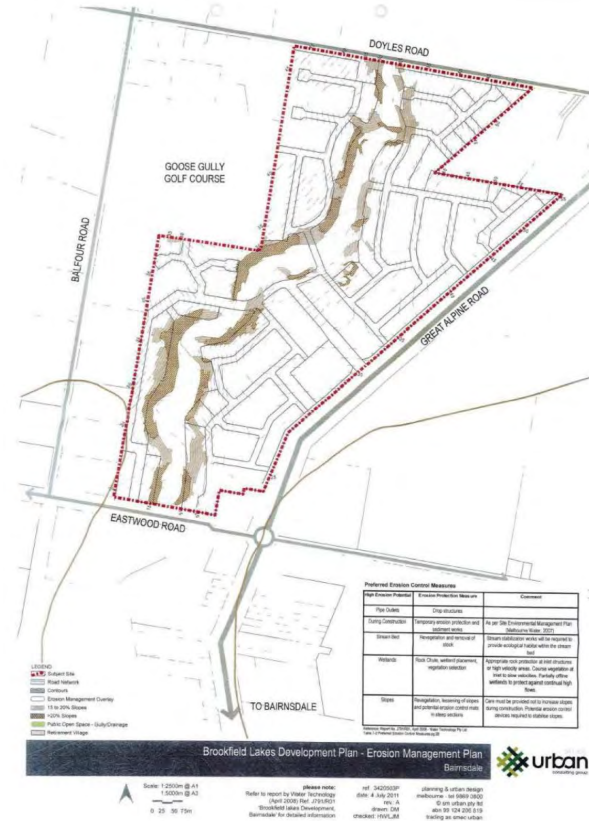


July 2011 Subdivision Concept Plan

ATTACHMENT 5
Concept Site Layout Nov 2023 / Erosion Management Plan July 2011



Nov 2023 Proposed concept layout plan



July 2011 Erosion Management Plan

Note images are NOT the same scale.

Traffix Group

Traffic Engineering Assessment

Proposed Amendment to Development Plan
19 Lomandra Boulevard, Lucknow

Prepared for
Bairnsdale Lifestyle Village Pty Ltd

March 2024

G33393R-01C

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Traffic Engineering
Assessment

19 Lomandra Boulevard, Lucknow

Document Control

Our Reference: G33393R-01C

Issue No.	Type	Date	Prepared By	Approved By
A	Draft	26/05/2023	J. Young	L. Furness
B	Final	30/05/2023	J. Young	L. Furness
C	Final	04/03/2024	J. Young	L. Furness

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1. Introduction

Traffix Group has been engaged by Bairnsdale Lifestyle Village Pty Ltd to undertake a traffic engineering assessment for the proposed amendment to the Development Plan at 19 Lomandra Boulevard, Lucknow.

2. Proposal

The proposal is for an amendment to the Brookfield Lakes Development Plan, to allow for a residential village at 19 Lomandra Boulevard, Lucknow.

It is proposed to provide a total of 152 dwellings within the residential village, which will also include shared communal facilities (including a bowling green, pool/gym and open spaces).

This will replace 97 residential lots on the site, which is part of the current Development Plan. Concept plans of the proposed residential village are attached at Appendix A. A plan extract of the residential village is shown in Figure 1 below.



Figure 1: Proposed Residential Village

Traffic Engineering Assessment

19 Lomandra Boulevard, Lucknow

No changes are proposed to the Activity Centre on the corner of Lomandra Boulevard or remainder of the site being developed for residential purposes.

Vehicle access and arrangements and the internal road network will be largely unchanged. Access to the site will be via Lomandra Boulevard, and an exit only point to Sheoak View. No changes are proposed to Great Alpine Road and its intersection with Lomandra Boulevard, other nearby roads or the approved package of works approved under the Development Plan.

3. Background

The original endorsed Brookfield Lakes Development Plan included the following uses within the overall area:

- 413 residential lots
- A retirement village with:
 - 180 independent living units
 - 30 apartments
- A 3,560m² local activity centre

An amendment to this development plans was lodged in March, 2011, which converted the retirement village to 97 additional residential lots. The proposed amendment resulted in:

- 510 residential lots
- A 3,560m² local activity centre (unchanged)

This amendment was subsequently incorporated into the Development Plan.

An assessment of this amendment was undertaken by our office (Report Ref: 09519L#1, dated 18th March, 2011), which is attached at Appendix B of this report.

4. Existing Conditions

4.1. Subject Site

The subject site is 19 Lomandra Boulevard, Lucknow. The site is located within the Brookfield Lakes Development Plan area, which is subject to Schedule 3 to Clause 43.04 (Development Plan Overlay).

The table below summarises the key characteristics of the subject site.

Table 1: Subject Site Description

Characteristic	Description
Address	19 Lomandra Bourlevard, Lucknow
Area	8.17 Ha
Frontages	Lomandra Boulevard along the site's north-eastern boundary
Zoning	General Residential - GRZ1

A Development Plan area, locality plan, aerial photograph and land use zoning map is provided at Figure 2 to Figure 5, respectively.

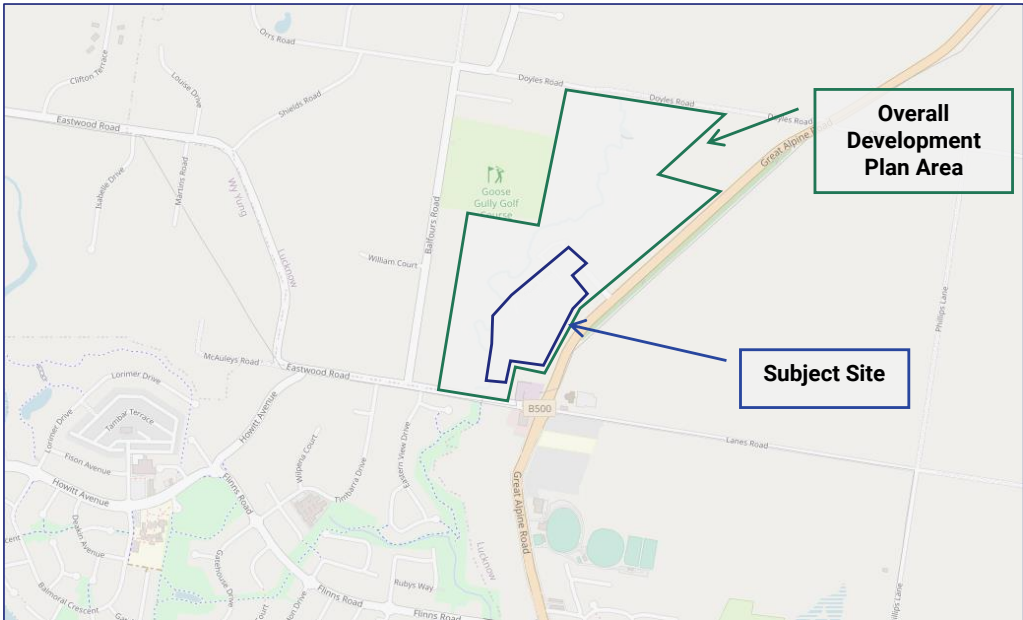


Figure 2: Overall Development Plan Area (Source: Melway Online)

Traffic Engineering
Assessment

19 Lomandra Boulevard, Lucknow

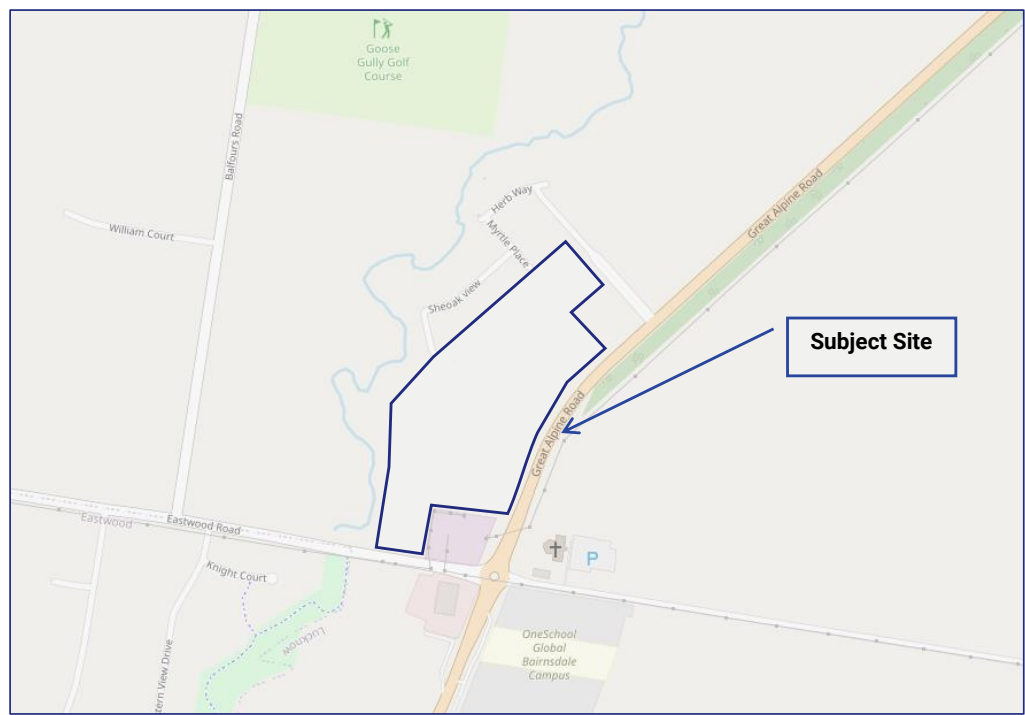


Figure 3: Locality Plan (Source: Melway Online)

Traffic Engineering
Assessment

19 Lomandra Boulevard, Lucknow



Figure 4: Aerial Photograph (Source: Nearmap)

Traffic Engineering
Assessment

19 Lomandra Boulevard, Lucknow

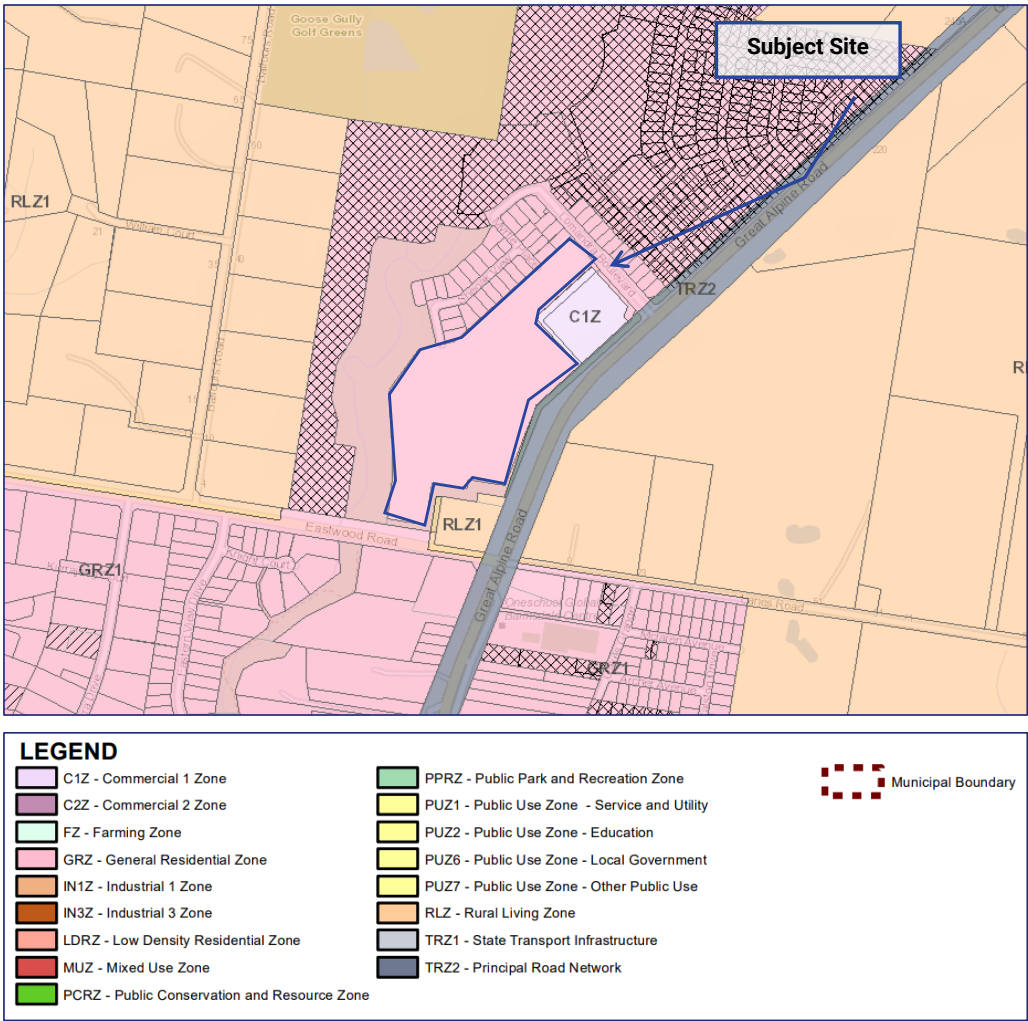


Figure 5: Land Use Zoning Map (Source: Planning Schemes Online)

Traffic Engineering
Assessment

19 Lomandra Boulevard, Lucknow

4.2. Transport Network

A summary of the local road network is provided in the table below.

Table 2: Local Road Network

Road Name	Agency	Classification	Transport Zone	Configuration	Speed Limit	Parking
Great Alpine Road	DTP	Arterial Road	TRZ2	2 traffic lanes Undivided carriageway	70km/h from 100m south of Lomandra Boulevard, 100km/h to the north	None
Lomandra Boulevard	Council	Collector Road ¹	No	Divided carriageway with a central median	50km/h	Indented parking on both sides
Sheoak View, Myrtle Place & Hebe Way	Council	Access ¹	No	Single carriageway	50km/h	Unrestricted on both sides
Eastwood Road	Council	Link Road ¹	No	2 traffic lanes Undivided carriageway	N/A	None
Notes: 1. As referenced in the East Gippsland Shire Council's Road Register (dated 20 th September, 2022)						

5. Traffic Engineering Assessment

5.1. Traffic Generation and Impacts

The traffic report prepared by our office for the original amendment application in 2011 (see Appendix B) applied the following traffic generation rates for residential lots:

- 10 daily vehicle trip ends per dwelling
- 1 peak hour vehicle trip ends per dwelling

We consider that this rate remains appropriate for the lower-density, ‘standard’ residential lots on the northern portion of Brookfield Lakes Development Plan, but would be too high for the dwellings proposed in the residential village. This is due to the following reasons:

- The dwellings in the residential village are smaller, which would have a smaller number of residents per dwelling and unlikely to include families. Accordingly, dwellings would be expected to generate less traffic than the larger ‘standard’ sized lots.
- The residential village will generally cater towards older and retired residents who may not need to travel to/from work each day.
- The residential village includes on-site shared community facilities (such as a clubhouse/gym, bowling green, and open spaces). Accordingly, there are facilities for residents to do on-site, which would reduce the need for residents to leave.
- The site is located adjacent to a future local activities centre, which residents can readily walk to. The close proximity of this activity centre means that residents may not require a car for many day-to-day trips.

Based on the above, we consider that a rate of approximately 6.0 vehicle trips per dwelling is an appropriate rate for the dwellings within the residential village. We also consider that 10% of this traffic will occur during each peak hour period.

The table below compares the traffic generation of the approved use of the site, compared to what is proposed under the amendment.

Table 3: Comparison of Traffic Volumes

Land Use	Approved Development Plan			Proposed Amendment		
	No.	Daily Trips	Peak Hour Trips	No.	Daily Trips	Peak Hour Trips
Residential lots	97	970	97	-	-	-
Residential village	-	-	-	152	912	91

Based on the above, the traffic generation of the proposed amendment is expected to be similar, albeit slightly lower than the current Development Plan.

Traffic Engineering Assessment

19 Lomandra Boulevard, Lucknow

Given that the expected traffic is lower than what is currently approved, we are satisfied that the traffic can be readily accommodated by Lomandra Boulevard, Great Alpine Road, and the surrounding road network.

5.2. Review of Road Layout, Capacity and Access Arrangements

The proposed plans are generally consistent with the approved Development Plan including both the internal road layout and external site access arrangements.

The concept plans detail the proposed road layout, which connects to Lomandra Boulevard and Sheoak View (exit only). This road will be a private road for residents and visitors of the village, and not the general public. The concept plans detail a security gate that will ensure that unauthorised personnel do not access the site.

A 10m road reserve is provided through the site, which can accommodate a 5.5m wide road carriageway, landscaping strip on one side, and landscaping plus a pedestrian path on the other.

A 5.5m wide carriageway allows two vehicles to pass each other simultaneously and allows on-street parking on one side of the road. If this occurs, traffic is reduced to a single lane for two-way traffic. This carriageway width and parking configuration is consistent with an Access Place under Clause 56.06-8¹, which has a capacity of 300-1,000 vehicles per day. The entire site is expected to generate less than 1,000 vehicles per day, spread over multiple streets and access points. Accordingly, we are satisfied that the road network can accommodate the development traffic proposed.

The individual dwellings have not been designed at this stage, however this will be undertaken at a later point during the Planning Permit process. We are satisfied that the proposed plans will facilitate adequate access to each individual dwelling for car parking etc.

The proposed 10m road reserve would allow for a pedestrian path on one side of the carriageway throughout the site. We are satisfied that this will facilitate adequate internal pedestrian circulation.

Pedestrians will be able to access the site via paths connecting to Lomandra Boulevard and Sheoak View.

We understand a pedestrian path is provided through to Eastwood Road, and we consider these arrangements appropriate.

¹ Whilst not proposed as a public road, Clause 56.06 provides useful reference as to the capacity of the private road to accommodate the development traffic.

Traffic Engineering
Assessment

19 Lomandra Boulevard, Lucknow



Figure 6: Proposed pedestrian connection

The plans do not detail dedicated bicycle paths through the site, and we do not consider the provision of these paths to be necessary. A 5.5m wide carriageway will allow the road to be shared between both cars and bicycles. This is consistent with the road arrangements throughout the rest of the Development Plan, and we consider this to be appropriate.

Traffic Engineering Assessment

19 Lomandra Boulevard, Lucknow

6. Review of Development Plan Requirements

Clause 4 of Schedule 3 to Clause 43.04 includes a number of requirements for land within the Brookfield Lakes Development Plan area. Table 4 provides a review of the traffic engineering related requirements of the Development Plan.

Table 4: Review of Development Plan Requirements

Requirement	Response
<p><i>There must be only one Development Plan for the whole of the land to which this Schedule applies. The Development Plan must not exclude any parts of the property or separate parcels of land. Unless otherwise directed by the responsible authority the Development Plan must contain:</i></p> <p><i>A Traffic Management Plan which:</i></p> <ul style="list-style-type: none"> <i>Describes the internal road network including traffic volumes, pedestrian and cyclist pathways and internal road hierarchy.</i> 	<p>A review of the local roads connecting to the site is provided at Section 4.2.</p> <p>Internally to the site, the road network will be private, for use by residents and visitors of the residential village.</p> <p>A review of the traffic volumes is provided at Section 5.1. Overall, the level of traffic generation expected from the site is lower than what is currently approved in the Development Plan, and we consider these arrangements to be acceptable.</p> <p>The pedestrian and cyclist facilities are discussed in Section 5.2. We are satisfied that the proposed arrangements are appropriate.</p>
<ul style="list-style-type: none"> <i>Provides a vehicular and pedestrian connection to Eastwood Road.</i> 	<p>There is no direct connection to Eastwood Road from the subject site, however a connection from the overall Development Plan area is proposed along its western boundary.</p> <p>These arrangements are consistent with the approved Development Plan.</p> <p>We understand that a pedestrian connection will be provided from Eastwood Road to the site. We consider these arrangements acceptable.</p>
<ul style="list-style-type: none"> <i>Describes the provision of public transport services and facilities.</i> 	<p>The proposed development does not seek to alter any public transport service or facilities from the approved Development Plan.</p>
<ul style="list-style-type: none"> <i>Identifies appropriate linkages to adjoining land.</i> 	<p>The amended Development Plan maintains the vehicle linkages to adjoining land shown in the approved scheme. Access to the site will continue to be to Lomandra Boulevard, and the local road network to the east via Sheoak View.</p>
<ul style="list-style-type: none"> <i>Restricts direct vehicular access to the Great Alpine Road by means of a landscaped vegetation/tree reserve.</i> 	<p>The amendment to the Development Plan does not seek access to Great Alpine Road.</p> <p>A landscaped reserve is provided along the site's eastern boundary separating it from Great Alpine Road.</p> <p>This is consistent with the approved Development Plan.</p>

7. Conclusions

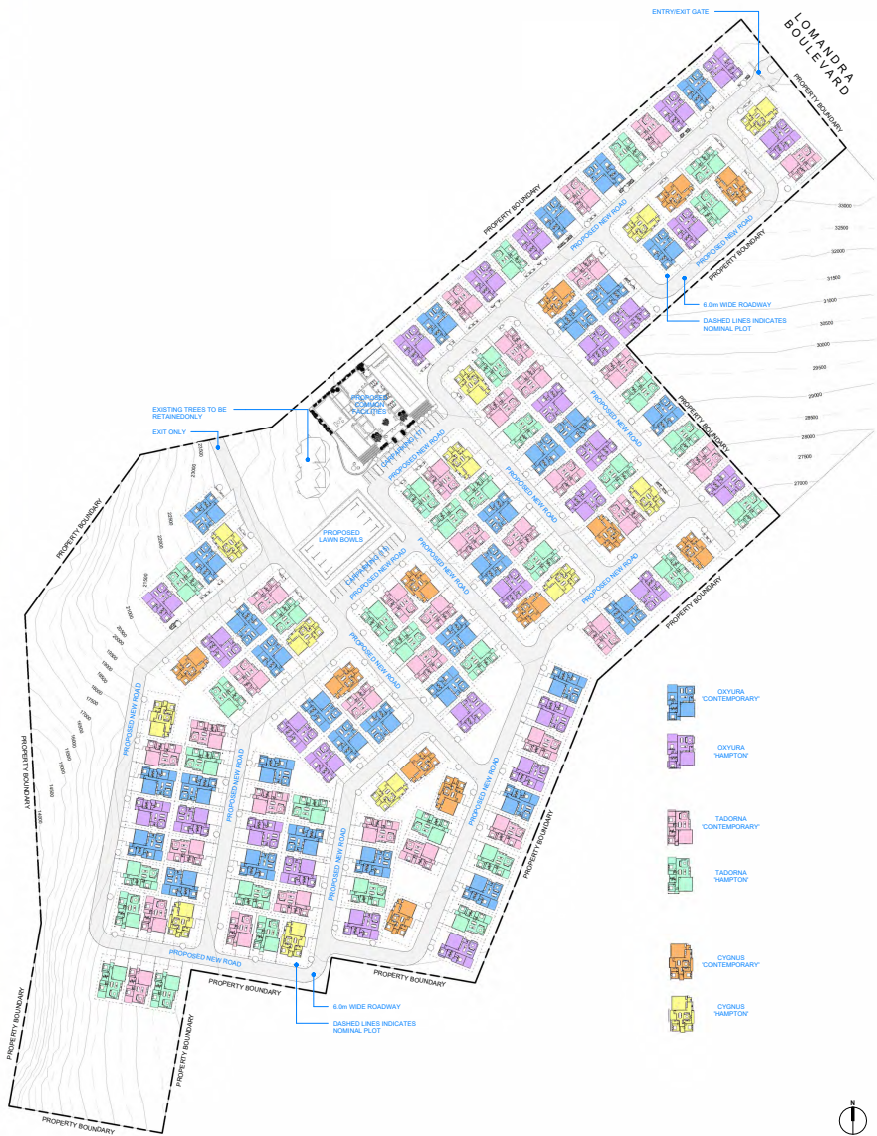
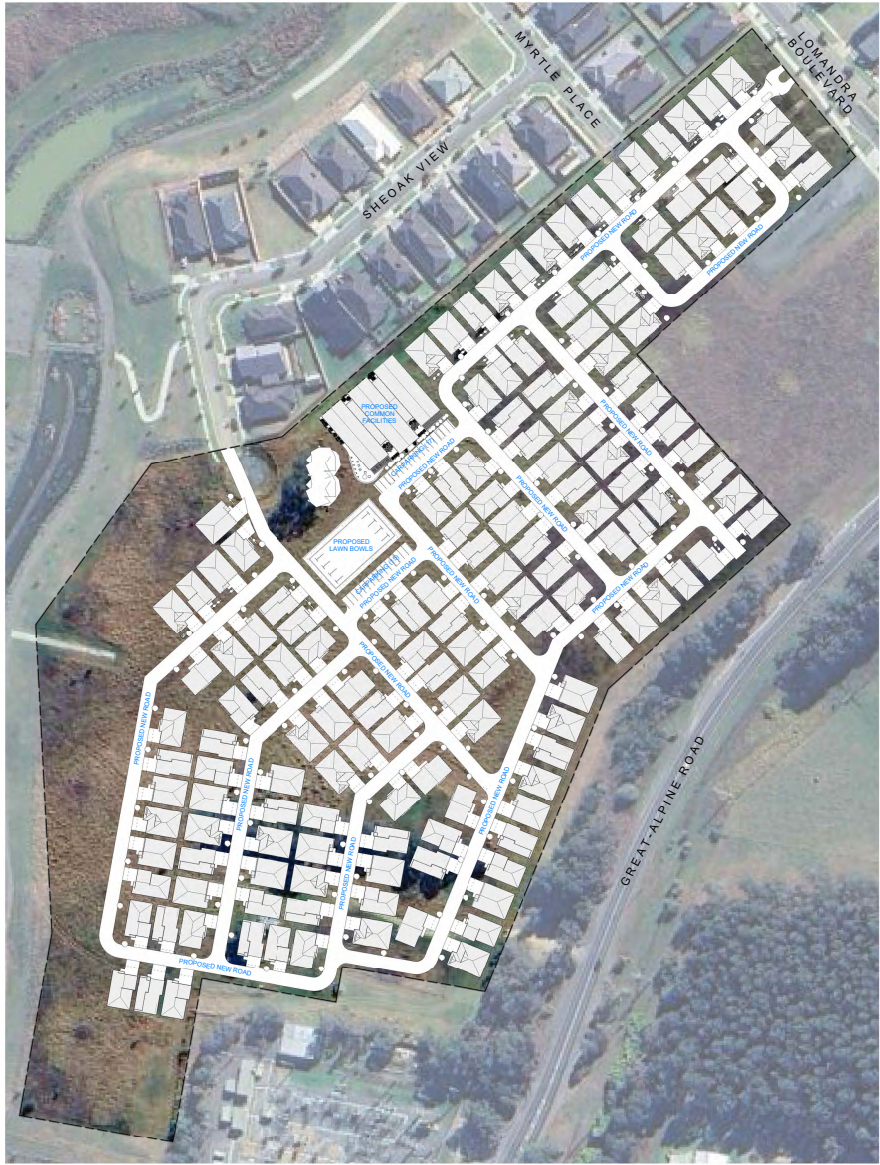
Having undertaken a detailed traffic engineering assessment of the proposed amendment to the Development Plan at 19 Lomandra Boulevard, Lucknow, we are of the opinion that:

- a) the proposed amendment to the Development Plan will result in a lower level of traffic being generated when compared to the approved scheme,
- b) the proposed vehicle access arrangements are consistent with the approved Development Plan and are appropriate,
- c) the proposed internal road network will provide for appropriate access by vehicles, cyclists and pedestrians, and
- d) the proposed amendment will continue to comply with the requirements of the Development Plan.



Appendix A

Development Plans



Architect
TOMAS O'MALLEY ARCHITECT
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Notwithstanding, Architect: Tomas O'Malley (0336)

Consultants
No **Date** **Description**
1 **26.11.23** **For Discussion**

Drawn **Apr** **08**
Client
Bennett Williams Lifestyle Communities
Project Address
13&19 LOMANDRA BOULEVARD,
LUCKNOW, VIC 3875

Project
Bairnsdale LLC
Proj. No. **23035**

Drawing Title
SITE PLAN
Drawing Status
CONCEPT

Scale @ A1 **1 : 1000** **Drawing No.** **A1000** **Issue** **1**
Scale **0** **10** **20** **30** **40** **50** **60** **70** **80** **90** **100** **M**

PLotted & Sealed By **DATE** **10/08/2024**
Scale **1:1000** **Issue** **1**



Appendix B

Previous Traffic Assessment



Our Ref.: GRP09519L#1.doc

18th March, 2011

Watsons Pty Ltd
PO Box 171
MORNINGTON VIC 3931

Attention: Mr Scott Torrington

Traffix Group Pty Ltd
ABN 32 100 481 570

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Contact
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www.traffixgroup.com.au

Dear Mr Torrington,

**TRAFFIC ENGINEERING ASSISTANCE: AMENDMENT TO PLANNING PERMIT
PROPOSED RESIDENTIAL DEVELOPMENT: BROOKFIELD LAKES, BAIRNSDALE**

We refer to your request for a traffic engineering review of a proposed amendment to the existing Planning Permit No. 547/2009/P for the proposed residential development at Brookfield Lakes, Bairnsdale.

We note that this amendment relates to the revised plans titled 'Subdivision Concept Plan, Brookfield Lakes Bairnsdale' Rev Q dated 10 March 2011 prepared by Smec Urban.

The following letter provides our review of the proposed amendment plans, compared to the Planning Permit No. 547/2009/P endorsed plans and our previous traffic report dated March 2011 (our ref. GRP09519#2)

Amended Proposal

The subject site is generally bounded by Doyles Road, Great Alpine Road, Eastwood Road and Balfours Road, north-east of Bairnsdale. Planning Permit No. 547/2009/P is for the development of a subdivision including 413 residential lots, a retirement village with 180 independent living units and 30 aged care suites and a local activity centre of 3,560m² including a 1,500m² supermarket, 1,000m² of speciality shops, 700m² of Office/medical and 360m² of Restaurant.

A breakdown of the Planning Permit Endorsed Plans compared to the amendment Proposed Plans, is provided in Table 1.

Directors Henry H Turnbull Charmaine C Dunstan William D de Waard Donald J Robertson
Senior Associates Nathan B Woolcock Anthony J Coyle Associate Ross G Thomson

Proposed Residential Development (Brookfield Lakes)
135 Great Alpine Road, Lucknow (Bairnsdale)



Table 1: Development Breakdown

Land Use	Planning Permit Endorsed Plans	Amendment Proposed Plans
	Size/Number	Size/Number
Residential Lots	413	510
Retirement Village	180 independent living units 30 apartments	-
Local Activity Centre	3,560m ²	3,560m ²

The net change in the proposed development is to remove the Retirement Village and replace with an additional 97 residential lots. No change to the internal road network is proposed, with access to the external road network to continue to occur via access points to Great Alpine Road and Eastwood Road.

Traffic Generation:

Traffic generation rates have been adopted as per the endorsed Planning Permit submission. The assessed traffic generation and amended proposed traffic generation are presented in Table 2.

Table 2: Summary of Traffic Generation Rates

Development Component	Traffic Generation Rate	Planning Permit Endorsed Plans			Amended Proposed Plans		
		Size/No.	Daily	Peak Hour	Size/No.	Daily	Peak Hour
Residential Lots	-10 trip end per household per day -1 vehicle trip end per household per day in each of the peak hours	413	4,130	413	510	5,100	510
Retirement Village (Independent living units)	-4 trip ends per unit per day -10% of daily traffic generated in each peak hour	180	720	72	-	-	-
Retirement Village (Aged care suites)	-3 trip ends per suite per day -10% of daily traffic generated in each peak hour	30	90	9	-	-	-
Local Activity Centre	-Based on the type of retail premises within the Activity Centre -Negligible traffic generated in the AM peak hour -70% of total traffic trip linking (as part of a trip already generated by the development into or out of the site)	3,560m ²	906	94 PM	3,560m ²	906	94 PM
TOTAL		-	5,846	494 AM 588 PM	-	6,006	510 AM 604 PM

Proposed Residential Development (Brookfield Lakes)
135 Great Alpine Road, Lucknow (Bairnsdale)



Table 2 indicates that the amended development will produce an additional 160 trips per day and an additional 16 trips in each of the peak hours compared to the endorsed planning permit plan.

Traffic Distribution:

The generated traffic volumes for the amended proposal have been distributed amongst the two access points of Great Alpine Road and Eastwood Road.

The traffic distribution assumptions are the same as those adopted for the endorsed planning permit submission as follows:

- Southbound – 90% (to Bairnsdale)
- Northbound – 10% (to Bruthen, Omeo etc).
- Of the southbound traffic it has been assumed that 90% will use Great Alpine Road (south of Eastwood Road) and 10% will use Eastwood Road (west of Balfours Road).
- Of the traffic using Great Alpine Road to head to Bairnsdale, it has been assumed that 70% will use the Great Alpine Road access point and 30% will use the Eastwood Road access point.
- Of the traffic using Eastwood Road to head to Bairnsdale, it has been assumed that 90% will use the Eastwood Road access point and 10% will use the Great Alpine Road access point.
- All of the traffic heading to the north (Bruthen, Omeo etc.) has been assumed to use the Great Alpine Road access point.

Table 3 and Table 4 present the expected peak hour traffic generation at each of the access points under the endorsed conditions and the amended proposal conditions.

Table 3: Expected Peak Hour Traffic Generation at Each Access Point – Endorsed Proposal

Direction	AM Peak			PM Peak		
	IN	OUT	TOTAL	IN	OUT	TOTAL
Great Alpine Road Access	102	237	338	242	161	403
Eastwood Road Access	47	109	156	111	74	185
Total	148	346	494	312	208	588

Note: Based on directional splits of 30% in/70% out of subdivision in the AM Peak and 60% in/40% out in the PM Peak.

Table 4: Expected Peak Hour Traffic Generation at Each Access Point – Amended Proposed

Direction	AM Peak			PM Peak		
	IN	OUT	TOTAL	IN	OUT	TOTAL
Great Alpine Road Access	105	245	349	248	165	414
Eastwood Road Access	48	112	161	114	76	190
Total	153	357	510	362	241	604

Note: Based on directional splits of 30% in/70% out of subdivision in the AM Peak and 60% in/40% out in the PM Peak.

Access Arrangements to the Site:

Based on the requirements in Austroads 'Guide to Traffic Engineering Practice, Part 4A – Unsignalised and Signalised Intersections' the access arrangements to the subject site are unchanged from the Planning Permit Endorsed Plans, and are to be provided as follows:

Proposed Residential Development (Brookfield Lakes)
135 Great Alpine Road, Lucknow (Bairnsdale)



- **Great Alpine Road**
 - Channelised right turn lane (CHR), and
 - Auxiliary left turn lane (AUL).
- **Eastwood Road**
 - Auxiliary right turn lane (AUR), and
 - Basic left turn lane (BAL).

Intersection Analysis:

The previous Traffix Group report (our ref. GRP09519#2) Sidra analysis of the endorsed planning permit plans indicated that the intersections of the subdivision access points as well as the intersection of Great Alpine Road and Eastwood Road will provide good operating conditions with little or no delays or queues. In addition, the results also indicated that these intersections will continue to provide good operating conditions with little or no delays or queues into the future (10 years) when allowing for 2% growth per annum.

The volume of additional traffic generated by the amended proposal (160 extra trips per day and 16 extra trips in each peak hour) will be negligible and will have no significant impact on the operation of the proposed access points or the key intersection surrounding the subject site.

Conclusion:

Having reviewed the amended proposal for the residential subdivision at Brookfield Lakes, Bairnsdale, we are of the opinion that:

- (a) the net change in use between the planning permit endorsed plans and the amended proposal are the removal of the retirement village (180 independent living units and 30 aged care suites) and the inclusion of an additional 97 residential lots,
- (b) the amended proposal is likely to generate in the order of 6,006 trips per day (160 additional trips per day) with 510 trips in the AM peak period (additional 16 trips per hour) and 604 trips in the PM peak period (additional 16 trips per hour),
- (c) following the distribution of the predicted volumes between the two access points, the access arrangements to the subject site will remain unchanged from the planning permit endorsed plans,
- (d) the impact of the additional traffic on the access points and the surrounding key intersection will be negligible and will have no significant impact on the operation of these intersections,
- (e) there are no traffic engineering reasons why a planning permit should not be issued for the amended residential subdivision at Brookfield Lakes, Bairnsdale.

We trust this assessment satisfies the information requirements of Council. Should you have any further queries regarding our assessment, please contact Will de Waard or Brent Hodges at Traffix Group on 9822 2888.

Proposed Residential Development (Brookfield Lakes)
135 Great Alpine Road, Lucknow (Bairnsdale)



Yours faithfully,
TRAFFIX GROUP PTY LTD

A handwritten signature in black ink, appearing to read 'W. de Waard', with a long horizontal flourish extending to the right.

WILL DE WAARD
Director

Attachment A: Revision 'Q' Development Plans

Proposed Residential Development (Brookfield Lakes)
135 Great Alpine Road, Lucknow (Bairnsdale)



ATTACHMENT A

REV. 'P' DEVELOPMENT PLANS

GRP09519L#1



- LEGEND
- Subject Site
 - Stage Boundary
 - Road Network
 - 100 Year Flood Boundary
 - Existing Watercourse
 - Existing Buildings
 - Potential Location of Retarding Basins (subject to further investigation)
 - Local Activity Centre
 - Retirement Village
 - Standard Density Residential Lots (<1000sqm)
 - Lower Density Residential Lots (1000-2000sqm)
 - Public Open Space - Gully/Drainage
 - Public Open Space - Tree & Artefact Retention
 - Public Open Space - Landscape Buffer
 - Existing Trees

Subdivision Concept Plan, Brookfield Lakes
Bairnsdale



Scale: 1:2,500m @ A1
1:5,000m @ A3
0 25 50 75m

please note:
This plan is based on preliminary information only and may be subject to change as a result of formal Council/Authority advice, detailed site investigations and confirmation by survey

ref.: 3420503P
date: 10 March 2011
rev.: Q
drawn: RG
checked: HW

planning & urban design
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abn 99 124 206 819
trading as smec urban

Bennett Williams Lifestyle Communities

Bairnsdale residential land lease community market assessment

October 2022

**One
Fell
Swoop**



One Fell Swoop

One Fell Swoop is the leading provider of research, advisory, marketing, advertising, sales and operations services for Australasia's retirement living, land lease, assisted living and aged care sectors. Our comprehensive market, competitor and customer knowledge and insights deliver a smooth and highly successful development journey and conclusion.

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Overview

Background

Bennett Williams Lifestyle Communities (BWLC) has engaged One Fell Swoop (OFS) to conduct a market assessment to understand the potential opportunity for a residential land lease community (RLLC) at Bairnsdale, Victoria.

The primary objectives of the market assessment are outlined below.

Objectives

- To provide an up to date, in-depth understanding of the 65+ population in the catchment, including demographic profiling and projected demand for seniors' living products
- 65+ data has been used as although the legislated entry age for RLLC is 50+, the actual average age of seniors entering the RLLC is much higher. As per one Victorian land lease developer, the average age of its resident is 73¹.
- Also, as per 2016 ABS census 60-69 population is the biggest cohort for RLLC residents and the second biggest cohort is the 70-79 population
- To review current and future supply of seniors' living community within the catchment
- To identify current residential pricing within the catchment
- To provide recommendations on pricing for the proposed RLLC development.

1. Downsizing.com.au: average age of RLLC resident is 73.

Approach

The following approach has been used in the preparation of this market assessment:

- A primary catchment area has been defined
- Demographic characteristics of the 65+ cohort within the defined primary catchment have been identified and benchmarked against the broader geographical area (Regional Victoria)
- A sector scan for existing and pipeline product within the catchment has been conducted
- Calculation of demand, supply, and any market gaps for senior' living and RLLC have been identified
- Analysis of the residential housing market pricing within the catchment, in the preceding five-year period, including median prices and quartile analysis has been conducted

Data sources

Key data sources used to prepare this market assessment include:

- Australian Bureau of Statistics (ABS)
 - 2021 and 2016 Census
 - Household Income and Wealth, Australia, 2015-16
 - Residential Property Price Indexes: Eight Capital Cities
- Census 2016 Social Trends Report: Long term residents Caravan Parks and MHEs
- Downsizing.com.au
- Australian Government Department of Health
- Cordell Connect
- CoreLogic – Home Value Index
- Department of Social Services
- Knight Frank – Retirement Living Insight, September 2017
- McCrindle Baynes – Villages Census Report 2013-2014
- myagedcare.gov.au
- OFS Pulse 65+ quarterly online survey
- OFS Retirement Living Communities database
- PriceFinder
- Residential land lease community and Retirement living community operator websites
- village.com.au



The site

The site is located off the 135 Great Alpine Road, Lucknow. It is approximately 1.85 km on the west of Eastwood Village Shopping Centre, Victoria. The site area is approximately 64,670 sqm and it is currently vacant.

The table below lists the key amenities and their distance from the site:

Table 1. Amenities and distances from the site

Distance (km)	Category	Name
2.7km	Supermarket	Coles, Woolworths (Bairnsdale)
2.7km	Post Office	Australian Post (Bairnsdale)
2.9km	Banks	CBA, ANZ, NAB, Westpac, Bendigo
2.9km	Bakery	Bairnsdale's Bakehouse
3.1km	Fast Food	McDonalds
3.2km	Café	Noweyung Café (Bairnsdale)
3.7km	Medical	Gippsland Medicare Local (Bairnsdale)
3.9km	Pharmacy	Amcal Pharmacy (Bairnsdale)
4.7km	Hospital	Bairnsdale Regional Health Service

Map 1. The site



Catchment

Definition

In defining the catchment, the following factors are typically considered:

- Proximity to current residence and existing social networks
- Drive-time and radius from the location - kilometres/15 minute drive in metropolitan areas, 20 kilometres in regional areas
- Migration patterns of people aged 65+ into the SA2 where the subject site is located
- Median house prices
- Consideration of natural and man-made barriers (major roads, public transport, waterways etc)

Considering this combination of data sources, we have defined the catchment as shown on map two opposite. It covers approximately 727 square kilometres, with an estimated population of 42,265, of which 12,766 (30.2%) are aged 65+.

Map 2. The catchment



Catchment

Drive-time and radius from the site

Proximity to the prospect's existing home and social networks is an important consideration when modelling the catchment for seniors' living, including RLLC².

In capital cities on the east coast, we typically use a drive time of 15 minutes, or eight kilometres, and for regional areas we extend this to 20 minutes as home and social networks tend to be more spread out. Consequently, we have used a 20 kilometre radius for the Lucknow site.

Map three shows the 20 kilometre radius and 20 minute drive-times from the site as the start point in defining the catchment.

Map 3. 20-kilometre radius and 20 minute drive-times from site



2. McDoughall and Barrie, SA Retirement Village Survey 2016, University of Adelaide, May 2017: majority (63%) of participants moved less than ten kilometres from previous address to current retirement village.

Catchment

Migration

ABS Census data indicates that in the period between 2011 and 2016, 861 people aged 65+ either moved into (or within) the catchment.

Of these, at least 543 or 63.1% moved within the catchment, supporting the notion that people like to stay close to their previous home when moving to a new one.

We note there were total 64 people in the catchment who moved home and didn't state where they moved from.

This means the catchment could potentially capture a higher number of people aged 65+ who moved within the catchment, rather than into it.

Table 2. Migration aged 65+ into or within the catchment

SA2	Number of people aged 65+	%
Within the catchment	543	63.1%
Bairnsdale	323	37.5%
Bruthen - Omeo	117	13.6%
Paynesville	62	7.2%
Lakes Entrance	41	4.8%
Outside catchment but within VIC		
Outside catchment but within VIC	138	16.0%
Within VIC with SA2 not stated	64	7.4%
Other states	110	12.8%
Other states with SA2 not stated	6	0.7%
Total	861	100.0%

Source: ABS Census 2016

Catchment

Median house price

Median house prices in Lucknow and the surrounding suburbs are detailed in map four, opposite.

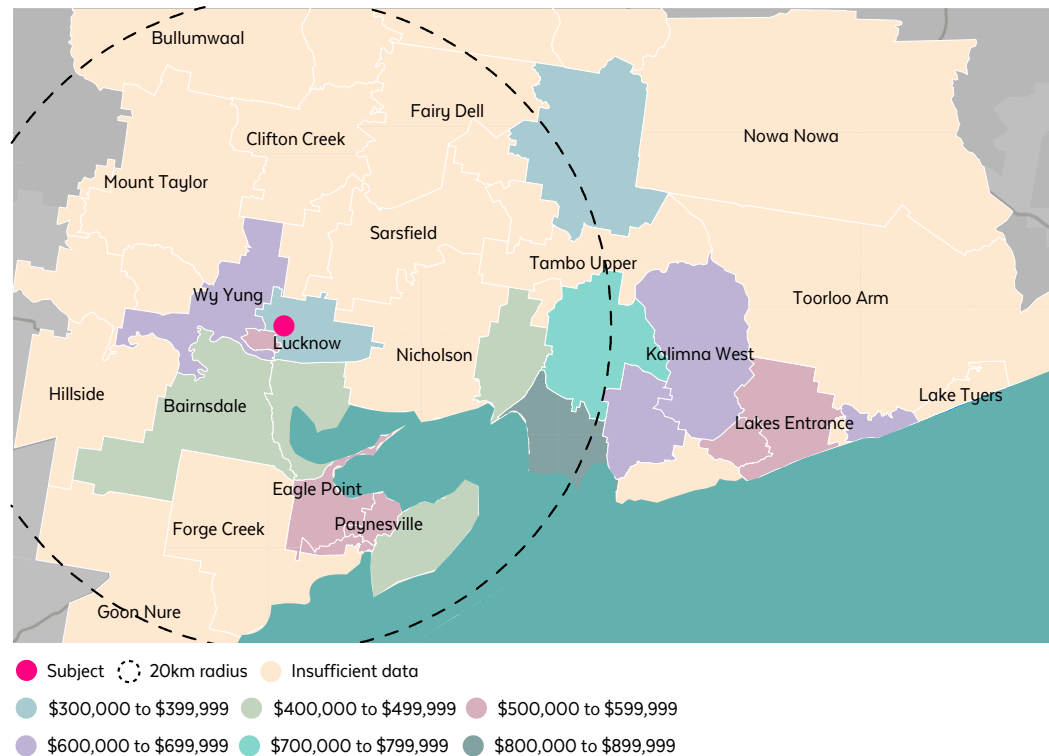
House prices and home ownership levels are of interest as they are regarded as a key determinant of capacity to pay the ingoing contribution to enter seniors' living/ RLLC.

This information also provides an indication of the standard of accommodation which individuals have become accustomed to and what their likely expectations will be in choosing their next residence³.

Within a 20-kilometre radius of the site, the median house prices range from \$389,000 in Bruthen to \$805,000 in Metung.

The subject site is located in the suburb of Lucknow, which has a median house price of \$395,000

Map 4. Suburb median house prices



3. OFS Pulse 65+ survey indicates that 76% of seniors living in metropolitan areas are willing to pay up to 80% of their house value as a retirement living in-going contribution.

Demographics

A higher than average aged population with lower than average forecast growth

The catchment has a total population of 42,265 in a 727 square kilometre area, representing a density of 58 people per square kilometre vs. seven people for Regional VIC.

Within the catchment, those aged 65+ account for 30.2% of the population (12,766); this is higher than Regional VIC where the 65+ population accounts for 22.1%.

The 65+ cohort in the catchment is forecast to grow by 23.1% in the ten years to 2032. This is lower than the forecast growth rate for Regional VIC of 26.4% but would still represent a significant increase in absolute numbers of the 65+ cohort.

Please note: At the time of writing, a limited amount of data from the 2021 Census is available. Wherever possible, 2021 data is used, where it is not yet available, data from the 2016 Census is used instead.

Table 3. Catchment population projections

Catchment population	2022	2027	2032	Total change 2022 - 2032
Total population	42,265	44,169	45,449	7.5%
People aged 65+	12,766	14,470	15,719	23.1%
Proportion aged 65+ (%)	30.2%	32.8%	34.6%	
Regional Victoria				
Total population	1,565,476	1,636,858	1,691,153	8.0%
People aged 65+	346,150	398,627	437,664	26.4%
Proportion aged 65+ (%)	22.1%	24.4%	25.9%	

Source: ABS for Australian Government Department of Health: 2017 (base) to 2032 at Statistical Area Level 2 (SA2).



Demographics

Predominately Anglo-Saxon and comparable education levels

Those of an Anglo-Saxon background living in the catchment account for 82.9% of the cohort, which is on par with Regional VIC (82.2%).

A person's ethnicity is of interest because data indicates that Anglo-Saxons are more pre-disposed towards choosing to live in seniors' living communities⁴. This is generally because many other cultures have a more familial approach to taking care of older family members.

Levels of educational attainment for the catchment cohort are on par with Regional VIC. Within the catchment, 8.3% of the cohort attained a degree or higher education level compared to 8.7% in Regional VIC. Lower levels of educational attainment typically indicate potentially below average levels of wealth, income, and health in later years⁵.

Figure 1. Place of birth

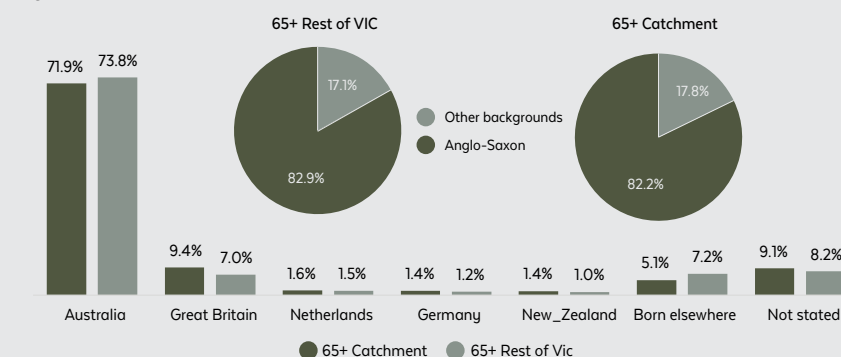
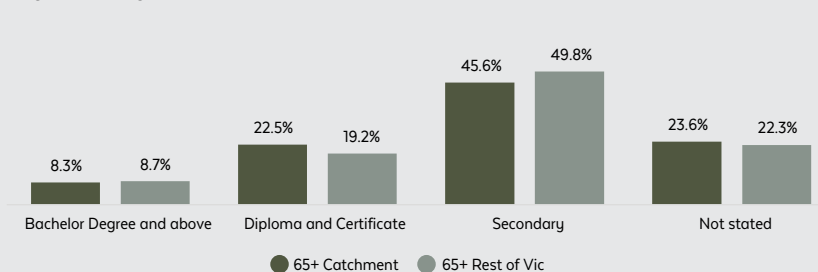


Figure 2. Highest level of education achieved



4. 2016 ABS Census indicates 81.5% of retirement village residents in Australia are of an Anglo-Saxon background. Overall, 69.3% of the 65+ population in Australia of Anglo-Saxon background.

5. 2016 ABS Census indicates 34% of people aged 65+ with a degree have a weekly income greater than \$1,000 vs 8% of those without a degree. It also indicates that 9.9% of the 65+ cohort with a degree need assistance with core activities vs 20.8% without a degree.

Demographics

Below average need for assistance

Of the 65+ cohort in the catchment, 14.2% have a need for assistance with core living activities, i.e., they need assistance in their day to day lives with one or more of the core activities of self-care, body movement and communication. This is slightly lower than the Regional VIC average of 16.4%. A healthier cohort could indicate a higher demand for lifestyle facilities such as a swimming pool, cinema, and more active community spaces as they are physically capable to enjoy independent living.

Within the catchment 26.5% of the 65+ cohort live alone, which is on par with the Regional VIC average of 25.8%. Seniors in lone person households can have limited human contact which puts them at a higher risk of isolation, loneliness and associated adverse mental health; organisations providing home care have reported that as many as 41% of their new clients identify as lonely⁶.

Because of this, seniors' living alone may be more inclined to move into a RLLC, where they can live independently yet alongside peers.

Figure 3. Need for assistance with daily living activities, by age

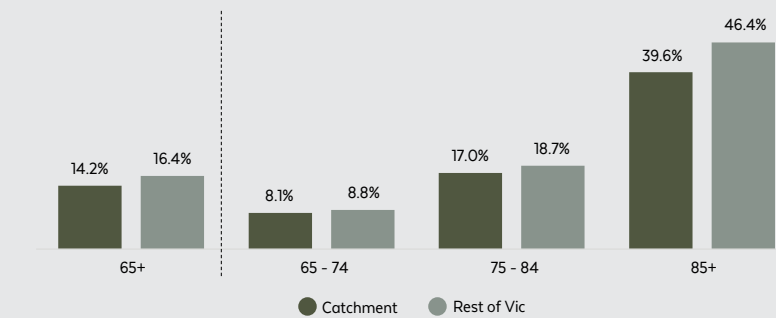
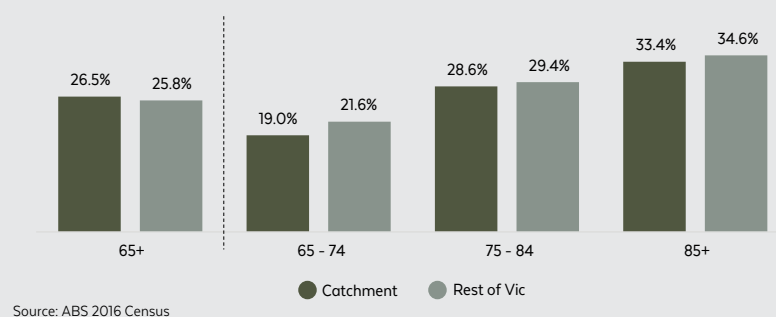


Figure 4. Lone person households, by age



6. ACSA (2015) Social isolation and loneliness among older Australians Issues Paper #1, October 2015.



Demographics

Socio-Economic Indexes for Areas (SEIFA)

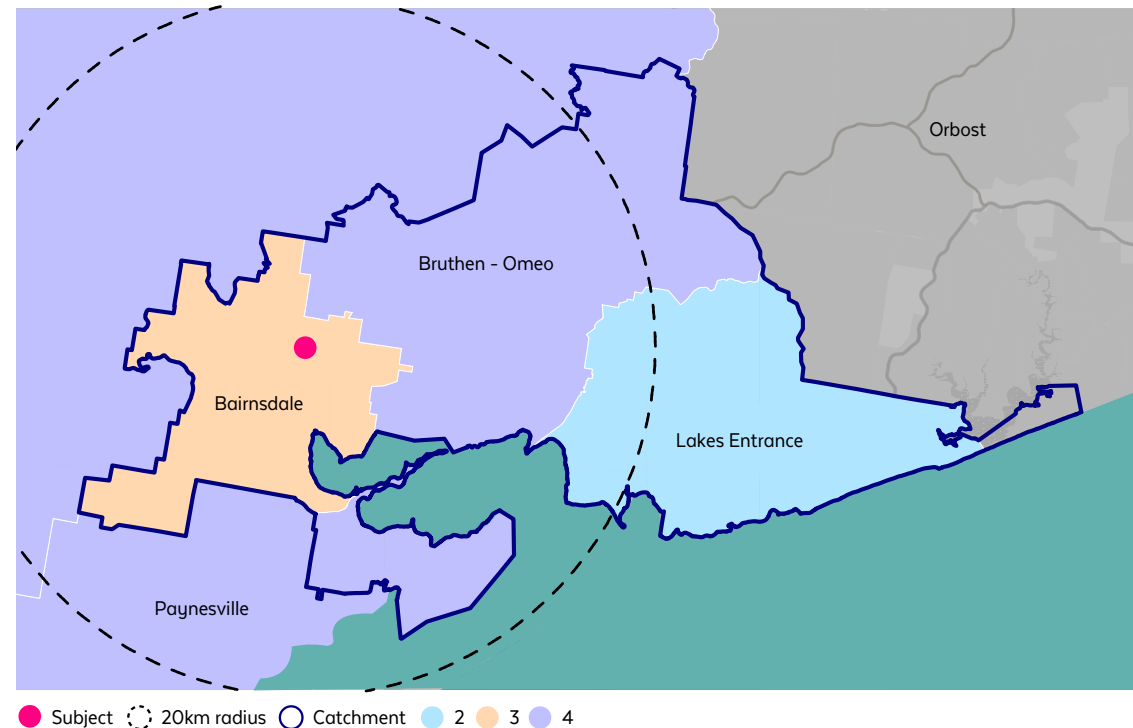
Socio-Economic Indexes for Areas (SEIFA) has been developed by the ABS to rank areas in Australia according to relative socio-economic advantage and disadvantage. The Index of Relative Socio-Economic Advantage and Disadvantage (IRSAD) is one of the SEIFA with which we can identify areas with greater and lesser socio-economic advantage.

A higher index (out of ten) indicates greater socio-economic advantage, meaning greater access to material and social resources and ability to participate in society; and vice versa.

Within the catchment, in general, the SA2 areas to the east along the coastline have a higher in SEIFA index. The SA2s in which the site is located have scores of 3.

This indicates that the catchment generally represents relatively low social economic conditions.

Map 5. IRSAD by SA2



1 = Most disadvantaged; 10 = Most advantaged



Demographics

Household net worth

Household net worth is the wealth possessed by a family including all assets (primarily formed by home, investment properties, businesses, vehicles, shareholdings, superannuation balances, cash at bank) after deducting the total liabilities the household holds (primarily formed by outstanding loan amounts, mortgages, and credit card balances).

It provides an indication of the equity a household possesses which they can draw from to fund their retirement land lease communities (RLLC) and associated service provision. A greater net worth means more equity and a stronger financial position to support a higher standard of living and potentially life in a RLLC.

The average household net worth in the catchment ranges from \$602,200 in SA2 of Bairnsdale, to \$937,900 in the Paynesville SA2.

The subject site sits in Bairnsdale SA2 where the household net worth is \$602,200, which is towards the lower end of the range in the catchment.

Table 4. Household net worth by SA2

SA2	Average household net worth (\$'000)
Paynesville	937.9
Bruthen - Omeo	863.2
Lakes Entrance	781.4
Bairnsdale	602.2

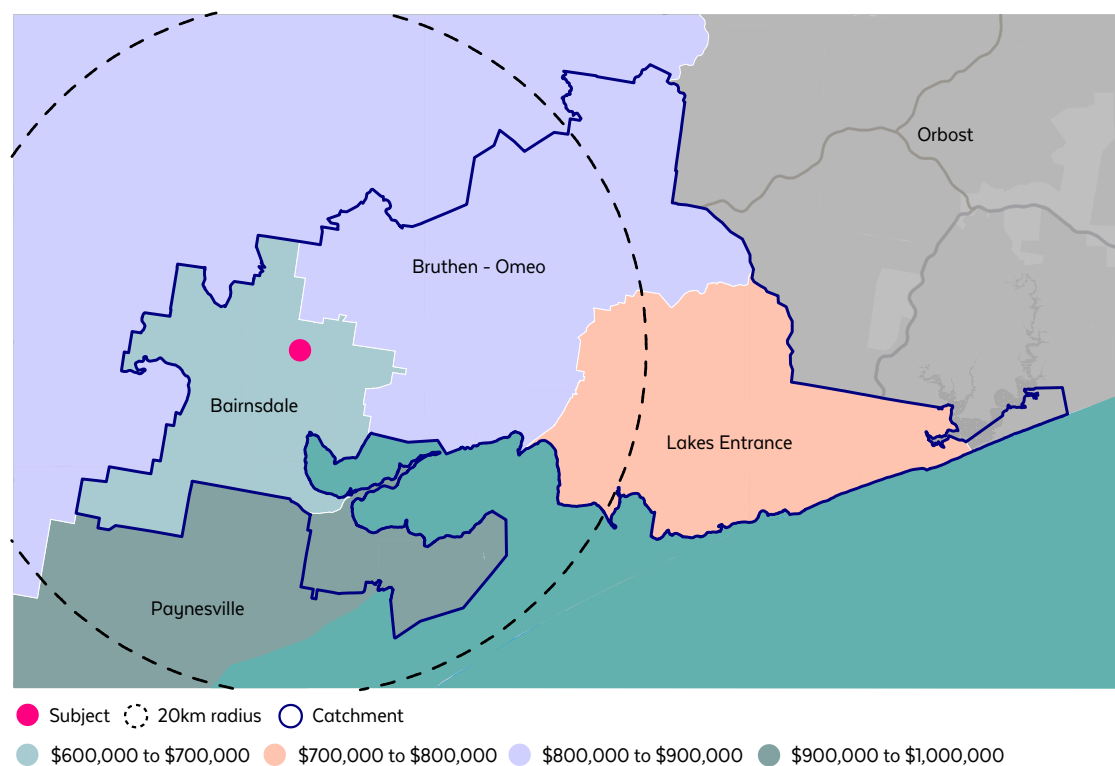
Source: ABS, Survey of Income and Housing (2015-16)

Please note: House prices have increased significantly since data was collected in 2016, meaning household net worth is most likely considerably higher.



Demographics

Map 6. Household net worth by SA2



Demographics

Average capacity to afford seniors living and RLLC

The family home is often the largest asset that an individual or couple own. Sale of the home is typically the main source of funding for those moving into a retirement community. Note that only part of the proceeds of sale is usually reinvested in this way, leaving a portion of proceeds to fund ongoing services, care, and lifestyle⁷.

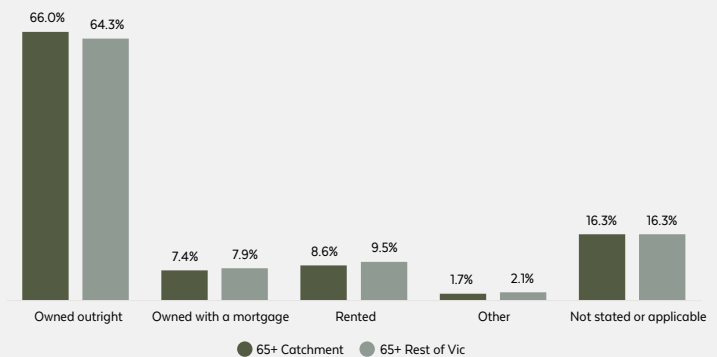
Of the 65+ cohort in the catchment 66.0% have achieved the Australian dream of owning their own home, slightly higher than in Regional VIC (64.3%). A further 7.4% are still paying down their mortgage which is slightly lower than Regional VIC (7.9%).

This indicates an average capacity to buy into senior' living and to also afford ongoing fee-based care services.

While the sale of the family home frees up valuable housing stock for the community, older homeowners receiving the full-rate age pension can be wary of doing so for fear of losing their pension entitlement or seeing it significantly reduced if the equity released becomes an asset outside their principal place of residence.

Of the cohort 8.6% are renters, compared to 9.5% in Regional VIC. Those renting, and assuming they have no significant assets or savings, are unlikely to be able to afford the ingoing price to move to RLLC.

Figure 5. Tenure: 65+ cohort Catchment vs Regional VIC



Source: ABS 2016 Census

⁷ McCrindle Baynes Villages Census Report 2013-2014 notes 90% of village residents funded their ingoing contribution through sale of their current home.



Demographics

Moderate capacity to afford ongoing care services

The level of income within the catchment is on par with Regional VIC, with 52.4% of the cohort having a weekly income of equal to, or less than, \$500 compared to 50.8% in Regional VIC.

The proportion of the cohort receiving all, or part of the age pension is higher than that in Regional VIC – 46.0% of the cohort receive the full age pension and 22.5% a partial pension (68.5%), vs 43.2% and 20.9% in Regional VIC (64.1%).

This indicates a below average capacity to afford ongoing support and care costs.

It may also indicate the 65+ cohort in the catchment would potentially spend a comparably lower portion of the capital unlocked from the sale of their home to pay for the ingoing contribution to a seniors' living community, as a higher portion of their liquidity is kept for their ongoing living costs.

However, the RLLC model favours locations where a larger portion of the 65+ population receives a full or part age pension. Commonwealth rental assistance is available to those recipients that can be applied against site rental fees associated with RLLC. This isn't a benefit available to retirement living residents.

Figure 6. Income (weekly)

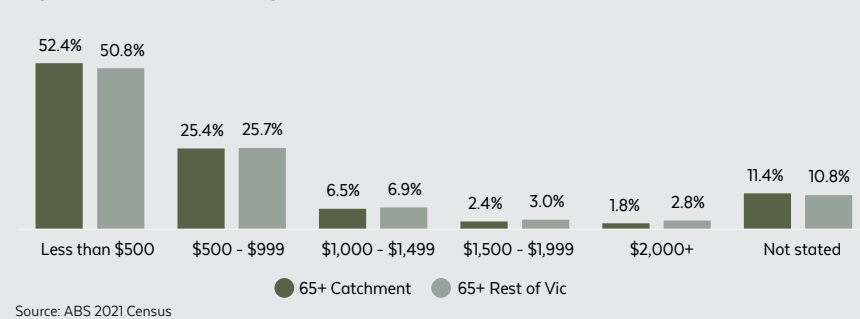
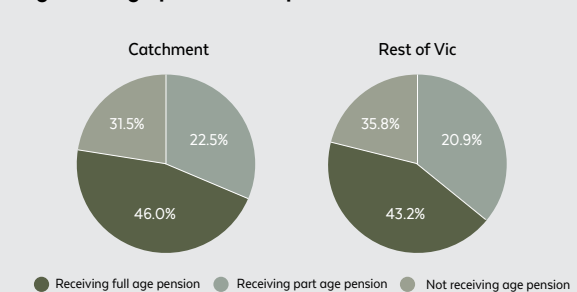


Figure 7. Age pension recipients



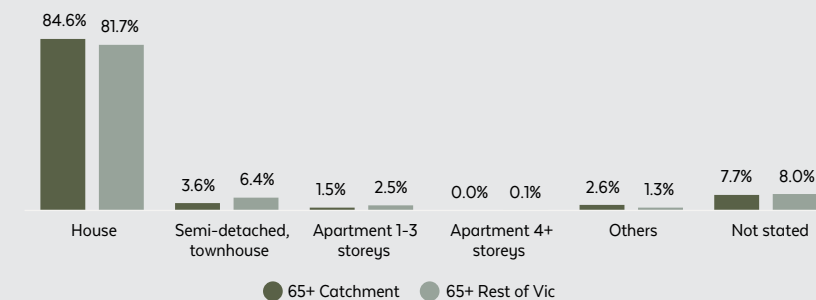
Demographics

House dwellers with rooms to spare

Of the cohort, 84.6% live in a standalone house, which is in line with Regional VIC (81.7%). This suggests that this group may be more comfortable with villa style accommodation. However, given the Lucknow location of the subject site, low-rise apartments might provide more residents with the opportunity accessing the water view from their home.

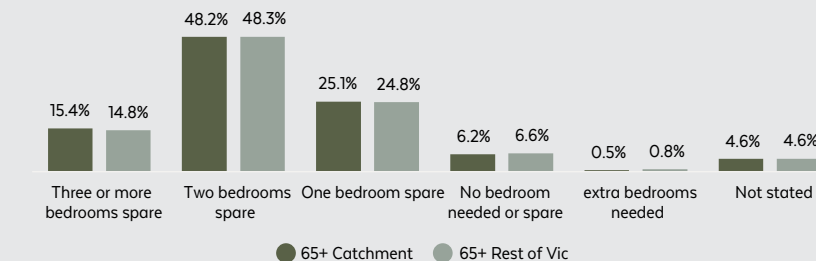
Additionally, 25.1% of the cohort have at least one spare bedroom in their current home, which is slightly higher than Regional VIC (24.8%). This indicates an opportunity exists to downsize to a smaller property within the catchment.

Figure 8. Dwelling structures



Source: ABS 2016 Census

Figure 9. Excess bedrooms



Source: ABS 2016 Census



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Residential land lease communities

Within the catchment there are two residential land lease communities (RLLC), as detailed in Table five.

RLLC are different to retirement communities yet are clearly positioned as a seniors’ living option. From the consumers’ perspective, they are not always differentiated from traditional retirement villages. The standard of RLLC varies significantly, from caravan parks with truly relocatable homes or cabins, to more premium standard accommodation and community facilities.

RLLC is an evolving category with interesting times ahead, as evidenced by Stockland’s recent jettisoning of its retirement living portfolio to pursue RLLC.

An example of RLLC within the catchment is Lakes Entrance Village operated by Hampshire Villages. It positioned itself as affordable retirement solution for 50+ with the option “Shared equity” for the residents who can choose to pay a minimum of 75% of the unit price and share the ownership with the operator by holding the same percentage. The community is fully occupied and the indicative price for a unit is around \$250,000.

Another example in the catchment is Broadlands View, which is a new RLLC with Stage 1 comprises 31 units already sold out. Further stages will comprise another 91 RLLC units and a tourist park for short term tourism accommodation. The unit price for a RLLC is around \$320,000.

Table 5 Existing residential land lease communities in the catchment

Map ID	Distance (km)	Name	Operator	Address	Product overview	Ingoing contribution/price
1	2.6	Broadlands View	Broadlands View	43 Phillips Lane, Lucknow	122	\$320,000 - \$330,000
2	33.1	Lakes Entrance Village	Hampshire Villages	86 Golf Links Road, Lakes Entrance	50	\$250,000 - \$290,000
				TOTAL	172	

Source: Cordell



Residential land lease communities

Ingoing contributions

The chart opposite shows the ingoing contributions for all two residential land lease communities in the catchment.

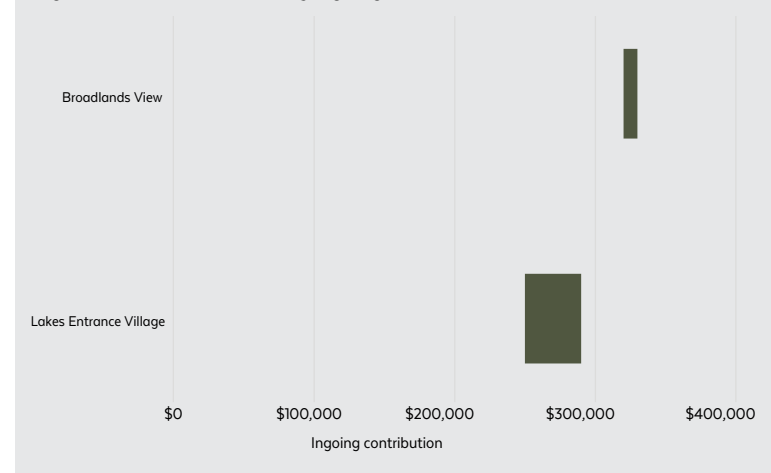
To provide greater context, we typically compare the ingoing contributions with local house prices to better understand affordability. We work with the assumption that someone downsizing to independent living will use up to 80% of the sale of their current home to fund their entry to seniors' living, leaving 20% to go towards other expenses and/or savings^a.

To arrive at a pricing affordability range for the catchment cohort, we base our calculations on 80% of the median house price as the lower range and 80% of the quartile four price as the upper range. In this catchment.

- The median house price in the catchment is \$550,000
- Fourth quartile average price is \$914,775
- Adopting the 80% rule results in a pricing range for independent living of **\$440,000 to \$731,820**

However we believe that this approach may not hold completely true for Bairnsdale, with a competitor set priced well below this band. Therefore we recommend taking a slightly more conservative approach and adopt the median house price for Lucknow (the suburb) which would provide a band of **\$328,000 - \$572,200** based on the above calculation. This would see an ingoing contribution starting at the top/premium end of the RLLC set in the area – but still within reach for prospective purchasers.

Figure 10. Catchment RLLC by ingoing contribution



^a OFS Pulse 65+ (Apr 2021) survey indicates that 76% of seniors living in metropolitan areas are willing to pay up to 80% of their house value as a retirement living in-going contribution.

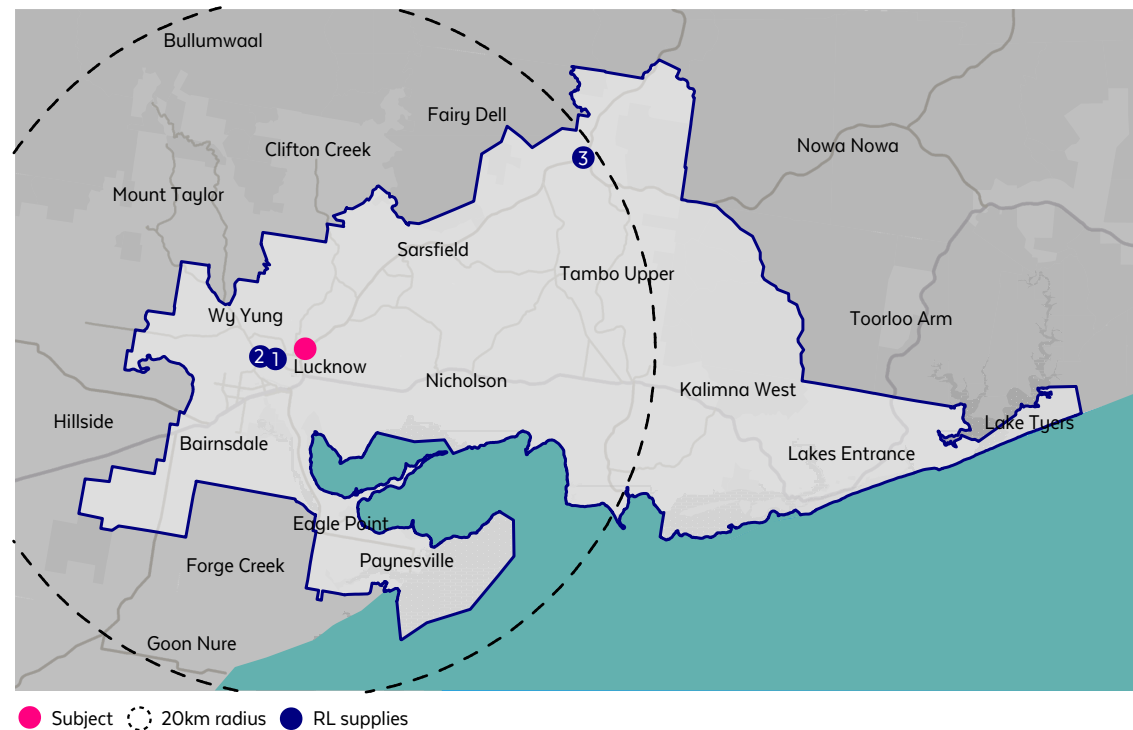
Retirement living

There are currently three retirement living communities in the catchment, with a total of 264 (Independent living units) ILU.

The locations of the communities are shown on map and further details in table six below.

OFS considers the two of three communities to be below market standard. Eastwood Retirement Village is the only community in the catchment considered as of at market standard.

Map 7. Retirement living communities in the catchment



Retirement living

Table 6. Existing retirement living supplies in the catchment

Map ID	Distance (km)	Name	Operator	Address	Product overview	Standard	Co-located with RAC/AL	Ingoing contribution/ price/ rental
1	1.8	Eastwood Retirement Village	Eastwood Retirement	20 Evergreen Way, Eastwood	158 ILU	At market	No	\$500,000 - \$600,000
2	2.5	Clifton Waters Retirement Village	Clifton Waters Retirement Village	3 Douglas Drive, Wy Yung	91 ILU	Below market	No	\$165,000 - \$249,000
3	19.2	Daniel Gunson Memorial Village	Uniting	14 Church Street, Bruthen	15 ILU	Below market	No	\$20,000 - \$60,000
				TOTAL	264			

Source: village.com.au and OFS RV Database



Retirement living

Retirement living in the pipeline

Data indicates there is one pipeline retirement living communities providing an estimated 93 independent living dwellings in the catchment.

The DA of development has been granted.

Further details on the pipeline can be found in table seven following and in appendix 2.

Map 8. The retirement living pipeline in the catchment



Retirement living

Table 7. Retirement living pipeline in the catchment

Map ID	Distance (km)	Name	Developer	Address	Product overview	Status	Forecast completion
1	12.9	Coast Avenue Retirement Village	Paynsville Park Pty Ltd	91 Coast Avenue, Paynesville	93 ILU	Development Approval	2023
				TOTAL	93		

Source: Cordell



Retirement living

Ingoing contributions

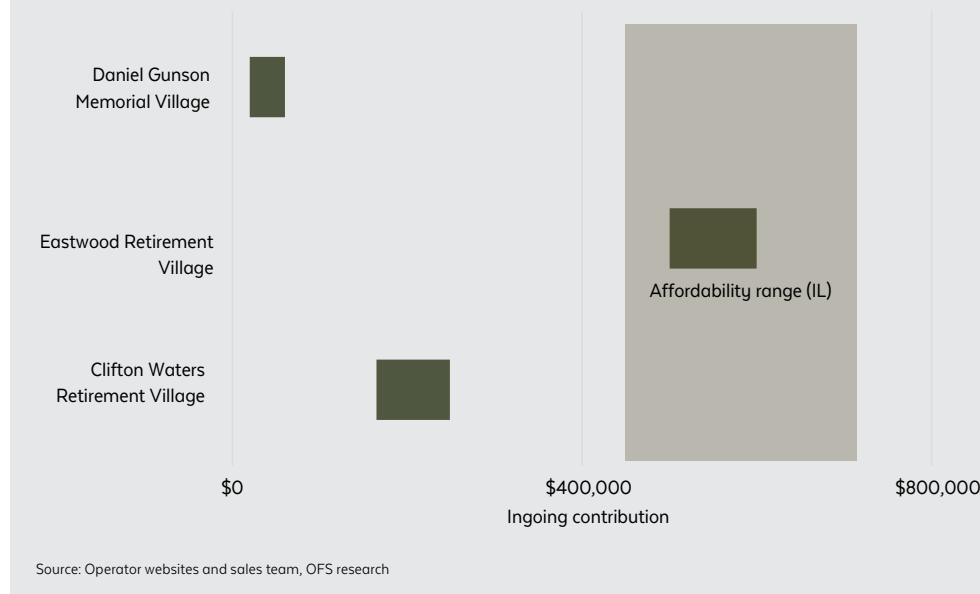
The chart opposite shows the ingoing contributions for all three retirement living communities in the catchment.

To provide greater context, we typically compare the ingoing contributions with local house prices to better understand affordability. We work with the assumption that someone downsizing to independent living will use up to 80% of the sale of their current home to fund their entry to seniors' living, leaving 20% to go towards other expenses and/or savings⁹.

To arrive at a pricing affordability range for the catchment cohort, we base our calculations on 80% of the median house price as the lower range and 80% of the quartile four price as the upper range. In this catchment:

- The median house price in the catchment is \$550,000
- Fourth quartile average price is \$914,775
- Adopting the 80% rule results in a pricing range for independent living of \$440,000 to \$731,820

Figure 11. Catchment retirement living communities by ingoing contribution



9. OFS Pulse 65+ (Apr 2021) survey indicates that 76% of seniors living in metropolitan areas are willing to pay up to 80% of their house value as a retirement living in-going contribution.

Retirement living

Estimated demand gap for retirement living communities in the catchment

The penetration of retirement living communities among the population aged 65+, as indicated by 2016 Census data, in the catchment is 12.5%, which is significantly higher than the national average of 6.0% or the VIC average of 4.7%¹⁰.

To establish the demand for senior’ living in the catchment, the catchment average rate of 12.5% is used for a high demand scenario and the national average penetration rate of 6.0% for a low demand scenario. Using a ratio of occupants per dwelling of 1.3 people, the demand for retirement living dwellings is forecast in the table opposite.

To forecast the supply, we have adopted the existing total supply of 264 retirement living dwellings and added the identified development pipeline of 93 dwellings over the ten-year period to 2032 with the assumptions that all the 93 pipeline dwellings will be completed by 2027 as expected by Cordell.

The market gap within the catchment based on both high and low scenarios is expected to show a significant undersupply of retirement living accommodation continuing for at least the next decade.; see Table eight.

While we don’t have access to RLLC penetration figures we note that such a significant mismatch of supply and demand for seniors’ accommodation is likely to impact on increased demand for all seniors’ accommodation product (including RLLC) over the next decade.

Table 8. OFS forecast of total market gap for retirement living

Year	2022		2027		2032	
Scenario	Low	High	Low	High	Low	High
Target market (people aged 65+)	12,766		14,470		15,719	
Penetration rate	6.0%	12.5%	6.0%	12.5%	6.0%	12.5%
Estimated population demand	766	1,596	868	1,809	943	1,965
Estimated dwelling demand	589	1,228	668	1,391	725	1,511
Supply^	264		357		357	
Market gap – (supply surplus)	325	964	311	1,034	368	1,154

^ Supply in forecasted years 2027 and 2032 are based on estimated construction completion dates and should be considered as general guidance only.

10. ABS 2016 Census shows 5,728 out of 45,899 people aged 65+ in the catchment living in retirement living communities.



Residential market overview

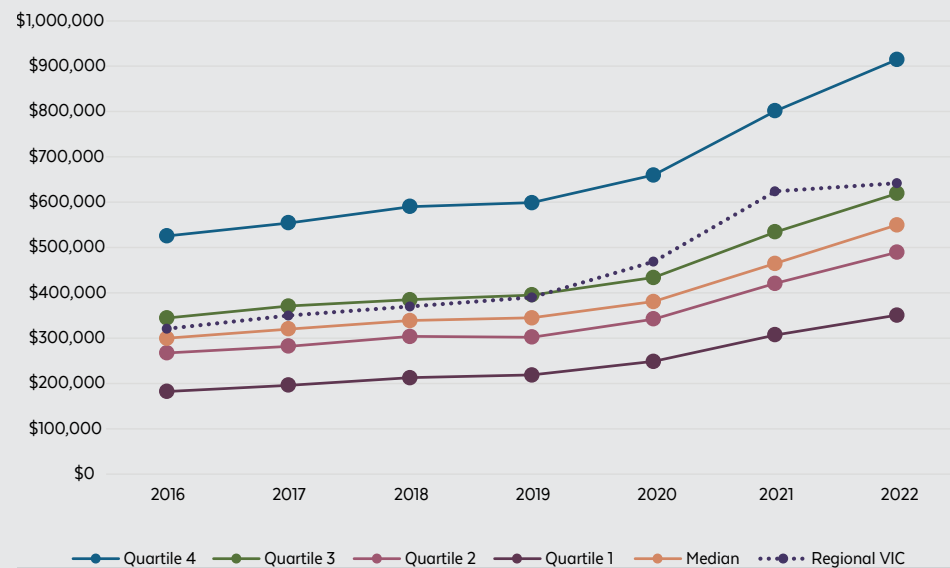
Catchment residential house market

Residential house prices in the catchment have been lower than in Regional VIC since at least 2016, with only quartile four remaining higher than the Regional VIC median over this period. However, higher levels of growth in the catchment since 2020 has seen the gap in residential prices between Regional VIC and those in the catchment converge.

At present in the catchment median is \$550,000 while in Regional VIC it is \$642,000.

In the first half of 2022 while the price in Regional VIC increased based on the expectation, the median house price in the catchment increased a further 18.3% from \$465,000 in December 2021. However, it remains questionable whether the strong growth trend in the catchment will continue over the next 12 months especially with the likelihood of further interest rate hikes on the horizon.

Figure 12. Trimmed mean prices (house) within each quartile and median price movements (catchment)



Source: OFS calculations using house sales records sourced from PriceFinder (2022).

Residential market overview

Table 9. Residential house market movements in the catchment

Year		2016	2017	2018	2019	2020	2021	Jan - Aug	% Change 2021 - 2022	% Change 2016 - 2022
Mean	Quartile 4	\$525,578	\$554,249	\$590,240	\$599,102	\$659,724	\$801,742	\$914,775	14.1%	74.1%
	Quartile 3	\$344,562	\$370,739	\$384,953	\$395,442	\$433,729	\$534,468	\$619,324	15.9%	79.7%
	Quartile 2	\$267,415	\$282,312	\$303,573	\$302,523	\$342,265	\$420,648	\$489,583	16.4%	83.1%
	Quartile 1	\$182,368	\$196,309	\$212,870	\$218,690	\$248,799	\$307,497	\$350,911	14.1%	92.4%
Median		\$300,000	\$320,500	\$339,000	\$345,000	\$381,000	\$465,000	\$550,000	18.3%	83.3%
Regional VIC		\$320,800	\$350,000	\$370,000	\$390,000	\$469,000	\$624,000	\$642,000	2.9%	100.1%
Houses sold		800	920	940	835	910	1,133	459		

Source: OFS calculations based on data sourced from PriceFinder (2022). Quartile prices (affordable, mid-lower, mid-upper, premium) indicate trimmed mean of the mid-96% range of prices within overall transactions with a recorded price.

Residential house prices are used as a proxy for capacity to buy into retirement accommodation.

When downsizing to retirement living, the cohort will typically use up to 80% of the proceeds from the sale of their home to fund their entry, leaving 20% to go towards other living expenses, care costs and/or savings.

To determine the capacity within the catchment to buy into retirement living we adopt 80% of the median house price (\$550,000) as the lower range and 80% of the quartile 4 price point (\$914,775) as the upper range, with the resultant pricing range of **\$440,000 to \$731,820**.



Residential market overview

Lucknow residential house market

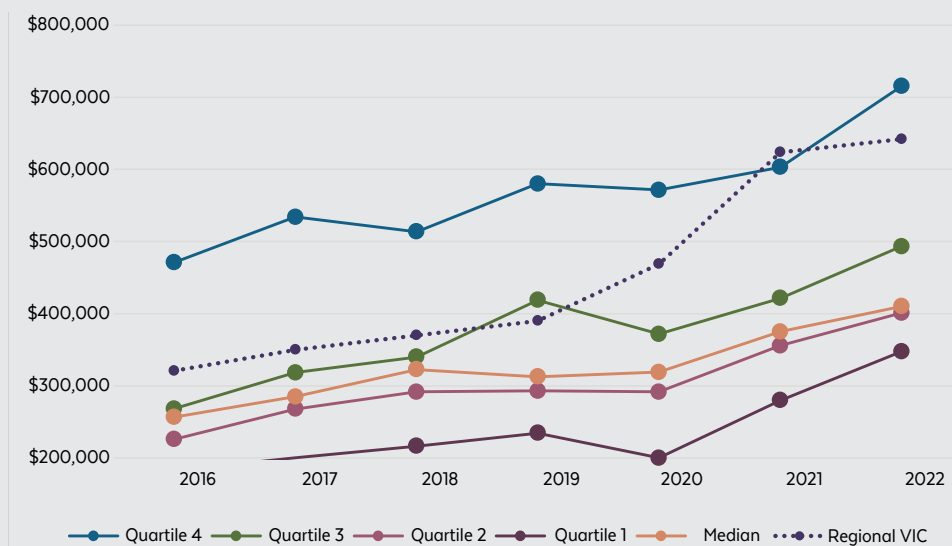
Residential house prices in Lucknow have been lower than in Regional VIC since at least 2016, with only quartile four remaining higher than the Regional VIC median over this period.

However, higher levels of growth in the suburb since 2020 has seen the gap in residential prices between Regional VIC and those in the catchment converge.

At present in the suburb median is \$410,000 while in Regional VIC it is \$642,000.

In the first half of 2022 while the price in Regional VIC increased based on the expectation, the median house price in the suburb increased a further 9.3% from \$375,000 in December 2021. However, it remains questionable whether the strong growth trend in Lucknow will continue over the next 12 months especially with the likelihood of further interest rate hikes on the horizon.

Figure 13. Trimmed mean prices (house) within each quartile and median price movements (Lucknow)



Source: OFS calculations using house sales records sourced from PriceFinder (2022).

Residential market overview

Table 10. Residential house market movements in Lucknow

Year		2016	2017	2018	2019	2020	2021	Jan - Aug	% Change 2021 - 2022	% Change 2016 - 2022
Mean	Quartile 4	\$471,000	\$534,143	\$513,500	\$580,000	\$571,400	\$603,000	\$715,250	18.6%	33.9%
	Quartile 3	\$268,286	\$318,167	\$340,042	\$418,750	\$371,600	\$421,600	\$493,333	17.0%	55.1%
	Quartile 2	\$225,750	\$267,750	\$291,583	\$292,833	\$291,500	\$355,600	\$401,000	12.8%	49.8%
	Quartile 1	\$182,563	\$199,889	\$216,357	\$234,375	\$200,000	\$279,857	\$347,400	24.1%	73.8%
Median		\$256,500	\$285,000	\$322,500	\$312,500	\$319,000	\$375,000	\$410,000	9.3%	43.9%
Regional VIC		\$320,800	\$350,000	\$370,000	\$390,000	\$469,000	\$624,000	\$642,000	2.9%	83.4%
Houses sold		27	32	26	27	23	23	12		

Source: OFS calculations based on data sourced from PriceFinder (2022). Quartile prices (affordable, mid-lower, mid-upper, premium) indicate trimmed mean of the mid-96% range of prices within overall transactions with a recorded price.

Residential house prices are used as a proxy for capacity to buy into retirement accommodation.

When downsizing to retirement living, the cohort will typically use up to 80% of the proceeds from the sale of their home to fund their entry, leaving 20% to go towards other living expenses, care costs and/or savings.

To determine the capacity within the catchment to buy into retirement living we adopt 80% of the median house price (\$410,000) as the lower range and 80% of the quartile 4 price point (\$715,250) as the upper range, with the resultant pricing range of **\$328,000 to \$572,200**.



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Appendices



Appendix 1: RLLC- competitor and pipeline details

Broadlands View

Operator	Broadlands View
Address	43 Phillips Lane, Lucknow
Website	www.broadlandsview.com.au/
Contract type	Lease

Accommodation	No.	Price range
One/Two bedroom	122	\$320,000 - \$330,000
Total	122	

*Estimated

The Operator	Broadlands View is a private residential land lease community operator in Lucknow VIC
The location	5 minutes from Bairnsdale town centre (Woolworths, Coles and other retail and services). 20 minutes to Paynesville Beach.
Year built	
The community	<p>122 villas in 28 acres land located in prime position. Broadlands view also owns 80 acres of the surrounding farmlands.</p> <p>Facilities and services include: Community centre, gym, indoor heated swimming pool, a consulting suite for visiting local professionals like hairdresser, medical or perhaps craft, book clubs, community kitchen garden, community workshops.</p> <p>Retirement style living with no exit fees.</p>



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Appendix 1: RLLC- competitor
and pipeline details

Broadlands View



Appendix 1: RLLC- competitor and pipeline details

Lakes Entrance Village

Operator	Hampshire Villages
Address	86 Golf Links Road, Lakes Entrance
Website	www.hampshirevillages.com.au/
Contract type	Lease

Accommodation	No.	Service fee (per week)	Price range
Two bedroom	50	\$165	\$250,000 - 290,000
Total	50		

*Estimated

The Operator	Lakes Entrance Village is a private residential land lease community operator in Lucknow VIC
The location	5 minutes into town centre for all shopping, dining and healthcare needs. (Woolworths, Coles and other retail and services). 15 minutes to Bairnsdale Hospital.
Year built	
The community	<p>50 villas, relaxed coastal lifestyle with pristine beaches and lakes right on the doorstep.</p> <p>Facilities and services include: community centre, outdoor entertaining/ BBQ area, secure gated access, onsite live-in manager, pet friendly.</p> <p>Golf course right next door.</p> <p>Financial Benefits: No stamp duty, no council rates or taxes, no exit fees, shared equity.</p>

Appendix 1: RLLC - competitor and pipeline details

Lakes Entrance Village



Appendix 1: RLLC – competitor and pipeline details

75 Paynesville Road Residential Village

Address	75 Paynesville Road, Paynesville	Status	Development Approval
The Operator	Palm Lake Resorts		
The development	<p>Use and development of the land for a residential land lease community comprising 195 units.</p> <p>A more centralised clubhouse facility that includes a gymnasium, bowling alley, indoor pool and spa, yoga studio, golf simulator, library, cinema and lawn bowls.</p> <p>The clubhouse facility is proposed to have a maximum building height of 9 metres and will be setback approximately 4 metres from the east boundary, being the closest interface to existing dwellings.</p> <p>Seven different dwellings types predominantly single storey in height with some double storey dwellings.</p> <p>Each dwelling will comprise three bedrooms, two or three bathrooms, an open planned kitchen /living area and a secure double garage.</p> <p>Each dwelling is provided with either two outdoor entertaining areas with different orientations or one larger outdoor entertaining area typically with a north, west or east orientation.</p>		



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Appendix 2 Retirement living – competitor and pipeline details

Eastwood Retirement Village

Operator	Eastwood Retirement	Accommodation	No.	Size range (internal)	Service fee (per week)	Price range
Address	20 Evergreen Way, Eastwood	Two bedroom	158	146.5– 191.27	\$139.73	\$500,000 - \$600,000
Website	www.eastwoodretirement.com.au/	Total	158			
Contract type	Lease					

Exit fee

DMF	Charged on ingoing/outgoing	Ingoing
About	Applicable on all apartments	
Rate	Year one to seven	5% p.a
	Maximum	20%
Capital gain share	50% capital gain	

DMF: Deferred Management Fee

The Operator	Eastwood Retirement is a private retirement living operator in Eastwood VIC
The location	1.8 kilometres from Bairnsdale town centre (Woolworths, Coles and other retail and services). 510m to bus stop. 3km to Bairnsdale Regional Health Service (hospitals).
Year built	Construction started 2010
The community	<p>158 villas and apartments. Facilities and services include: arts and crafts room, a consulting suite for visiting podiatrist and hairdresser, a workshop, cinema, entertainment area, billiards room, games and bar room, table tennis, darts, library, 11 metre inground pool, showers and changerooms,</p> <p>Village transport is available for transport into the town centre on a regular basis, or to organize outings, tours or trips.</p> <p>A residents' vegetable garden, fruit trees and communal barbeque area are situated throughout the village for your use. There are 18 waterfront apartments in a two-storey building with the view of Kincumber Broadwater.</p> <p>230 residents residing in the village (158 villas occupied) and the average age is 74.</p>



Appendix 2 Retirement living – competitor and pipeline details

Eastwood Retirement Village



Appendix 2 Retirement living – competitor and pipeline details

Coast Avenue Retirement Village

Address	91 Coast Avenue, Paynesville	Status	Development Approval
The Operator	Paynsville Park Pty Ltd		
The development	<p>Construction of a retirement village with 93 villas in duplex and detached formation and a separate community centre and mens shed.</p> <p>34 x 2 bedroom and 59 x 3 bedroom villas each with double garages.</p> <p>Community centre with billiard room and function room with dining and lounge area to accommodate 109 people, multi purpose room, commercial kitchen.</p> <p>Outdoor terrace with barbecue and alfresco dining area.</p> <p>Car parking for 213 vehicles.</p> <p>Caravan and boat storage area.</p> <p>Associated landscaping.</p>		



Terminology and definitions

Residential Land Lease Community

Residential Land Lease Community (RLLC) or Manufactured Home Estate (MHE)	A collection of independent living units (ILU) or apartments (ILA), typically ranging in number from 25 to 300 with central community facilities for residents to use to socialise or to receive a range of services including wellness and health. These communities are restricted by law (State Retirement Villages Acts) to those aged 55 and above. They are typically administered by a Village Manager who will co-ordinate services and activities that are central to the low-maintenance, connected and supported living lifestyle proposition.
Retirement community (or village)	Retirement accommodation in a low, medium or high rise development designed for independent, active retirees who typically do not require assistance with day-to-day living, or at least do not at the time of entry.
Ingoing contribution or entry fee	A different form of retirement accommodation comprising a compact one or two bedroom apartment with en suite, occasionally a second bathroom or powder room, lounge/dining area, kitchenette and European laundry with access to a full suite of shared facilities including lounges, dining room, cinema, arts & crafts and wellness facilities, with a base service level of concierge, hospitality and domestic services and care tailored to individual resident needs.
Service or recurrent fee	This is essentially the purchase price a retirement community resident pays the operator at the commencement of the loan/lease agreement.
Departure, exit or deferred management fee (DMF)	The amount paid by the resident, typically monthly, that covers the costs associated with operating the community. Costs covered include staff, maintenance, insurance, cleaning, etc., and levied by the operator on a cost recovery basis.

Residential aged care

Residential aged care	Residential aged care is for older Australians who can no longer live safely in their own home. It includes accommodation and personal care, delivered 24 hours a day, as well as access to nursing and general health care services, including memory support. Residential aged care facilities are registered with and overseen by the Commonwealth Department of Health. Funding is generally by both resident (accommodation) and government (care services). Income and asset tests apply.
Refundable accommodation deposit (RAD):	The lump-sum paid for the room by a resident entering an aged care home and refunded in full when leaving the home.
Daily accommodation payment (DAP):	The rental -style daily payments (a daily accommodation charge) for the room paid by a resident for the residential care facility room
Basic daily fee	A maximum amount that everyone pays for the day-to-day services they will receive at the care facility
Additional services	Fees for services that go beyond the minimum care and service requirements. However, a resident will only be charged for additional services that he/she can make use of or benefit from.
Extra services	Some aged care homes offer extra service rooms and provide upgraded hotel-type services. These services are charged with extra service fees



Terminology and definitions

Classification of retirement/ residential care accommodation and community facilities

Premium	Accommodation and facilities are new, architecturally designed and with a premium standard of fittings and finishes. Offering a wide range of five-star standard communal amenities. Grounds are immaculate with landscaped, manicured gardens and spaces.
Above market	Accommodation and facilities have been recently established or renovated so that they are modern and of a premium standard. Offering a smaller range of communal amenities of an above average standard. Well-kept grounds with manicured gardens.
At market	Accommodation and facilities are older and/or of a regular standard of fittings and finishes. Offering limited communal facilities of an average standard. Grounds are tidy.
Below market	Accommodation and facilities are old and are below average standard. Limited/tired communal facilities.

Other

Statistical Area Level 2 (SA2)	A medium-sized general-purpose area built up by Australian Bureau of Statistics for the purpose of representing a community that interacts together socially and economically. SA2s were designed using a number of criteria, the most important of which include population, function of the area, growth, gazetted suburbs and localities, and Local Government Area (LGA).
House / unit quartile analysis	To assess the residential market performance in the catchment, historical sales data of houses/units in the catchment suburbs have been adopted. All transactions with no transaction price recorded are excluded from the analysis. The outliers, defined as the 2% of the transactions with the highest prices and the 2% with the lowest prices are trimmed off from analysis. The remaining data is cut into four quartiles, each with an equal number of transactions and sorted by sales prices with Quartile 1 having the lowest sales prices and Quartile 4 the highest. A trimmed mean price of a quartile is the average price of all the transactions in the quartile
Low-rise building	A building of 2-4 storeys in height
Mid-rise building	A building of 5-12 storeys in height
Medium/high rise building	A building of 13-19 storeys in height
High-rise building	A building of 20 or more storeys in height



Terminology and definitions

Classification of retirement/residential care accommodation and community facilities

Premium	Accommodation and facilities are new, architecturally designed and with a premium standard of fittings and finishes. Offering a wide range of five-star standard communal amenities. Grounds are immaculate with landscaped, manicured gardens and spaces.
Above market	Accommodation and facilities have been recently established or renovated so that they are modern and of a premium standard. Offering a smaller range of communal amenities of an above average standard. Well-kept grounds with manicured gardens.
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Below market	Accommodation and facilities are old and are below average standard. Limited/tired communal facilities.

Other

Statistical Area Level 2 (SA2)	A medium-sized general purpose area built up by Australian Bureau of Statistics for the purpose of representing a community that interacts together socially and economically. SA2s were designed using a number of criteria, the most important of which include population, function of the area, growth, gazetted suburbs and localities, and Local Government Area (LGA).
House/unit quartile analysis	To assess the residential market performance in the catchment, historical sales data of houses/units in the catchment suburbs have been adopted. All transactions with no transaction price recorded are excluded from the analysis. The outliers, defined as the 2% of the transactions with the highest prices and the 2% with the lowest prices are trimmed off from analysis. The remaining data is cut into four quartiles, each with an equal number of transactions and sorted by sales prices with Quartile 1 having the lowest sales prices and Quartile 4 the highest. A trimmed mean price of a quartile is the average price of all the transactions in the quartile
Low-rise building	A building of 2-4 storeys in height
Mid-rise building	A building of 5-12 storeys in height
Medium/high rise building	A building of 13-19 storeys in height
High-rise building	A building of 20 or more storeys in height



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CONCEPT SKETCH OF TURNAROUND AREA AT END OF SHEOAK VIEW



REV	DATE	NOTES	DESIGNED BY	CHECKED BY
A	13/03/2024	CONCEPT SKETCH	J. YOUNG	L. FURNESS

19 LOMANDRA BOULEVARD, LUCKNOW

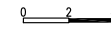
PROPOSED DEVELOPMENT PLAN AMENDMENT

GENERAL NOTES:
 BASE INFORMATION FROM: 23035_A1000
 (1).dwg
 PREPARED BY Thomas O'Malley Architect

FILE NAME: G33393-01
SHEET NO.: 01



SCALE:
 1:200 (A3)



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Community Engagement and Consultation

Round 1 Consultation (July/ August 2023)

- 140 responses.
- 4 written responses

The following table is a summary of the issues raised and response.

Summary Table

	Theme	Details	Response
1.	Definition and characteristics of proposed use	<p>Questions and clarifications regarding retirement village, residential village and caravan park.</p> <p>Opposition to the development of the site for non-permanent buildings – considered to be the equivalent of a caravan park.</p> <p>Concerns relating to legislative requirements.</p>	<ul style="list-style-type: none"> - The planning scheme has separate land use terms and definitions for residential village, retirement village and caravan park. The three uses are not interchangeable. - The request seeks approval for a residential village. - The definition of a residential village refers to land in one ownership, containing a number of dwellings, to be used for permanent accommodation and which includes commercial, recreation or medical facilities for the residents of the village. - The key difference is that a retirement village is for retired people (age classification). - The definition for caravan park refers to accommodation or caravans, cabins, tents and the like which may involve permanent or long-term accommodation. - The <i>Residential Tenancies Act 1997</i> does not allow a planning scheme to limit the duration of residency in a caravan park. - The key difference is that a residential village does not allow for camping and/or caravans. - Residential villages are generally owned and managed by a single entity and each housing site is leased on a long-term agreement to the occupants of the village under the <i>Residential Tenancies Act 1997</i>. - The proposed residential village at Lomandra Boulevard includes the registration of the residential village as a caravan park to enable the village to be occupied by

			<p>Unregistered Moveable Dwellings (UMD).</p> <ul style="list-style-type: none"> - This model proposes that dwellings (UMDs) will typically be purchased with the occupant/owner of the UMD entering into a tenancy agreement within the residential village operator to lease the site for the home. - A planning permit will be required for a residential village. The planning permit (if issued) will authorise the use and development of the land and may provide conditions to address building form, layout, operation, servicing and infrastructure requirements. - Residential villages are a legitimate alternative form of housing. - The provision of alternative forms of housing and increased housing density is consistent with the East Gippsland Planning Scheme.
2.	Restrictive covenants	<p>Concerns that the proposed buildings do not comply with the restrictive covenants and design guidelines applying the wider <i>Brookfield Lakes Residential Estate</i>.</p> <p>Restrictive covenants elsewhere on the estate specifically prohibit moveable dwellings.</p> <p>Submissions consider it to be unfair that proposal is not compelled to comply with the restrictive covenant design guidelines.</p> <p>Concerns relating to quality of the buildings.</p>	<ul style="list-style-type: none"> - The restrictive covenants applying to other residential allotments do not apply to the subject land. - A restrictive covenant is a private, legally binding agreement between landowners that directs the way land can be developed. - It is most commonly applied when a landowner subdivides land for sale and wishes to apply restrictions on the use and development of the lots. - Local Government does not create restrictive covenants and cannot control or enforce them. - The planning system is only involved if there is an application to remove or vary a restrictive covenant. This is not the case with this proposal - There are no design guidelines applying to the subject land.
3.	Zoning of land	<p>Concerns that use for caravan park is not suitable in General Residential Zone and is inconsistent with the neighbourhood character objectives.</p>	<ul style="list-style-type: none"> - The proposed use is not a caravan park within the definitions of the planning scheme. - Use of the land for the purposes of a residential village is allowed in the General Residential Zone, subject to a planning permit being issued.

			<ul style="list-style-type: none"> - The General Residential Zone is an appropriate zone for a residential village, particularly where it is located in close proximity to public transport, services and employment opportunities - Concerns relating to neighbourhood character are acknowledged. The Planning Scheme requires development to contribute positively to the local context, enhance the public realm and support environmentally sustainable development.
4.	Density	The overall increased density and number of dwellings is not appropriate.	<ul style="list-style-type: none"> - The residential village concept has smaller household types within communal open spaces and community living facilities. This generally results in a higher density of residential development which is supported by the planning scheme in locations where there is good access to public transport, services and jobs.
5.	Reasons for purchasing land in the Brookfield Estate	Purchased with knowledge retirement village proposed and restrictive covenants will control the type of development.	<ul style="list-style-type: none"> - Council can only assess and make a decision regarding the merits of the proposal and cannot force the proponent to change the type of development. - The original rezoning and approved development plan included the site to be used and developed for the purposes of a retirement village. - The request to make a change to the development plan is legitimate and must be considered by Council. - The restrictive covenants applying to other residential allotments do not apply to the subject land.
6.	Negative impact on property values.	Concern that a residential village will have a negative impact on property values.	<ul style="list-style-type: none"> - Property values are not relevant planning considerations.
7.	Social issues	Comments relating to potential anti-social behaviours, increase in crime, vandalism	<ul style="list-style-type: none"> - Social issues are relevant considerations and include matters such as social connectedness and inclusion. This includes access to services, infrastructure provision and the provision of affordable, safe and quality housing. - Matters relating to anti-social behaviour, crime of future residents

			are based on assumption and are not relevant or appropriate as part of the assessment of the amended development plan.
8.	Preference for residential allotments or a retirement village.	Preference for conventional residential subdivision or a retirement village.	- The assessment of the amended development plan can only consider the merits of the proposal, not alternative options.
9.	Social and affordable housing	Negative comments relating to low income and socio-economic status. Opposition to provision of public housing.	- Social housing is made up of two types of housing - public housing and community housing. The proposal does not include social housing or community housing. - Objections based on socio-economic circumstances are not relevant considerations.
10.	Unregistered Moveable Dwellings	Opposition to the standard and form of building type, fire standards and reference to caravan park and not a residential estate.	- The proposal comprises a residential village that will deliver unregistered moveable dwellings. This is a legitimate request based on the provisions of the East Gippsland Planning Scheme and must be assessed by Council. - Unregistered moveable dwelling (UMD) is defined as a movable dwelling that is; constructed on a chassis or in prefabricated sections; and once installed is a freestanding dwelling with solid walls and roof. UMDs can be used as dwellings. - UMDs are not subject to the same building regulations as permanent buildings. Building permits are not required for the construction and installation of a UMD. - Separation distances between UMDs are required to address fire separation distance regulations. - Specific issues relating to energy efficiency and building standards do not apply to unregistered moveable dwellings. - Just because an application to amend the development plan to include a residential village can be made does not mean that it will be approved. The proposal must address all requirements of the Planning Scheme. - Council are required to make a balanced assessment of the

			proposal based on Planning Scheme policy requirements.
11.	Character, amenity, safety and unsightly appearance	<p>A residential village is not consistent with existing neighbourhood character of the residential estate.</p> <p>A residential village should not be in a residential area.</p> <p>Detrimental impacts associated with unsightliness to Great Alpine Road.</p>	<ul style="list-style-type: none"> - The Planning Scheme allows Council to consider a proposed residential village within the General Residential Zone. - Concerns relating to neighbourhood character are acknowledged. The Planning Scheme requires development to contribute positively to the local context, enhance the public realm and support environmentally sustainable development.
12.	Inadequate public notice and planning processes.	Lack of transparency and letters were not delivered.	<ul style="list-style-type: none"> - The request has been assessed and considered in accordance with Council's Development Plan Policy.
13.	Not appropriate given bushfire risk	Issues relating to risk and evacuation during bushfire events	<ul style="list-style-type: none"> - Issues relating to bushfire risk were considered as part of the Planning Scheme Amendment to rezone the approval of the Brookfield Lakes Residential Area for residential purposes.
14.	Information and documentation	Lack of information and quality of application and documentation	<ul style="list-style-type: none"> - The applicant provided additional information in the form of concept plans and elevations and updated traffic advice. - The concept plans were the subject of a second round of community consultation.
15.	Traffic impacts	<p>Traffic impacts at the existing intersection with Great Alpine Road and road network, including increase to volume and capacity of existing network.</p> <p>Impact to Sheak View and Myrtle Place.</p>	<ul style="list-style-type: none"> - The proposal is supported by a Traffic Impact Assessment prepared by the proponent. This includes traffic volumes and capacity of the road network. - The Traffic Impact Assessment has been considered by Council's engineering department who were satisfied with the proposal.
16.	Existing supply of caravan parks and aged care	Sufficient supply of aged care and caravan parks in the area.	<ul style="list-style-type: none"> - Not relevant to the proposal.
17.	Local shortage of housing	The proposal contributes to local housing supply.	<ul style="list-style-type: none"> - Noted.

18.	Competition	Other local providers provide this type of housing. Opposition to large corporations developing.	- Economic competition is not a relevant planning consideration.
19.	Public transport	Need for project to be supported and for increased access to medical services, public transport and social services.	- Noted. - Improvements to public transport and health services are addressed as part of Council's advocacy strategy.
20.	Erosion management, stormwater management	Information is inadequate. Site adjoins sensitive waterway and Gippsland Lakes.	- The approved documents include an Erosion Management Plan which confirm that there are no issues arising.
21.	Cultural heritage	Cultural heritage has not been appropriately considered.	- There is an approved Cultural Heritage Management Plan for the site. - The current proposal has considered the recommendations of the Cultural Heritage Management Plan.

Round 2 Consultation (June 2024)

- 65 responses (additional).
- No changes or withdrawal of previous objections.
- Read as cumulative.

Summary Table

	Theme	Details	Response
1.	Operational and management issues	<p>Concerns in relation to the management of site and dependence on the manager at the time.</p> <p>Residential villages can end up as quasi caravan parks.</p> <p>Concerns that the management is largely unregulated.</p>	<ul style="list-style-type: none"> - Council can only consider the use of the land as a residential village under the provisions of the East Gippsland Planning Scheme. The future management of the site will be governed under separate legislation and is not a relevant planning consideration.
2.	Amenity impact	<p>Unacceptable change to character and amenity of the area.</p> <p>Negative impact on current standard of living.</p>	<ul style="list-style-type: none"> - See comments above.
3.	Traffic impact	<p>Concerns in relation to capacity of existing road network to cater for increased traffic and number of dwellings.</p> <p>Concerns only single access to Lomandra Boulevard access point for the housing estate.</p> <p>Concerns relating to one point in any time of emergency and evacuation.</p> <p>Sheaok View should not be allowed to be used for exiting traffic from the residential village.</p> <p>Opening up of Sheaok View as a throughfare.</p>	<ul style="list-style-type: none"> - A Traffic Impact Assessment and Addendum Statement has been submitted as part of the application documentation. - The Traffic Impact Assessment has been considered by Council's engineering department who were satisfied with the proposal.

	Theme	Details	Response
		<p>An additional access point to Lomandra Bouelavrd will result in congestion.</p> <p>Residential village should have new access from Great Alpine Road or Eastwood Road.</p> <p>Need for public transport, footpaths and bus stops.</p>	
4.	Purchase arrangements	People purchased on basis of approved development plan and uses approve.	- See comments above.
5.	Support for retirement village or conventional residential allotments.	<p>Support for retirement living rather than low-income housing.</p> <p>Concerns that buildings are not permanent.</p>	- See comments above.
6.	Request for conditions to be imposed	Request for similar conditions that apply to retirement villages.	- Conditions cannot be imposed as part of the assessment of a Development Plan. Conditions can only be imposed as part of the consideration of a future planning permit application.
7.	Number of dwellings	Increase in number of dwellings not appropriate.	- See comments above.
8.	Walking trails and footpaths	<p>Request for update and upgrade of standard of footpaths and trails in the estate.</p> <p>Need for sealed pavements for aged and suitable for mobility scooters.</p>	- Noted. This is not a relevant action in relation to the request for amended development plan.
9.	Devaluation of property values.	Negative impact on property values.	- See comments above.
10.	Overcrowding	Negative comments relating to overall density.	- See comments above.
11.	Concept plans	Concerns plans only conceptual.	- The concept plans have been useful to provide the community with an

	Theme	Details	Response
		Plans subject to change and non-compliance. Concept plans are images and not detailed plans.	indication of the layout and standards for the UMDs. - Any future development of the site will require a planning permit, including the provision of detailed plans. It cannot be guaranteed that future plans will reflect the concept plans.
12.	Design guidelines and restrictive covenants.	Concerns that same standards as applying to the housing estate do not apply to the proposal.	- See comments above.
13.	Caravan Park and unregistered moveable dwellings	Objections to use of land for the purposes of a caravan park. Developer will be able to sell the land and a caravan park can be developed.	- See comments above.
14.	Need for direct access to Great Alpine Road	Not rely on Sheak View and Myrtle Place for access.	- Not part of the current request for amended development plan.
15.	Car Parking	Sheak View and Myrtle Place will be used for car parking	- The amended site layout plan provides onsite car parking.
16.	Private open space for the dwellings	Insufficient private open space provided with each of the dwellings.	- Noted. - The residential village proposes community living arrangements, including open space, which places less emphasis on private open space.
17.	Rubbish	Arrangements for rubbish collection and storage of bins	- There will be a requirement for a commercial arrangement if the amended development plan is approved.
18.	Over 55 year living	Support for over 55's living opportunities.	- Noted.
19.	Fairness	Unfair proposition to place on existing residents, if known the proposal would not have purchased. Change is unreasonable.	- See comments above.

	Theme	Details	Response
20.	External traffic issues in McKenzie Street and roundabout on Princes Highway.	Example of McKenzie Street roundabout presented as source of congestion.	- The request for amended development plan is supported by a Traffic Impact Assessment and addendum statement.
21.	Retirement village	Purchase of land and contractual arrangements included reference to a retirement village.	- See comments above.
22.	Support for growth of Bairnsdale	Support for growth of town with housing.	- Noted.
23.	Negative amenity impacts for the entry to the township	Concerns the use is a trailer park	- See comments above (regarding character of the area).

Planning Assessment

Purpose of Report

This is an assessment of the request against the planning requirements of the East Gippsland Planning Scheme.

Overview

Application details

Application Reference	Amended development plan at 19 Lomandra Boulevard Lucknow
Applicant	Bairnsdale Lifestyle Village Pty Ltd
Land/Address	19 Lomandra Boulevard Lucknow
Proposal	Amended development plan to introduce residential village use and development to the land
Zone	Part General Residential 1 Zone (GRZ1) Part Commercial 1 Zone and Transport Road Zone (2)
Overlays	Development Plan Overlay Schedule 3 (DPO3) Erosion Management Overlay (EMO)
Area	8.1 hectares
Aboriginal cultural heritage sensitivity	Yes
Title description	Lot 2 on Plan of Subdivision 643132
Number of submissions	Petition containing 26 signatures 2 Rounds of community engagement July/August 2023 – 140 surveys, 4 written response June 2024 – 65 surveys.
Reason for Council decision	Consideration of amended development plan clause 43.04
Officer Recommendation	Refusal of an amended development plan

1. Summary

1.1 The request details

The request seeks approval of an amended development plan to allow for use of land for the purposes of a residential village.

The proposal will result in the delivery of approximately 151 Unregistrable Moveable Dwellings (UMDs) on a leasehold arrangement. The residential village includes community buildings (for village residents).

The proposal seeks to amend the current approved development plan for the section of the overall site, which proposes a 99 Lot Subdivision. The development plan as approved in 2009 proposes a retirement village was superseded in 2011. Development plan requests are not required to have the same level of detail that is required in a planning permit application.

Following the consideration of an amended development plan, it will be necessary to make application for a planning permit. The planning permit application will be exempt from public notice provisions.

The plan set includes.

Summary of Application documentation

	Drawing/ document	Prepared by	Date	Reference number	Version
1.	Access & Servicing strategy	Crossco Consulting Pty Ltd	15/04/2024	R:/2685	Rev 2
2.	Memorandum Brookfield Lakes Stormwater Management	Crossco Consultation Pty Ltd	15/04/2024	-	Rev 2
3.	Landscape Plan for Town Planning Approval	Liz Filmer Landscaping	15/04/2024	Drawing 1	-
4.	Community Facilities Landscape Concept Plan	Liz Filmer Landscaping	10/04/2024	Drawing 2	-
5.	Dwelling Landscape Concept Plan	Liz Filmer Landscaping	10/04/2024	Drawing 3	-
6.	Planning Report	The Planning Professionals	Amended 07/2023	-	-
7.	Stormwater and Erosion Letter	Crossco Consulting Pty Ltd	15/04/2024	R:2685/Town Planning	-
8.	Traffic Statement	Traffix Group	03/2024	G333393R-01C	-
9.	Market Assessment	One Fell Swoop	10/2022	-	-
10.	Concept Sketch Turnaround Area at End of Sheak View	Traffix Group	13/03/2024	Sheet 1	

Concept plans and elevations provided for the UMDs and community facilities will not be endorsed as part of the development plan suite of documentation.

1.2 Application history

11/2022	Request for amended development lodged with Council. Accompanied by a range of technical reports and a planning report.
16/01/2023	Council requested further details in relation to a range of matters; including concept plans for the dwellings, elevations of the proposed club house, staging details, traffic management report and clarification relation to open space, cultural heritage management and removal of native vegetation. There was no formal response to the information request.
31/03/2023	The Applicant lodged proceedings in VCAT. The application for review sought review of Council's failure to approve the application. The outcome of the Practice Hearing was that the matter is remitted back to the East Gippsland Shire Council for consideration.
01/06/2023	Additional information was lodged on 1 June 2023 by the Applicant.
16/06/2023	Email issues relating to traffic considerations and the absence of an erosion management addendum statement.
29/06/2023	Addendum statement relating to erosion management. The letter advised that traffic implications were more appropriately addressed at the planning permit application stage.

24/07/2023 to 14/08/2023	Community engagement and consultation was conducted between 24 July 2023 and 14 August 2023.
11/09/2023	A Planning Consultation Meeting was conducted.
29/11/2023	Amended plans providing conceptual plans and elevations for the UMD's and community facilities were lodged.
08/12/2023	Additional information requested, updating technical advice and reports relating concept plans.
23/01/2024	Officer clarification relating to modifications to technical reports and advice required by email.
19/04/2024	Additional information lodged by Applicant, updated technical reports and plans.
07/06/2024 to 15/06/2024	Community engagement and consultation.

1.5 Planning controls

The amended development plan application is lodged in accordance with Schedule 3 of the Development Plan Overlay, clause 43.04.

The amended development plan precedes a detailed planning permit application.

1.6 Referral Agencies

Preliminary comments have been received from East Gippsland Water. No response has been received from the CFA.

Internal referrals include the Assets & Environment team for drainage and road engineering advice. Specific details and requirements relating to termination of Sheoak View, the vesting of land for the purpose of road reserve, construction standards and timing of delivery.

2. **Site details**

2.1 Site description

Site characteristics	Description
Existing land use	Existing older style dwelling and grazing land
Existing structures	Dwelling
Frontage and access	Lomandra Boulevard, Myrtle Place and Sheoak View
Topography and views	The land is included in the Erosion Management Overlay
Existing vegetation	Scattered remanent vegetation, predominately cleared land
Existing waterways	Brookfield Lakes Estate is developed along a waterway, which includes the creation of public open space and drainage infrastructure

The subject land is located at 19 Lomandra Boulevard Lucknow and forms part of the Brookfield Lakes Residential Estate. The subject land is approximately 8.1 hectares in area and has an existing dwelling and current access from the Great Alpine Road in the southeastern corner of the allotment.

The subject land does not have direct frontage to either Eastwood Road or Great Alpine Road (by virtue of reserves).

The subject land was created by approval of a Certified Plan in 2019 which created a super lot containing stages 1a, 1b, 1c and 1d, approximately 99 allotments.

2.5 Surrounding land

Surrounding land uses	Comments
North	Residential dwellings
South	Electrical substation and road reserve adjacent to Eastwood Road
East	Road reserve adjacent to Great Alpine Road
West	Open space reserve to waterway

The extract from aerial photography is shown below of the land and surrounds.



2.3 Background to the Brookfield Lakes Residential Estate

Planning Scheme Amendment C62 was approved in 2009 which rezoned the land to the Residential 1 Zone and applied the Development Plan Overlay Schedule 3. The approval allowed for the outward growth for Bairnsdale for residential development and a small neighbourhood centre. The land in the planning scheme amendment was in single ownership at the time of approval.

A development plan for the land was approved on 11 August 2009. The approval included a staged residential subdivision, a local activity centre, retirement village (subject to future planning permit application), and public open space to integrate with the waterways and sloping land.

Planning Permit 547/2009/P was issued in October 2010 and allowed for a multiple lot subdivision. There has been planning permission issued for vegetation removal and display village.

An amended development plan was approved for the whole of the subject land on 31 October 2011 which allowed for the stage earmarked for use and development as a retirement village to become 99 residential lots. The amended development deleted reference to the retirement village. Planning Permit 164/2011/P was issued 14 December 2011 to allow for a 99 lot subdivision and removal of vegetation being the land subject to the current amended development plan.

There has been no planning permit issued for a retirement village on the subject land.

3. Proposed Amended Development Plan

3.1 The Proposal

The requested amended development plan proposes the use and development of the land for a residential village. The conceptual layout of the village is shown below.



There are 3 conceptual designs for the dwelling units, all 2 bedrooms with 2 options for façade treatment. There are proposed landscaping plans for each of the dwelling sites and the community facility.

The concept plans for the community facility include a swimming pool, lounge, meeting room, function/cinema, consulting room and bar area.

4. Planning assessment

4.1 Planning scheme definitions

A planning permit is required to use and develop land for the purposes of a residential village in a General Residential Zone.

The planning scheme defines a residential village as follows.

"Land in one ownership, containing a number of dwellings, used to provide permanent accommodation and which includes communal, recreation, or medical facilities for residents of the village".

This definition allows for residential villages, such as the model being pursued by the Applicant, to comprise unregistrable moveable dwellings (UMDs), as the definition does not prescribe the form of the dwellings. Unlike retirement villages which have dedicated legislation, residential villages are regulated via the *Residential Tenancies Act 1997*. There are specific regulations which require residential villages to register with local government as a caravan park, to primarily address basic health and amenity standards. Whilst registered as a caravan park, the planning scheme use does not permit caravans or camping on the land.

The dwellings are owned by the occupant with the land leased on a tenancy agreement under Part 4A of the *Residential Tenancies Act 1997*.

The construction of buildings in Victoria is governed by the *Building Act 1993* and the associated *Building Regulations*. The principal objective of the building regulations is to prescribe standards for construction of buildings. The building regulations adopt the Building Code of Australia (BCA). Under the building regulations buildings are classified as set out in the BCA. Unregistrable Moveable Dwellings do not need to meet building regulations.

There are distinctions in the planning scheme definition relating to use of land for a residential village and a retirement village. A retirement village allows for use and development land for multi-unit development and separate ownership. The definition of residential villages refers to land in one ownership containing a number of dwellings used for permanent accommodation. Both definitions allow for communal recreational or medical facilities for 'residents of the village'.

The amended development plan seeks approval for a residential village, the dwellings will be unregistrable moveable dwellings, to provide for permanent accommodation and there is no proposal to limit or restrict the residents to retired people, although the target market is retirees. Despite not being defined as a caravan park in planning legislation, the residential village will be registered as a caravan park for health and building legislation requirements.

Moveable dwellings within residential villages and caravan parks do not require separate planning permission for individual dwellings and are generally exempt from *Building Act 1993* requirements and generally do not require building permits.

A planning permit is required to use and develop land for the purposes of a residential village in a General Residential Zone.

Caravan Park

A caravan park is described as land used to allow accommodation in caravans, cabins, tents or the like (*paraphrased from clause 73.03, EGPS*). The common association with the use is that it is associated with holiday accommodation, however caravan parks may involve permanent or long-term accommodation. The request does not seek to use and develop the land for a camping and caravan park.

Retirement village

A retirement village is also land used to provide permanent accommodation for retired people or the aged and may include communal recreational or medical facilities of the village (*paraphrased clause 73.03, EGPS*). Retirement villages have separate and specific legislation (*Retirement Village Act 1986*).

The request is not seeking to use and develop the land for a retirement village.

4.3 Planning Scheme controls

4.3.1 *Zone Controls*

General Residential Zone

The subject land is zoned for residential purposes. The purpose of the zone includes reference to encouraging development that respects neighbourhood character and diversity of housing types. The use of the site for a residential village is subject to a planning permit. Decision guidelines for the zone include consideration of the planning policy framework and purpose of the zone.

The GRZ encourages development that respects the neighbourhood character of the area and encourages a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

The subject land is part of a new residential precinct currently undergoing development. The land is well located in terms of road and pedestrian access, is connected to reticulated services, has access to public open space and is adjacent to a proposed neighbourhood activity centre (yet to be constructed).

4.3.2 *Overlay controls*

Development Plan Overlay – Schedule 3

The Development Plan Overlay – Schedule 3 Brookfield Lakes Development Plan Area (DPO3) sets out the requirements for a development plan to be prepared. As this is a proposal for an amendment to an approved development plan, the requirements of DPO3 have largely been considered as part of previous development plan proposals. A range of technical reports, including a Traffic Impact Assessment have been submitted and assessed as part of the proposal.

The proposed use is not contemplated in the existing approved development plan.

An assessment of the DPO3 is summarised as follows:

- Subdivision is not proposed.
- Public open space is not removed from the overall subdivision layout.
- Appropriate stormwater drainage can be provided.
- Landscaping of the site is proposed.
- Vehicle and pedestrian connectivity is impacted by the proposal, specifically with access to the neighbourhood commercial precinct. A new turnaround area for Sheoak View not Myrtle Place.
- Waste management will be via private commercial arrangement.
- Erosion management of the site is able to be appropriately managed.
- The development is able to be provided with reticulated services.

Erosion Management Overlay

There are no adverse issues arising from the Erosion Management Overlay. The site is able to be appropriately managed through management plans and conditions of future planning permits. The proposal is supported by an Addendum Technical Report addressing the relevant criteria.

Clause 65.01

This clause of the planning scheme contains a list of criteria which Council must consider before deciding an application or approval of plan. The table below shows an analysis for decision making.

	Criteria	Response
1.	<p>Section 60 of the <i>Planning and Environment Act</i> - relating to objectives of planning in Victoria.</p> <p>The objectives of planning set to implement the fair, orderly, economic and sustainable use and development of land.</p>	<p>The planning scheme sets aside the use of the land for residential purposes.</p> <p>The key outstanding issue relates to the form and quality of the residential amenity proposed. The proposed form of buildings is not considered to respond appropriately to the objective relating to sustainable use and development of the land.</p> <p>There are no significant environmental, social or economic impacts.</p> <p>There are no relevant restrictive covenants relating to the land preventing the issue of the approval.</p> <p>The land is a large vacant residential allotment within a new and emerging residential estate on the outskirts of Bairnsdale. A new neighbourhood activity centre is earmarked for development as part of the overall site development.</p>
2.	<p>Relevant sections of Planning Policy Framework.</p> <p>Clause 15 (Built environment)</p> <p>Clause 16 (Housing)</p>	<p>The proposed use is consistent with the provision of a diversity of housing.</p> <p>Specific strategies relating to housing supply refer to encouraging and increasing higher density development on sites that have access to services, jobs and public transport.</p> <p>The policy equally seeks to facilitate diversity in housing choice and meet changing household needs. Lifestyle villages typically offer smaller homes within communal and landscaped settings.</p> <p>Policy also seeks to encourage a range of housing that supports opportunities for a range of income groups to choose housing in well serviced locations.</p> <p>The proposal is not consistent with relevant policy as follows.</p>

		<ul style="list-style-type: none"> - The development does not promote a built outcome which is environmentally sustainable and results in a detrimental amenity outcome on the built environment, relating to character and amenity considerations. - The proposal does not implement a residential outcome that is adaptive and resilient to climate related hazards (<i>cl. 15.01</i>). - The development does not achieve building design and siting outcomes that contribute positively to the local context and prevailing character and design objectives (<i>cl. 15.01-2S</i>). - The development will not result in a positive enhancement of the public realm (<i>cl. 15.01-2S</i>). - The development does not result in a high level of internal and external amenity (<i>cl. 16.01-1S</i>) <p>In these respects, the proposal is not considered to deliver a net community benefit.</p>
3.	Stormwater provision	The development is able to be connected into designed stormwater systems as part the new residential growth area.
4.	Impact to existing native vegetation	The site is primarily cleared land and has been managed historically with livestock.
5.	Consideration of natural hazards	The are minimal flood, erosion or fire hazards associated with the location of the land and use and development of the land is able to be managed to minimise any hazard.
6.	Existing and future transport system	There are appropriate vehicle and pedestrian networks in place to support the proposed development and use.

4.4 Particular provisions

Car parking (clause 52.06)

Car parking is provided onsite adjacent to the community facility and will be provided with each dwelling site.

Native vegetation (clause 52.17)

There are no issues arising.

Land adjacent to road network (clause 52.9)

There are no issues arising.

Aboriginal cultural heritage sensitivity

There are no issues arising.

4.5 Planning Policy Framework

Overarching policy statements seek to provide for and facilitate diversity in housing choice to meet different household types (*paraphrased clause 16.01*).

The relevant Planning Policy Framework clauses are as follows:

- Clause 11.01 -1L-01 – East Gippsland settlements.
- Clause 11.01-1L-02 – Growth area towns.
- Clause 16.01-2L – Location of residential development.
- Clause 18.01-3L – Sustainable transport.
- Clause 19.03-2L – Infrastructure, planning, design and construction.
- Clause 19.03-3L – Integrated water management.

The East Gippsland Planning Scheme encourages well-located, integrated and diverse housing that meets community needs. This includes:

- Creating compact neighbourhoods that have walkable distances between activities (Clause 15.01-3S).
- 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 (Clause 15.01-3S)
- The facilitation of diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types (Clause 16.01-1S).
- The delivery of more affordable housing in proximity to jobs, transport and services (Clause 16.01-2S Affordable Housing).

The Planning Scheme also requires consideration of the design and built form of housing, including:

- Promote development that is environmentally sustainable and minimise detrimental impacts on the built and natural environment (Clause 15).
- Facilitate development that is adapted and resilient to climate related hazards (Clause 15).
- Achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development (Clause 15.01-2S).
- Improve the energy performance of buildings through siting and design measures (Clause 15.01-2S).
- Providing a high level of internal and external amenity (Clause 16.01-1S)
- Promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community (Clause 16.01-2S).

Housing and Settlement Strategy (2023)

Council recently adopted the Housing and Settlement Strategy (2023)(HSS) which updates the local planning policy approach for the delivery of sustainable settlements and housing across the municipality. The HSS is currently being implemented via a Planning Scheme Amendment process (C169egip). The strategic principles of the HSS include:

- Housing development that creates compact towns and settlements will be supported to enable the efficient and sustainable use of land and infrastructure.
- Initiatives that deliver improved housing affordability, diversity, and innovation will be supported to provide greater choice for residents throughout all stages of life.
- Well designed and resource-efficient developments that contribute to creating more sustainable towns and settlements will be supported.

4.6 Social and Affordability Housing

The application does not seek approval for social and affordable housing.

5. **Community Engagement**

Two separate rounds of community engagement have been undertaken in July/ August 2023 and June 2024 (after amended plans and technical information received).

A separate Attachment outlines the concerns and responses.

Petition

A petition was received containing 26 names and signatures. The issues raised have been addressed in the written submission table in a separate attachment.

Submissions

A total of 144 responses were received in relation to round one of consultation and 65 responses were received for round two. The key land use planning themes raised in submissions are summarised below:

- Proposed delivery of UMDs.
- Compatibility of the proposed residential village with restrictive covenants on land within the Brookfield Lakes precinct.
- Density of housing.
- Adverse impact on the character and amenity of the area.
- Concerns regarding infrastructure provision (e.g. traffic impact), environmental risks (bushfire and erosion) and environmental values.

6. **Planning considerations**

The proposed amendment to the development plan requires a carefully balanced assessment of the key planning considerations.

- The land is appropriately zoned for General Residential Zone purposes and is earmarked as a key precinct for residential growth. The land is serviced with coordinated infrastructure such as roads, intersections, footpaths, drainage infrastructure and open space.
- The land is in the larger township of Bairnsdale and has access to a high level of commercial, education, health, community, recreational and social services. The land is within the settlement boundary for Bairnsdale.

- The land adjoins an area earmarked for retail and commercial development.
- The proposal is accompanied by a series of technical expert reports, including traffic impact assessment and erosion management. Specific matters relating to termination of Sheoak View and permeability through the site to the commercial precinct can be addressed as part of the planning permit application process. The conceptual site layout proposes gates and fences which will not facilitate permeability through the site.
- The inclusion of a residential village as part of the Brookfield Lakes residential precinct provides diversity of housing choice to meet the needs of the community, particularly relating to smaller households and more affordable housing options. The development is well located with reasonable access to public transport, services and employment opportunities. This aspect of the proposal is consistent with the Planning Scheme and the Housing and Settlement Strategy.

However, the development does not deliver an outcome consistent with the planning scheme and delivery of net community benefit having regards for the following.

- The mechanism for delivery of the residential village via UMDs is not considered to be consistent with Planning Scheme policy requirements or the Housing and Settlement Strategy. UMDs do not require a building permit for construction and as such there is no guaranteed mechanism to deliver homes that provide an appropriate level of amenity and reflect principles of environmentally sustainable development. These concerns were reflected in submissions received from the community.

Overall summary

- These two key planning considerations are not mutually exclusive. It is considered possible to deliver a residential village that provides well located, diverse housing options to meet community needs, and high quality, sustainable housing. To achieve this outcome, however, it is considered that the residential village should comprise permanent homes that are required to address building regulations regarding amenity, energy efficiency etc.
- It is acknowledged that the consideration of a development plan is only the first step in the planning process towards the delivery of the residential village. A planning permit would still be required for use and development of the land. The assessment of any future planning permit application, however, must be generally in accordance with an approved development plan. In this context, it is not considered appropriate to defer the assessment of built form outcomes to the planning permit stage.
- In addition to this, once a development plan is approved, any future planning permit application is exempt from being advertised to affected landowners. Given the level of interest and concern raised by the community in relation to the proposed residential village, and in particular the quality of future homes, it is considered important to address the issue of built form outcomes at this stage of the planning process.

7. Conclusion

The inclusion of a residential village as part of the Brookfield Lakes residential precinct provides diversity of housing choice to meet the needs of the community, particularly relating to smaller households and more affordable housing options. The development is well located with reasonable access to public transport, services and employment opportunities.

The key question relates to the proposed business model of delivery relying on the housing type of unregistrable moveable dwellings.

Community consultation and engagement was undertaken with the existing and future residential Brookfield Residential Estate with an overwhelming negative response to the proposed amended development plan.

The development is inconsistent with key policy provisions relating to provision of sustainable built form, promoting building design that is adaptive and resilient to climate related hazards. The development does not deliver an outcome which improves energy performance of buildings through siting and design measures and does not result in a high level of internal and external amenity.

The proposal is not consistent with the principle of delivering good housing and built outcomes.

The development is inconsistent with the adopted *East Gippsland Housing & Settlement Strategy* which seeks to action well designed and resource efficient developments that contribute to creating sustainable towns and settlements for our community.

The proposal does not deliver a net community benefit.

The proposed amended development plan has been assessed against the East Gippsland Planning Scheme and is considered not to comply with the requirements.

8. Recommendation

On balance, it is therefore recommended that the amendment to the development plan be refused.

5.1.3 Submission to Plan for Victoria

Authorised by General Manager Place and Community

Conflict of Interest

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

Executive Summary

The Victorian Government's Housing Statement 2024-2034 (released September 2023) identified its intent to prepare a long-term plan for Victoria, which proposes to update Plan Melbourne (2017-2050) and expand it to cover the whole State.

To guide the preparation of a new Plan for Victoria, the Department of Transport and Planning (DTP) are seeking submissions based around a series of 'Big Ideas' for Victoria. Submissions are due on or before 30 August 2024. Submissions will inform a new Plan for Victoria, which is scheduled to be released in late 2024.

A draft submission has been prepared on behalf of Council and is set out at **Attachment 1**. It is recommended that Council endorse the draft submission to be lodged with DTP.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. endorses the draft submission set out at Attachment 1 and authorises the Chief Executive Officer to lodge the submission with the Department of Transport and Planning.***

Background

The Victorian Government's Housing Statement 2024-2034 (released September 2023) included five actions to increase the supply of homes for Victorians. One of the actions was to prepare a long-term plan for Victoria, which proposes to update Plan Melbourne (2017-2050) and expand it to cover the whole State. The intent of the new Plan for Victoria was to deliver "... more homes near transport, job opportunities and essential services in vibrant, liveable, and sustainable neighbourhoods."

In July 2024, the Victorian Government released a series of 'Big Ideas' to be considered as part of the preparation of the new Plan for Victoria, summarised below:

- More homes in locations with great public transport access.
- More housing options for all Victorians, including social and affordable homes.
- More jobs and opportunities closer to where you live.
- More options for how we move from place to place.
- More certainty and guidance on how places will change over time.
- More trees and urban greening in our parks and community space.
- More protections from flooding, bushfire and climate hazards.
- Greater protection of our agricultural land.

A draft submission to the Plan for Victoria has been prepared and is set out at **Attachment 1**. The draft submission has been informed by Council's key strategies and plans including the Council Plan, Housing and Settlement Strategy, Rural Land Use Strategy, Environmental Sustainability Strategy and Economic Development Strategy. The draft submission also draws on key elements of the Council's Advocacy Strategy.

In preparing the draft submission, officers have also reviewed submissions prepared by peak body organisations the Municipal Association of Victoria (MAV), and the Planning Institute of Australia (PIA).

The draft submission does not seek to respond directly to the 'Big Ideas' identified by the Victorian Government. Instead, it identifies the strengths and attributes of East Gippsland and the strategic importance of these strengths in the context of the Gippsland region and across Victoria. In particular, the draft submission identifies opportunities for the Plan for Victoria to leverage competitive advantages associated with East Gippsland's:

- Diverse, innovative, and resilient community.
- Exceptional environmental assets.
- Economic assets, particularly in relation to agriculture and tourism.

The submission also advocates for the opportunity for the Victorian community to be able to review and comment on the draft Plan for Victoria once it is prepared (scheduled late 2024). It is at this stage when Council would be able to prepare a more detailed submission regarding the content and policy direction of the Plan for Victoria, not just a series of 'Big Ideas'.

Legislation

As of 1 July 2021, all provisions of the *Local Government Act 2020* commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with *Local Government Act 2020*, Division 1: Role and Powers of a Council.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act 2006*.

The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act 2020*. The need for a Gender Impact Assessment has also been assessed.

Collaborative procurement

Not applicable.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 2: 2.1 Statutory and strategic planning for land use delivers sustainable outcomes that balance the need for growth with the enhancement of our lifestyle, character, the built and natural environment.

Strategic Objective 5: 5.2 Strong relationships with government, partners and stakeholders are maintained and strengthened to advocate for the community.

Council Policy

This report is consistent with Council's Advocacy Policy.

Options

The following options are available to Council:

1. Endorse the draft submission as set out in **Attachment 1** and lodge the submission with DTP.
2. Request changes to the submission as set out in **Attachment 1** and lodge the amended submission with DTP.
3. Not proceed with a submission to Plan for Victoria.

Option 1 is recommended.

Resourcing

Financial

There are no direct financial impacts arising from the recommendation.

Plant and equipment

Not applicable

Human Resources

There are no human resources impacts in relation to the recommendation.

Risk

The preparation of a submission to Plan for Victoria is discretionary, and the draft submission is consistent with Council's key strategies and plans. There are no risks arising from the proposed recommendation.

Economic

The draft submission advocates for key economic outcomes that will benefit the East Gippsland community. If successful, the submission will leverage economic development opportunities.

Social

The draft submission advocates for diverse and affordable housing opportunities for all Victorians, including the East Gippsland community. It also seeks to ensure housing is supported by appropriate social infrastructure. If successful, the submission will provide social benefits for the East Gippsland community, consistent with the recommendation of the East Gippsland Housing and Settlement Strategy.

Environmental

The draft submission advocates for planning policy direction that identifies and protects environmental values within East Gippsland. It also seeks appropriate management of environmental risks, including risks arising from a changing climate. The draft submission is consistent with Council's Environmental Sustainability Strategy.

Climate change

Climate Risk Management: Council's risk management considers climate change issues in decision-making and includes responses to direct and indirect impacts.

Community Risk: Climate change is considered as a community risk and includes responses to direct and indirect impacts.

Land Use Planning: Consideration is given to climate change in the local land use planning and includes responses to direct and indirect impacts.

Engagement

Not applicable

Attachments

1. Plan for Victoria Draft Submission Aug 24 [5.1.3.1 - 7 pages]

Plan for Victoria – Draft Submission

Introduction

East Gippsland Shire Council welcomes the opportunity to provide a submission to the Plan for Victoria (the Plan). In preparing this submission, Council notes and generally supports submissions made to the Plan for Victoria on behalf of the Municipal Association of Victoria (MAV) and the Planning Institute of Australia (PIA). We do not intend to repeat the matters set out in those submissions.

Overview of East Gippsland

The Gunaikurnai, Monero and the Bidjil people - the Traditional Custodians - have cared and nurtured East Gippsland for tens of thousands of years and represent the second largest population of Aboriginal people in Victoria. Council values their living culture and practices and their right to self-determination.

East Gippsland is a large and vibrant region in a beautiful natural setting, home to proud and involved communities that embrace and encourage self-reliance, responsibility and new ideas.

The past 30 years have seen East Gippsland evolve from its rural origins to a flourishing economic and tourism region in eastern Victoria, drawing more than one million visitors each year.

The region has kept its identity and sense of place as it has grown. The shire is the second largest in Victoria and stretches from west of Bairnsdale to the New South Wales border, covering more than 21,000 square kilometres or 10 per cent of the state.

East Gippsland's unique qualities are both its strength and challenges. The region is distinguished by its natural setting, with its southern edge defined by the Gippsland Lakes and rugged coastline and the rising backdrop of the High Country. Historical rural landscapes and natural bushland characterise the region and surround our communities.

With its fertile soils, good rainfall and temperate climate, East Gippsland has diverse agriculture and horticulture sector renowned nationally for its highly quality produce.

As East Gippsland has matured as a region, its communities have also developed and diversified. Residents, both new and old, continue to understand the importance of place and our direct relationship to where we live.

Shire profile – a snapshot



Population

47,725 (2040: 57,799)
 Aboriginal and Torres Strait Islander: 2.9% (Victoria: 0.8%)
 Over 60 years old: 36/5% (Victoria: 21%)
 Born overseas: 10.8% (Victoria 28.3%)



Major towns by population

Bairnsdale 17,468
 Lakes Entrance 8,534
 Paynesville 6,387
 Orbost 3,939



Community

Cultural belonging – 41% of the community highly value their long-standing cultural connections and sense of community and belonging.
 Connection to country – 77% of community members strongly value the natural environment in which they live.



Economy

Registered business: 4,403
 Economic output: \$4.9 billion
 Gross Regional Product: \$2.587 billion
 Jobs in the region: 16,539
 Unemployment rate: 6.3%
 Visitors to the region: 1,608,000



Environment

- 426 MWh of solar generated yearly by solar panels on Council facilities
- 63% (2,961) of streetlights are LED (or 2,961)
- 1 licensed landfill, 1 unlicensed landfill, 45 known legacy landfills, 16 stand-alone waste transfer stations, 10 transfer trailers, 400+ street litter and public place recycling bins and 21,000+ residential kerbside services
- 250km of roadside weeds treated
- Over 700 hectares of native vegetation (under Council management) fire impacted during the 2019-20 Black Summer Bushfires



Land, roads and bridges

Location and land area – East Gippsland Shire is located in eastern Victoria, between 280 and 550km from the Melbourne CBD
 Land area: 20,931km²
 Roads and bridges
 2,898km of formed roads
 203 road bridges
 27 footbridges
 223km of footpaths
 8.452 culverts (129 major culverts)

Overview of the Submission

The Plan for Victoria sets out a number of 'Big Ideas' for the Plan to address, which are reasonable and reflect social, environmental and economic challenges and opportunities faced by Victorian communities.

However, these 'Big Ideas' lack specifics and do not turn to the implementation of plans to create the conditions necessary for regional communities to thrive and grow sustainably.

As a starting point, the Plan for Victoria should:

- Identify the diverse challenges and opportunities that exist across regional Victoria, recognising that there are regional differences (and significant differences between regional and metropolitan areas);
- Adopt an integrated approach to planning that considers not only land use and development, but also integrated transport planning, infrastructure investment, planning and delivery of health and education services, and support for regional investment in industry and employment; and
- Recognise the opportunity for substantial reform of the Planning system, infrastructure funding and delivery mechanisms, and the financial sustainability of local government, including constraints on the financial capacity of local government to plan and manage future growth.

In this context, this submission focuses on 'how' these big ideas can be put into practice and the role of East Gippsland in contributing to a sustainable future for all Victorians.

Social Assets and Opportunities

The East Gippsland community has demonstrated cohesion, resilience, innovation and optimism in the face of natural disasters, pandemic and a cost-of-living crisis in recent years. From our lived experience we understand that meaningful and sustainable planning for Victoria must be driven from the ground up – by the community, for the community.

It is acknowledged that Plan provides a macro planning framework for the future growth of Victoria. However, we encourage the Plan to provide the platform to leverage community strengths at a local level to deliver a sustainable future. This will require a clear understanding of the interdependencies between metropolitan and rural and regional Victoria via the preparation of separate plans for Metropolitan Melbourne and new regional growth plans.

These plans must also identify and embrace the diverse range of opportunities within each region. This is particularly important for a place like East Gippsland where its geographic size, natural environment and distance from Melbourne provide different benefits and opportunities to, for example, a peri urban location within the Gippsland region.

A 'one size fits all' Plan will likely fail to realise opportunities for social equity in regional areas. This is exemplified in addressing key issues such as accessible and affordable housing. Council has recently adopted its Housing and Settlement Strategy (HSS) (2023) which directly addresses the type (size, affordability etc.) and location (proximity to services and jobs) of housing that meets the needs of our current and future community.

Community consultation undertaken to prepare the HSS highlighted that the East Gippsland community understands the need for diversity and inclusion in housing provision. It is not considered that this is a 'big idea'. The need is immediate, and our community is ready to work in a collaborative manner to deliver these outcomes. However, the context of East

Gippsland means that implementation of diverse and innovative housing will look different to a metropolitan or peri-urban area.

To achieve this, the Plan needs to recognise and embrace diversity across Victoria's communities and housing market sectors. It also needs to recognise the need to work in a collaborative manner with local government and local communities to expedite a policy environment that is responsive to immediate needs. Arduous and lengthy rezoning and planning approval processes are undermining the momentum that the community is seeking and delays the provision of housing and associated social infrastructure to address some of our communities most pressing needs. These processes are not within the control of local government; they are mandated by State Government legislation. Substantial Planning reform is needed.

To achieve the proposed housing targets and promote much needed diversity in housing supply, the Plan for Victoria needs to identify and deliver the key planning and policy levers required to facilitate change:

- Funding for critical infrastructure to support housing growth and infill development;
- Review of the Windfall Gains Tax to either remove disincentives to land rezoning or channel funds directly into infrastructure support for new greenfield development;
- Creation of incentives for medium-density housing products that are otherwise cost-prohibitive in regional settings;
- Addressing the need for social housing via mandated quotas for housing developments over a specified size.

Environmental Assets and Opportunities

East Gippsland is home to State significant, pristine natural environments ranging from the Gippsland Lakes to rugged coastal areas, major river networks and the Alpine high country. It is what makes our municipality such a special place to live, work and recreate. Our community cherishes the benefits of the pristine natural environment but also understands from first-hand experience the environmental risks associated with bushfire and flood in a changing climate.

It is a fine balancing act to preserve and enhance our natural environment and biodiversity whilst delivering safe and sustainable opportunities for future growth of our communities and our economy. The Plan and new regional growth plans must support our communities by providing clear and consistent direction regarding the protection of environmental assets and management of environmental risks.

The environmental values and risks in East Gippsland, coupled with a community who are knowledgeable and passionate about the natural environment, presents an ideal opportunity for us to collaborate with relevant agencies and organisations to develop progressive policy direction. Such policy will identify environmental values to be protected and manage risks from flooding, bushfire and climate change, and could inform broader policy application across Victoria.

The Plan for Victoria should ensure that regional communities are able to build resilient futures that embrace the challenges of a changing climate and increased frequency and severity of natural disasters. The Plan should support local initiatives to assess climate risk and to implement plans for future proofing of critical infrastructure that supports regional communities.

In addition, the Plan for Victoria should be the vehicle for delivering Statewide updates to flood mapping and a consistent policy approach to managing development in areas subject to flooding and inundation. A Statewide approach to managing these risks through comprehensive updates to the Land Subject to Inundation Overlay (similar to the approach taken with the Bushfire Management Overlay) would enable all affected communities to respond to proposed Planning Scheme Amendments. A Statewide approach to flood mapping updates would avoid potentially inconsistent approaches to policy changes and ensure fair and equitable planning policy to manage flood risks.

The East Gippsland community is also committed to a future that not only manages risks associated with a changing climate but identifies and implements mitigation opportunities. Examples of this relate to emerging policy to require environmentally sustainable development (ESD) including a circular economy, renewable energy, active transport and urban greening.

East Gippsland is a member of the Council Alliance for a Sustainable Built Environment (CASBE) and would strongly encourage the Plan for Victoria to take proactive measures to assist with the implementation of ESD policy to deliver a more sustainable built environment, rather than leaving local government driven Planning Scheme Amendments languishing for years while awaiting delivery of the State Government's ESD roadmap.

Economic Assets and Opportunities

The economic assets and opportunities in East Gippsland are considerable and warrant recognition as being of State significance as part of the Plan.

The development of the East Gippsland Rural Land Use Strategy (2023) identified three areas of 'Farmland of Strategic Significance' in proximity to the Mitchell, Tambo and Snowy River floodplains. These areas benefit from fertile soils, reliable water and generally favourable climatic growing conditions. Economically viable industry clusters have formed in these locations and have the potential to expand. These areas are complemented by other significant agricultural production across Gippsland, particularly in the beef and dairy industries.

As the urban extension of Melbourne displaces agricultural activities on the urban fringe (particularly horticulture), Gippsland is arguably Victoria's 'food bowl' and has the capacity to further enhance agricultural production. This is particularly evident in East Gippsland. The Plan must build on the strong policy foundations set out in the East Gippsland Rural Land Use Strategy to identify and protect rural land for farming activities. The Plan must also facilitate opportunities for value adding to agricultural activities in East Gippsland via food and fibre processing and appropriate infrastructure to ensure efficient movement of agricultural products to market.

In conjunction with being the 'food bowl' of Victoria, Gippsland can also be considered as Victoria's 'playground'. The tourism assets available in East Gippsland play a significant role in the current and future success of Victoria's tourism industry. The Rural Land Use Strategy and Economic Development Strategy (2022-2023) promote opportunities to enhance rural and nature-based tourism and identify key sites for large scale tourism facilities. This will optimise opportunities to leverage intrastate, interstate and international tourism. These assets and opportunities must be recognised and supported as part of the Plan.

In addition to the tourism and recreational values and opportunities provided by the vast natural areas of East Gippsland, the natural estate is the "lungs" of Victoria. Greater

investment in the management of public land, which is much neglected in regional areas, will guarantee the continuing role that our public land plays in carbon storage, ecological diversity and providing an environment for connection with nature and the community wellbeing that this brings.

To achieve meaningful regional economic growth, and to support the economic transition of regional and remote communities, there needs to be a better balance in State investment in infrastructure, education, health, training and skills so that regional communities have the appropriate supports in place to attract new residents, support new investment and employment opportunities, and realise their economic potential.

Included in this is the need for improvements in the quality and efficiency of inter-regional transport. Investment in public transport in metropolitan Melbourne far outstrips the investment in regional transport facilities, which are critical to enabling the decentralisation of the population, and post-COVID commuting for access to metropolitan health and education services. The lack of regular public transport services (both inter- and intra-regional) severely inhibits the potential growth of Bairnsdale as East Gippsland's regional centre and the choices that people have to relocate and access employment and essential services. Local public transport services are also inadequate to provide access to jobs and services and require investment to support the population growth of the region.

Economic potential of the regions is also inhibited by constraints in the road network. Council continues to advocate for funding for the Mitchell River bridge duplication in Bairnsdale, improvements to the Great Alpine Road and other improvements to transport infrastructure that are important to the future growth of our economy, an efficient freight network and access to the emerging tourism opportunities for our region.

Whilst the 'big ideas' refer to improving access from place to place and to employment opportunities and improving the amenity and sustainability of our public spaces, the Plan for Victoria needs to include reform of funding mechanisms to support local government to deliver these improvements. Delivery of the Plan should consider a return to non-competitive funding allocations similar to the Local Government Infrastructure Program once supported by State Government.

Conclusion

The 'Plan for Victoria' offers a significant opportunity to set the agenda for the future growth and prosperity of all Victorians.

In order to so, it should:

- Recognise the fundamental difference in context between metropolitan and regional Victoria and not apply a 'one size fits all' approach;
- Reflect the strengths and opportunities for regional Victoria and identify strategies that specifically leverage those strengths and opportunities, rather than rely on broad aspirations that have little meaning or relevance to places, communities and economies of regional Victoria;
- Integrate land use and development strategies with a broader agenda for investment in transport, infrastructure, health, education and employment.
- Include a strong focus on implementation, including reform of the Planning system, the role of local government as a key partner, and facilitation of public and private investment in infrastructure and services to support growth and prosperity.

East Gippsland Shire Council also strongly encourages the State Government to release a draft 'Plan for Victoria' for further consultation so that responses can be provided to tangible strategies and implementation processes to ensure that they have the support of and meet the needs of all stakeholders.

5.2 Assets and Environment

5.2.1 CON2025 1694 Buchan Recreation Reserve Pavilion

Authorised by General Manager Assets and Environment

Confidentiality Notice

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in **Confidential Attachment 1** to this report is confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage by disclosing financial information to competitors.

Conflict of Interest

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

Executive Summary

The Buchan Recreation Reserve is a large community open space reserve located within the village precinct of Buchan and adjacent to Buchan River. The reserve provides the local community with a critical staging and refuge facility during natural disaster events and is a well-used local sports ground and community hall facility, being home to four local sporting clubs – pony, football netball, tennis, and cricket.

- Following the 2019/20 Black Summer Fires, redevelopment of the recreation reserve was identified as one of the highest community recovery priorities.
- As part of the overall redevelopment program, this procurement will deliver a new pavilion, that will complement the future two tennis courts overlain with a netball court including floodlighting that has been awarded and is under construction.
- The pavilion is designed above the 1 in 100-year flood level to mitigate flood impacts.

The scope of works consists of the following:

- Demolition of existing amenities block.
- The new pavilion will provide a fit for purpose, multi-use pavilion with flexible and adaptable spaces that will cater to the current and future sporting and community needs. The building will include unisex facilities, umpires, football and netball change rooms, commercial kitchen facilities, social room, meeting room, and all abilities accessible bathrooms.
- Proprietary sheds for tennis, netball, cricket, and football clubs.
- External works include decking, bike hoops, bins, and minor landscaping works.

This contract reflects the second project associated with the upgrade of the Buchan Recreation Reserve. The overall project and budget facilitates two key components within the Buchan Recreation Reserve, comprising of Stage One, construction of the netball/tennis courts (already awarded) and Stage Two, construction of new Pavilion. This report is focused on Stage Two, construction of the new pavilion.

As a result of the invitation to tender and the subsequent tender evaluation provided as **Confidential Attachment 1**, Council is now able to consider the recommendation to award contract CON2025 1694 Construction of Buchan Recreation Reserve Pavilion.

A Probity Report is provided as **Attachment 2**.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. accepts the tender submitted by _____ for CON2025 1694 Construction of Buchan Recreation Reserve Pavilion for the contract amount of \$ _____ exclusive of GST;***
- 3. authorises the Chief Executive Officer or delegate to finalise the terms and to sign the contract in the form proposed; and***
- 4. resolves that Confidential Attachment 1 to this report and all discussions relating to that attachment remain confidential.***

Background

The Buchan Recreation Reserve currently comprises community sporting facilities that do not meet industry standards and are regularly inundated by floods. The reserve is the neighbourhood safe place for the Buchan and District community during natural disasters, however, the pavilion does not adequately cater for the community or emergency services.

A review of the adequacy of the community sporting facilities available at the reserve identified that the pavilion is close to reaching the end of its functional life, and most of the sporting facilities are in poor condition which do not meet relevant state sporting association minimum standards, with the change rooms located 70 metres from the oval.

The community pavilion also lacks the following:

- first aid room;
- storage;
- food storage capacity (the kitchen is poorly fitted out);
- DDA (*Disability Discrimination Act*) compliance; and
- amenities to cater for large gatherings (the internal amenities comply but are insufficient for large gatherings).

All change rooms and amenities will be consolidated into the one building adjacent to the fields of play and will contain cubicle showers (currently open showers). These attributes will significantly improve the functionality and security of these spaces for use by displaced residents during natural disasters, including the capability to assign smaller change room areas as family change spaces. The kitchen and storeroom will better provide for the storage of large quantities of food, and an external store will have provision for the safe storage of emergency back-up equipment.

Plans are provided as **Attachment 3**. A 3D concept image is provided as **Attachment 4**.

Legislation

As of 1 July 2021, all provisions of the *Local Government Act 2020* commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with *Local Government Act 2020*, The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act 2006*.

The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act 2020*. The need for a Gender Impact Assessment has also been assessed.

Collaborative procurement

Pursuant of section 109(2) of the *Local Government Act 2020*, this report has not been prepared in collaboration with other agencies given the bespoke nature of the contract.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 2: 2.2 Infrastructure provision and maintenance supports a diverse range of current and future user needs and activities and is both environmentally and financially sustainable.

Council Policy

Procurement has been undertaken in accordance with Council's Procurement Policy.

Community engagement has been undertaken in accordance with Council's Community Engagement Policy.

Options

Council has the option to award a contract in accordance with the Tender Evaluation Report recommendation, or to not proceed with the procurement.

Resourcing

Financial

The total budget allocation for Buchan Recreation Reserve project amounts to \$6,085,937, sourced from the funding sources detailed in the table below.

This budget is designated for the implementation of two key components within the Buchan Recreation Reserve, comprising of Stage One, construction of the netball/tennis courts (already awarded) and Stage Two, construction of new Pavilion. This report is focused on Stage Two, construction of the new pavilion.

<i>Funding from Emergency Recovery Victoria - Local Economic Recovery</i>	\$491,386
<i>Funding from Sports and Recreation Victoria</i>	\$400,000
<i>Funding from Emergency Recovery Victoria - Resilience and Recovery Grant</i>	\$3,000,000
<i>Funding from Emergency Recovery Victoria – Council Support Fund (\$235k allocated to project management plus funding of \$500k)</i>	\$735,000
<i>Funding from Council *In May 2022 Council publicly committed \$1.2 million of Local Roads and Community Infrastructure (LRCI) Phase 3 funding to the Buchan Recreation Reserve project. Due to timing issues this was exchanged for a Council contribution. * Council Contribution from holding account</i>	\$1,459,551
TOTAL BUDGET	\$6,085,937
Expenditure and Commitments to date <i>*Includes Stage One for Buchan Netball/Tennis Courts contract</i>	-\$1,297,877
TOTAL FUNDS AVAILABLE FOR DELIVERY	\$4,788,060

* A further \$259,551 of Council cash has been allocated from the holding account to largely cover overhead and grant management charges

Plant and Equipment

All plant and equipment requirements will be provided in accordance with the proposed contract.

Human Resources

This project will be supervised by a project supervisor from the Council's Infrastructure Projects Unit.

Risk

The risks of this proposal have been considered and as per the Procurement Policy, tenderers were requested to develop a method that minimises risks identified in relation to property access, traffic management, vibration, dust, and other key issues associated with the works.

The project supervisor from the Council's Infrastructure Projects Unit will attend the site to ensure so far as is reasonably practicable that the health and safety of others is not put at risk from work carried out as part of the undertaking.

Economic

The development of the pavilion project has engaged local contractors to maximise economic benefits for the East Gippsland community. This initiative will support and stimulate regional economic growth while creating job opportunities. Although the pavilion's primary purpose is social—offering space for meetings, sports, and support for individuals following emergencies—we also anticipate substantial economic benefits. The pavilion is expected to drive local spending through events hosted at the venue and occasional business-focused activities, such as those supporting the agricultural sector.

While this is an investment in physical infrastructure the Project is all about stimulating and sustaining inclusive community sporting and social activities for the vital role they will play in building community connections, social ties, community identity and sense of place.

Social

The Buchan and district community established a community recovery committee on 2 March 2020. The Buchan Gelantipy and Districts Renewal Association (BGaDRA) has stayed focused since its inception on helping its community get back on its feet. Community advocacy has been significant, including coordinating a community survey in 2020 to better understand community needs.

The Recreation Reserve is the key local community focal point suitable for all ages. The new pavilion will provide an avenue for people of all ages to gather, connect and engage in social and physical activity, building social ties and cohesion in the community and improving overall physical and mental health and wellbeing. This will play a vital role in improving community resilience, social wellbeing, community identity, sense of place and health to help the Buchan community recover and rebuild from the serious personal and community impacts of the 2019-20 bushfires.

Sport and social activities are particularly important for local youth - Buchan has one of the highest rates of youth unemployment in East Gippsland at 44% and one of the highest rates of youth disengagement (no education or employment) at 24%.

As one local person has said: "going to the football-netball is many people's only social engagement for the week – if it was not for that they would keep working on their farms and businesses all week and not share the burden that they are going through as part of recovering from the fires."

This relates to what disaster recovery expert and psychologist Dr Rob Gordon has described as "cellular fatigue" - a tiredness right down to your bones, which many bushfire-affected community members have been experiencing. To combat it, Dr Gordon's simple formula is "pleasure and leisure," defined as: pleasure is when "I'm doing something I enjoy," leisure is when "I don't have to do anything at all so I can work out what I want to do."

Overall, this project aims to develop a comprehensive community hub in alignment with the Buchan Recreation Reserve Master Plan. It will incorporate advanced sporting, social, and emergency response facilities to enhance community resilience by replacing and relocating outdated infrastructure for sports and community use.

This facility also has a STAND (Strengthening Telecommunications Against Natural Disasters) system installed.

Gender Impact Statement

Contract CON2025 1626 Buchan Recreation Reserve Pavilion has had a Gender Impact Assessment (GIA) completed and is compliant with the obligations and objectives of the Victorian *Gender Equality Act 2020*.

Environmental

Environmentally Sustainable Design principles (ESD) is incorporated into all Council buildings and this framework has been adopted for the Buchan Recreation Reserve Upgrade project.

The intent of the ESD is to:

- Reduce the operational costs associated with Council's buildings and facilities;
- Reduce the environmental impacts of constructing, refurbishing and operating Council buildings;
- Improve energy and water efficiency of Council's buildings and facilities;
- Provide a healthy indoor environment in Council's buildings;
- Demonstrate leadership to the community by adopting and promoting sustainable building design suitable for the regions current and future climate; and
- Reduce reliance on non-renewable grid electricity.

Elements include:

- Photovoltaic array (PV) - Solar panels and batteries with a DC Generator backup;
- Water Harvesting - the process of collecting and storing rainwater. Water catchment systems collect water from rain gutters and use pipes to direct it to a storing drum, barrel, or cistern. Once collected, pumps move the water from the storing drum to where it needs to go;
- Removed all gas elements from design;
- Required main contractor to submit waste minimisation plan prior to construction; and
- Assigned responsibility to main contractor for commissioning, construction waste management

The facility has been designed meeting all bushfire related standards and East Gippsland Catchment Authority increased rainfall guidelines.

Fire and flood are normal occurrences in Buchan and district, and whilst individual preparedness is essential, this needs to also be complemented at the community level with infrastructure that is reliable, available, and capable of withstanding regular and severe bushfire and flood events. The proposed Pavilion has been designed accordingly.

Climate change

This report has been prepared and aligned with the following Climate Change function/category:

Asset Management: Climate change is considered in the design and maintenance of assets and includes responses to direct and indirect impacts.

Engagement

Community engagement has taken place in accordance with Council's Engagement Policy. Various tools have been employed to keep community informed, including a YourSay page, media releases, multiple Shire Noticeboard Advertisements, and social media.

- Initial communication and public notification regarding the project were made via Media Release.
- The YourSay page is supported by social media posts and Shire Noticeboard advertisements.
- A project reference group has been established to help guide this project moving forward.

This project was identified by the BGaDRA and Buchan Recreation Reserve Committee of Management as part of the overall Reserve Masterplan. Council, BGaDRA and Buchan Recreation Reserve Committee of Management worked together to form a project reference group to review preliminary concept design work for the revitalisation of the Buchan Recreation Reserve.

Letters of support were provided in the context of the broader rejuvenation of the Buchan Recreation Reserve by:

- The Buchan Tennis Club;
- Buchan Football Netball Club;
- Buchan Gelantipy, and District Renewal Assoc;
- Buchan Primary School;
- Recreation Reserve and Hall Committee of Management;
- Darren Chester Federal Member for Gippsland; and
- Tim Bull, Member for East Gippsland.

The YourSay page was created on 20 February 2023; currently there have been 9 project updates to keep the community informed; 332 people are 'Aware' (made at least one single visit to the project page); 85 'Informed' (has taken the 'next step' from being aware and clicked on something); Nil 'Engaged' (contributes to a tool or asked a question). There are two documents and six photos available on the project's YourSay, and there have been 105 document downloads and 26 photo views.

Attachments

1. CONFIDENTIAL - CON2024 1694 Tender Evaluation Report [5.2.1.1 - 16 pages]
2. CON2024 1694 Probity Report [5.2.1.2 - 2 pages]
3. Plans - Buchan Reserve Redevelopment - Loft Architecture [5.2.1.3 - 4 pages]
4. 3D Concept Image - Buchan Reserve Redevelopment [5.2.1.4 - 1 page]



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20 August 2024

Ms Cheryl Nicholson
 Procurement Co-Ordinator
 East Gippsland Shire Council
 PO Box 1618
 BAIRNSDALE VIC 3875

Dear Cheryl,

Probity Review – CON2025 1694 – Construction of Buchan Recreation Reserve Pavilion and Pony Club Shed

You have sought probity services in relation to the CON2025 1694 – Construction of Buchan Recreation Reserve Pavilion and Pony Club Shed. These services have now been completed in accordance with our letter of engagement dated 16 August 2024.

Scope of Services

We have now completed our review and assessment of the governance, probity and compliance aspects of the:

- Tender advertising process,
- Tender documentation,
- Tender evaluation criteria,
- Tender receipt and recording process, and;
- Tender evaluation process and development of Officer's Recommendation.

Purpose

The purpose of this review was to assess the probity of the processes undertaken from the commencement of the procurement process through to the development of a report to Council recommending a tender be accepted.

Key Observations

From a review of Council documentation it was possible to conclude:

- The tender documentation was clear, with evaluation criteria and weightings identified in advance;
- The tender was advertised appropriately;
- The tender opening was undertaken in accordance with the procurement requirements,

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- Applicants were evaluated in accordance with the documented evaluation criteria and weightings; and
- The report to Council reflects the outcome of the evaluation process.

Review Conclusion

From the procedures we have undertaken no matter was noted that would indicate that the procurement process, to date, has not been conducted with an appropriate level of probity.

Please do not hesitate to contact me on (03) 5940 2033 or via email gordon.robertson@crowe.com.au should you have any queries.

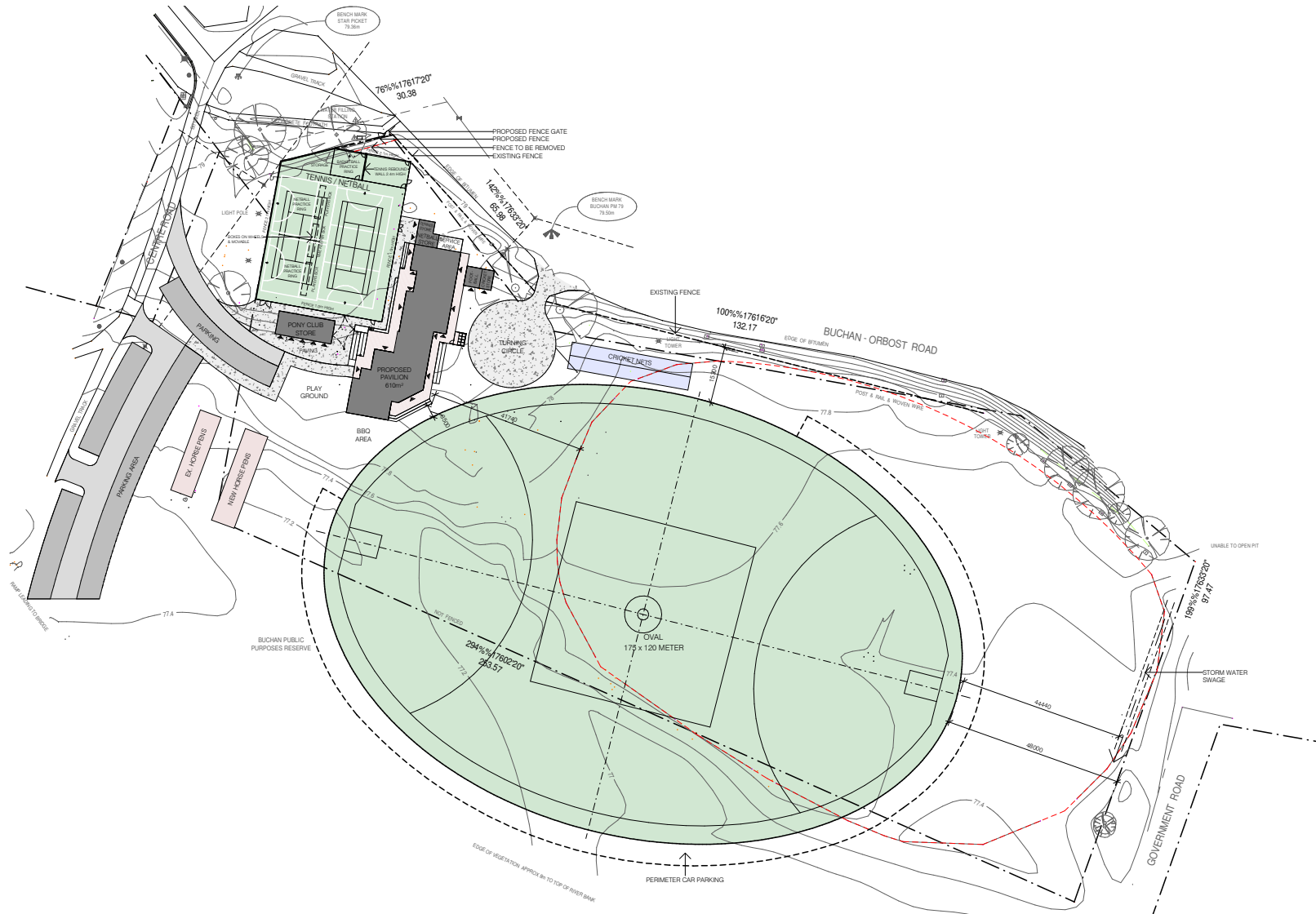
Yours Sincerely,

Crowe Audit Australia

CROWE AUDIT AUSTRALIA

G. Robertson

GORDON ROBERTSON
Partner



BUCHAN RESERVE REDEVELOPMENT

EAST GIPPSLAND
SHIRE COUNCIL

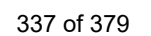
PROPOSED SITE PLAN OPTION 1

Drawing No.: CD.002_Rev.F
Date: 12 / 07 / 2023
Scale: 1:500/1000@A1/A3











5.2.2 CON2025 1659 Construction of Air Ambulance Victoria Transfer Facility - Bairnsdale Airport

Authorised by General Manager Assets and Environment

Confidentiality Notice

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in **Confidential Attachment 1** to this report is confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage by disclosing financial information to competitors.

Conflict of Interest

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

Executive Summary

The purpose of this report is to award a contract to construct an Air Ambulance Victoria Patient Transfer facility at the Bairnsdale Airport.

The facility will comprise a transfer station building in which patient transfers will occur, a road to the transfer station for road ambulances, and a dedicated apron for air ambulances to access the transfer station. The transfer station will provide a private and controlled environment for patients (1,247 transfers in 2021), will be a place more conducive to administering medical care than the current practice, which is outdoors, and will improve the facilities and comfort available for medical staff and pilots whilst care is being provided to patients, or when they are awaiting the arrival of an air or road ambulance.

1. The new patient transfer facility will provide medical staff with a dedicated building for patient care offering a significantly more comfortable and controlled environment for the medical staff and patients compared to the current options of outdoor areas and the public airport passenger terminal.
2. The patient transfer facility includes the construction of a new fully insulated standalone shed, with apron and taxiway access to the front, and road access to the back of the facility.
3. Following approval to award tender, works are expected to commence in October 2024, with completion anticipated in March 2025.

The Air Ambulance project consists of:

- The construction of a 215 sqm fit-for-purpose Colourbond shed, fully insulated on a reinforced concrete slab, designed to provide ample space for patient transfers and accommodate up to two road ambulances. The shed will feature motorised front and rear roller doors for vehicle access, two pedestrian entrances; unisex and all accessible bathroom and toilet amenities; kitchenette; hand hygiene, clean-up area; and heating/cooling.
- Road ambulance access way: spray sealed bitumen of total area 681 sqm (37.8 metres long x 18 metres wide) fencing and line marking, as an airside facility.

- Taxiway/patient transfer facility apron for air ambulance access and parking: (compliant for King Air 350 aircraft): 40mm dense grade asphalt of total area 2,314 sqm (approx. dimensions 37 metres long x 55 metres wide) and line marking.
- Utility connection with power, communications, water, sewer, and stand-alone fire hydrant system (the pressure from the watermain is not sufficient to be a compliant hydrant system, therefore it needs a stand-alone system).
- Security fencing and floodlighting.

As a result of the invitation to tender and the subsequent tender evaluation provided as **Confidential Attachment 1**, Council is now able to consider the recommendation to award the contract.

A Probity Report is provided as **Attachment 2**.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. accepts the tender submitted by _____ for CON2025 1659 Construction of Air Ambulance Victoria Patient Transfer Facility, Bairnsdale Airport for the contract amount of \$_____ exclusive of GST;***
- 3. authorises the Chief Executive Officer or delegate to finalise the terms and to sign the contract in the form proposed; and***
- 4. resolves that Confidential Attachment 1 to this report and all discussions relating to that attachment remain Confidential.***

Background

The construction of a Patient Transfer Facility for Air Ambulance Victoria was highlighted as a Stage 1 development (short term 1-2 years) in the Bairnsdale Airport Masterplan 2020. Bairnsdale Aerodrome is the second most used airport by Air Ambulance in Victoria (after Mildura). Mildura Airport have provided plans of their Patient Transfer Facility for guidance, and Air Ambulance Victoria have provided feedback on improvement to the facility. Air Ambulance Victoria will be upgrading their existing King Air 200 series with the King Air 3530 series, therefore the design infrastructure to support the King Air 350 aircraft has been adopted.

Air Ambulance Victoria, being a frequent (daily) user of the airport expressed the need to have a dedicated patient transfer area that is undercover and private with sufficient lighting for the purposes of transitioning patients from road to air in a comfortable environment. Being able to transfer patients in privacy and out of the weather is important both for patients and paramedics. The transfers from the road ambulance to the aircraft, requires paramedics to move the patient from one bed to another as the beds are different for each transport vehicle / aircraft. Air Ambulance Victoria will occasionally use the terminal building during adverse weather conditions, but this practice is not ideal when members of the public are present.

A patient transfer facility is significant to the Air Ambulance Victoria operation for:

- Patient privacy, dignity, and respect;
- Wind, rain, sun protection and reduced exposure to inclement weather and extremes of heat and cold;
- A point of care while waiting for the aircraft, particularly when patients condition requires urgent evacuation or deterioration prior to aircraft arrival;
- Availability of power, lighting, air conditioning and bench space; and
- Environmental control measures to improve patient and staff safety during transfer between different transport platforms.

A concept plan is provided as **Attachment 3**.

Legislation

As of 1 July 2021, all provisions of the *Local Government Act 2020* commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with *Local Government Act 2020*.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of Human Rights and Responsibilities Act 2006.

Collaborative procurement

Pursuant of section 109(2) of the *Local Government Act 2020*, this report has not been prepared in collaboration with other agencies given the bespoke nature of the contract.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 2: 2.2 Infrastructure provision and maintenance supports a diverse range of current and future user needs and activities and is both environmentally and financially sustainable.

Council Policy

Procurement has been undertaken in accordance with Council's Procurement Policy.

Community engagement was done in accordance with the Council's Community Engagement Policy.

Options

Tenders received have been assessed by a Tender Evaluation Panel (TEP). The TEP Report, provided at **Confidential Attachment 1**, details the assessment of options for the selection of a contractor for the project.

Council has the option to award a contract in accordance with the TEP's recommendation, or to not proceed with the procurement.

Resourcing

Financial

Total Budget available after expenditure and commitments to date for delivery is \$3,057,951, from the following sources:

- the Commonwealth Department of Industry, Science, Energy and Resources Regional Airports is contributing \$1,546,379;
- Council has matched this with a contribution of \$1,546,379; and
- a further \$125,242 in Council cash has been allocated through the adopted budgets to cover ineligible expenses under the funding agreement (e.g. project management fees).

The cost to Council of appointing the recommended tenderer for the construction services for the Air Ambulance Victoria Transfer Facility project are outlined in **Confidential Attachment 1**.

Plant and Equipment

All plant and equipment requirements will be provided in accordance with the proposed contract.

Human Resources

A Project Supervisor from the Council's Infrastructure Projects Unit will supervise this project. No additional Council human resources are required to manage this project.

Risk

As per the Procurement Policy, the risks of this proposal have been considered and tenderers were requested to develop a method that minimises risks identified in relation to property access, traffic management, vibration, dust, and other key issues associated with the works being undertaken airside on a Civil Aviation Safety Authority (CASA) regulated airport.

Economic

In accordance with the Procurement Policy, the tender evaluation process used for this tender included a 5% weighting for local content, with preference given to contractors who employ locally and purchase goods and any subcontracted services locally. The benefit of the project includes the economic activity associated with the construction, establishment and maintenance of the patient transfer facility and the improved conditions for both the patient and the medical staff.

Social

Gender Impact Statement

The *Gender Equality Act 2020* was considered in the preparation of this report. Contract CON2025 1659 Construction of Air Ambulance Victoria Transfer Facility, Bairnsdale Airport has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

In accordance with the Procurement Policy, a 5% weighting has been used in the evaluation of the tenders regarding environmental sustainability, with preference given to contractors who can demonstrate environmentally sustainable and environmentally sensitive practices.

Climate change

This report has been prepared and aligned with the following Climate Change function/category:

Asset Management: Climate change is considered in the design and maintenance of assets and includes responses to direct and indirect impacts.

Engagement

Community engagement has taken place in accordance with the principles of Council's Engagement Policy. As this project has no direct impact on the surrounding community, a YourSay page has been created to keep the community informed.

The YourSay page was launched on 22 June 2023; three project updates have been provided to keep the community informed. 127 people are 'Aware' (made at least one single visit to the project page); ten 'Informed' (has taken the 'next step' from being aware and clicked on something); Nil 'Engaged' (contributes to a tool or asked a question). This project was mentioned in a social media post on Council's Facebook page on 6 July 2024. No community feedback has been received on this project.

Key stakeholders including Ambulance Victoria have been directly engaged throughout the planning and development of the design, providing endorsement of the final plan.

Attachments

1. CONFIDENTIAL - CON2025 1659 Tender Evaluation Report [5.2.2.1 - 21 pages]
2. CON2025 1659 Probity Report [5.2.2.2 - 2 pages]
3. Air Ambulance Footprint [5.2.2.3 - 1 page]



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14 August 2024

Ms Cheryl Nicholson
 Procurement Co-Ordinator
 East Gippsland Shire Council
 PO Box 1618
 BAIRNSDALE VIC 3875

Dear Cheryl,

Probity Review – CON2025 1659 – Construction of Air Ambulance Victoria Transfer Facility, Bairnsdale Airport

You have sought probity services in relation to the CON2025 1659 – Construction of Air Ambulance Victoria Transfer Facility, Bairnsdale Airport. These services have now been completed in accordance with our letter of engagement dated 9 August 2024.

Scope of Services

We have now completed our review and assessment of the governance, probity and compliance aspects of the:

- Tender advertising process,
- Tender documentation,
- Tender evaluation criteria,
- Tender receipt and recording process, and;
- Tender evaluation process and development of Officer's Recommendation.

Purpose

The purpose of this review was to assess the probity of the processes undertaken from the commencement of the procurement process through to the development of a report to Council recommending a tender be accepted.

Key Observations

From a review of Council documentation it was possible to conclude:

- The tender documentation was clear, with evaluation criteria and weightings identified in advance;
- The tender was advertised appropriately;
- The tender opening was undertaken in accordance with the procurement requirements,

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- Applicants were evaluated in accordance with the documented evaluation criteria and weightings; and
- The report to Council reflects the outcome of the evaluation process.

Review Conclusion

From the procedures we have undertaken no matter was noted that would indicate that the procurement process, to date, has not been conducted with an appropriate level of probity.

Please do not hesitate to contact me on (03) 5940 2033 or via email gordon.robertson@crowe.com.au should you have any queries.

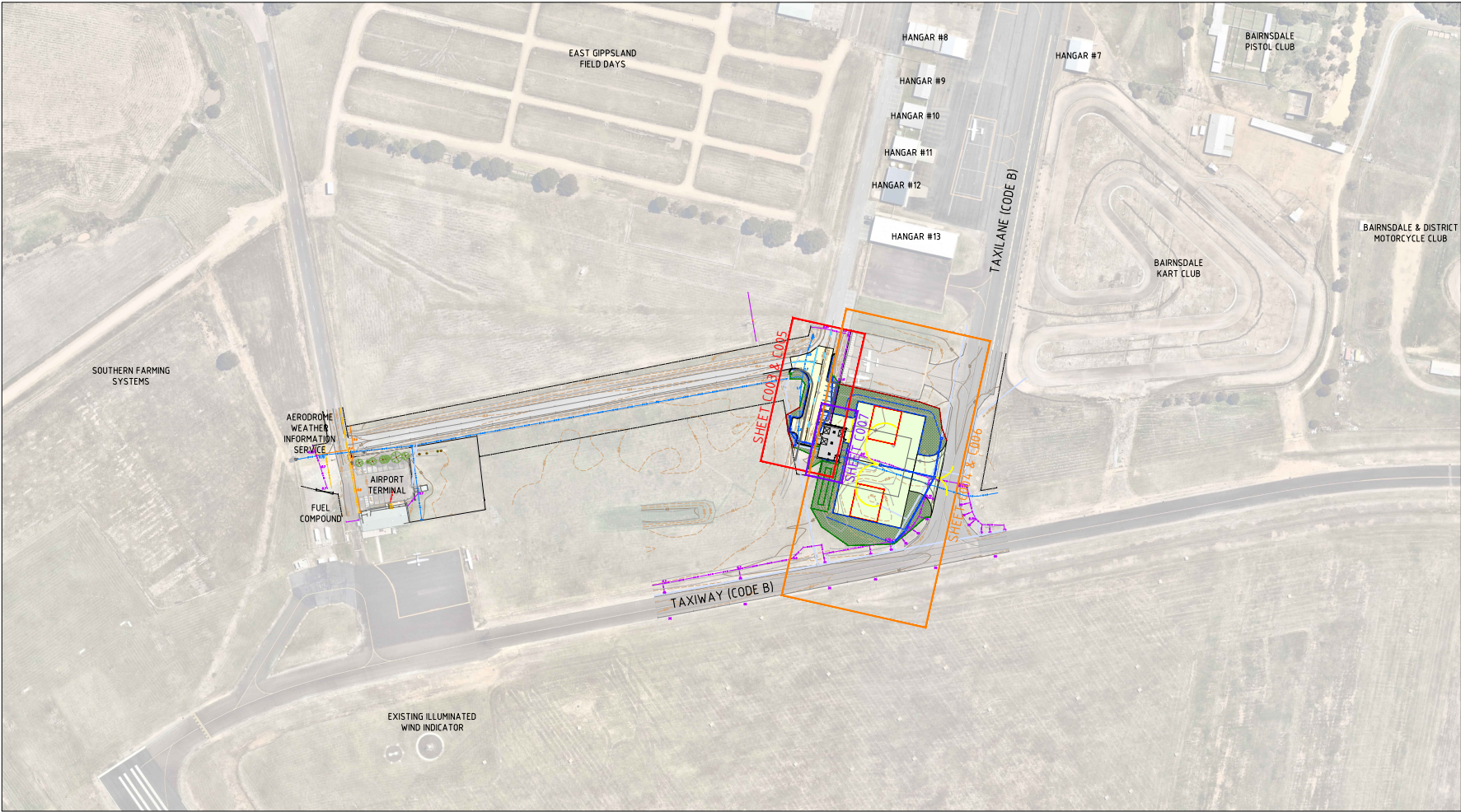
Yours Sincerely,

Crowe Audit Australia

CROWE AUDIT AUSTRALIA

G. Robertson

GORDON ROBERTSON
Partner



OVERALL PLAN

SCALE 0 10 20 30 40 50 METRES

WARNING
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CLIENT EAST GIPPSLAND SHIRE COUNCIL	
PROJECT TITLE AIR AMBULANCE TRANSFER FACILITY & ASSOCIATED WORKS	
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BAIRNSDALE, VIC, 3875	
DRAWING TITLE OVERALL PLAN	

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5.2.3 Contract Extension and Variations - CON 1148/1314 Kerbside Waste, Recycling, Organics collections and Street Litter and Public Place Recycling Services

Authorised by General Manager Assets and Environment

Confidentiality Notice

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained within **Confidential Attachments 1 and 2** to this report is confidential because they contain private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets.

Conflict of Interest

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

Executive Summary

This report seeks Council's approval to proceed with a Deed of Variation to contract CON1148/1314 Kerbside Waste Recycling, Organics Collection and Street Litter and Public Place Recycling Services (the Contract).

The Contract details arrangements for the provision of essential waste and recycling services including:

- weekly kerbside collections servicing over 18,000 properties;
- residual garbage collection service (120L for residential properties);
- fortnightly kerbside commingled recycling collection service (240L for residential properties);
- fortnightly kerbside green waste collection service (240L for residential properties); and
- public litter bin maintenance services.

At the ordinary Council meeting held 7 October 2014, Council awarded Contract No 1148/1314 for a period of ten years with an additional two-year option, commencing on 1 March 2015.

This report recommends that Council utilise the option of a two-year extension to the current 10-year contract term and amend the Contract by introducing an additional two-year extension option should this be required by way of a Deed of Variation (**Confidential Attachment 1**). Other amendments to capture operational changes in service delivery which have occurred over the previous decade have been prepared in consultation with Tambo Waste and are enacted through the Deed of Variation.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. accepts the terms and conditions detailed in the Deed of Variation at Confidential Attachment 1 to contract CON 1148/1314 Kerbside Waste Recycling, Organics Collection and Street Litter and Public Place Recycling Services;***
- 3. authorises the Chief Executive Officer or delegate to execute the Deed of Variation to contract CON 1148/1314 Kerbside Waste Recycling, Organics Collection and Street Litter and Public Place Recycling Services (Confidential Attachment 1); and***
- 4. resolves that Confidential Attachments 1 and 2 to this report and all discussions relating to these attachments remain confidential.***

Background

Changes occurring in the waste management industry, policy and regulatory environment across Victoria are anticipated to introduce additional challenges and opportunities in East Gippsland. This follows the release of the State Government Policy, Recycling Victoria: A New Economy.

Victorian Councils will be required to meet the outcomes of the policy, as outlined within draft Service Standards; proposed to take effect from 2027. This requires analysis of a range of contextual matters to assist Council to make informed decisions for the future provision of waste and recycling services for the community over the coming decade.

In response, Council is currently undertaking a Service Review and Transition Plan that together, will provide Council, community, and stakeholders with a 'road map' of feasible long-term solutions for future waste and resource recovery services over the coming decade.

The service review includes an Expression of Interest (EOI) process and development of a Financial Model in 2025 that will assist Council to accurately forecast the cost and benefit of various service delivery options. This process will subsequently inform a tender process(s) for the provision of essential waste and recycling services (anticipated for completion 2025/2026). Subject to awarding the future contract(s), it is expected that the commission and mobilisation of new services would occur from 2027.

At the ordinary Council meeting held 7 October 2014, Council resolved:

That Council:

- 1. accepts the tender submitted by Tambo Waste Pty Ltd for Contract No 1148/1314 kerbside waste, recycling, organics collections and street litter and public place recycling services for the lump sum of \$2,499,133.00 (excluding GST) for an extended period of ten years with an additional two-year option, commencing on 1 March 2015;***
- 2. signs and seals the contracts in the form proposed; and***
- 3. resolves that this report, its attachments and all discussions in relation to this matter remain confidential, but the resolution be made public immediately.***

It is considered necessary that Council enacts the above option of a two-year extension taking effect from 1 March 2025, recognising the importance of ensuring that essential waste and recycling services continue to be provided.

Further, in recognition of changes occurring within the waste sector, and the pending completion of Council's Waste and Recycling Services Review, the Deed of Variation introduces an option of an additional two-year extension should this be required as a result of unforeseen circumstances which may impact upon a future tender process and subsequent commissioning of waste and recycling services.

Amendments to the Contract have been prepared in consultation with Tambo Waste to capture operational changes in service delivery which have occurred over the previous decade and to ensure the contract is fit for purpose. These amendments have been incorporated within the Deed of variation (**Confidential Attachment 1**), and include:

- introducing in option of an additional two-year extension should this be required;
- codifies and revises the terms and conditions from a previous Deed of Variation entered between the parties in October 2018 – by consolidating these terms within the second Deed of Variation;
- deletes the Specification (Schedule 2) currently annexed to the Contract and replaces it with a new Specification agreed between Tambo Waste and Council (to ensure accuracy for the preceding term of contract);
- deletes the original Response to Request to tender submitted by Tambo Waste, which is currently annexed to the Contract, and replaces it with a revised document to ensure currency and accuracy for the preceding term of contract;
- describes amendments to the Conditions of Contract (the modified AS4920) to ensure it is legally up to date.

Confidential Attachment 2 to this report provides an overview of other minor revisions and amendments to the contract to be enacted by the Deed of Variation.

Legislation

As of 1 July 2021, all provisions of the *Local Government Act 2020* commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked.

Recycling Victoria – A New Economy 2020 sets out the Victorian Government priorities to reform the waste and recycling system, including changes to kerbside recycling, the introduction of a container deposit scheme and new investment in industry.

Since 2020 there have been significant developments in policies, plans and strategies to drive this agenda, most recently the release of Victoria's draft regulations to standardise a four-stream household waste and recycling system under section 60 and 63 of the *Circular Economy (Waste Reduction and Recycling) Act 2021* (the Circular Economy Act). These changes are being considered as part of the Waste and Recycling Service Review.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act 2006*.

The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act 2020*. The need for a Gender Impact Assessment has also been assessed.

Collaborative procurement

Collaborative procurement has previously been considered by Council as part of the Gippswide Kerbside Collection contract process. On the 13 December 2022 Councillors voted unanimously to withdraw from the Gippswide Collaborative Procurement Project.

This decision was made based on the recommendation of Officers. The recommendation of the Officers was made in light of several factors including a view that optimal value was not likely to be achieved for Council by collaborative procurement in this case.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 3: 3.4 Environmentally and financially sustainable practices reduce waste going to landfill.

Council Policy

Council's Waste Services Policy aims to ensure that waste services are delivered in an equitable effective and fair manner. This document sets out objectives and actions to ensure that legislative and strategic requirements are maintained while the waste collection and disposal services are provided.

Section 7.1 of the Procurement Policy outlines Procurement Thresholds and Delegations. The determination to extend the contract term by Council is consistent with this policy which states 'tender recommendations and contract approvals for all expenditure over \$500,000 (including GST) must be approved by Council.'

Section 7.5 of the Procurement Policy directs that contract variations are subject to the financial delegation thresholds specified in the Procurement Procedure and must be dealt with in accordance with the Procurement Procedure.

Options

The following options are available to Council for consideration:

1. Accept the terms and amendments outlined by this report and detailed within the Deed of Variation provided at **Confidential Attachment 1** (recommended);
2. Seek revisions to the Deed of Variation provided at **Confidential Attachment 1**; and
3. Request further information regarding matters outlined by this report.

Resourcing

Financial

Household Kerbside Waste and Recycling Services provided under the Contract are provided by way of a lump sum contract and schedule of rates (reviewed annually to incorporate CPI increases and additional household collection services).

The service is funded from revenue generated by service charges applied to those households which receive either a standard two-bin collection service (comprising of general waste and recycling), or three-bin service (comprising of general waste, recycling, and green garden organics).

Plant and equipment

The extension of the contract term and inclusion of an additional two-year extension option will allow the forward planning of waste and recycling collections services, including planned adjustments to services, plant and equipment required in the short to medium term.

Human Resources

There are no direct human resources implications for consideration of this report.

Risk

The risks of this proposal have been considered. It is important that essential waste and recycling collection services continue to be provided for the community. Due to the Council election period, it is considered prudent that Council determines to extend the current contract term prior to its expiry 28 February 2025.

Economic

Waste and recycling services create jobs at various levels, from collection and sorting to processing and management. These jobs contribute to local economies and provide employment opportunities.

Social

Effective waste management reduces health risks associated with improperly disposed waste, such as pollution and disease transmission, which improves quality of life for communities.

Environmental

Ensuring community access to waste disposal and recycling services provides benefits to the environment by mitigating potential litter pollution. Recycling services reduce waste to landfill and associated costs.

Climate change

This report has been prepared and aligned with the following Climate Change function/category:

Asset Management: Climate change is considered in the design and maintenance of assets and includes responses to direct and indirect impacts.

Engagement

Council Officers have undertaken extensive review and engagement with Tambo Waste in the review of the Contract and preparation of Deed of Variation provided at **Confidential Attachment 1**.

Attachments

1. CONFIDENTIAL - Deed of Variation to CON 1148/1314 [**5.2.3.1** - 170 pages]
2. CONFIDENTIAL - Summary of Changes to Contract Specification [**5.2.3.2** - 2 pages]

5.3 Business Excellence

5.3.1 Hardship Policy

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

This report seeks Council's consideration and adoption of the draft Hardship Policy (the Policy) presented at **Attachment 1** and to rescind the existing Financial Hardship Policy at **Attachment 2**.

The Policy aims to provide a clear understanding of the options and assistance available to ratepayers who are experiencing hardship and assist them in managing the payment of their rates and charges. The Policy also ensures ratepayers are treated fairly and without discrimination by providing a framework to ensure a consistent approach to supporting ratepayers who are experiencing hardship.

The Policy applies to all ratepayers, no matter what property class.

To support the Policy and provide information to community, the website has also been updated with an easy reference tool showing the types of support we can offer to assist ratepayers with the payment of their rates and charges.

The new section of the website can be viewed via this [link](#) and includes:

- Clear and concise information on payment options and ways to get help.
- A link to the moneysmart website that has been created by the Australian Competition and Consumer Commission and Australian Securities & Investments Commission and provides tools for managing your money, reducing your debt, accessing crisis payments and grants, and contacting a financial counsellor for free and confidential assistance.
- A link to the National Debt Helpline, which has tools and tips on how to deal with debt, including a section on assistance available if you are struggling to pay Council rates.

Information on the payment options and ways to get assistance will also be communicated through social media, local papers and included with rates notices.

The content of the Policy has been reviewed with local financial counsellors as well as Maddocks Recoveries, with feedback considered as part of the Policy.

Council officers are working closely with local financial counsellors to ensure the process of applying for assistance is as easy as possible for ratepayers. This will mean where an assessment of hardship has been made through other organisations, for example in the application of grants or Centrelink support, ratepayers will not have to provide this information again. Where a ratepayer has authorised a financial counsellor to act on their behalf, we will be able to work directly with them to facilitate the best outcomes.

Council officers are also meeting with local financial counsellors to strengthen partnerships and are currently working with them to facilitate opportunities for Counsellors to regularly attend Council offices, including remote service centres allowing opportunities for ratepayers to drop in and get help if they are experiencing payment difficulties.

One of the easiest ways we can help is to set up a payment arrangement that has smaller amounts over a longer time, this is designed to make payments more manageable and ensures no interest is applied. Arrangements can be spread over a maximum period of three years if needed which is balanced out by the need to support the ratepayer to continue to pay down the debt, including when future years rates are issued.

If ratepayers are assessed as either in hardship or financial hardship, they can apply for other forms of assistance, including deferrals and waivers by completing a hardship application. This is fully supported by council staff who also encourage them to seek assistance from a financial counsellor.

Council officers will be participating in hardship training to better understand the issues and provide the necessary support and assistance to ensure the best outcomes for our ratepayers.

The Policy addresses recommendation (2(a)) in the Notice of Motion that was adopted at the Council meeting on 16 July 2024.

Officer Recommendation

That Council:

- 1. adopts the Hardship Policy as provided at Attachment 1;***
- 2. rescinds the existing Financial Hardship Policy at Attachment 2; and***
- 3. authorises the Chief Executive Officer to amend the adopted Hardship Policy without formal Council consideration, if the amendments required are due to changes to Officer titles or administrative changes that occur from time to time.***

Background

The Victorian Ombudsman's 2021 "*Investigation into how local councils respond to ratepayers in financial hardship*" recommended that the Victorian Government provide clear, consistent definition of 'financial hardship' and issue guidelines regarding rates hardship relief.

Amendments to the *Local Government Act 1989* (the Act) came into effect on 20 June 2023 which alters the way that Council's may proceed in relation to the collection of overdue rates and charges, the charging of interest, payment plans and hardship assistance.

These amendments included a new section 181AA of the Act that allows the Minister to issue guidelines in relation to the following:

- the definition of hardship for the purposes of section 170 of the Act relating to deferring payment in whole or in part;
- the definition of financial hardship for the purposes of sections 171, 171A and 172A relating to waiving of rates and the application of interest;

- the content of hardship policies and financial hardship policies;
- the circumstances in which a Council may apply the hardship policies and financial hardship policies;
- the process for applying for a payment plan;
- the waiver of interest on unpaid rates or charges under sections 171, 171A and 172; and
- any other matters covered by sections 170, 171, 171A, 171B, 172, 180 and 181.

Following the recommendations from the Ombudsman, Local Government Victoria in consultation with the Essential Services Commission, issued the draft Ministerial Guidelines and the Interim Hardship Guidelines.

The Policy has been developed to align with the Act and the guidelines and provide clear guidance to Council when considering hardship applications.

Legislation

The Victorian Ombudsman's 2021 "*Investigation into how local councils respond to ratepayers in financial hardship*" recommended that the Victorian Government provide clear, consistent definition of 'financial hardship' and issue guidelines regarding rates hardship relief.

Amendments to the *Local Government Act 1989* (the Act) came into effect on 20 June 2023 which alters the way that Councils may proceed in relation to the collection of overdue rates and charges, the charging of interest, payment plans and hardship assistance.

Following the recommendations from the Ombudsman, Local Government Victoria, in consultation with the Essential Services Commission, issued the draft Ministerial Guidelines and the Interim Hardship Guidelines.

This report and accompanying policy have been prepared in accordance with sections 170, 171A, 171B, 172, 172A, 180, 181 and 181AA of the Act (as amended).

The Policy has been developed to align with the Act and the guidelines and provide clear guidance to Council when considering hardship applications.

This report and policy also complies with the draft Ministerial Guidelines and the Interim Hardship Guidelines issued under section 181AA the Act (as amended).

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act 2006*.

The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act 2020*. The need for a Gender Impact Assessment has also been assessed.

Collaborative procurement

Not applicable to this report

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 1: 1.1 Council strives to provide equitable access to their services, support and facilities.

Strategic Objective 5: 5.2 Strong relationships with government, partners and stakeholders are maintained and strengthened to advocate for the community.

Council Policy

The Policy at **Attachment 1** has been rewritten and will replace Council's previous Financial Hardship Policy at **Attachment 2** that will be rescinded, as it no longer complies with legislation.

Resourcing

Financial

There could be a cost to Council for any full or partial rate waiver as well as loss of income from interest charges. Any costs associated would be expected to be funded from within Council's annual budget.

Human Resources

Compliance with this policy will be resourced from within the current rates team structure.

Risk

There are no perceived risks associated with this report.

Economic

There are no perceived economic implications with this report.

Social

This policy is designed to support social outcomes for our community by outlining what assistance can be provided when ratepayers are having trouble paying rates.

Gender Impact Statement

The preparation of the draft Policy has considered the *Gender Equality Act 2020* in its preparation and has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

There are no perceived environmental implications with this report.

Climate change

This report is assessed as having no direct impact on climate change.

Engagement

The draft Policy has been developed in consultation with Maddocks Recoveries to ensure our legislative requirements have been met.

Council's website is being updated to ensure all ratepayers are aware of the options for assistance available to anyone who is having trouble in paying their rates and charges.

Details of assistance options has also been communicated through an information brochure included with the annual valuation and rate notice and in local newspapers and social media.

Attachments

1. Hardship Policy [**5.3.1.1** - 13 pages]
2. Financial Hardship Policy [**5.3.1.2** - 8 pages]



Hardship Policy

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1. Purpose

To assist ratepayers who are having problems paying their rates by providing a clear understanding of the options and assistance available to those who are experiencing hardship.

The policy ensures ratepayers are treated fairly and without discrimination by providing a framework to ensure a consistent approach to supporting ratepayers who are experiencing hardship.

This policy sets out the process for Council staff and external agencies to make decisions about providing appropriate financial relief to all ratepayers requiring assistance in the payment of rates and charges on the grounds of hardship.

This policy is supported by the internal Debt Management Procedures – Rates.

2. Scope

This policy applies to all ratepayers in the municipality who are having trouble paying their rates and charges.

This policy applies to all council rates and charges included on the valuation and rates notice (such as general rates, waste charges, municipal charge, waste levy, legal costs and interest) as well as any Fire Services Property Levy charges and associated costs in accordance with the provisions of the *Fire Services Property Levy Act 2012*.

This policy also applies to any costs associated with the property through a Special Charge Scheme.

3. Context

Rates and charges represent the major income source for councils and fund over 100 services across our communities. Therefore, the payment of rates and charges is crucial to the effective operation of local government.

Council recognises that managing hardship is a shared responsibility and they should implement best practice arrangements for the collection of rates and charges, including offering flexible payment arrangements for ratepayers experiencing financial difficulty in accordance with Section 171B of the *Local Government Act 1989* (the Act).

Sections 170 and 171A of the Act allows councils to defer or waive in whole or in part any rate, charge, or interest on the grounds of financial hardship.

4. Statement

Council is committed to determining the type of assistance that is best suited to each ratepayer’s individual circumstance and the need to observe compassion, respect, and transparency in the assessment of hardship applications.

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a. What is hardship?

Hardship refers to a situation where a ratepayer is reasonably unable to meet their financial obligations and to do so may be detrimental to their quality of life.

Reasons for hardship may be due to compassionate grounds or circumstances such as illness, unemployment, impacts of natural disaster, or other reasonable causes. These can include, but are not limited to:

- Loss of employment or reduction in income;
- Domestic or Family violence;
- Economic Abuse
- Bereavement
- Prolonged illness, including hospitalisation, physical incapacity or mental illness;
- Family tragedy; or
- Impacts of natural disasters.

People in hardship may find themselves at some point in financial hardship.

b. What is financial hardship?

Financial hardship refers to a situation where a ratepayer cannot afford the necessities of life for themselves and/or their dependants. It generally means a ratepayer who has the intention to pay their rates but does not have the financial means to do so and by doing so would:

- Prevent the ratepayer (or dependant) from seeking essential medical treatments or supplies;
- Prevent the ratepayer from payment of essential utility services (including water and energy);
- Prevent the ratepayer (or dependant) from access to basic living needs, such as:
 - Food;
 - Accommodation;
 - Clothing;
 - Education for dependant children; or
- Place the ratepayer (or dependant) in any form of harm or danger.

Financial hardship is not considered present where a ratepayer is able to afford goods and services such as (but not limited to):

- Restaurant and takeaway meals;
- Services such as hairstyling, beauty treatments, sport and recreational activities, and holidays;
- Entertainment such as streaming services, movies, concerts and theatres
- Alcohol and tobacco; and
- Private schooling fees (including for dependants) or fee paying education services.

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c. Who can apply?

All ratepayers can apply for assistance under this policy and applications will be assessed on individual merit.

d. What options are available to help?

There are a number of options that can help people who are in hardship or financial hardship.

These are listed below with more detail later in the Policy.

Options for support include:

- Enter into a payment plan (s171B);
- Reduce interest imposed for late payment of rates or charges (s172)
- Reduce interest imposed on a Special Charge Scheme (s172);
- Defer payment of rates or charges (s170);
- Reduce or waive interest on deferred rates or charges (s172);
- Waive interest imposed for non / late payment (s171A)
- Waive rates or charges (s171A)
- Any combination of the above

e. How to apply?

Hardship applications must be applied for by the ratepayer. Ratepayers experiencing financial difficulties who want to pay their rates and charges through an approved payment plan can apply by phone or in writing.

Ratepayers experiencing hardship who require additional support are required to submit a completed hardship application form for their eligibility to be assessed.

Application forms are available by calling or emailing Council officers so that we can find out whether assistance can be provided without the need for an application. Applications are accepted year-round, where an account is outstanding regardless of the amount of the arrears.

Council has been working closely with local financial counsellors to ensure the process of applying for assistance is as easy as possible for ratepayers. This will mean where an assessment of hardship has been made through other organisations, for example in the application of grants or Centrelink support, ratepayers will not have to provide this information again. Where a ratepayer has authorised a financial counsellor to act on their behalf, we will be able to work directly with them to facilitate the best outcomes.

f. Assessment Process

All hardship applications will be held in strict confidence and only made accessible to council officers involved in the processing of the application.

All applications will firstly be assessed by Council r to ensure that all questions on the application have been completed and that all supporting documentation has been provided. The information collected in this form is used only for the purposes of assessing an application and

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is not passed on to third parties. Council will take every reasonable step to ensure privacy is protected in accordance with the *Privacy and Data Protection Act 2014*.

A ratepayer's financial circumstances must be considered together with those of other property co-owners when assessing hardship. Where there are joint owners of a property and one of the owners is not experiencing hardship, the owner not experiencing hardship is still liable to pay the full amount of the rates and charges.

Where a ratepayer has identified circumstances of economic abuse or family violence (including in relation to other co-owners) Council will ensure the other owner/s will not delay or prevent the application from being considered. All applications are classified as confidential and will not be passed on to other owners or third parties.

All applications made to Council will be assessed by the Hardship Review Committee (Committee) and will be considered on a case-by-case basis. The Committee meets regularly, and ratepayers will be advised in writing of the outcome. Any applications received after the last meeting of the financial year will be assessed to commence from the next financial year.

Assessment of whether hardship is genuine will be objectively based on the information provided by the ratepayer in their application. A person who gives false or misleading information is guilty of an offence and penalties can apply in accordance with Section 171A(4) of the Act.

Any penalties for deliberately giving false or misleading information or failing to notify Council of changes in their circumstances will be added to the rates and charges account and due for payment immediately.

Ratepayers will generally not meet the definition of financial hardship for the payment of the rates or special charge scheme costs on properties that are not their primary place of residence, unless the property provides the principal source of income or the application is due to a natural disaster/emergency event.

Ratepayers who own secondary properties, residential investment, commercial or industrial properties where the income generated from the property is not the ratepayer's principal source of income will generally not meet the definition of financial hardship.

Applications are valid for the timeframe determined by the Committee and will be subject to a review to ensure ongoing compliance each financial year. If required, ratepayers may re-apply for continued financial hardship assistance after the timeframe has ended by completing a new application.

The Committee will consider the type of assistance that is best suited to each ratepayer's individual circumstance(s) with consideration of the following options pursuant to the *Local Government Act 1989*:

The Committee may also recommend support services from a Financial Counselling provider. These service providers offer a free, confidential counselling service for people experiencing financial difficulty.

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g. Payment Plan

Under Section 171B of the *Local Government Act 1989* (the Act) Council may enter into a plan with the person responsible for the payment of the rates and charges. Council is committed to making payment plans as flexible as possible.

Payment options are detailed on Council's website and are included in information issued with the annual notice, final notice and notification of cancellation of a payment plan. Payment options will also be detailed on any demand letters issued prior to proceeding to the Magistrates Court for recovery of the debt.

All ratepayers can apply to pay their overdue rates and charges through a payment plan. Applications can be made verbally or in writing. Council will determine the duration of the plan, the amount to be paid and the frequency of the payments, in consultation with the ratepayer.

The frequency of payments can be either weekly or fortnightly and the amount will be calculated to include any arrears and make an estimate for future rates and charges that occur for the duration of the agreement. Payment plans will attempt to ensure the debt, including ongoing annual rates, is cleared within a maximum period of three (3) years.

Payments can either be managed by the ratepayer or will be offered under a direct debit arrangement and managed by Council. Regular Centrelink payments (through Centrepay deduction) are encouraged for those ratepayers in receipt of a Centrelink benefit.

Payment plans that extend for no more than three (3) years will be assessed within 10 business days and details of the terms of the agreement will be issued to the ratepayer in writing confirming the start date, end date, payment amount and frequency.

Ratepayers that need more than three (3) years to pay their rate arrears can apply for an extended payment plan by completing an application for hardship assistance form. These applications will be assessed by the Committee and ratepayers will be advised in writing of the outcome.

All payment plans will be monitored in accordance with Council's internal Debt Management Procedures – Rates. Any default may result in the cancellation of the agreement.

Payment plans ensure that interest will not be applied for the duration of the payment agreement and that no legal action will be taken to recover the debt. Interest already applied can be waived based on an individual's circumstances.

Ratepayers who can afford to make regular payments but will be inconvenienced if they do so, will generally not be considered to have met the criteria for any additional support under this policy and will be encouraged to enter into a payment plan.

h. Reduced Interest

Council recognises that applying interest at the rate set by the Minister for Local Government or at the rate set at the implementation of the Special Rates and Charges scheme could have a negative effect on the finances of ratepayers which prolongs their hardship. As such, where hardship is established, Council may reduce the interest rate in accordance with Section 172 of the *Local Government Act 1989* (the Act).

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An interest reduction may be granted in both short and long-term cases of hardship where an approved repayment arrangement is not in place.

i. Deferred Payment

Section 170 of the *Local Government Act 1989* allows councils to defer in whole or in part the payment by a person of any rate or charge which is due and payable for a specified period.

A deferral of the payment of rates and charges, or part thereof will be considered where a ratepayer is experiencing hardship in accordance with the definition of hardship stated at 4.1 of this policy.

Rates deferral is where the due date for the payment of the rates and charges is postponed until a future date. The difference between a waiver and deferral of rates is that a deferral suspends the need for payment for a period, whereas a waiver permanently exempts the payment of the rates and charges for a specified period of time.

Rates and charges are generally deferred until the ratepayer's financial circumstances improve or the property is sold or transferred to another owner. The total amount of deferred rates and charges which can accrue will be limited to 50 per cent of the Capital Improved Value of the property, at which point a review will be undertaken.

When rates are deferred, they are not considered due and interest will not be applied. When the deferral period ends the ratepayer will be sent a notice and payment will be required. Interest can be applied at that time.

If the Committee approves a request for rates to be deferred, Council will write to the ratepayer advising the date that the payment extension will end. This advice will also include any conditions that apply to the deferral including if interest will be applied at the end of the period.

Interest will generally not be applied at the end of the deferral period unless the application is seeking a deferral of rates until the property sells, or an estate is settled. In these instances, interest will be applied at the end of the deferral period as if the deferral had not occurred and will be due for payment as part of the property settlement.

If a deferred payment is approved under a payment plan arrangement; interest will not be applied.

As any unpaid rates will ultimately be a charge on the property, no rate deferral agreement will be entered into with a ratepayer without the consent of the property owner.

j. Waiver

Section 171A of the *Local Government Act 1989* allows councils to waive the whole or part of any rate or charge or any interest imposed for late payment in cases of financial hardship.'

Waiver of Interest

The preference is for the ratepayer to enter into a payment plan for the payment of the rates and charges. Once the payment plan commences interest will not be applied for the duration of the payment agreement. Interest already applied in the current financial year may also be waived as part of the hardship assistance granted and will be based on an individual's circumstances.

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Waiver of Rates and Charges

Council will consider applications for the waiver of rates and charges under extreme extenuating circumstances. This is to ensure that financial hardship assistance offered to one ratepayer does not have a redistribution effect on the rate base to other ratepayers.

When assessing an application for a waiver the following will be considered:

- Does the ratepayer meet the definition of financial hardship stated at 4.2 of this policy;
- Can the unpaid rates and charges be paid by rearranging finances and/or selling or drawing on assets;
- Does the ratepayer have access to savings, monetary investments or other income;
- Has financial hardship been caused by a ratepayer's own actions or expenditure (e.g. spending on non-essential items or through a recent gift or loan to family or friends?);
- What has the ratepayer done to alleviate their financial hardship;
- Will the ratepayer sell saleable or liquid assets capable of paying the debt within the next 12 months, including the property with outstanding rates and charges;
- Is the ratepayer able to make payments on other debts (such as mortgage or credit cards) greater than the minimum required;
- Is the ratepayer a company or trust
- Has the ratepayer shown that they cannot afford to make any payments towards their rates and charges and to do so would impact on their health and wellbeing;
- Can the ratepayer make decisions or act in their best interest (no power of attorney);
- Is the outstanding rates and charges more than 50 per cent of the Capital Improved Value of the property.

k. Reporting

A report will be presented annually, as at the end of the previous financial year, to Council which will include the following information:

- The total balance of unpaid rates, charges and interest;
- The number of properties with unpaid rates, charges and interest;
- The number of properties on payment plans;
- The number of properties with a current deferral in place;
- The number of properties where a waiver was granted in the year;
- All properties not on a payment plan with unpaid rates and charges of three years or more and the reasons why the land has not been sold or transferred under Section 181 of the *Local Government Act 1989*.

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5. Roles and Responsibilities

The following teams or positions have direct and/or supporting responsibilities associated with this Policy:

Position	Roles and Responsibilities
General Manager Business Excellence	Overall policy responsibility
Manager Finance (Document Owner)	Responsible for the review, regular updating and implementation of the policy and compliance with the policy
Rates and Valuations Coordinator	Direct responsibility for: Rates and Charges, including the Fire Services Property Levy
Financial Hardship Review Committee	A Committee authorised to evaluate each completed Hardship Application consisting of a minimum of three council staff: - <ul style="list-style-type: none"> - Manager Finance - Rates and Valuations Coordinator - Manager Governance

6. Definitions

Term	Meaning
Council	East Gippsland Shire Council.
Council Officer	A current member of East Gippsland Shire Council staff with the authority to engage in activities on behalf of Council.
Economic Abuse	Behaviour that excludes a person from decisions about finances that affect them. It may also include controlling the person's access to finances and income
Family Violence	Any threatening, coercive, dominating, or abusive behaviour that occurs between people in a family, domestic or intimate relationship, or former intimate relationship, that causes the person experiencing the behaviour to feel fear
General Hardship	Where a ratepayer is reasonably unable to meet their financial obligations without impacting on their quality of life.
Financial Hardship	Where a ratepayer cannot afford the necessities of life for themselves and/or dependants. Where the payment of rates would place the ratepayer (or dependant) in any form of danger (eg: family violence or economic abuse)
Natural Disaster	A catastrophic event caused by severe weather. Natural disasters do not include events caused by the actions of humans but do include the following: tsunamis, earthquakes, hurricanes, volcanic eruptions, floods, blizzards/hailstorms, wildfires, and tornadoes.

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Term	Meaning
Necessities of Life	Essential medical treatments or supplies; essential utility services (water, gas, electricity); basic living needs (food, accommodation, clothing education)
Owner	Is the person who holds the legal interest as registered on the title of the property.
Primary Place of Residence	The property which includes a dwelling that is occupied as the sole or main home. The place you live at and is the address that you are registered at on the electoral roll, for mail delivery etc.
Principal Source of Income	The property from which you derive the greatest proportion of income from.
Ratepayer	Is the occupier of the property who is liable to pay the rates and charges as either the owner or a tenant who under a lease agreement is liable for payment.
Rates and Charges	All charges made under the <i>Local Government Act 1989</i> , including but not limited to General Rates, Waste Service Charges, Municipal Charge, Waste Levy and the Fire Services Property Levy made under the <i>Fire Services Property Levy Act 2012</i> .

7. Human Rights

Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006* (the Charter). This Policy has been assessed as compliant with the obligations and objectives of the Charter.

8. Gender Equality

This Policy has considered the *Gender Equality Act 2020* in its preparation and has been assessed as not requiring a Gender Impact Assessment (GIA).

9. Risk Reference

This Policy is implemented as a control to mitigate risks in the following categories:

Risk Category	☐	Risk Category	☐
Environmental		Technology and Information Management	
Health and Safety		Assets, Facilities and Security	
Project, Product and Service Delivery		Human Resources	
Financial and Economic	✓	Procurement	
Leadership and Political Awareness		Corporate Governance and Compliance	
Reputation and Corporate Image		Legal	✓

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10. References and Supporting Documents

- a. Applicable Legislation:
 - Local Government Act 1989
 - Local Government Act 2020
 - Fire Services Property Levy Act 2012
 - Privacy and Data Protection Act 2014
- b. Applicable Policy and Procedure:
 - Debt Management Procedure - Rates
- c. Supporting Documents:
 - East Gippsland Shire Council Instrument of Delegation and Instrument of Sub-Delegation by the Chief Executive Officer
 - Financial Hardship Application Forms

11. Review and Revision History

Version Number	Date Approved	Approved By	Review Summary
1			New Policy

- a. Administrative Updates

Minor amendments to this document may be required from time to time. Where amendments do not materially alter the intent of a document, they will be made administratively and approved by the Document Owner.
- b. Document Control Disclaimer

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Financial Hardship Policy

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Purpose

The purpose of this Policy is to:

- Provide assistance to ratepayers experiencing financial hardship
- Provide guidelines, templates and other resources for council staff and contractors to effectively and consistently manage ratepayer financial hardship
- Ensure Council's debt collection practices are sensitive and responsive to financial hardship issues.

Scope

This policy applies to all property owners and ratepayers of the Council, in particular those who have been identified, either by themselves, council officers, or by an independent accredited financial counsellor, as having the intention to pay their rates, but without the financial means to do so.

This policy applies to charges included on the rates and valuation notice (general rates, waste charges, municipal charge, fire services property levy, legal costs, interest, and other relevant charges) as well as special charge schemes debtors.

This Policy also applies equally to all Fire Services Property Levy charges and associated interest raised in accordance with the provisions of the *Fire Services Property Levy Act 2012*.

Policy Context

Definition of financial hardship

The simplest definition of hardship is '*a customer or ratepayer who wants to pay but cannot*'. However, not all cases of financial hardship are alike.

Hardship generally exists when:

- a ratepayer is having trouble paying their rates and charges;
- a ratepayer would find it difficult to pay other essential bills if the ratepayer paid the full amount of the rates and charges due;
- a ratepayer's sole source of income is benefits, except where two or more benefit recipients share the rate payment obligation.

Hardship can also arise due to prolonged illness, injury or unemployment, family tragedy or impacts of natural disasters, all of which may contribute to the difficulty a ratepayer is experiencing in meeting their obligations in respect of their rates and charges.

Criteria for applicants

Hardship assistance should only be granted to individuals experiencing financial hardship regarding the rates on their primary residence, unless the application relates to a natural disaster/emergency event.

Applications for hardship assistance for residential investment, commercial or industrial properties should not be granted unless the application relates to a natural disaster/emergency event. However, where farms or commercial properties are also used as the ratepayer's primary residence, applications for hardship assistance are generally acceptable if the other criteria are met.

Factors that Council will consider in determining financial hardship include:

- Is the ratepayer living at the property?
- The capacity of the ratepayer to pay based on reported income and expenditure
- The capacity of the ratepayer to pay based on reported other assets e.g. shares, term deposits.
- The capacity of the ratepayer to borrow the funds required to pay based upon their assets, liabilities and income.
- Whether the application as a result of a natural disaster/emergency event.

Applications are accepted year-round, and do not have a minimum debt requirement.

Assessment process

Ratepayers requesting consideration for financial hardship must complete the required application form, including the provision of any additional information required to assist Council in making an informed decision.

All hardship applications will be held in strict confidence and only made accessible to council officers involved in the processing of the application.

Any application made to Council will be assessed by the Financial Hardship Review Committee and considered on a case by case basis. Applicants will be required to provide Council with the following information, except if the application relates to a natural disaster/emergency event, using the form provided:

- Income from all sources
- Expenditures
- Assets
- Liabilities
- Family circumstances
- Statement from a recognised financial counsellor, or similarly qualified person, in support of the application or a statement from any other relevant person, such as a medical practitioner, mental health professional, legal professional, domestic violence professional etc
- Other relevant information

Hardship relief options available

Under sections 170, 171 and 172 of the Act, Council may:

- a) Provide an extended payment plan (Arrangement to Pay or ATP);
- b) Reduce interest imposed for late payment (s172);
- c) Reduce interest imposed on a Special Charge Scheme (s172);
- d) Defer payment of rates or charges (s170);
- e) Reduce interest on deferred rates or charges (s172);
- f) Any combination of the above
- g) Waive interest imposed for non / late payment (s172)

In exceptional circumstances Council may also:

- h) Waive rates or charges (s171)

Arrangement to Pay

An Arrangement to Pay (ATP) is a schedule of payments agreed to by both the council and ratepayer which provides for flexible payment of debts after their due date has lapsed (this differs from 'instalment-based payments' which councils may offer for on-time payment of rates and charges). The ATP option would generally apply to medium-term cases of financial hardship, for example, periods of more than three or four months, but less than one year.

This form of assistance may be implemented with regard to the following:

- Has the ratepayer demonstrated efforts to meet payment obligations in the past?
- Interest will be charged on the outstanding balance
- The arrangement will only apply for each year that the request is made and a new arrangement must be made for each financial/rating year
- Any default in the arrangement may result in further action for the recovery of the unpaid rates and charges
- Payment arrangement should ideally clear the debt within 12 months from implementation of the ATP

Rates and Charges deferral

Rates deferral is where rates and charges payments are placed on hold for an indefinite period. The difference between a waiver and deferral of rates is that a deferral suspends payment for a period of time, whereas a waiver permanently exempts payment of the debt in question. Rates and charges are deferred until the ratepayer's circumstances improve or the property is sold or transferred to another owner. This option would generally apply to long term cases of extreme financial hardship, or where Council extends hardship assistance to self-funded pensioner and retiree rate payers. Rates and charges, or part thereof, may be deferred with regard to the following:

- Is the ratepayer able to demonstrate that they are experiencing undue and unusual financial hardship?
- Is the ratepayer a pensioner with a low fixed income?
- Are there long-term issues which may affect the ratepayer's ability to meet future commitments?
- Interest will continue to be charged on the outstanding balance, but at a reduced rate, which will reflect the official 180-day bank bill rate applicable at the end of the previous month
- The total amount of deferred rates and charges which can accrue is limited to 50 per cent of the Capital Improved Value of the property, at which point a review will be undertaken

Interest reduction

A rates and charges deferral may be accompanied by a reduction or suspension in the penalty interest rate for the ratepayer. However, interest should continue to accrue on the deferred rates and charges to avoid a 'redistribution' effect of the rate base from implementing such a policy.

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Council recognises that setting a penalty interest rate which is consistent with the *Penalty Interest Act 1983* could have a negative effect on the finances of ratepayers which prolongs their hardship. As such, where hardship is established, Council may reduce the penalty interest rates to the market interest rate (for example the official 180-day bank bill rate) or another measure such as CPI at a specified date. This ensures that neither Council nor ratepayer suffer unduly from implementing the rates and charges deferral.

An interest reduction may also be granted in both short and long-term cases of financial hardship.

Centrepay

Centrepay is a service provided by Centrelink to facilitate automatic deduction of bills and charges from their Centrelink payments. Anyone on Centrelink can apply to have a designated amount of their Centrelink payment directed to the council. Although this facility is free to the Centrelink customers, there is a small charge to the council for each transaction.

Waiver of Rates

Section 171A of the Act allows councils to waive rates or interest in cases of financial hardship, stating that ratepayers *'may apply to a Council for the waiver of the whole or part of any rate or charge or of any interest for late payment.'*

Council will not generally waive rates. This is to ensure that financial hardship assistance offered to one ratepayer does not have a redistribution effect of the rate base.

Review process

Any approved financial hardship application will generally only be valid for the financial/rating year in which it was received. Ratepayers may re-apply for continued financial hardship assistance if their circumstances have not changed.

Policy Statement

Rates and charges represent the major income source for councils. Therefore, payment of rates by residents is crucial to the effective operation of local government.

The timely recovery of rates and charges is essential to ensure adequate funding of the ongoing services and capital works projects it provides for community benefit, and to fulfil broader business management and corporate governance responsibilities.

Council recognises that managing financial hardship is a shared responsibility and they should implement best practice arrangements for the collection of rates and charges, including offering flexible payment arrangements for ratepayers experiencing financial difficulty.

Sections 170, 171 and 172 of the *Local Government Act 1989* (the Act) allow councils to defer or waive in whole or in part any rate, charge or interest on the grounds of financial hardship.

Roles and Responsibilities

These management positions are responsible for the implementation, communication and compliance monitoring of the policy in their work areas:

Party / Parties	Roles and Responsibilities
General Manager Business Excellence	Overall policy responsibility
Manager Finance	Responsible for the review, regular updating and implementation of the policy and compliance with the policy and procedure
Financial Hardship Review Committee	A Committee authorised to evaluate each Financial Hardship Application consisting of a minimum of three of the following council staff: - <ul style="list-style-type: none"> - Manager Finance - Manager Governance - Rates and Valuations Coordinator - Accounts Receivable Officer - Senior Rates and Valuations Officer

References and Supporting Documents

Applicable Legislation:

Local Government Act 1989

Applicable Policy and Procedure:

Debt Management Policy 2016

Supporting Documents:

East Gippsland Shire Council Instrument of Delegation and Instrument of Sub-Delegation by the Chief Executive Officer

Financial Hardship Application Form(s)

Privacy and Human Rights Consideration

All personal information collected by East Gippsland Shire Council will be handled in accordance with all applicable privacy legislation and will be used only for assessing each proposal in the course of due process.

The Financial Hardship Policy has been assessed as conforming to the Human Rights Principles as outlined in the Charter of Human Rights and Responsibilities Act 2006.

Please refer to www.humanrightscommission.vic.gov.au for assistance with this section.

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Definitions

Term	Meaning
Action Officer	Member of East Gippsland Shire Council staff responsible for answering or responding to a request for information.
Community	People who live in East Gippsland; People and organisations who are ratepayers in East Gippsland; and People and organisations who conduct activities in East Gippsland.
Council	East Gippsland Shire Council
Council officer	A current member of East Gippsland Shire Council staff with the authority to engage in activities on behalf of Council.
Responsible Officer	An officer of East Gippsland Shire Council who has responsibility for the general area/subject matter to which a record pertains.
Shire	The geographic area of East Gippsland Shire Council.
Staff	All staff engaged by East Gippsland Shire Council, including all full-time, part-time and casual employees, labour hire agency staff, contractors and volunteers.

Revision History and Review

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
1	Approved	04/02/2020	Council	8364627	New Policy

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6 Urgent Business

7 Confidential Business

7.1 Community Grants Program 2024

Under section 66(2) of the Local Government Act 2020 a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the Local Government Act 2020, the information contained in this report is confidential because it contains confidential meeting information, being the records of meetings closed to the public under section 66(2)(a), for the purpose of reviewing the Community Impact Grants Recommendations.

7.2 Personnel Matter

Under section 66(2) of the Local Government Act 2020 a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the Local Government Act 2020, the information contained in this report is confidential because it contains personal information that would, if released, result in the unreasonable disclosure of information about personal affairs and it contains legal privileged information, being information to which legal professional privilege or client legal privilege applies.

8 Close of Meeting