



Council Meeting Agenda

Tuesday 17 December 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 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.

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 John White (Mayor)
Cr Sonia Buckley (Deputy Mayor)
Cr Arthur Allen
Cr Jodie Ashworth
Cr Tom Crook
Cr Barry Davis
Cr Joanne Eastman
Cr Bernie Farquhar
Cr Ian Trevaskis

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 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.

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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 3 December 2024 be confirmed.

1.5 Next Meeting

The next Council Meeting is scheduled to be held on Tuesday 18 February 2025 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

1.7.1.1 Peninsula Lakes Estate Water Mitigation Project

Authorised by General Manager Business Excellence

Purpose

To inform Council of a petition submitted by Ms. Judy Clarke from Paynesville regarding the Peninsula Lakes Estate Water Mitigation Project.

Key Points

The petition is seeking Council to provide an update on the status of the Peninsula Lakes Estate Water Mitigation Project and provide further opportunities for community consultation. The petition was received in hard copy on 27 November 2024, with a request as follows:

"We the undersigned, hereby petition East Gippsland Shire Council to provide a community update on the status of the Peninsula Lakes Estate Water Mitigation Project and provide opportunities for further community consultation on the uses of the current site, as a matter of urgency. The length of time the project is taking to complete, and the environmental devastation of the site has caused severe concerns for the wellbeing of the residents and the state of the site's environment".

The petition is presented in accordance with Governance Rule 8.7.

To respect the privacy of signatories and comply with the *Privacy and Data Protection Act* 2014, a full copy of the petition has been provided to Councillors separately and is not included with this report.

Officer Recommendation

That Council:

- 1. receives the petition;***
- 2. notes that the petition will be referred to the General Manager Place and Community for consideration and response; and***
- 3. notes that the Chief Executive Officer will arrange for Council Officers to write to the head petitioner advising them of these actions.***

Conflicts of Interest

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

Attachments

Nil

1.7.2 Questions of Council

1.7.3 Public Submissions

1.8 Items for Noting

2 Notices of Motion

2.1 Formation of a Local Government Commissioner

Take notice that it is my intention to move at the Council meeting to be held on Tuesday 17 December 2024 at 6.00 pm or at any adjournment of that meeting:

That Council seeks a report by the end of Quarter 3 2024/25 about writing to the Federal Government in support of Rural Councils Victoria's position on the formation of a Local Government Commissioner; and that the role should be mandated to operate from a rural area and have a deep connection to rural issues and community.

Signed: Cr Sonia Buckley

Date: Tuesday 10 December 2024

Rationale

Rural Councils Victoria (RCV) is calling for the establishment of a Federal Local Government Commissioner. In its [Federal Election Platform](#), RCV states that:

The office of the commissioner will have the appropriate resources to be able to help rural councils from across Australia navigate the federal government.

Specifically, the Commissioner would:

- *Collaborate with and assist councils to connect with federal government programs and departments.*
- *Work to streamline processes, in particular, to simplify the Disaster Recovery Funding Arrangements (DRFA) reducing red tape to facilitate quicker and more effective disaster response and recovery efforts.*
- *Provide funding to local government organisations like Rural Councils Victoria to conduct research, deliver training and facilitate greater collaboration between the sector and the Federal government.*

I fully support this position as it will provide a direct voice for rural councils to the Federal Government.

If created, it will mean:

- decentralisation so that decision making is made at the local level in the regions, by-passing the state government;
- we will have the ability to leverage our collective local government voices about rural issues;
- we would have a Federal Government decision maker at the local level, to work with our state partners to achieve better local government outcomes; and
- there would be more engagement with local stakeholders.

3 Deferred Business

4 Councillor Delegate Reports

5 Officer Reports

5.1 Place and Community

5.1.1 Amended Development Plan - Brookfield Lakes Estate - 19 Lomandra Boulevard Lucknow

Authorised by General Manager Place and Community

Purpose

This report is seeking approval to endorse an amended development plan for land at 19 Lomandra Boulevard, Lucknow. The land is part of the *Brookfield Lakes Estate*, and the amended development plan will allow for the use and development of a residential village.

Key Points

This matter was first presented to Council for a decision at the meeting of 27 August 2024 (Item 5.1.2) with an officer recommendation for refusal. The item was deferred, and additional information from the applicant was formally requested by Council.

The required information has now been received and assessed by Officers. There is now sufficient and appropriate information to support a recommendation for approval with conditions (as outlined in the recommendation section of this report).

All application documentation presented for endorsement is at **Attachment 1**.

The proposal is to amend the approved use from a residential subdivision of 99 lots to a residential village containing 151 Unregistered Moveable Dwellings (UMDs). The original approval earmarked the land to be developed for a retirement village and there was a second approval which allowed for a residential subdivision in place of the retirement village. If approved, this will be the third amendment to the development plan for this site.

A Planning Assessment addressing the relevant sections of the East Gippsland Planning Scheme is at **Attachment 2**.

On balance, the proposed residential village is an appropriate use and development of the land; it will provide for greater diversity in housing in the area and is located in a residential precinct. The location has sufficient infrastructure and access to a range of community, education, transport, health, and recreation facilities within reasonable proximity. Bairnsdale is identified as a key growth area for the municipality. This is consistent with the Planning Policy Framework and the recently adopted *East Gippsland Housing and Settlement Strategy (2023)*. The proposal is considered to deliver a net community benefit.

The amended development plan has been through extensive community consultation over a two-year period. Additional plans and technical reports have been provided to address officer and community concerns.

An Engagement Report has been prepared (**Attachment 3**) to summarise the consultation process. As further information has been provided by the proponent, there has been a substantial reduction in community objections to the proposal.

First round: 140 objections

Second round: 64 objections

Third round: 12 objections

It is important to note that, despite a reduction in the number of objections, there are still some community members who are opposed to the proposed Residential Village.

A planning permit application will be required to provide details of buildings and layout and, if approved, a Section 173 legal agreement will be required to ensure minimum building standards.

Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. approves the endorsement of the amended development plan for 19 Lomandra Boulevard Lucknow (Lot 2 on PS 643132) as amended (9 October 2024) and detailed at Attachment 1, with the following conditions:***
 - a. amended site layout plan to allow appropriate termination of Myrtle Place to the satisfaction of the responsible authority.***
 - b. the construction of road terminations in Sheoak View and Myrtle Place and the vesting of the Reserve to the satisfaction of the responsible authority.***
 - c. a requirement as part of a future planning permit to enter into a section 173 agreement to address building permissions and standards to address energy efficiency, compliance standards and internal lighting requirements;***
 - d. a requirement for the inclusion of conditions on a future planning permit that pedestrian access is provided through the site (during daylight hours) to the future commercial precinct.***
- 3. delegates authority to the General Manager Place and Community to approve minor amendments to the development plan pertaining to Recommendation 2; and***
- 4. authorises officers to respond to the head petitioner in writing to advise them of Council's decision in relation to the development plan.***

Strategic Alignment

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.

Consultation/Community Engagement/Impacts

The amended development plan has been the subject of three separate rounds of community consultation over a two-year period in accordance with Council's Development Plan Policy. The number of objections has significantly declined as further information has been provided.

A petition was received by 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.

The initial significant community opposition to the proposal was centered on the residential village delivery model which relies on unregistered movable dwellings as the form and type of housing.

Other issues raised throughout the consultation periods include the quality of buildings, amenity, character, density, and traffic implications associated with the proposed form and density of housing. Many areas of concern have now been appropriately addressed by additional detailed plans and technical reports, and a written undertaking by the proponent to agree to future planning permit conditions and a section 173 legal agreement. Discussions have also been undertaken with the proponent relating to allow public pedestrian movement through the site.

Opportunities and Risks

Design and buildings standards - The main risk is associated with the business model proposing unregistered moveable dwellings (UMDs). This is contentious for the community. The buildings are not subject to the same building standards as conventional residential development, as they are exempt from building permits. There will be a requirement to register as a caravan park, primarily to address basic health, amenity and fire separation distances. However, the land will not be permitted to be used and developed as a camping and caravan park.

As part of additional information provided on 9 October 2024, the Proponent has advised that they will enter into a section 173 agreement as part of a future planning permit to provide compliance with relevant building standards and has provided further details of building plans and elevations. These designs are included in the application documents attached.

Economic - The proposal will deliver increased housing opportunities and increased housing diversity and affordability. This will result in positive outcomes for the region and construction sector in economic terms.

Social impact - The proposal results in a positive contribution to housing affordability for the region. The proposal is not regarded as having negative social implications.

Environmental impact - All environmental and technical matters have been addressed. The site forms part of a residential precinct which is being developed with comprehensive open space and all reticulated services.

Options

1. Adopt the Officers' recommendation.
This is the recommended option, given that the matters raised in the previous Council resolution have been satisfactorily addressed.
2. Not adopt the Officer's recommendation and instead resolves to refuse the proposed amendment to the Development Plan.
Officers consider that there are no substantial grounds for refusal.
3. Defer a decision and request further information from the applicant.
It is considered that the applicant has provided sufficient information to satisfy previous concerns raised by Council and to demonstrate an acceptable outcome.

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.

Conflicts of Interest

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

Attachments

1. Proposed Development Plan Document Set [5.1.1.1 - 143 pages]
2. Planning Assessment [5.1.1.2 - 16 pages]
3. Engagement Report [5.1.1.3 - 10 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.

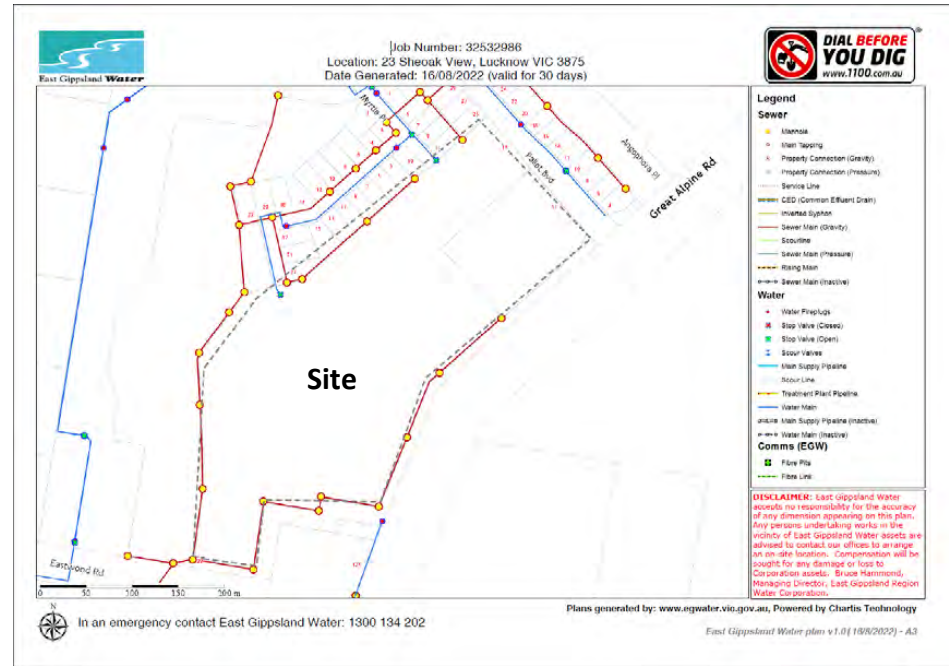
The stormwater outfall locations are shown on Crossco Drawings at Appendix 1.

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



¹ DBYD

4.4.1 Sewer

Authority	East Gippsland Water (EGW)
Existing sewer system	The general arrangement of sewer and water assets in the area are shown at Figure 5, with additional information provided at: - Crossco Drawings at Appendix 1 - DBYD plans at Appendix 3. Sewer Gravity Main: There is a sewer gravity main (225mm diameter) to the east, south and west borders of the site. 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.

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	The general arrangement of sewer and water assets in the area are shown at Figure 5, with additional information provided at: - Crossco Drawings at Appendix 1 Existing properties at: - 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

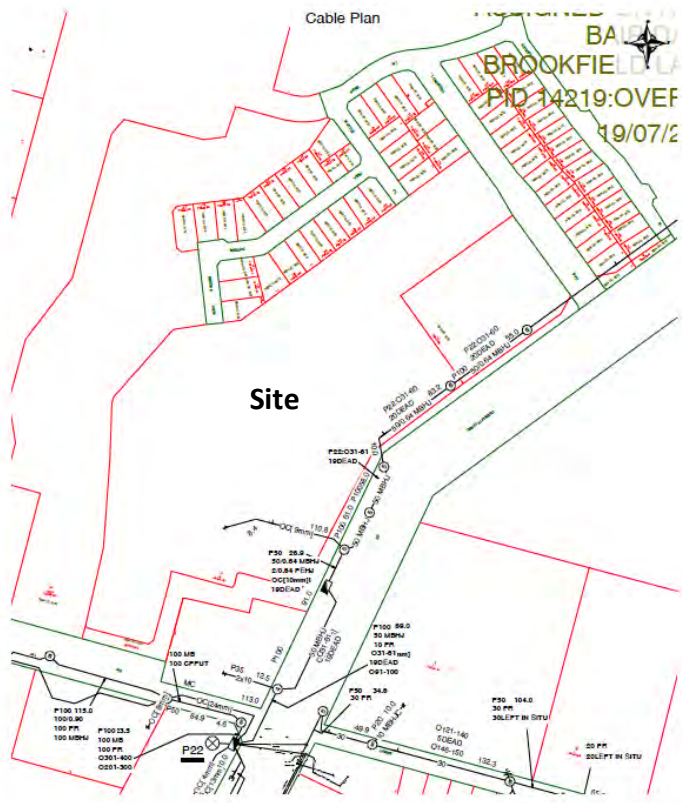
Authority	Ausnet
Existing electrical infrastructure	The general arrangement of Ausnet (electricity mains) assets in the area are shown at Figure 6, with additional information provided at: - Crossco Drawings at Appendix 1 Existing surrounding properties connected to mains electricity.

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	The general arrangement of Telstra assets in the area are shown at Figure 8, with additional information provided at: - Crossco Drawings at Appendix 1 All Telstra and NBN assets are located in existing road reserves. Existing surrounding properties are serviced by both Telstra and NBN.



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.

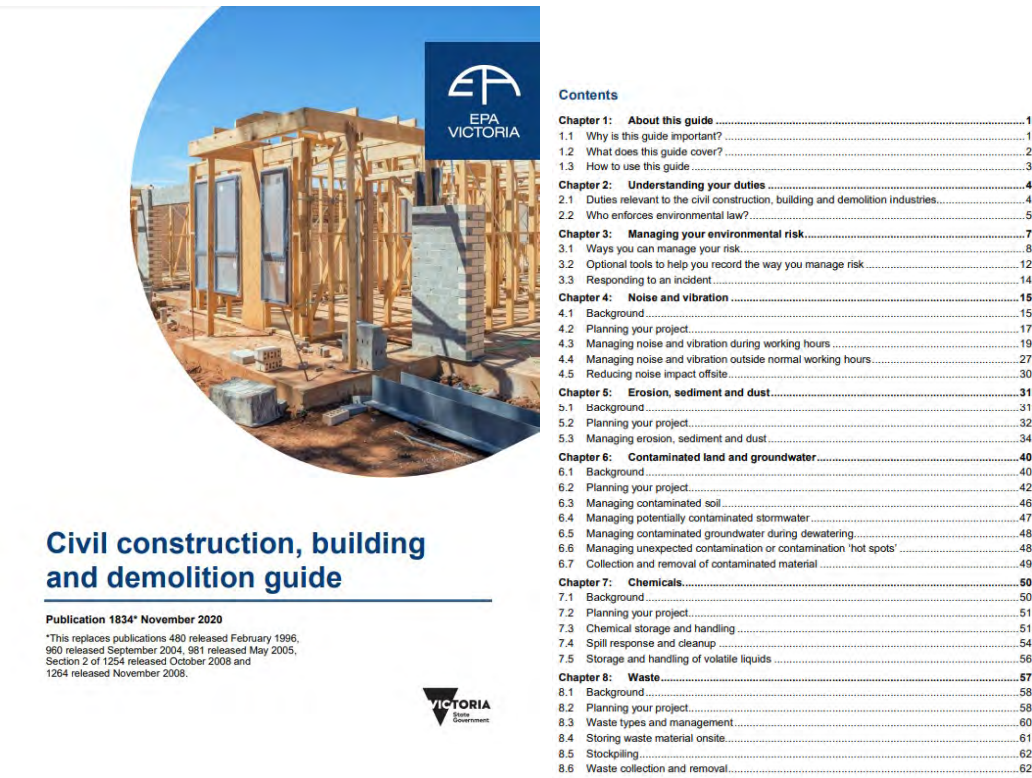


Figure 7: EPA Publication 1834 cover & ToC excerpt

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

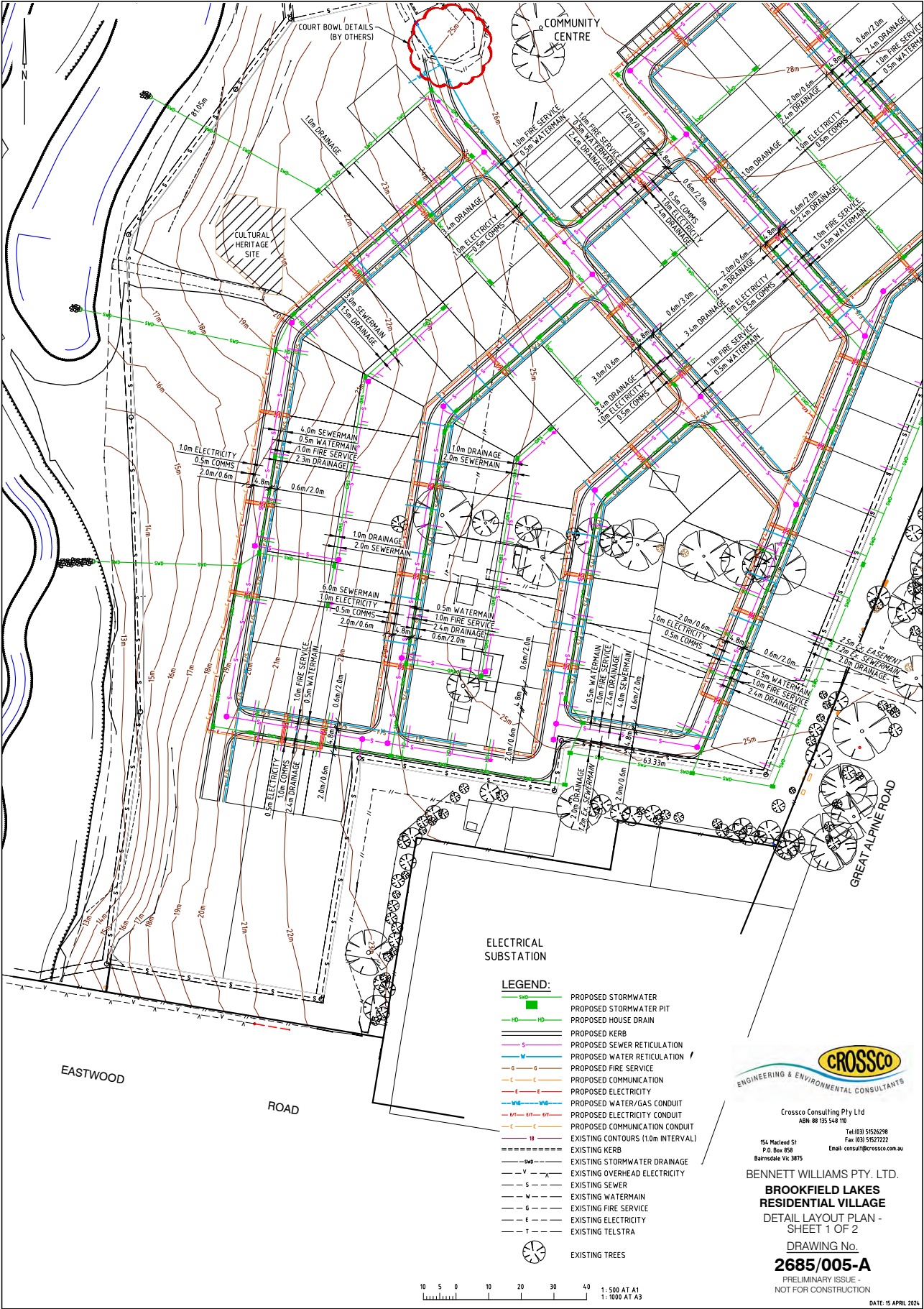
Appendix 1 – Crossco Drawings

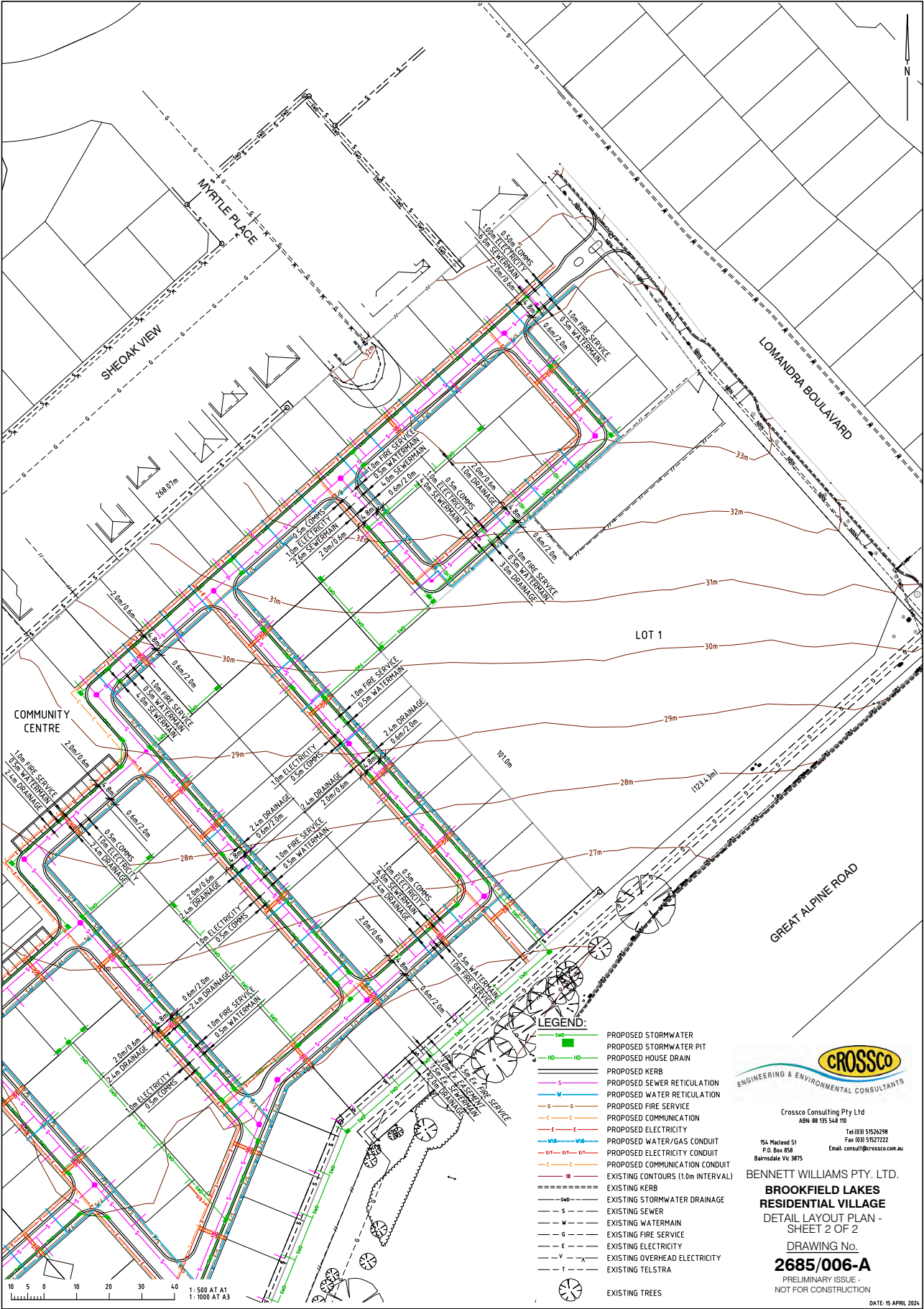
2685/004 Overall Design

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**

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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



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 \(DPO\)](#)
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[EROSION MANAGEMENT OVERLAY SCHEDULE \(EMO\)](#)

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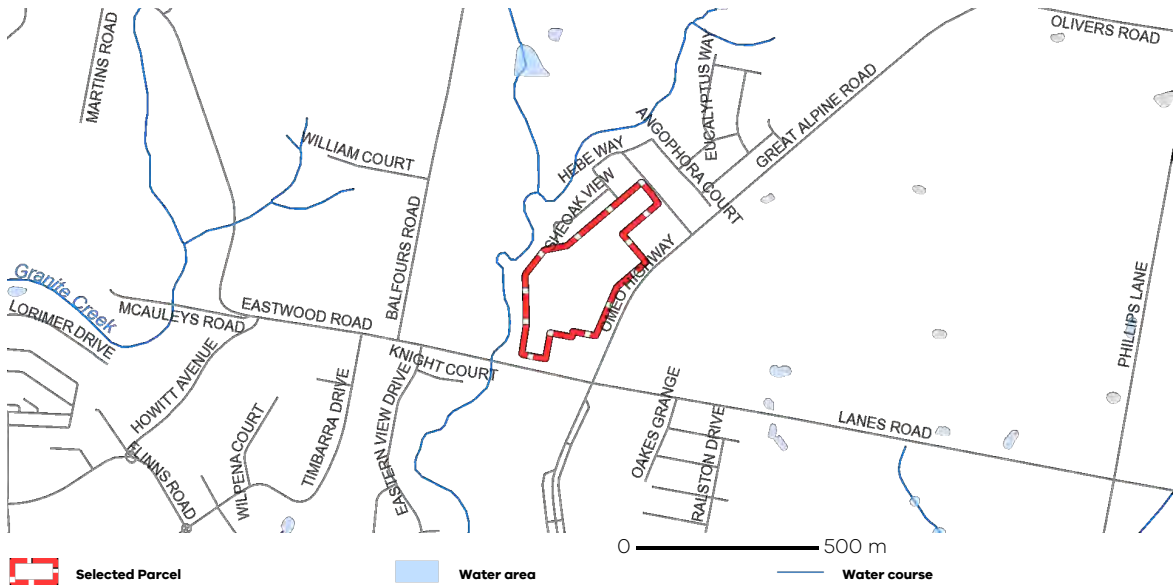
PROPERTY REPORT: Lot 2 PS643132

Page 2 of 3

PROPERTY REPORT

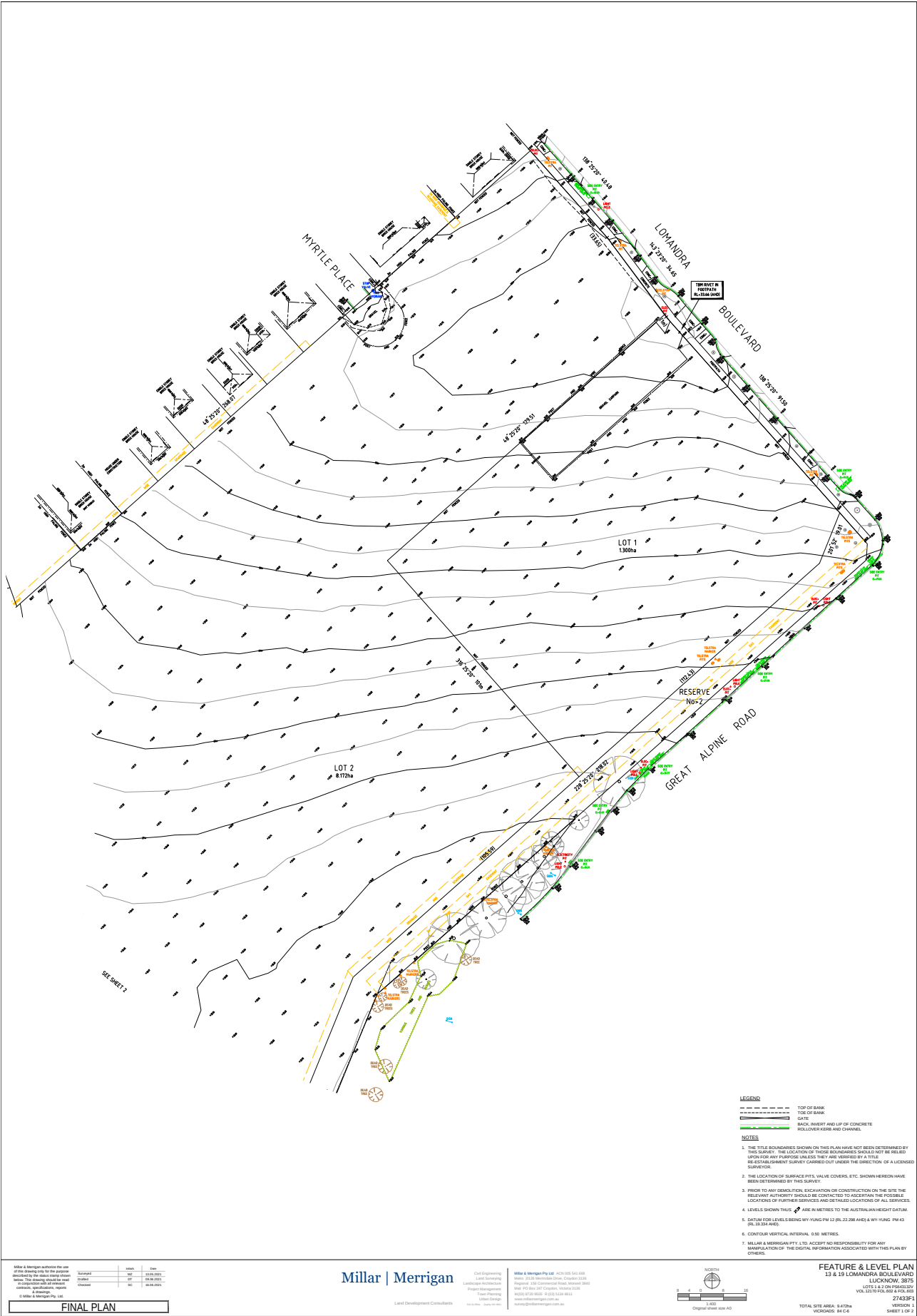


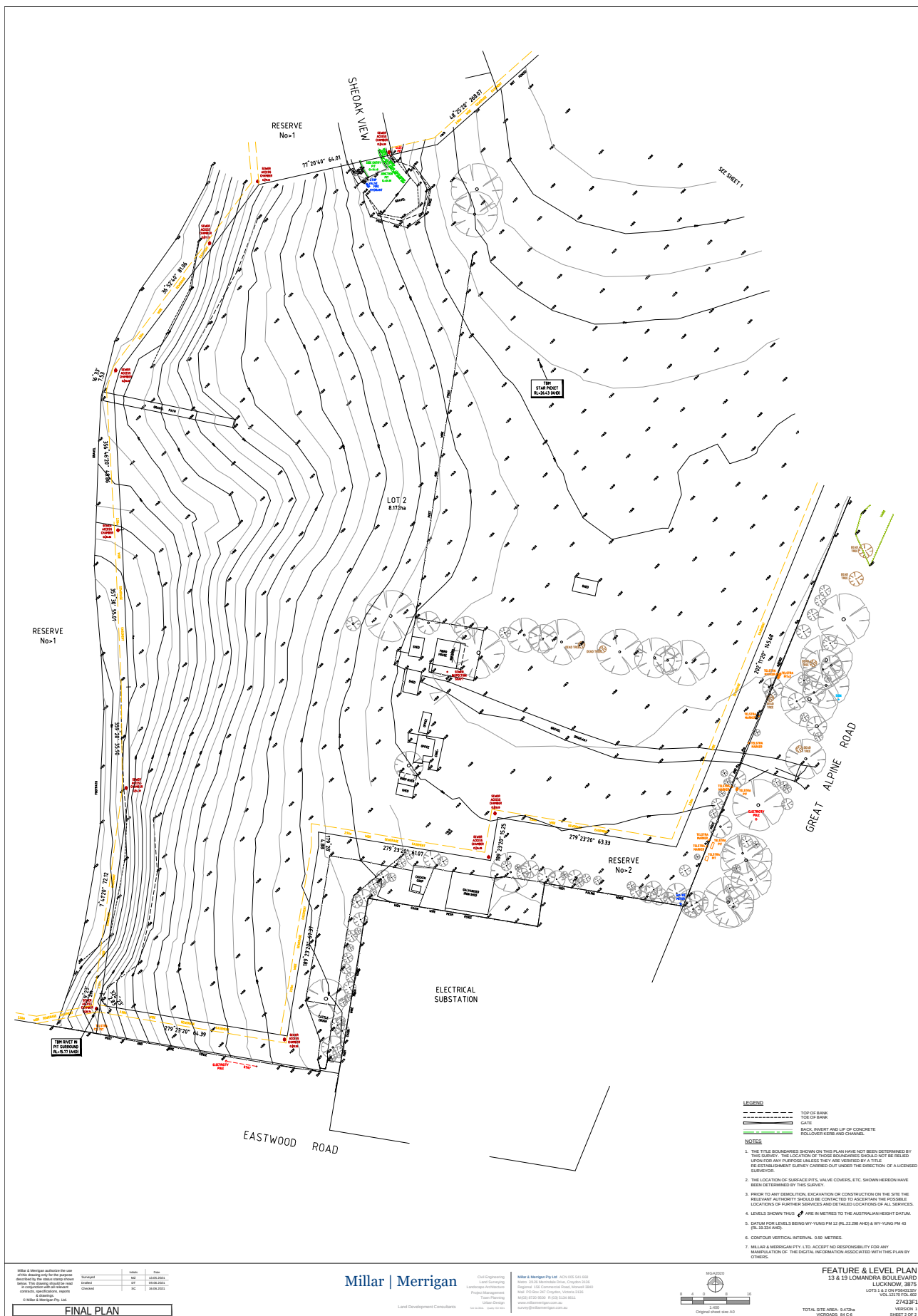
Area Map



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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

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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.

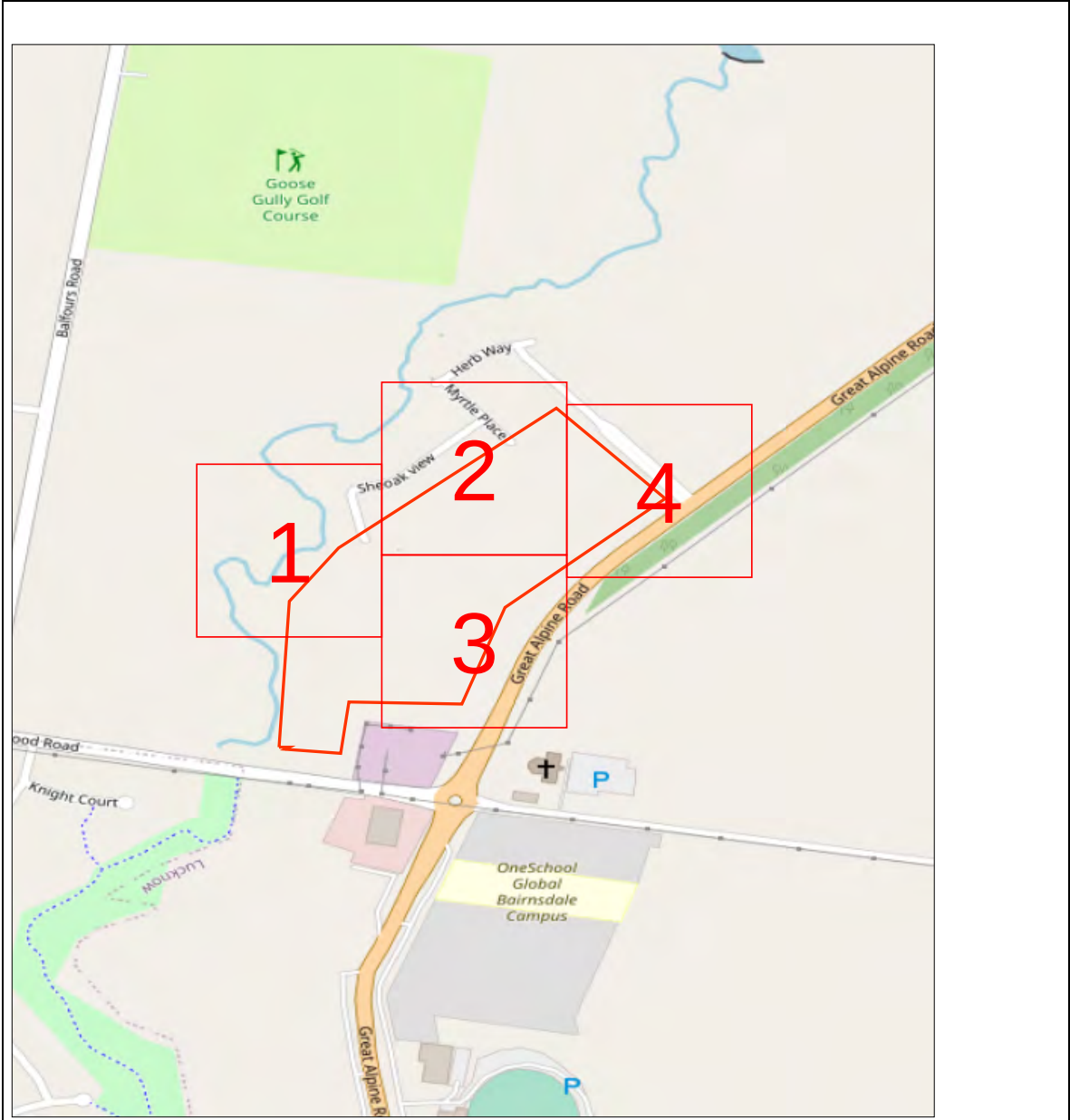
Please direct any questions to DBYDNetworksAPA@apa.com.au

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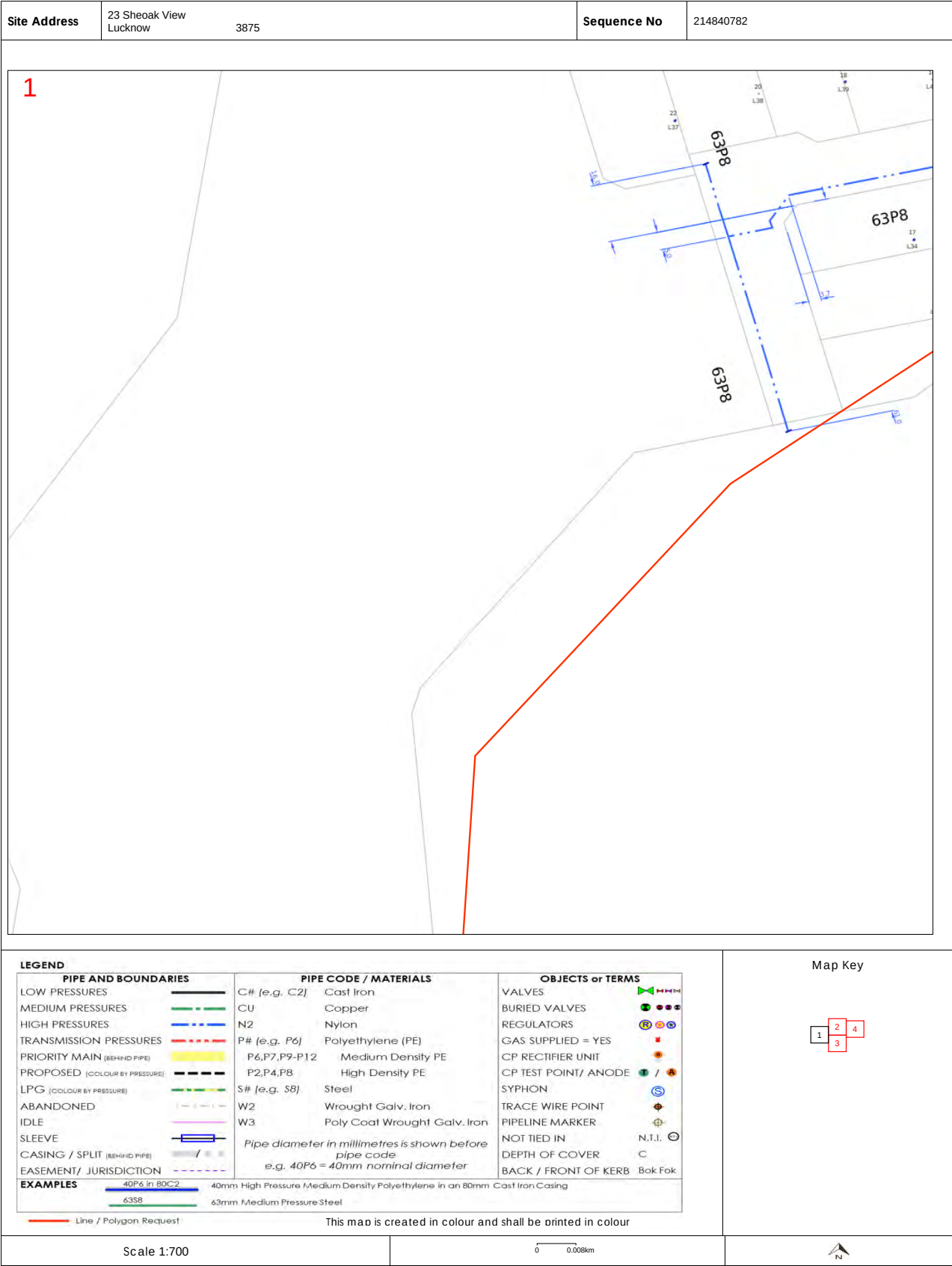
Site Address	23 Sheoak View Lucknow 3875	Sequence No	214840782
Name	Narelle Gibbons		
Email	consult@crossco.com.au		



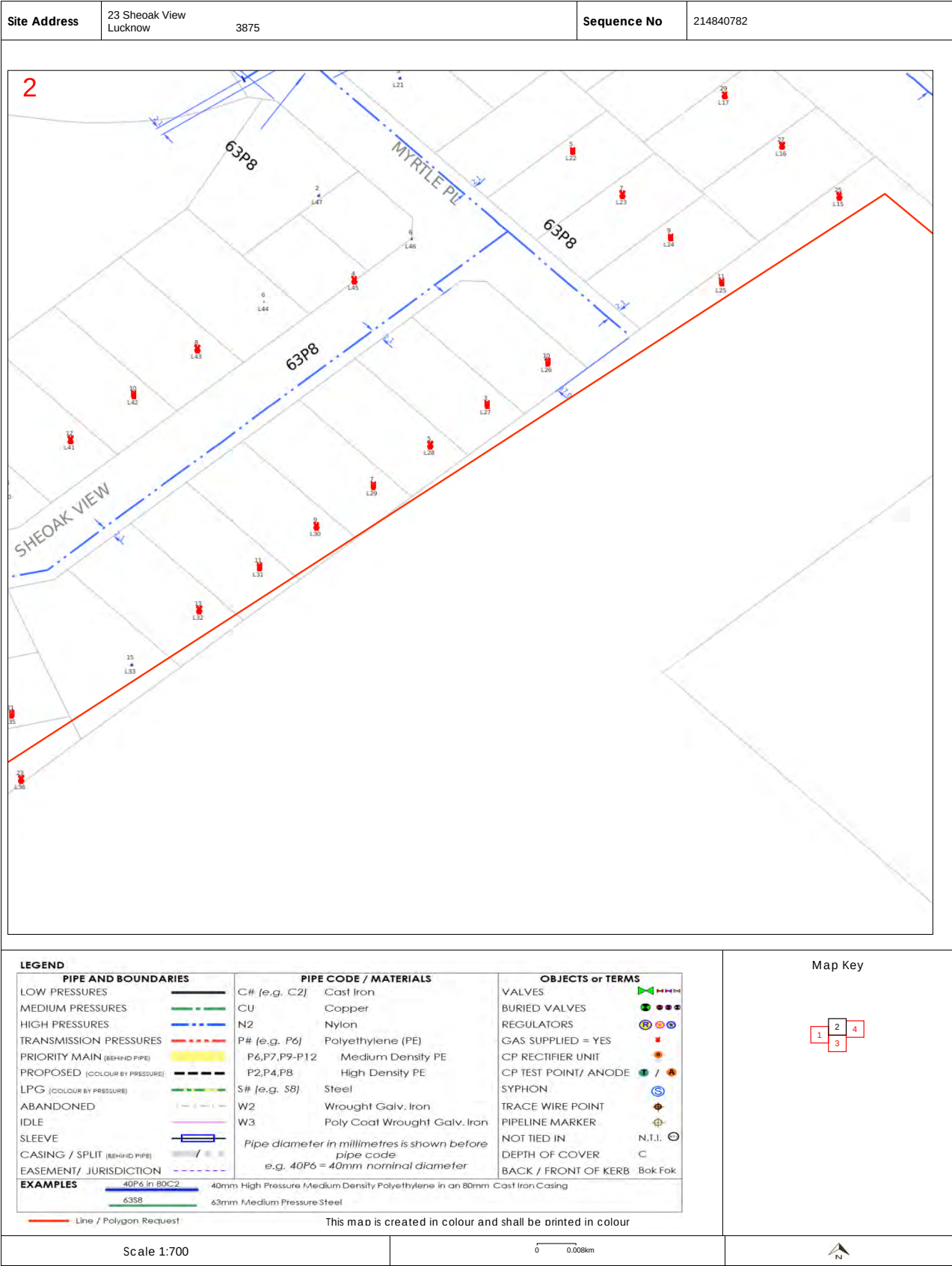
Scale 1: 6000		Enquiry Area	Map Key Area
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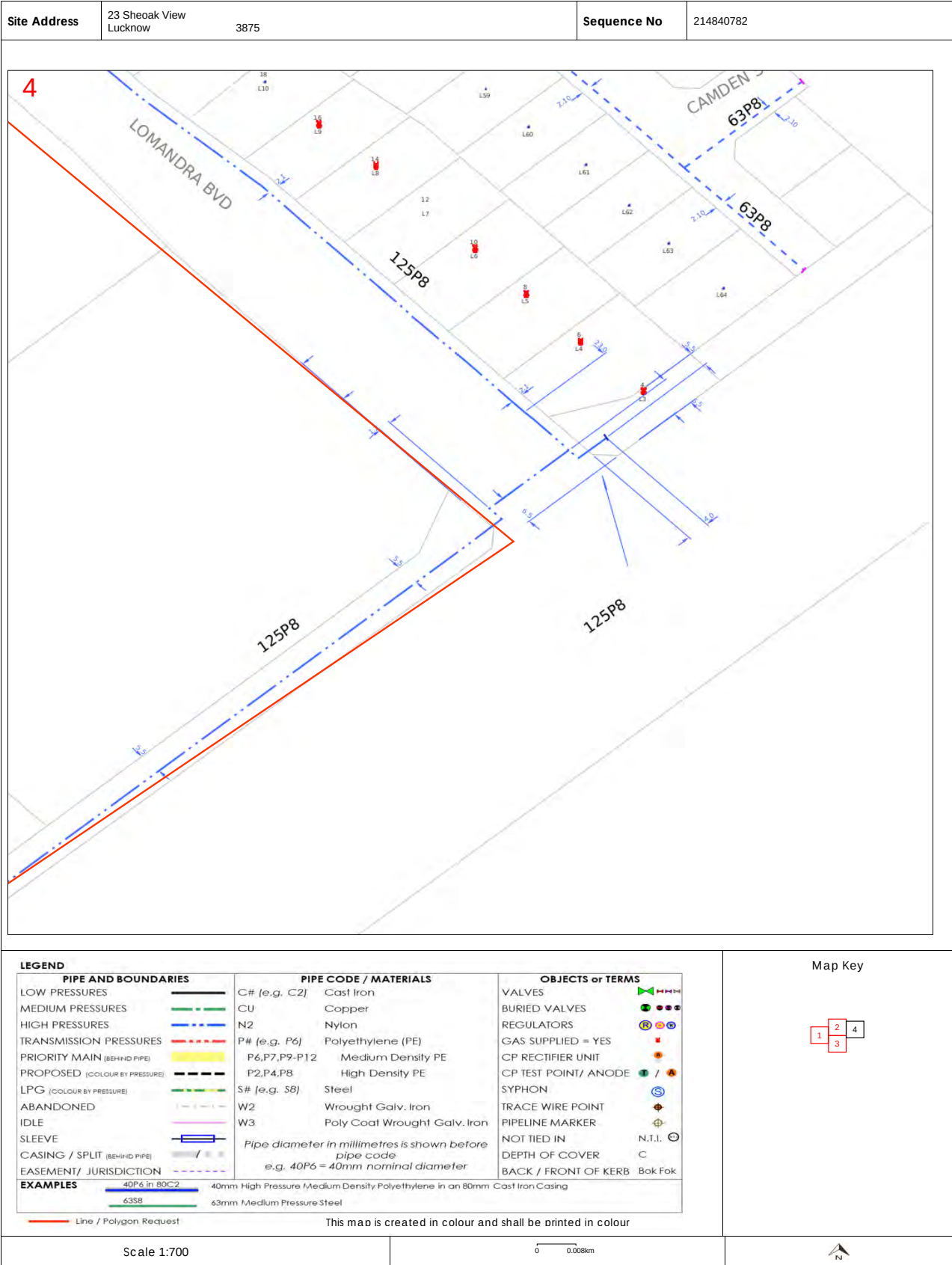
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Page 4 of 8 • 16/08/2022			



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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)

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> · <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.

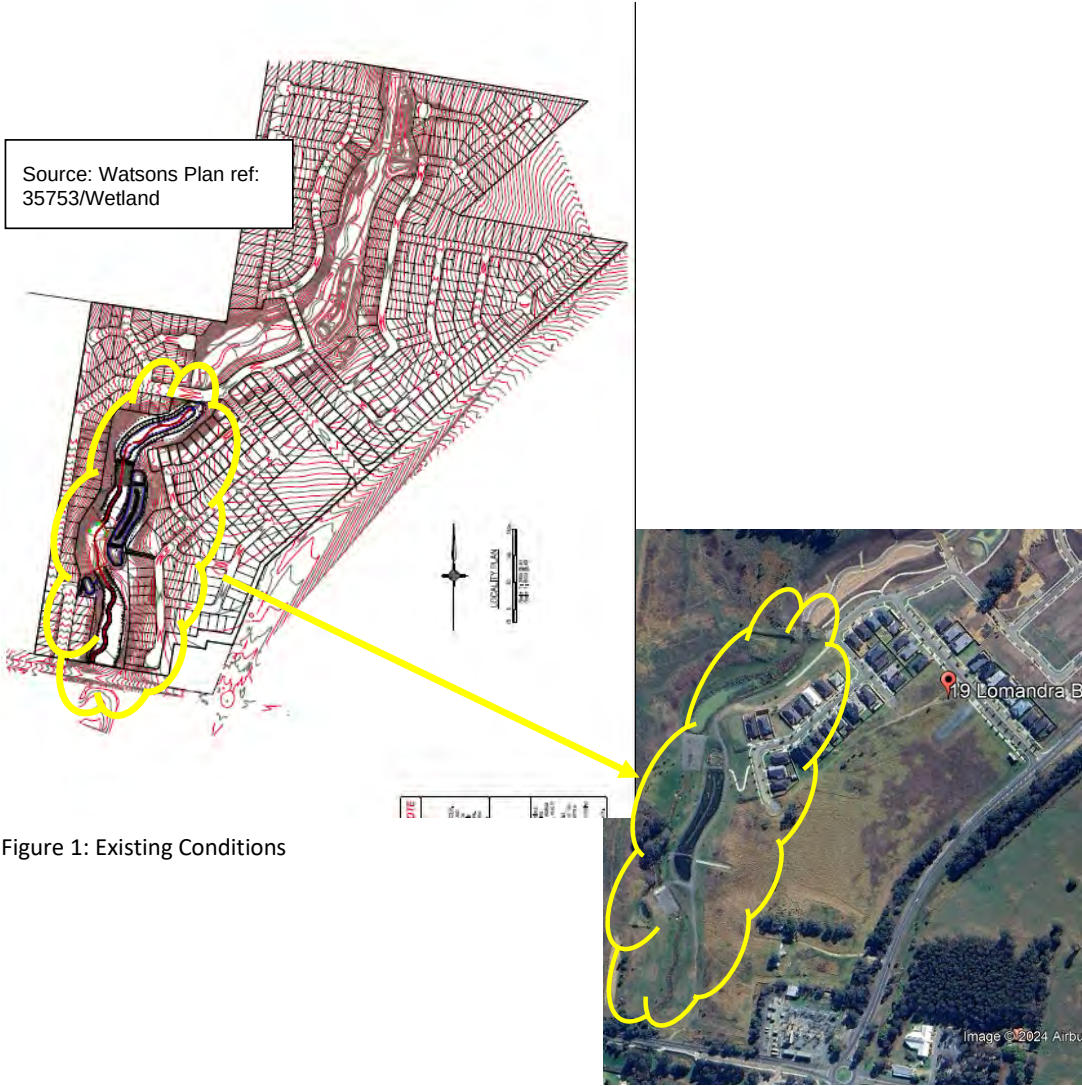


Figure 1: Existing Conditions

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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PROPOSED BROOKFIELD LAKES LIFESTYLE VILLAGE



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

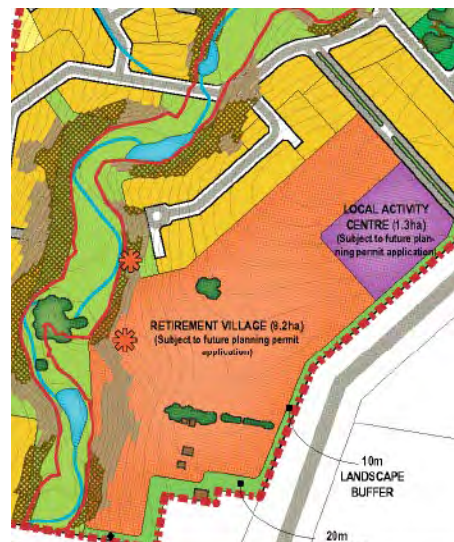


Figure 5: WT2008

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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PROPOSED BROOKFIELD LAKES LIFESTYLE VILLAGE



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.

4.4 Stormwater Treatment Model

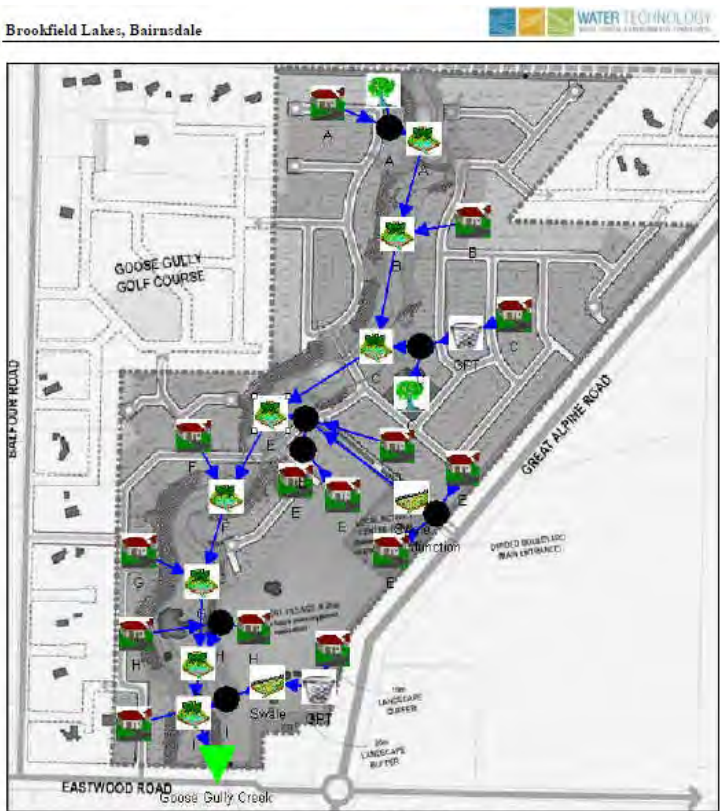


Figure 8: WT2008 Treatment Model layout

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.

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

BENNETT WILLIAMS PTY LTD

PROPOSED BROOKFIELD LAKES LIFESTYLE VILLAGE



Attachment 1 – Property Report

15 April 2024

Version: Rev 2

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

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STATE ELECTORATES

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Legislative Assembly: **GIPPSLAND EAST**

PROPERTY REPORT



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[EROSION MANAGEMENT OVERLAY SCHEDULE \(EMO\)](#)

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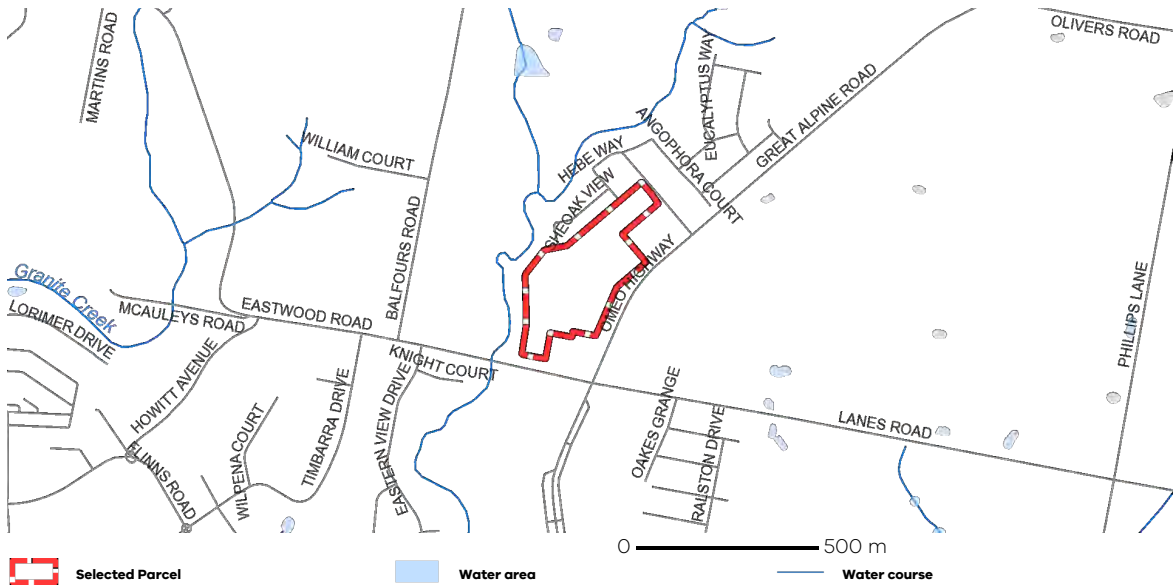
PROPERTY REPORT: Lot 2 PS643132

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

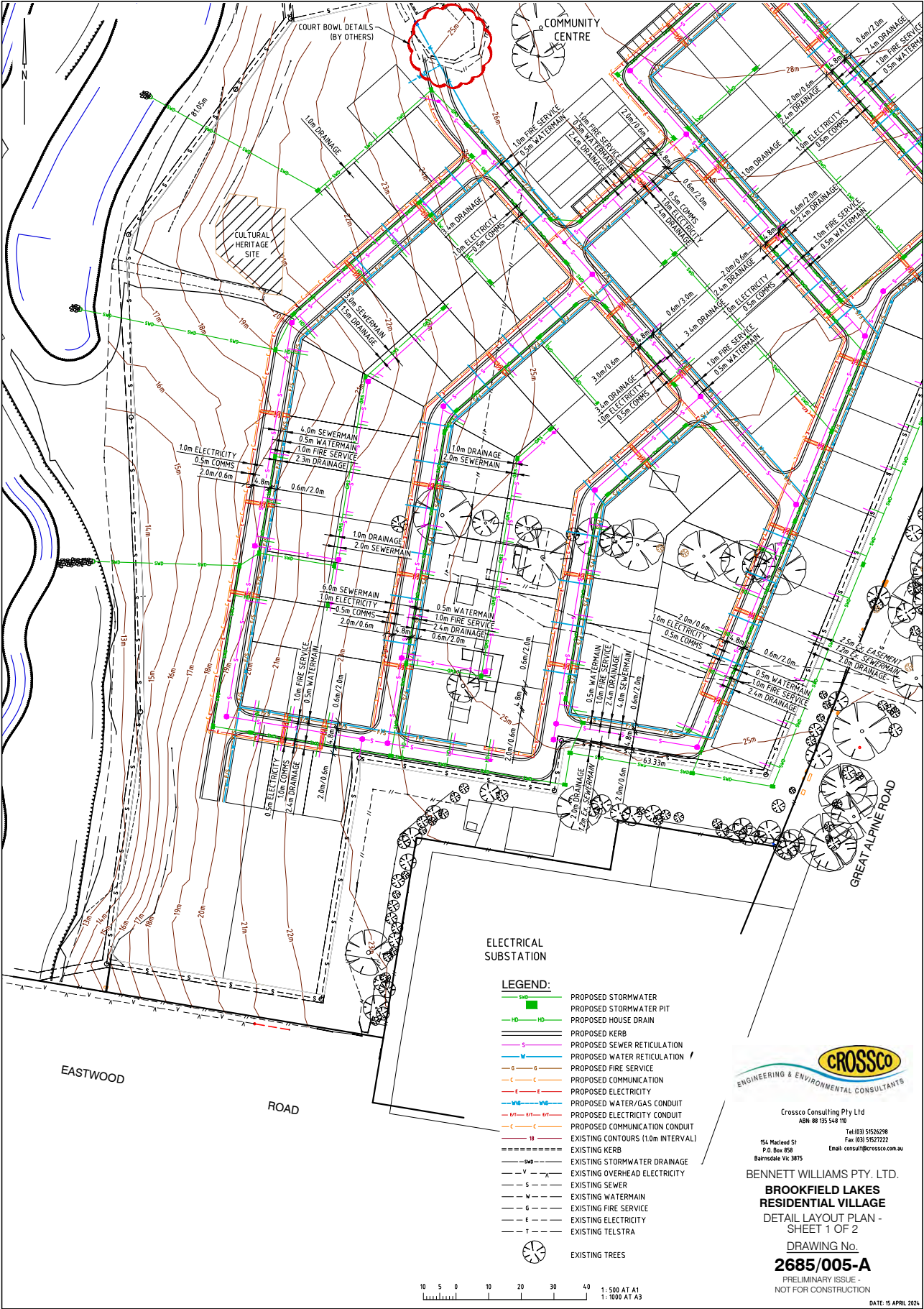


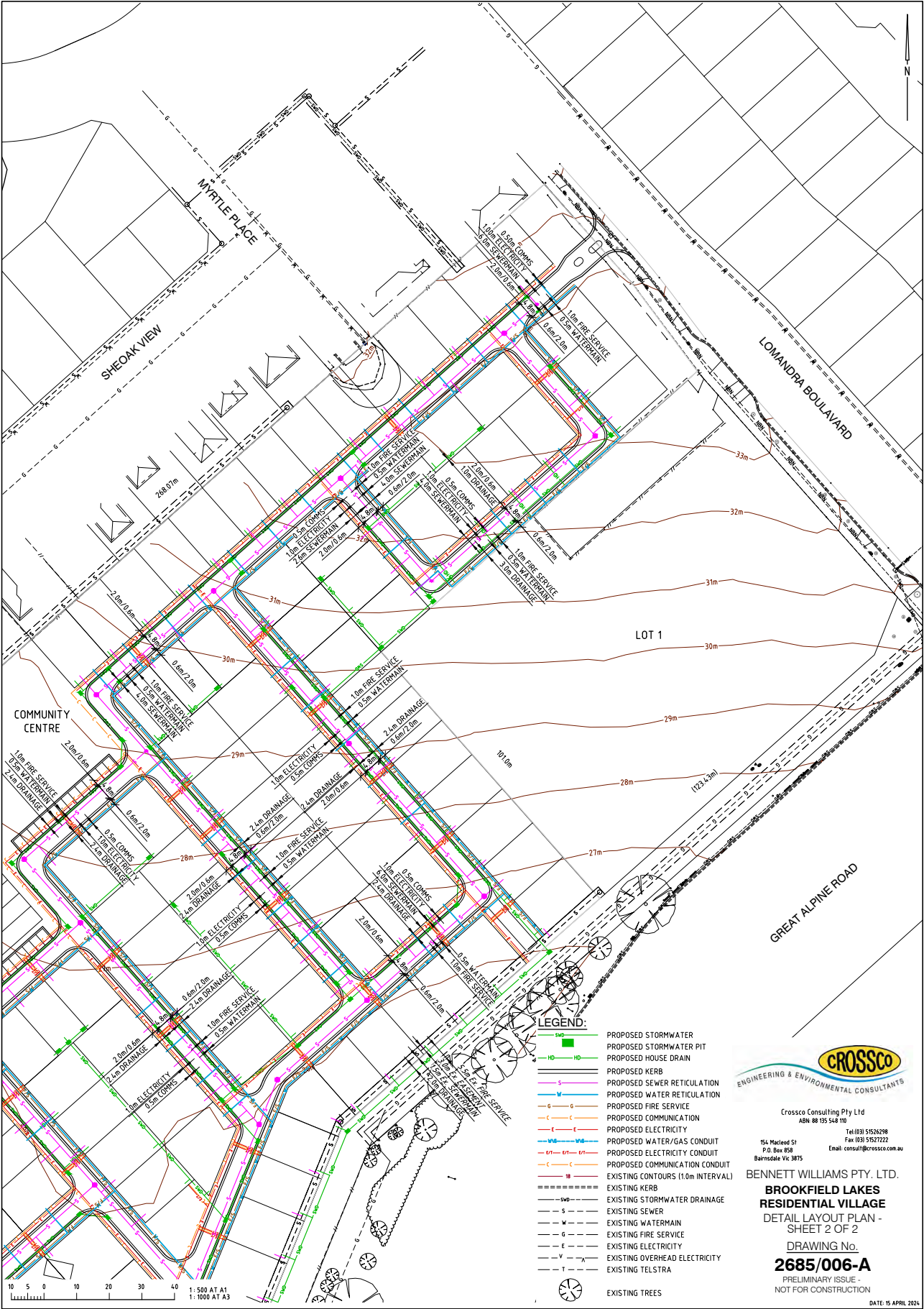
Attachment 2 – Crossco Drawing No 2685/004-006

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	SCREENING HEDGE	2024	LF
EUCALYPTUS CAMALDULENSIS	10	SCREENING HEDGE	2024	LF
FRAXINUS PENNSYLVANICA 'URBELL'	10	SCREENING HEDGE	2024	LF
EUCALYPTUS POLYANTHEMOS	10	SCREENING HEDGE	2024	LF
BANKSIA SERRATA	10	SCREENING HEDGE	2024	LF
ANGOPHERA COSTATA	10	SCREENING HEDGE	2024	LF
CALLISTEMON SEBERI	10	SCREENING HEDGE	2024	LF
TELKOA SERRATA 'GREEN VASE'	10	SCREENING HEDGE	2024	LF
ALLOCASUARINA LITTORALIS	10	SCREENING HEDGE	2024	LF
CORREA ABLA 'COASTAL PINK'	10	SCREENING HEDGE	2024	LF
ACACIA IMPLEXA	10	SCREENING HEDGE	2024	LF
PITTOSPORUM TOBIRA 'MISS MUFFET'	10	SCREENING HEDGE	2024	LF
TULBAGHIA VIOLACEA	10	SCREENING HEDGE	2024	LF
ACACIA IMPLEXA	10	SCREENING HEDGE	2024	LF
ACACIA MELANOXYLON	10	SCREENING HEDGE	2024	LF
BANKSIA INTEGRIFOLIA 'SENTINEL'	10	SCREENING HEDGE	2024	LF
BANKSIA MARGINATA	10	SCREENING HEDGE	2024	LF
ALLOCASUARINA VERTICILLATA	10	SCREENING HEDGE	2024	LF

KEY TO SYMBOLS

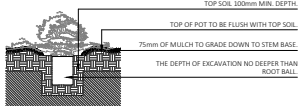


BANKSIA INTEGRIFOLIA 'SENTINEL' SCREENING HEDGE.
EXISTING TREES WITH MIXED PLANTING AND BENCH SEAT.
BENCH SEATING.
ALLOCASUARINA LITTORALIS.
EUCALYPTUS CAMALDULENSIS.
MIXED PLANTING OF ACACIA IMPLEXA, ACACIA MELANOXYLON, BANKSIA INTEGRIFOLIA, BANKSIA MARGINATA, ALLOCASUARINA VERTICILLATA, EUCALYPTUS POLYANTHEMOS SCREENING TREES.
3000mm WIDE PATH WITH BENCH SEATING AND PICNIC TABLE.

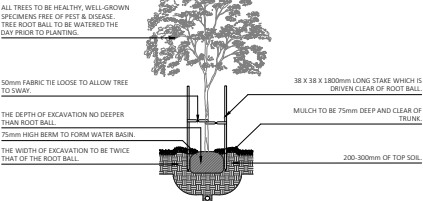


NOTES:

- 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 TIE.
- GARDEN BEDS TO BE WELL DRAINED WITH GEO-FABRIC SOKED AGRICULTURAL DRAINS WITH SCREENINGS SURROUNDING CONNECTED TO SUMP PIT PRIOR TO STORMWATER SYSTEM.

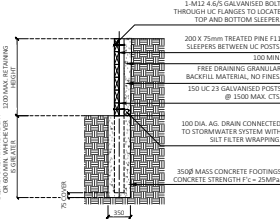


1 SHRUB PLANTING DETAIL SECTION NTS

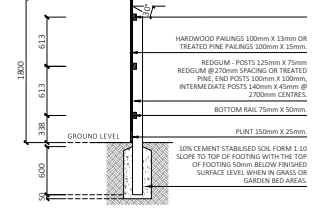
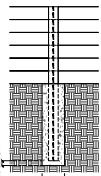


ALL TREES TO BE HEALTHY, WELL-GROWN SPECIMENS FREE OF PEST & DISEASE. TREE ROOT BALL TO BE WATERED THE DAY PRIOR TO PLANTING.
50mm FABRIC TIE LOOSE TO ALLOW TREE TO SWAY.
THE DEPTH OF EXCAVATION NO DEEPER THAN ROOT BALL.
75mm HIGH BERM TO FORM WATER BASIN.
THE WIDTH OF EXCAVATION TO BE TWICE THAT OF THE ROOT BALL.

2 TREE PLANTING DETAIL SECTION NTS

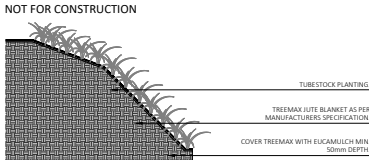


3 RETAINING WALL DETAIL SECTION NTS



NOTES:
FENCE TO BE BUILT IN HARDWOOD OR TREATED PINE AS REQUIRED. ALL SIZES APPLY TO BOTH TIMBERS UNLESS OTHERWISE SPECIFIED ON THE DRAWING. HARDWOOD FENCE TO HAVE REDGUM POSTS.

4 BOUNDARY FENCE DETAIL SECTION NTS



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.

5 TYPICAL SECTION FOR EROSION PLANTING SECTION NTS

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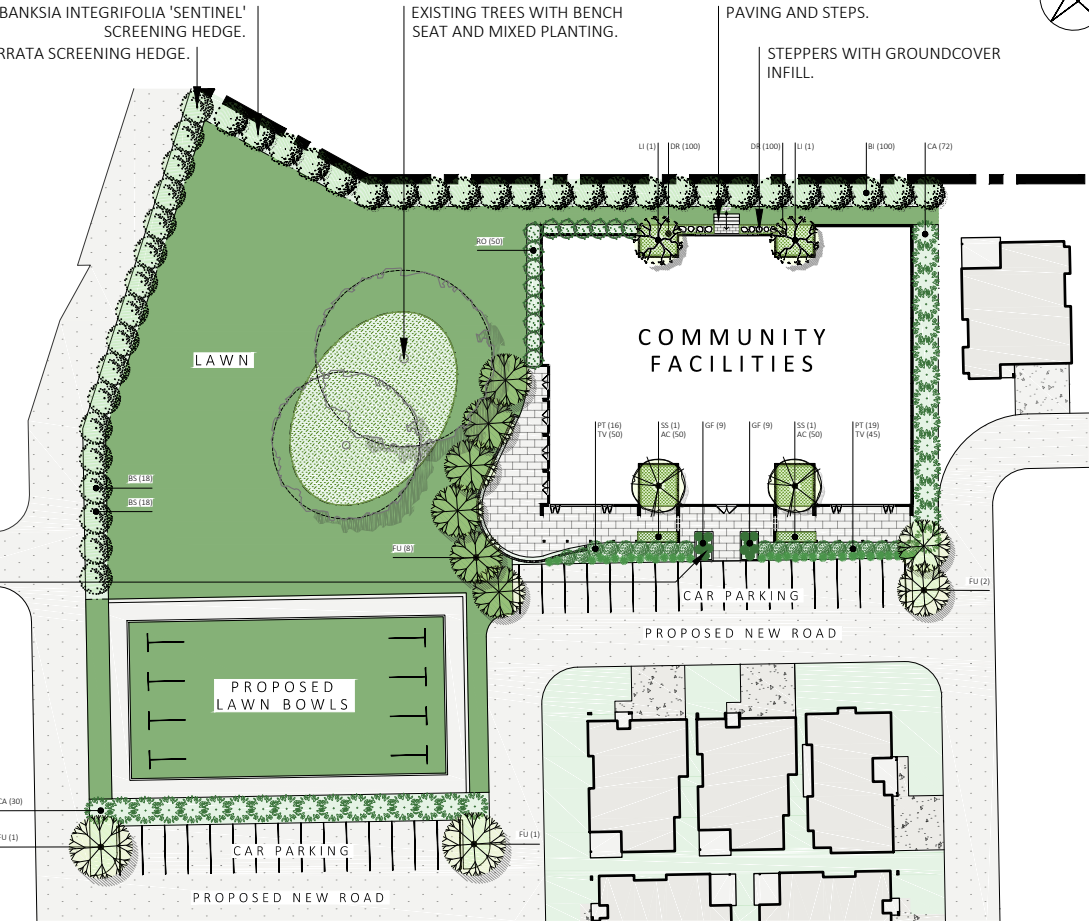
PLANT SCHEDULE

Code	Botanical Name	Common name	Qty.	Pot Size	H x W
TREES (COMMUNITY FACILITIES)					
LI	Lagerstroemia indica 'Tuscarora'	Creepe myrtle	2	45ltr	6m x 3m
BI	Banksia integrifolia 'Sentinel'	Sentinel banksia	100	45ltr	2.5m x 1.5m
BS	Banksia serrata	Old Man Banksia	18	45ltr	10m x 5m
SS	Sapium sebiferum	Chinese tallow tree	2	45ltr	8m x 8m
UP	Fraxinus pennsylvanica 'Urbdeell'	Urbanite ash	12	45ltr	15m x 8m
SHRUBS, GRASSES, GROUNDCOVERS & CLIMBERS					
DR	Dichondra repens	Kidney weed	200	sub 200mm	0.1m x 0.1m
RO	Rosemary 'Jackmans Prostrate'	Prostrate rosemary	50	140mm	0.3m x 1.5m
AC	Arthropodium cirratum	Renga lily	100	140mm	0.8m x 0.8m
GF	Gardenia florida	Gardenia	18	200mm	1m x 1m
CA	Correa abla 'Coastal Pink'	Coastal pink correa	102	140mm	1.5m x 1.5m
PT	Pittosporum tobira 'Miss Muffet'	Dwarf pittosporum	35	200mm	1m x 1m
TV	Tulbaghia violacea	Society garlic	95	140mm	0.5m x 0.5m

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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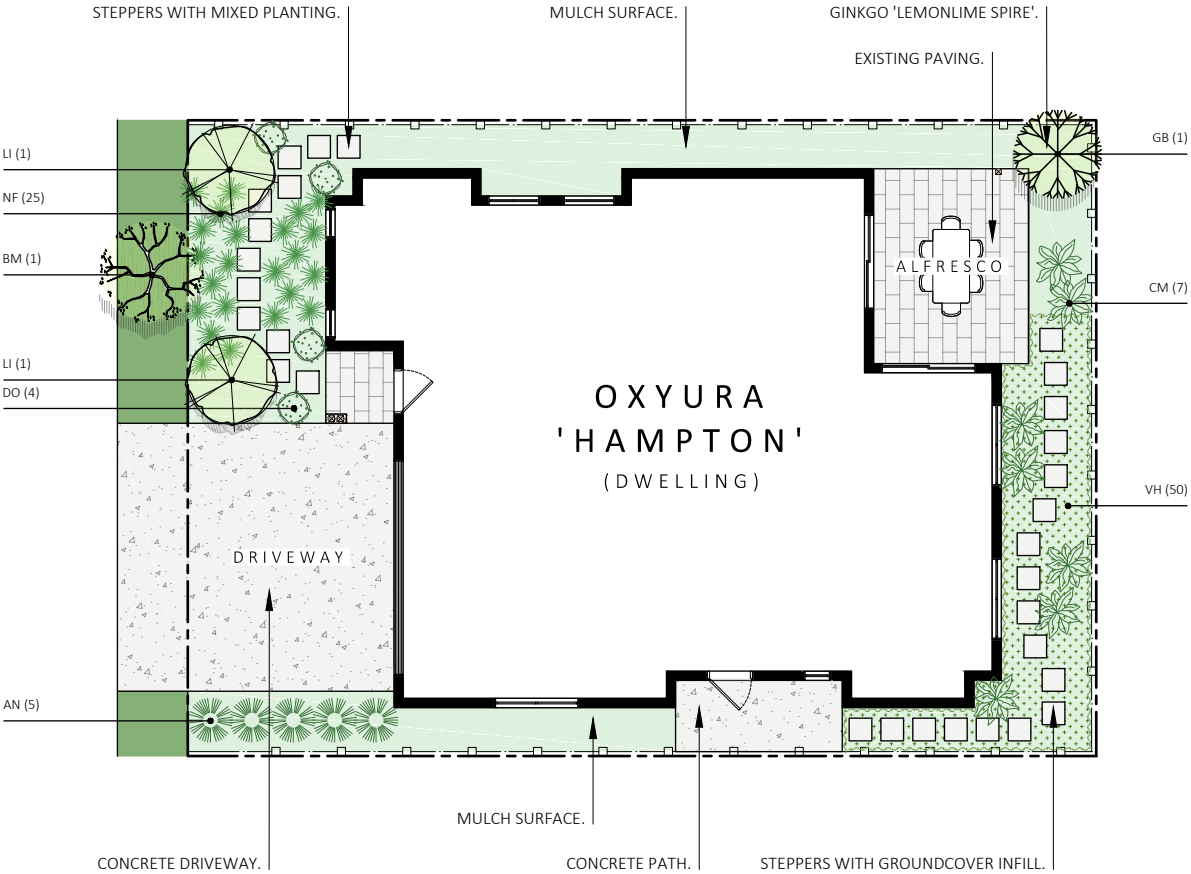


PLANT SCHEDULE

Code	Botanical Name	Common name	Qty.	Pot Size	H x W
TREES (SAMPLE OXYURA 'HAMPTON' DWELLING)					
LI	Lagerstoeimia indica 'Tuscarora'	Cree myrtle	2	450mm	6m x 3m
GB	Ginkgo 'Lemonlime Spire'	Dwarf maidalan tree	1	450mm	5m x 4m
BM	Banksia marginata	Silver Banksia	1	450mm	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 0.4m
DO	Daphne odora	Daphne	4	140mm	1.2m x 1.1m
NF	Nepeta 'faassini'	Catmint	25	140mm	0.4m x 0.6m
VH	Viola hederacea	Native violet	50	10cm block	0.3m x 0.4m

KEY TO SYMBOLS

- BANKSIA MARGINATA
- LAGERSTOEMIA INDICA 'TUSCARORA'
- GINKGO 'LEMONLIME SPIRE'
- ANIGOZANTHOS 'GOLD VELVET'
- DAPHNE ODORA
- CLIVIA MINIATA
- NEPETA FAASSINII
- VIOLA HEDERACEA



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





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)

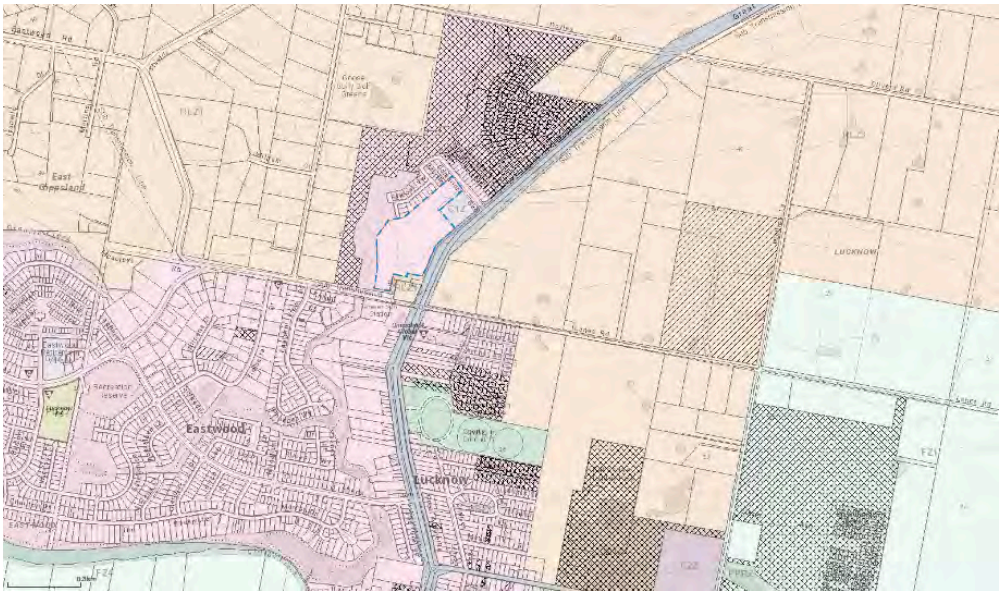


Figure 2. Subject land within its surrounding context (VicPlan)



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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 L o m a n d r a



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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

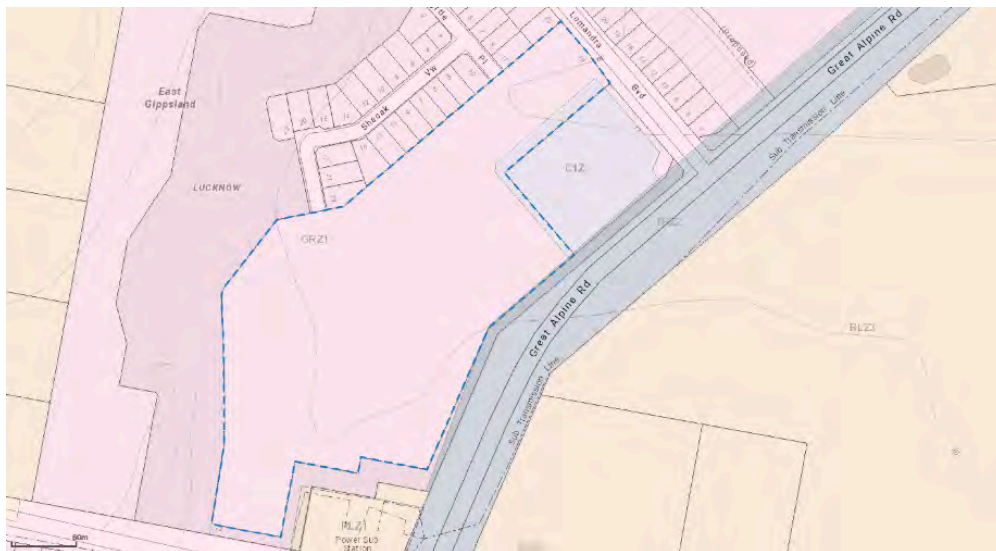


Figure 3. Vicplan mapping

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.



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.

**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.



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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*.



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.

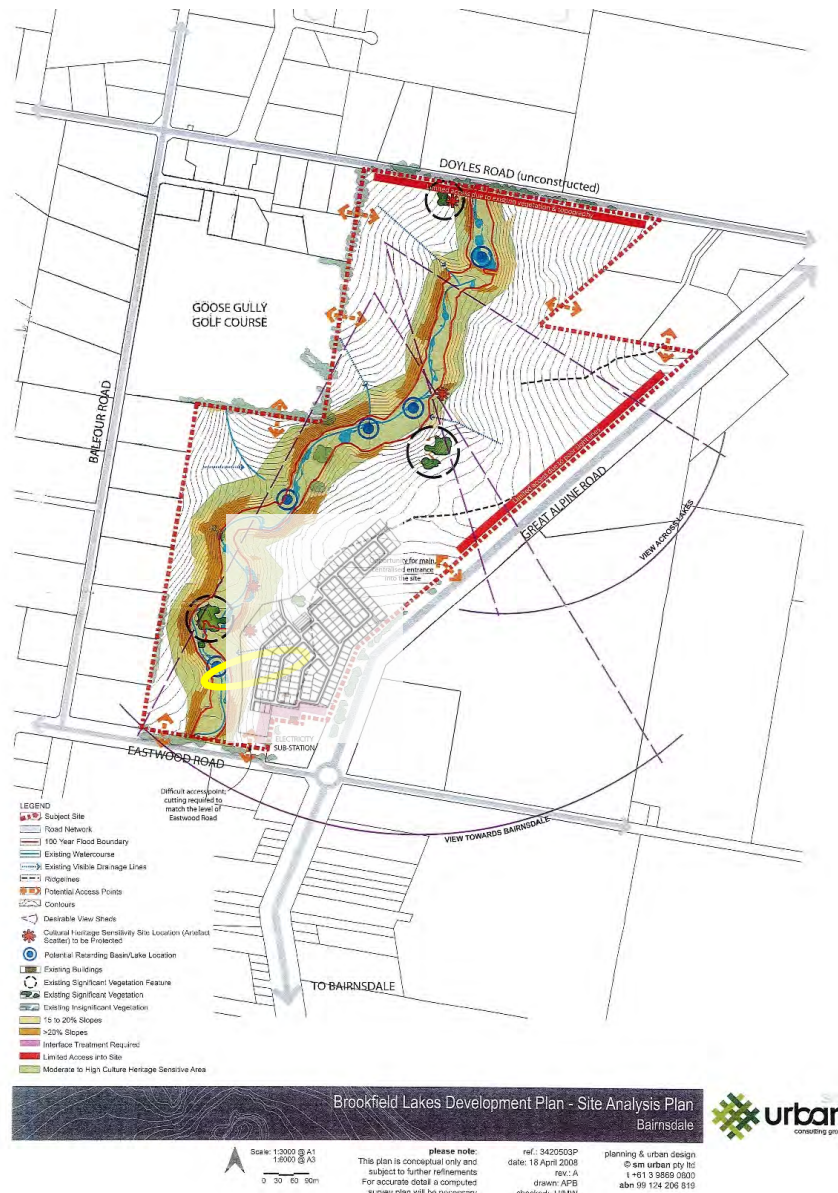


Figure 4: Site Analysis Plan⁵ / Concept Site Layout Nov 2023 Overlay

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.

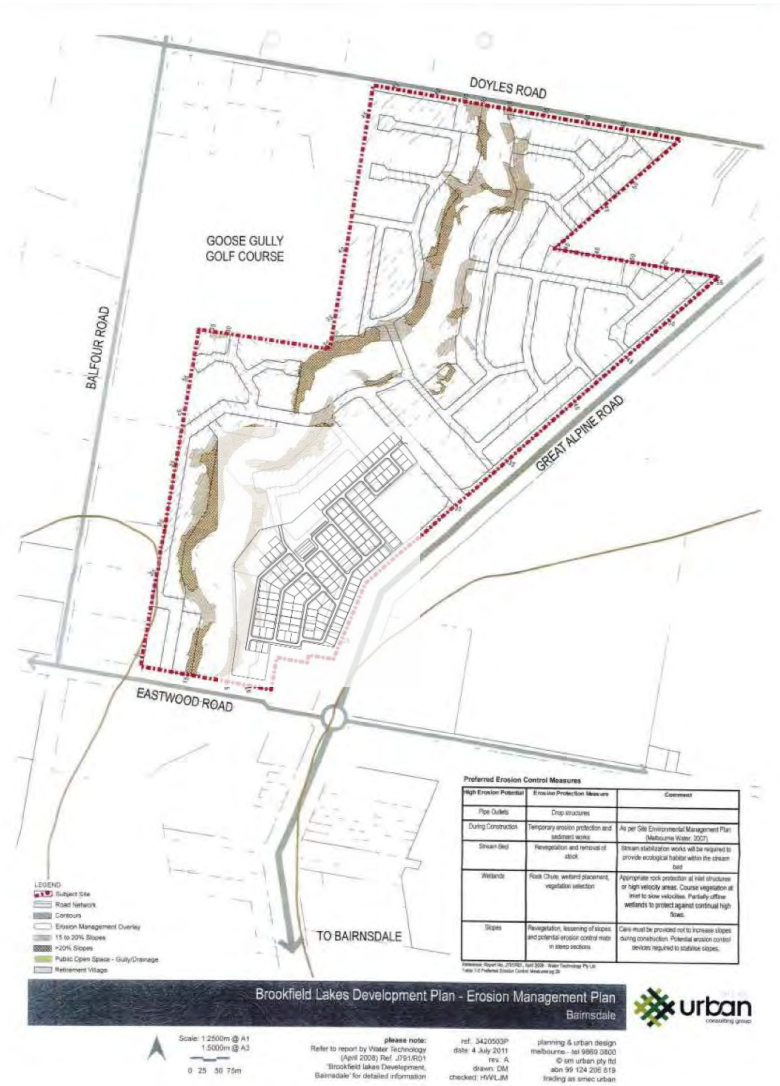


Figure 5: Indicative Erosion Management Plan⁶ / Concept Site Layout Nov 2023 Overlay

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> - <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>	- 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 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. 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. 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. 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.
<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> - 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> - 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.



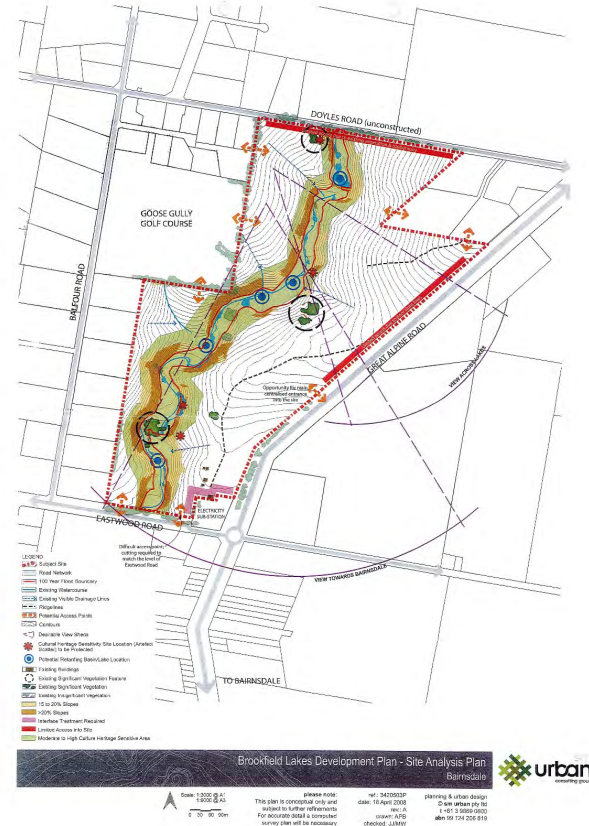
July 2011 Development Plan

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.



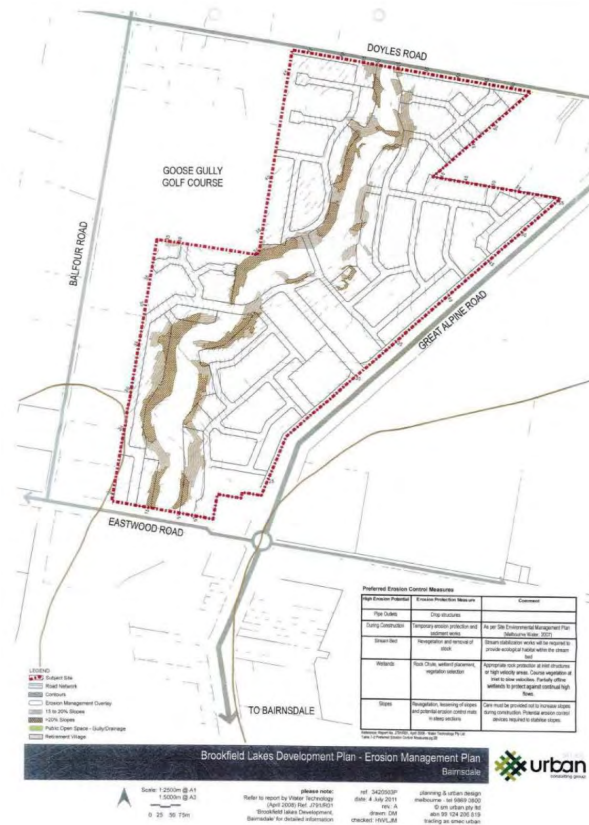
July 2011 Subdivision Concept Plan

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

Traffic 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.

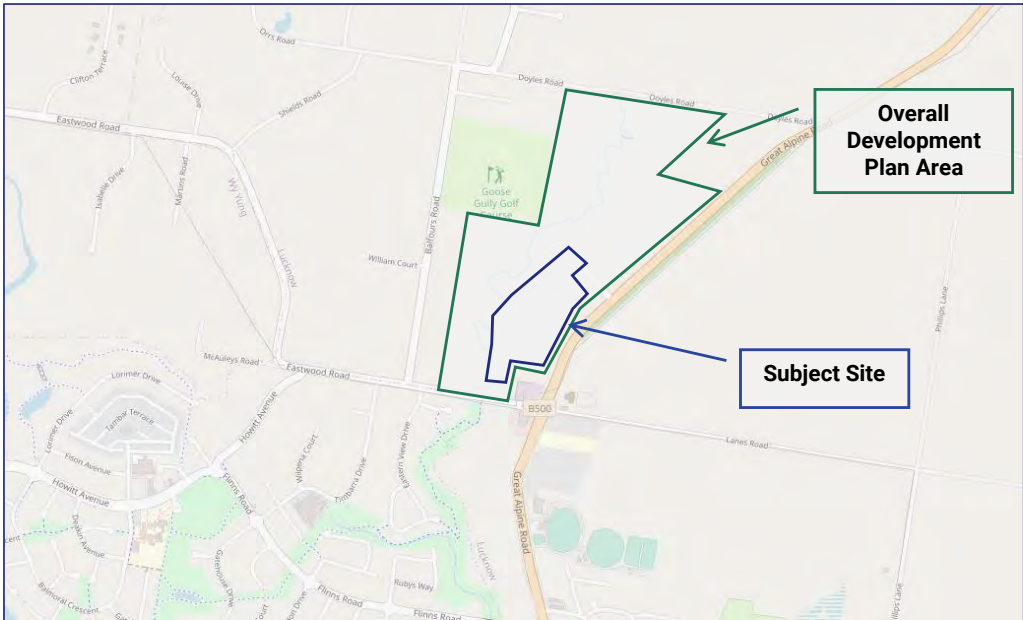


Figure 2: Overall Development Plan Area (Source: Melway Online)

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

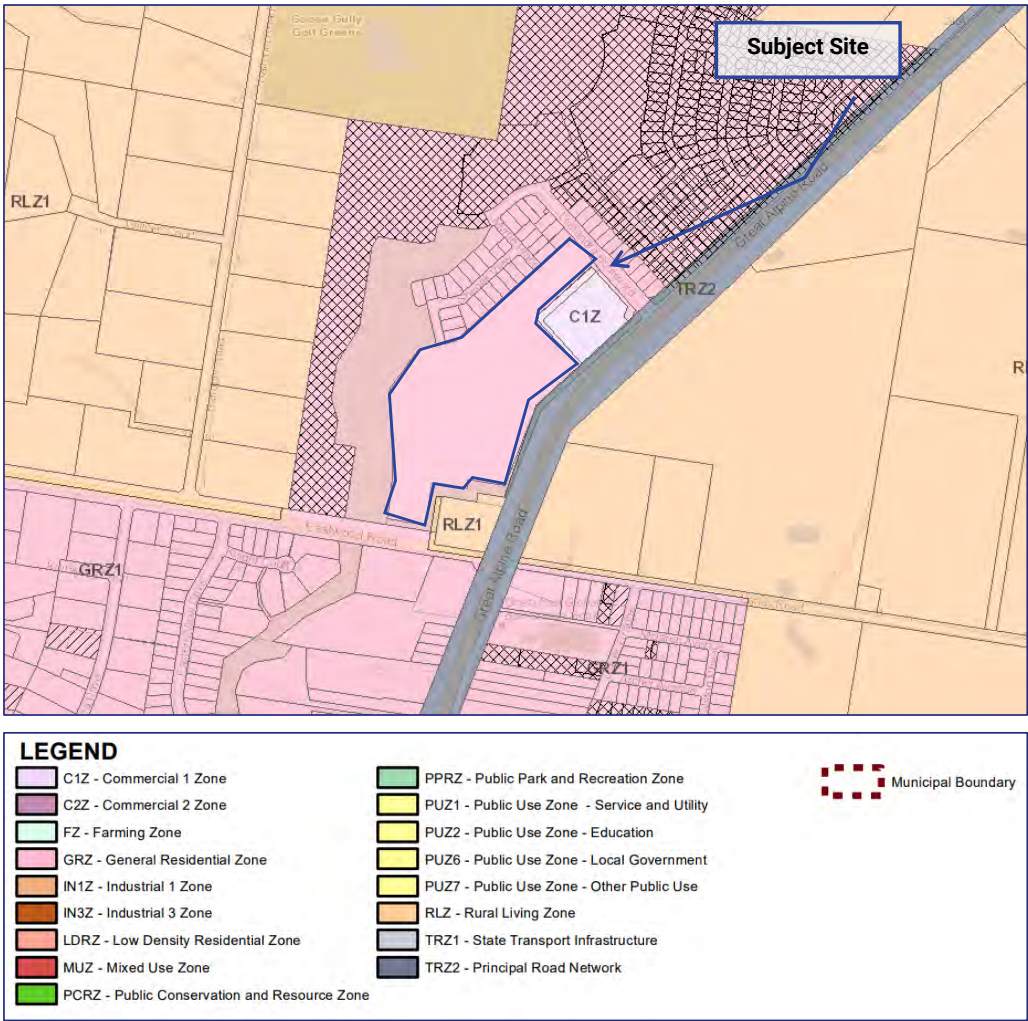


Figure 5: Land Use Zoning Map (Source: Planning Schemes Online)

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
<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> <i>A Traffic Management Plan which:</i> <i>Describes the internal road network including traffic volumes, pedestrian and cyclist pathways and internal road hierarchy.</i>	A review of the local roads connecting to the site is provided at Section 4.2. Internally to the site, the road network will be private, for use by residents and visitors of the residential village. 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. The pedestrian and cyclist facilities are discussed in Section 5.2. We are satisfied that the proposed arrangements are appropriate.
<i>Provides a vehicular and pedestrian connection to Eastwood Road.</i>	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. These arrangements are consistent with the approved Development Plan. We understand that a pedestrian connection will be provided from Eastwood Road to the site. We consider these arrangements acceptable.
<i>Describes the provision of public transport services and facilities.</i>	The proposed development does not seek to alter any public transport service or facilities from the approved Development Plan.
<i>Identifies appropriate linkages to adjoining land.</i>	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.
<i>Restricts direct vehicular access to the Great Alpine Road by means of a landscaped vegetation/tree reserve.</i>	The amendment to the Development Plan does not seek access to Great Alpine Road. A landscaped reserve is provided along the site's eastern boundary separating it from Great Alpine Road. This is consistent with the approved Development Plan.

7. Conclusions

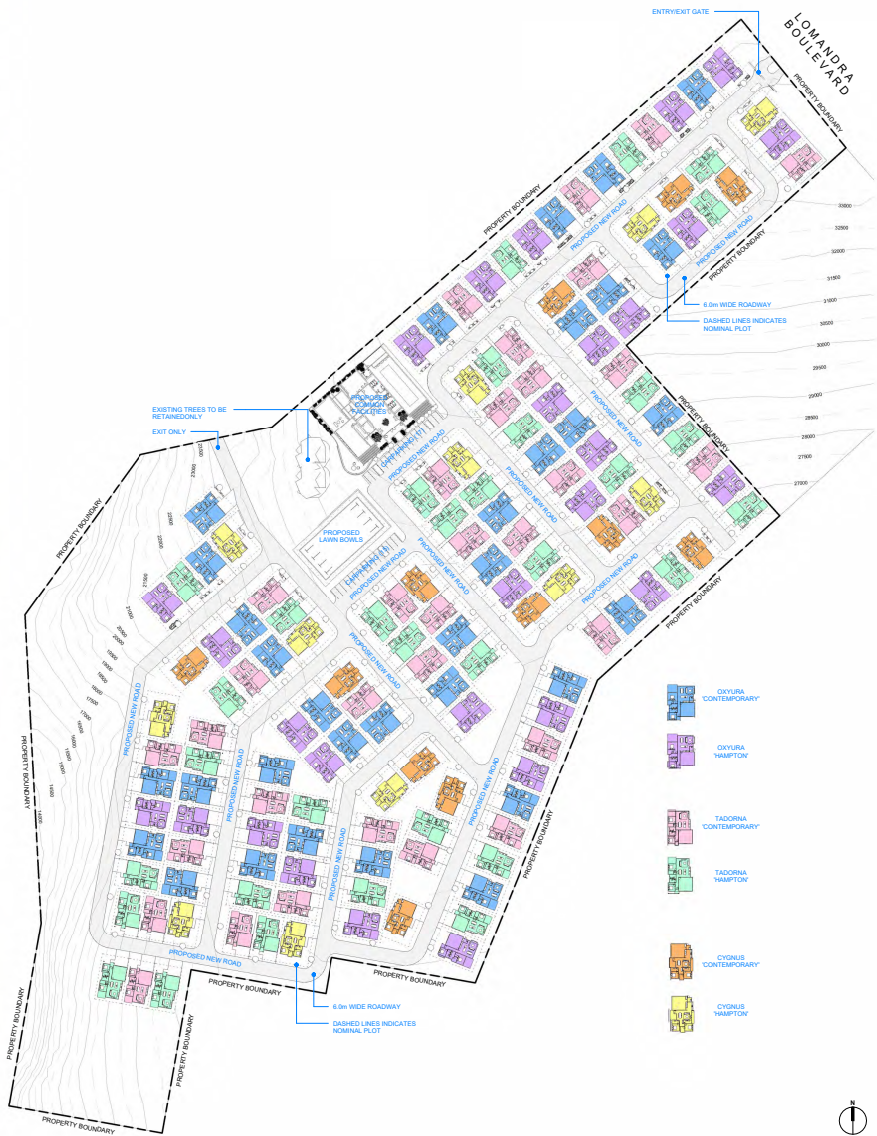
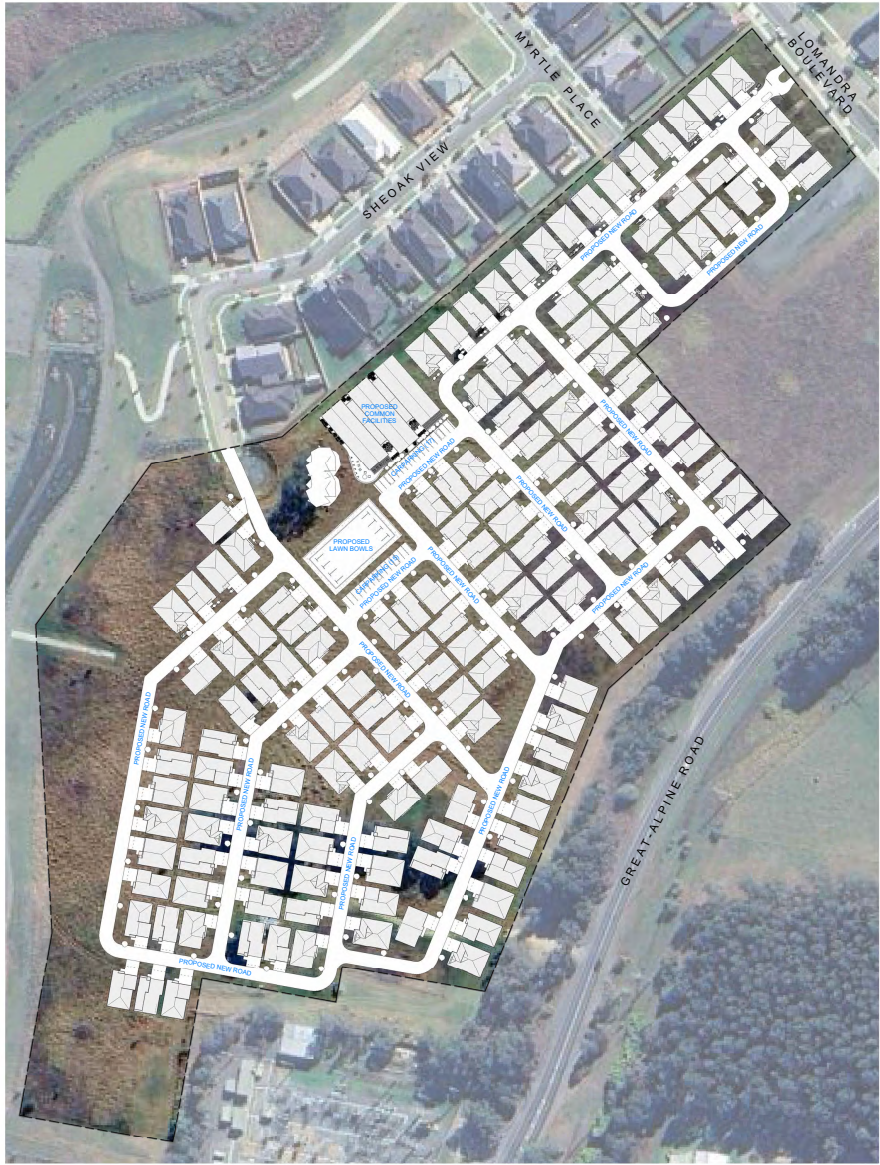
Having undertaken a detailed traffic engineering assessment of the proposed amendment to the Development Plan at 19 Lomandra Boulevard, Lucknow, we are of the opinion that:

- 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
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Notwithstanding, Architect: Tomas O'Malley (43385)

Consultants

Revisions
No. Date Description
1 26.11.23 For Discussion

Drawn by
APV

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

North Arrow
N



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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Glen Iris Victoria 3146

Contact
Telephone 03 9822 2888
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admin@traffixgroup.com.au
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



PRELIMINARY
FOR DISCUSSION PURPOSES

Subdivision Concept Plan, Brookfield Lakes
Bairnsdale



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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Traffic Group

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 T: (03) 9822 2888
 www.trafficgroup.com.au

BAIRNSDALE LIFESTYLE LIVING COMMUNITY

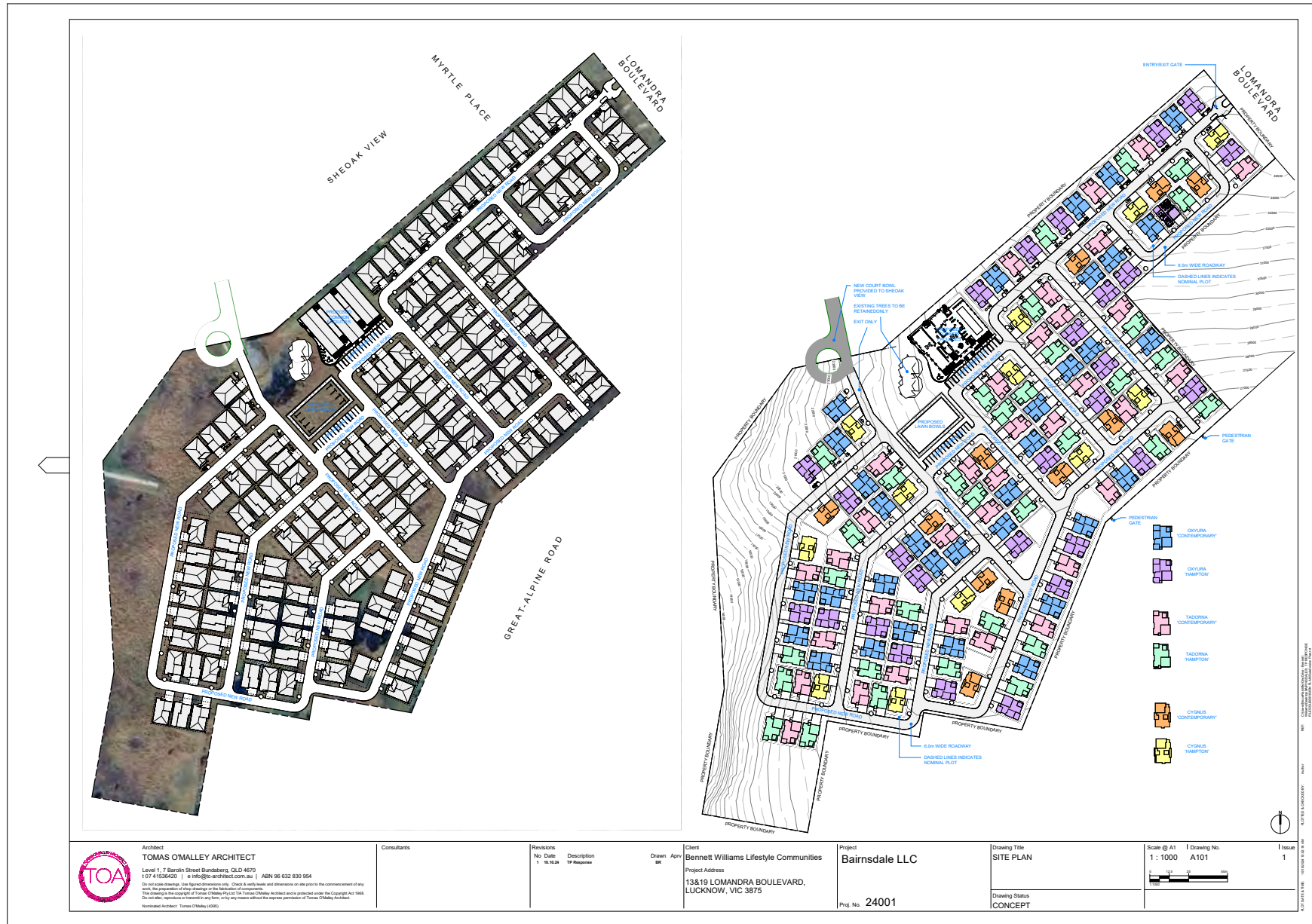
13&19 LOMANDRA BOULEVARD, LUCKNOW, VIC 3875
FOR BENNETT WILLIAMS LIFESTYLE COMMUNITIES

SHEET LIST

A200	COVER SHEET	Rev A	A205	OXYURA HAMPTON	Rev A
A100	AERIAL VIEWS	Rev A	A206	TADORNA CONTEMPORARY	Rev A
A101	SITE PLAN	Rev A	A207	TADORNA HAMPTON	Rev A
A102	TYPICAL UNIT LAYOUT	Rev A	A301	OPTIONAL UNIT TYPES	Rev A
A103	UNIT LAYOUT	Rev A	A302	CYGNUS CONTEMPORARY	Rev A
A201	ORIGINAL UNIT TYPES	Rev A	A303	CYGNUS HAMPTON	Rev A
A202	CYGNUS CONTEMPORARY	Rev A	A304	OXYURA CONTEMPORARY	Rev A
A203	CYGNUS HAMPTON	Rev A	A305	OXYURA HAMPTON	Rev A
A304	OXYURA CONTEMPORARY	Rev A	A306	TADORNA CONTEMPORARY	Rev A
			A307	TADORNA HAMPTON	Rev A



 Architect TOMAS O'MALLEY ARCHITECT Level 1, 7 Bardin Street Bundoora, QLD 4070 Tel 01536420 e info@toa-architect.com.au ABN 96 632 830 054	Consultants	Revisions <table border="1"> <thead> <tr> <th>No</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>10/10/24</td> <td>IF Response</td> </tr> </tbody> </table>	No	Date	Description	1	10/10/24	IF Response	Drawn APP 24	Client Bennett Williams Lifestyle Communities Project Address 138/1 LOMANDRA BOULEVARD, LUCKNOW, VIC 3875	Project Bairnsdale LLC	Drawing Title COVER	Scale @ A1 Drawing No. A0000	Drawing Status CONF
No	Date	Description												
1	10/10/24	IF Response												





2 TYPICAL STREETSCAPE



1 TYPICAL UNIT LAYOUT 1:200

Note That:

Unit Layouts and streetscapes are compliant in relation to the CFA requirements for emergency access/egress and fire separation.

	Architect TOMAS O'MALLEY ARCHITECT Level 1, 7 Barnard Street Bundaberg, QLD 4670 1 07 41153420 e info@toa-architect.com.au ABN 96 632 832 954 On or after the date of this drawing, the Architect's liability is limited to the commitment of the work, the preparation of any drawing or the fabrication of any component. This drawing is the property of Tomas O'Malley Pty Ltd. No. 10. This drawing is to be used for the project only and is not to be reproduced or used for any other purpose without the express permission of Tomas O'Malley Architect. Notwithstanding, Tomas O'Malley Pty Ltd.	Consultants	Revisions <table><tr><th>No</th><th>Date</th><th>Description</th></tr><tr><td>1</td><td>16.10.14</td><td>TP Response</td></tr></table>	No	Date	Description	1	16.10.14	TP Response	Client Bennett Williams Lifestyle Communities Project Address 13619 LOMANDRA BOULEVARD, LUCKNOW, VIC 3875	Project Bairnsdale LLC Proj. No. 24001	Drawing Title TYPICAL UNIT LAYOUT	Scale @ A1 1 : 200	Drawing No. A101	Issue 1
	No	Date	Description												
1	16.10.14	TP Response													
					Drawing Status CONCEPT										

6 ORIGINAL FACADE DEIGNS

Artist Impressions



CYGNUS CONTEMPORARY



CYGNUS HAMPTON



OXYURA CONTEMPORARY



OXYURA HAMPTON



TADORNA CONTEMPORARY



TADORNA HAMPTON

4 EXTERIOR COLOUR SCHEME CHOICES

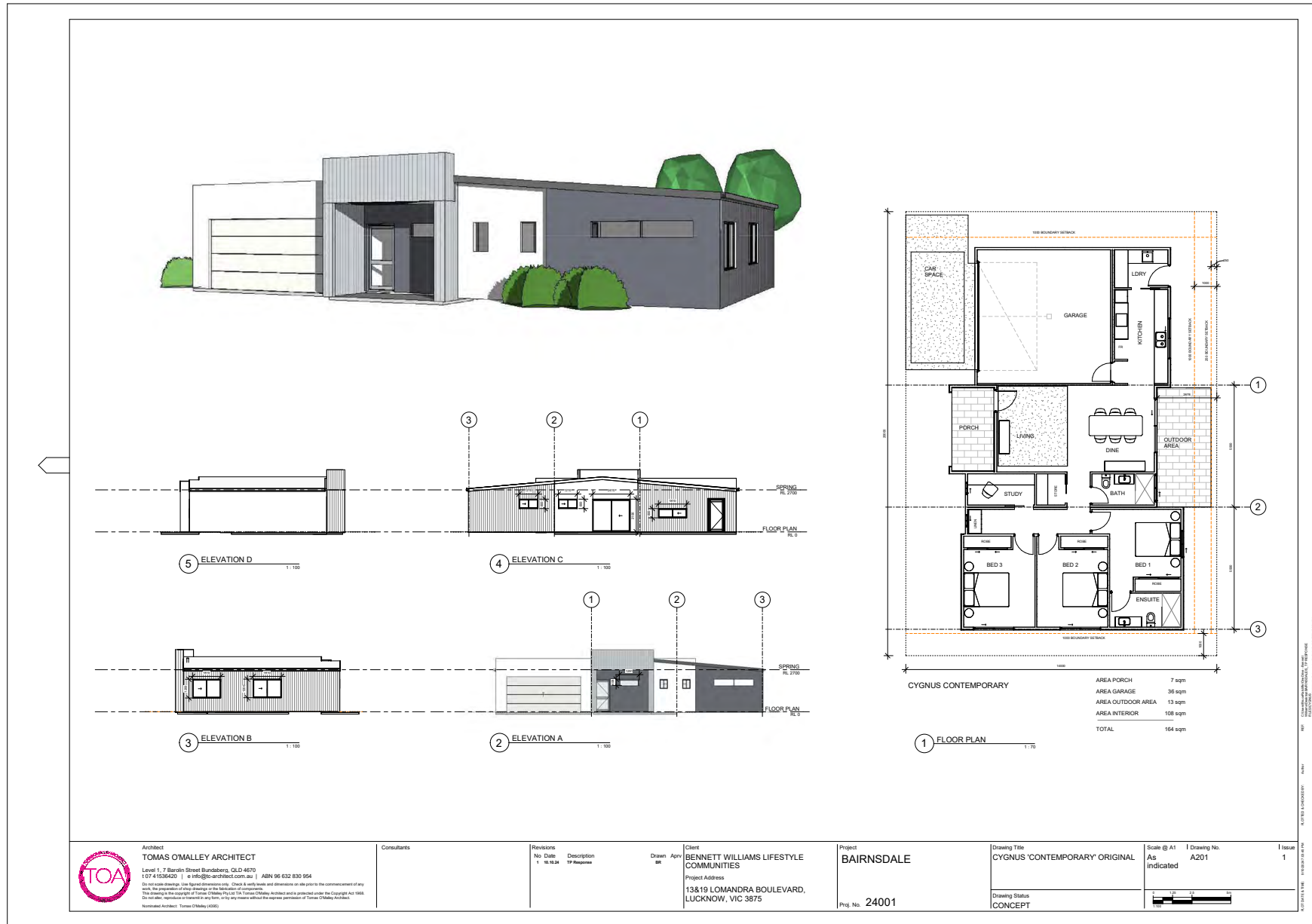
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Metal Roof Cladding - Basalt
Window Frames - Charcoal
Door Frames - Charcoal

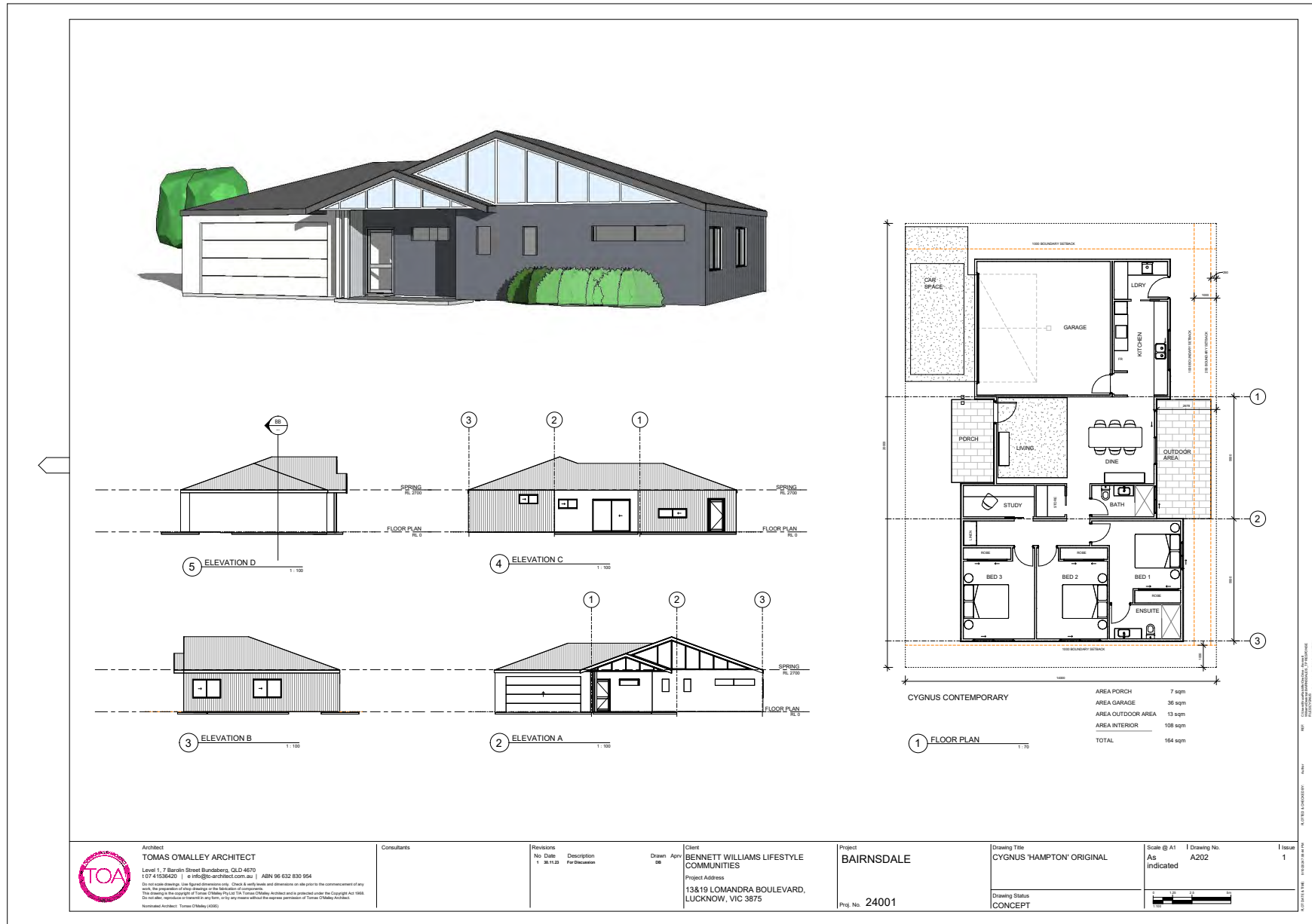
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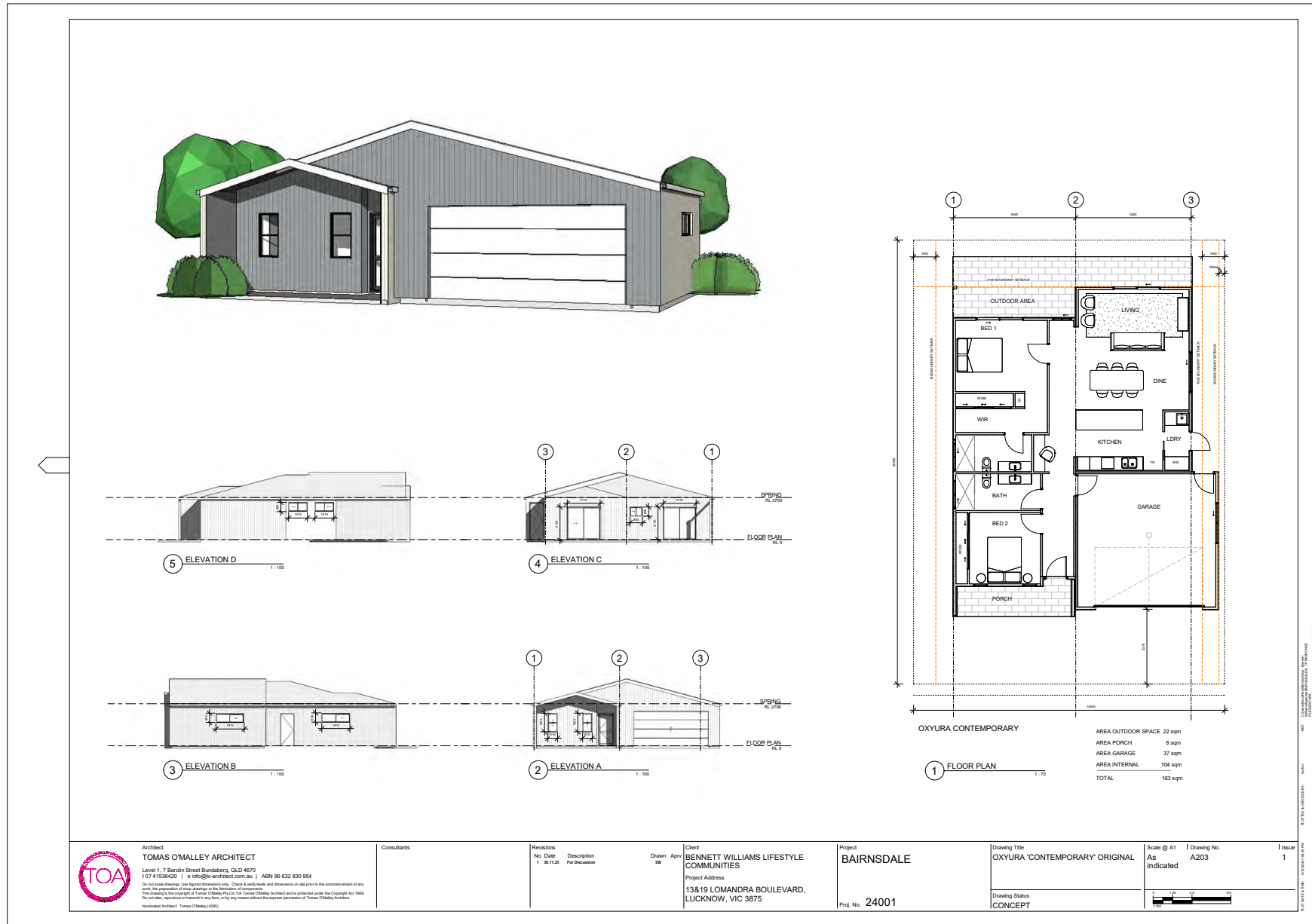
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Metal Roof Cladding - ironstone
Window Frames - Charcoal
Door Frames - Charcoal

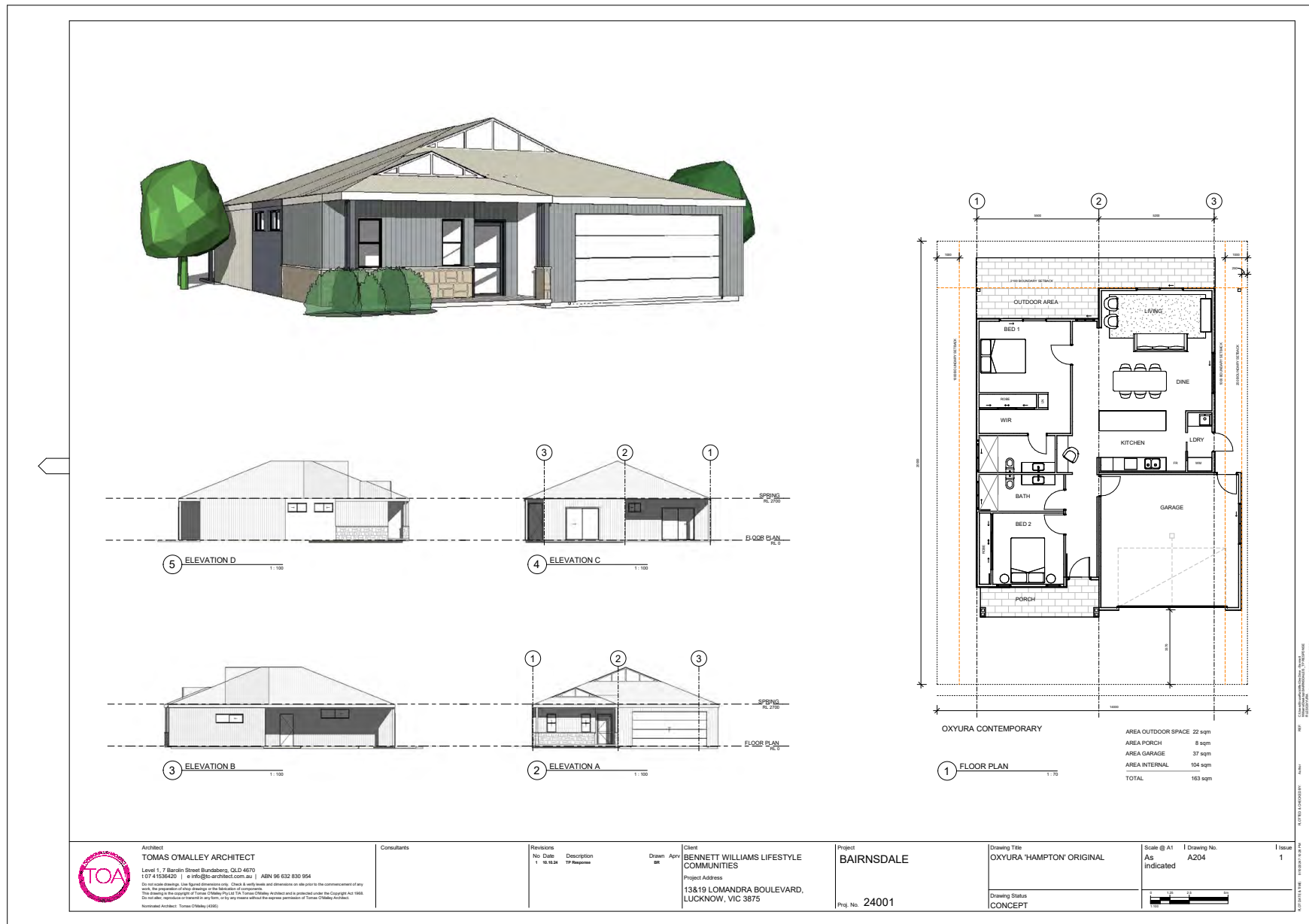
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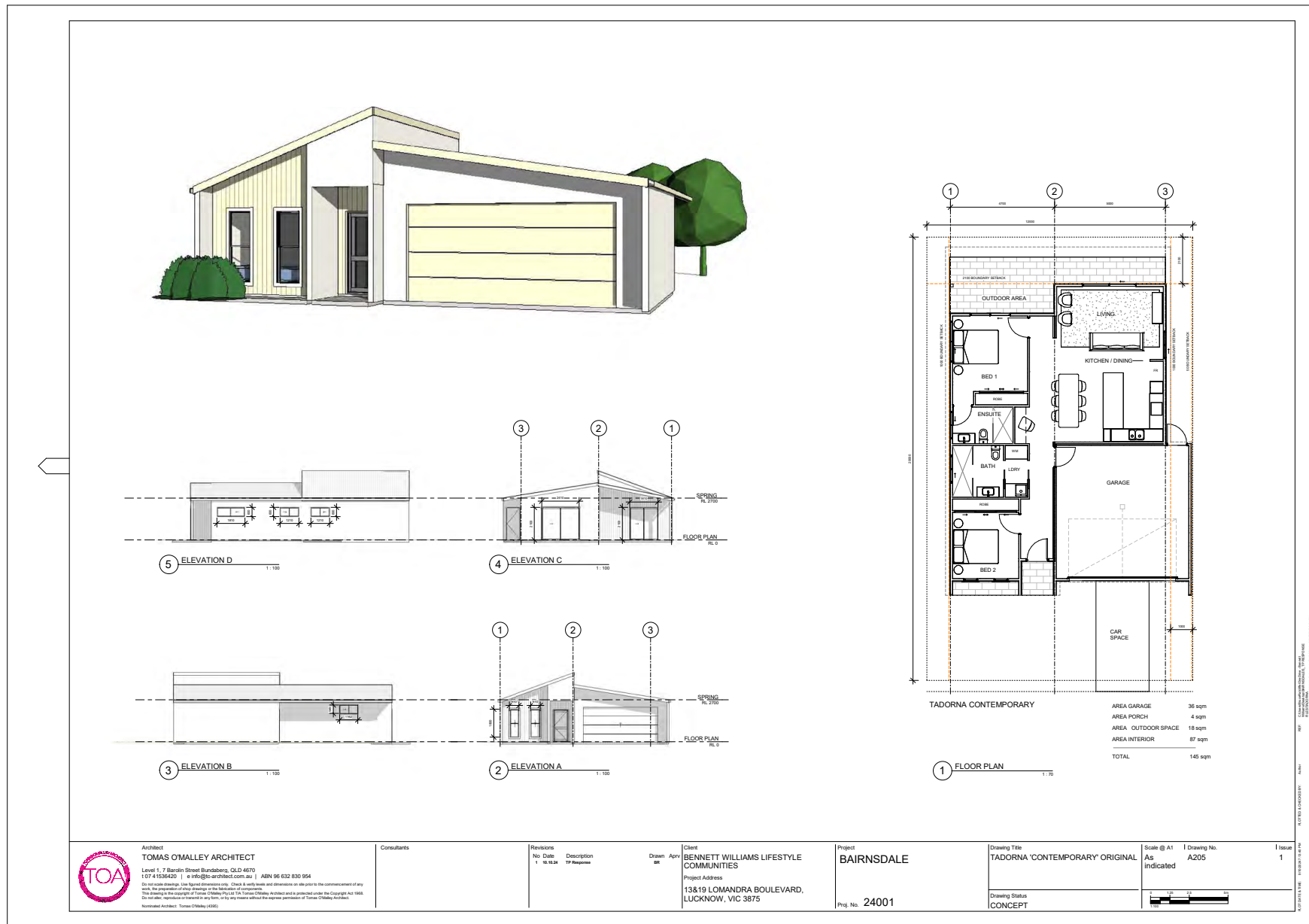
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	Level: 1, 7 Barolin Street Bundaberg, QLD 4670 1 07 4 1336420 e info@toa-architect.com.au A62N 952 830 934		No Date Description 1 16.10.24 IP Revision	Bennett Williams Lifestyle Communities	Bairnsdale LLC	UNIT TYPES 'ORIGINAL'		A200	1
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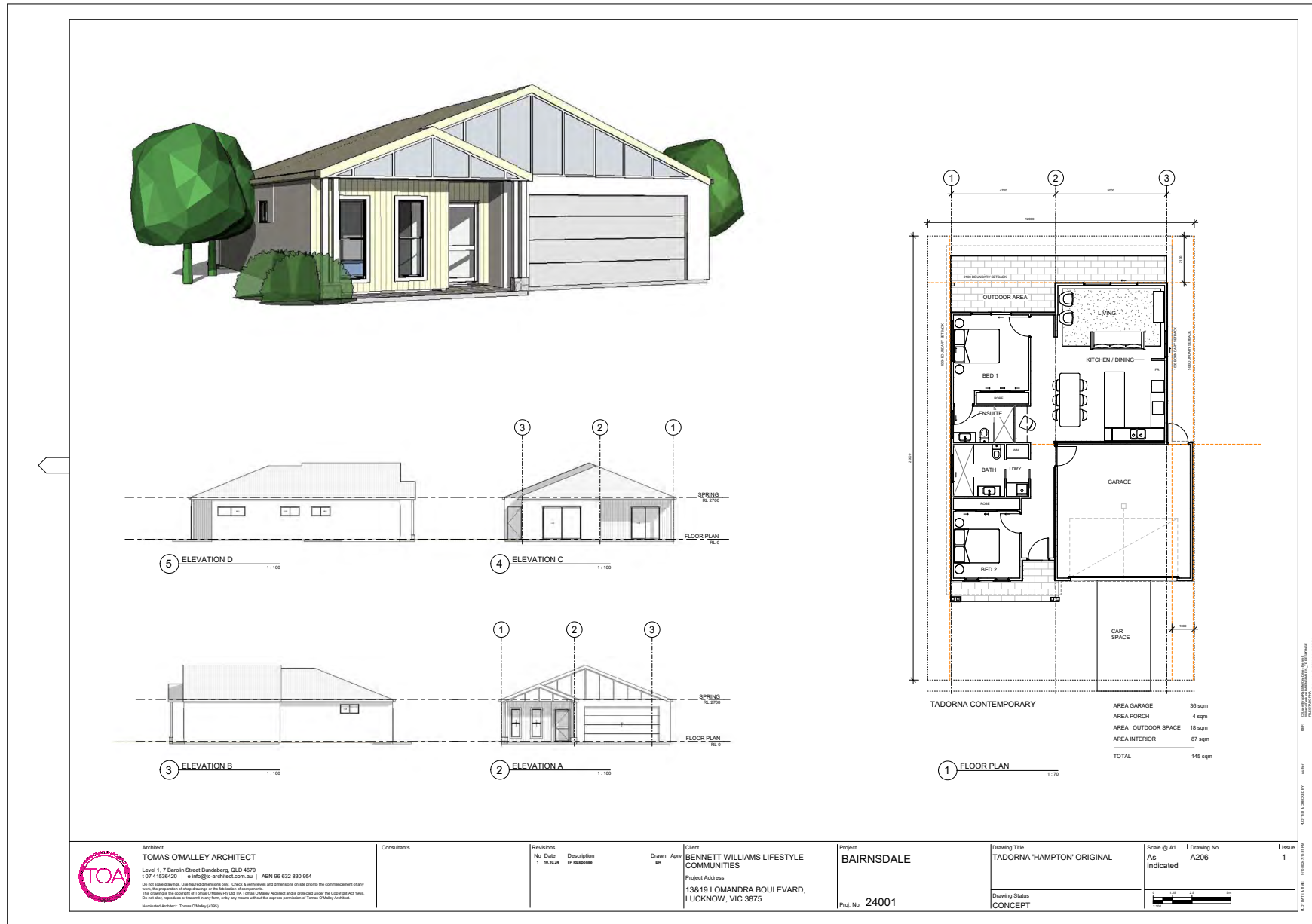




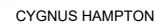








Artist Impressions



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	FC Wall Cladding	- Soft Grey
	Rendered 75mm Board	- Off White
	Metal Roof Cladding	- Basalt
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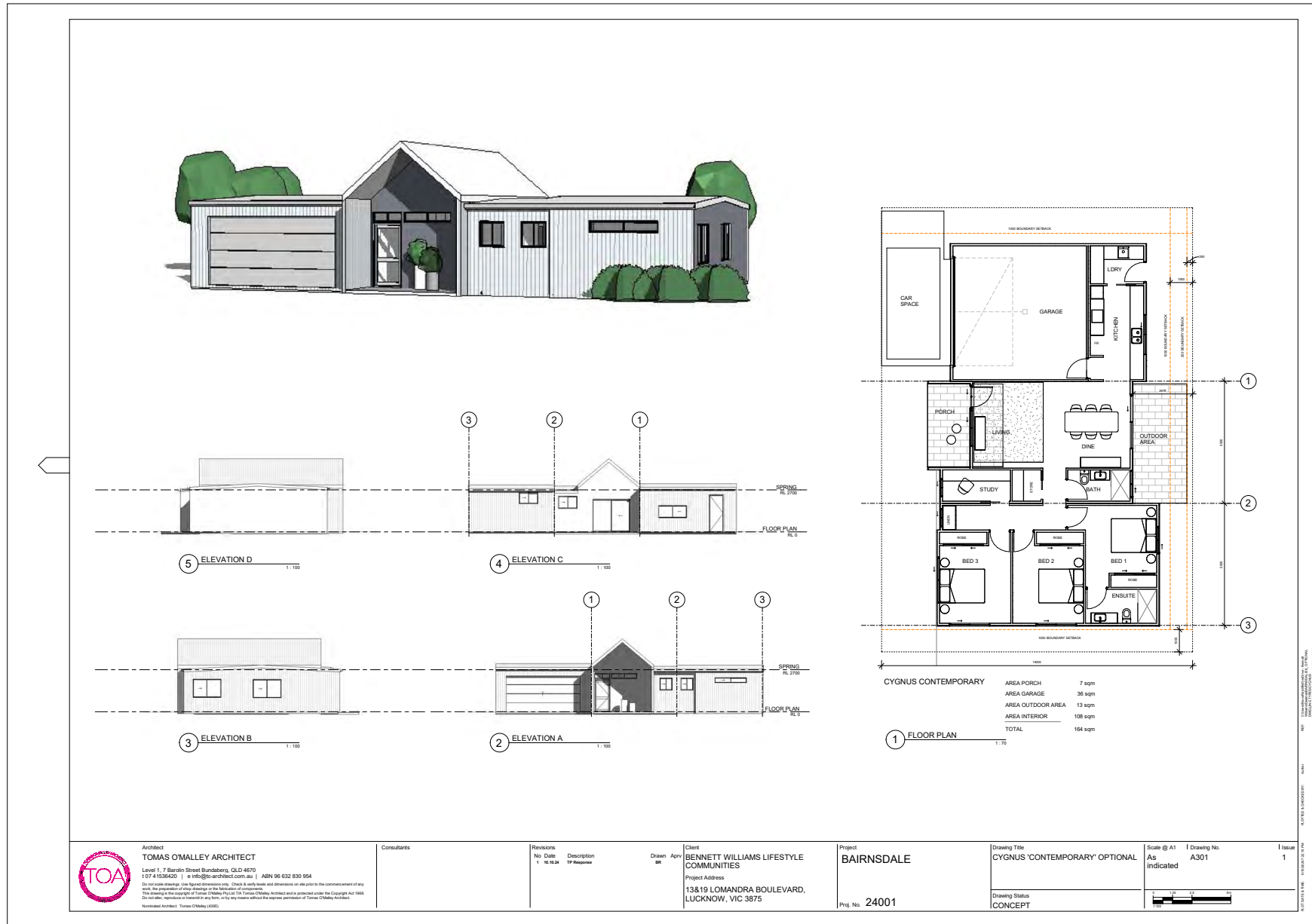
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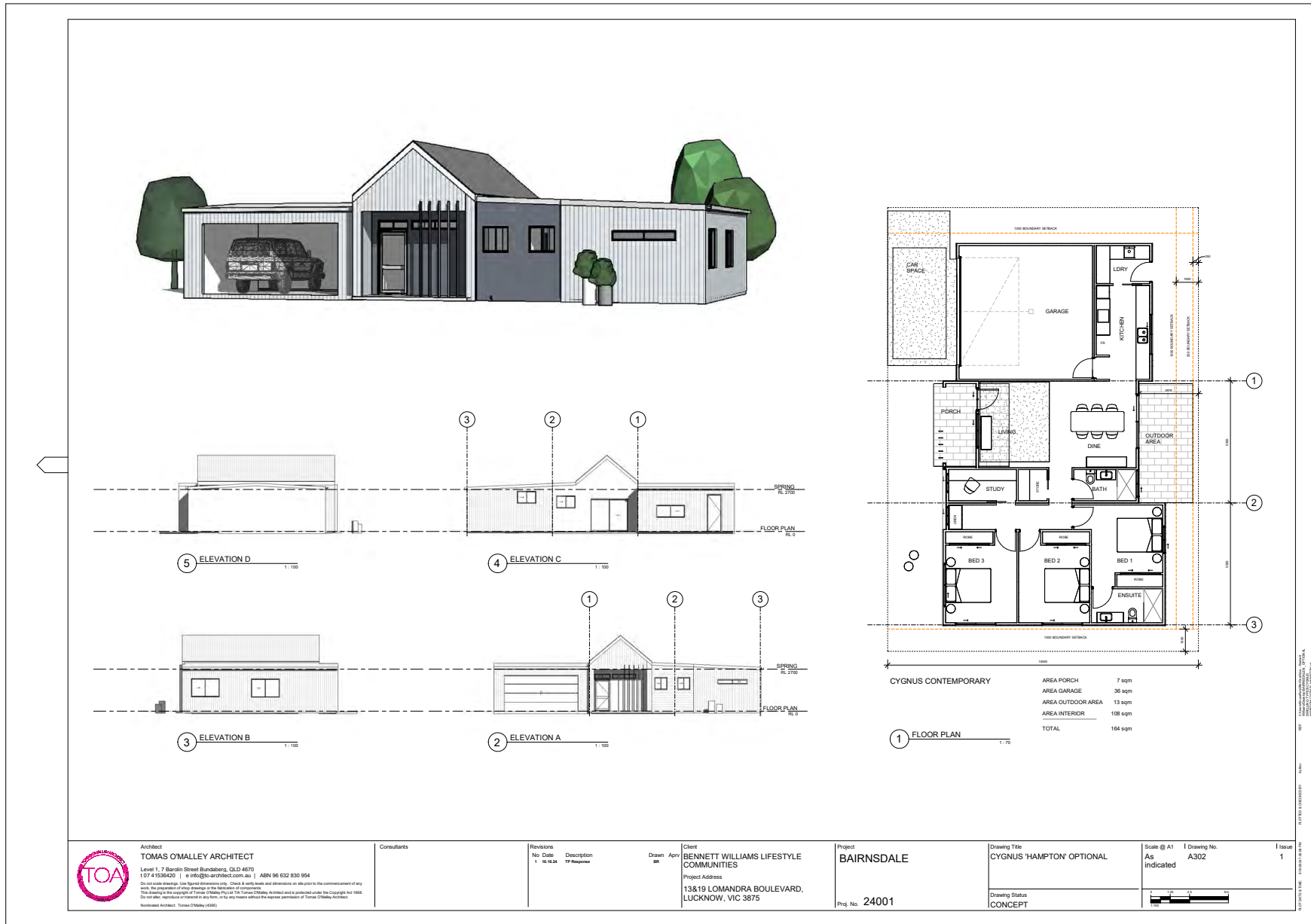
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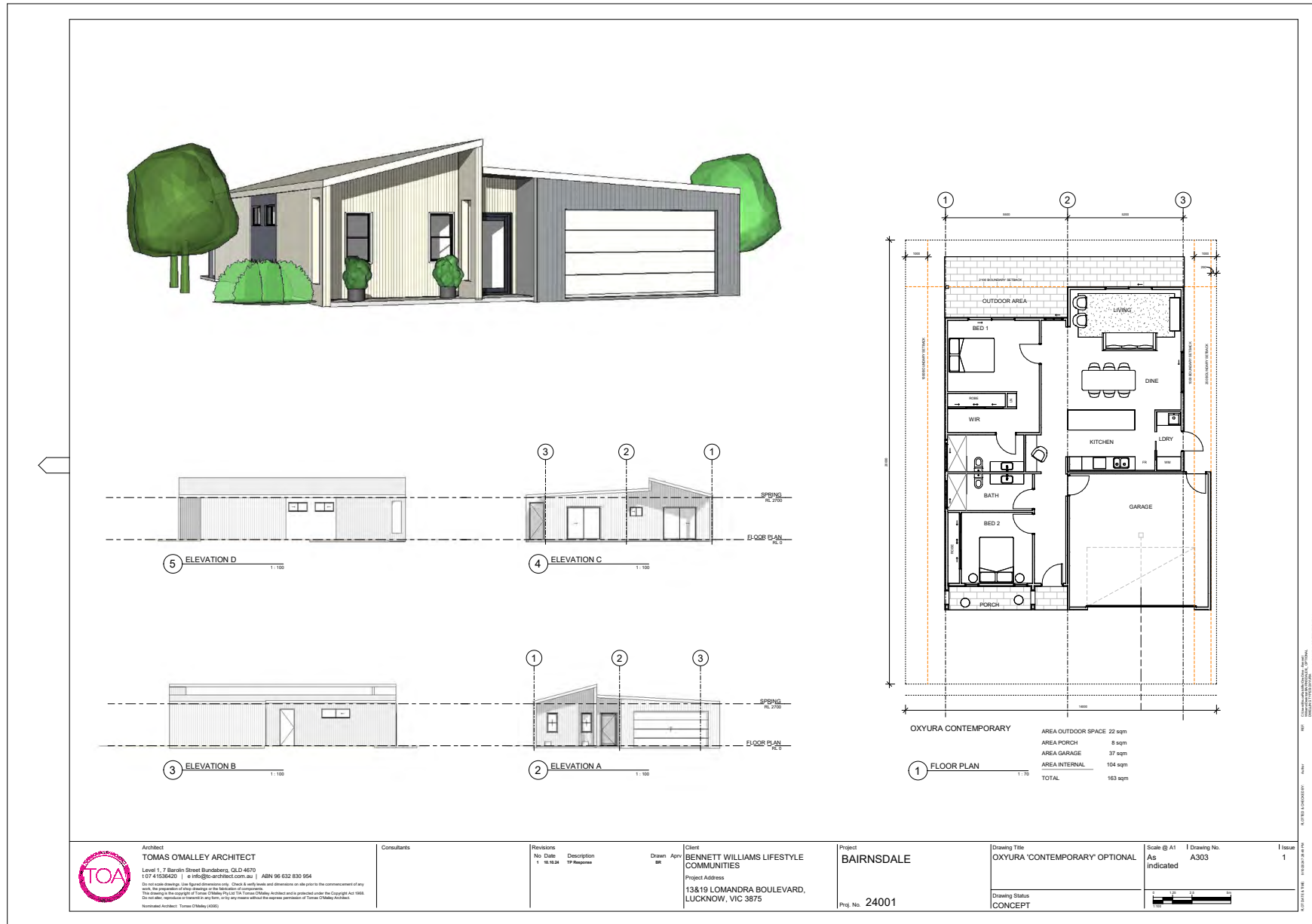
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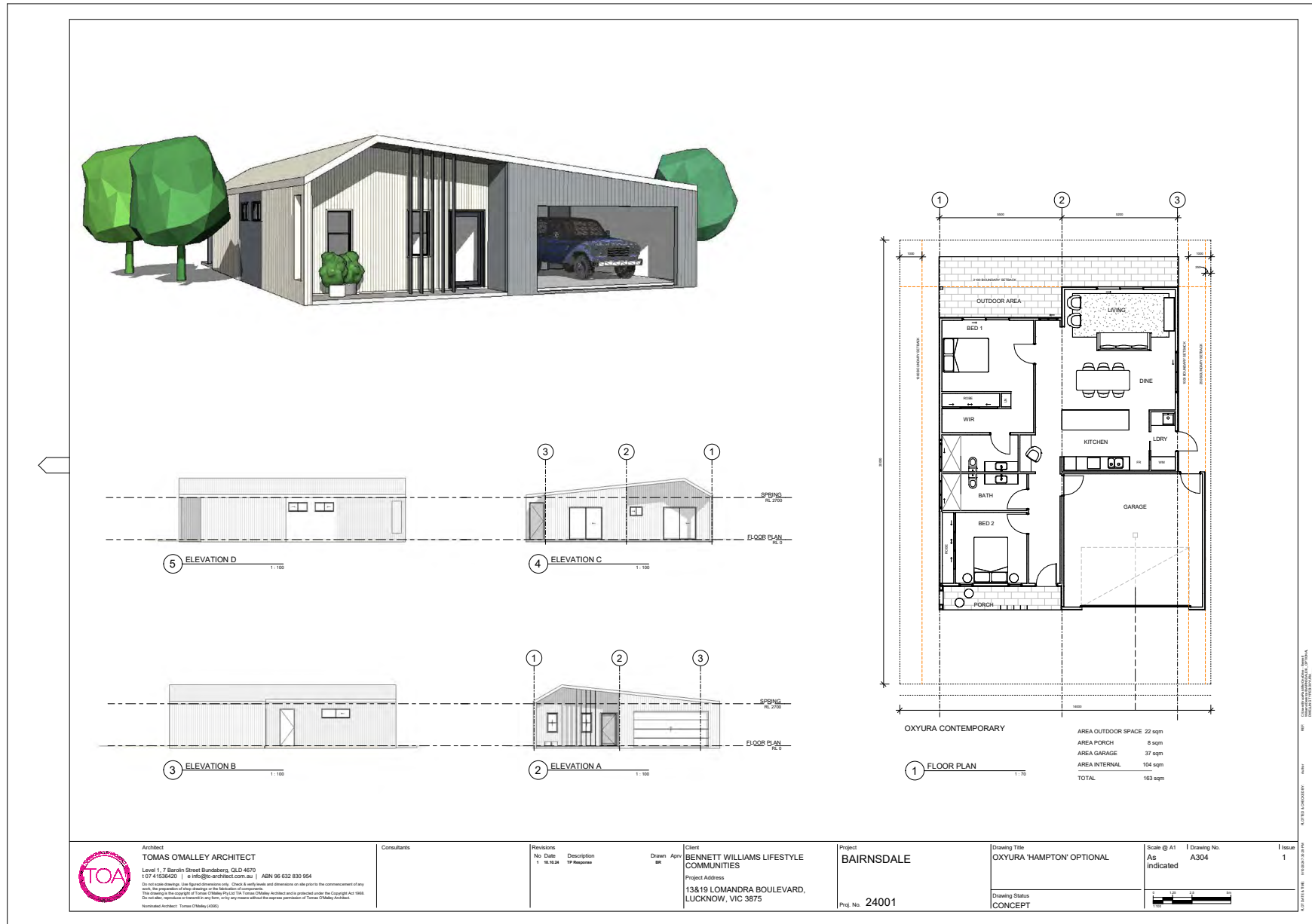
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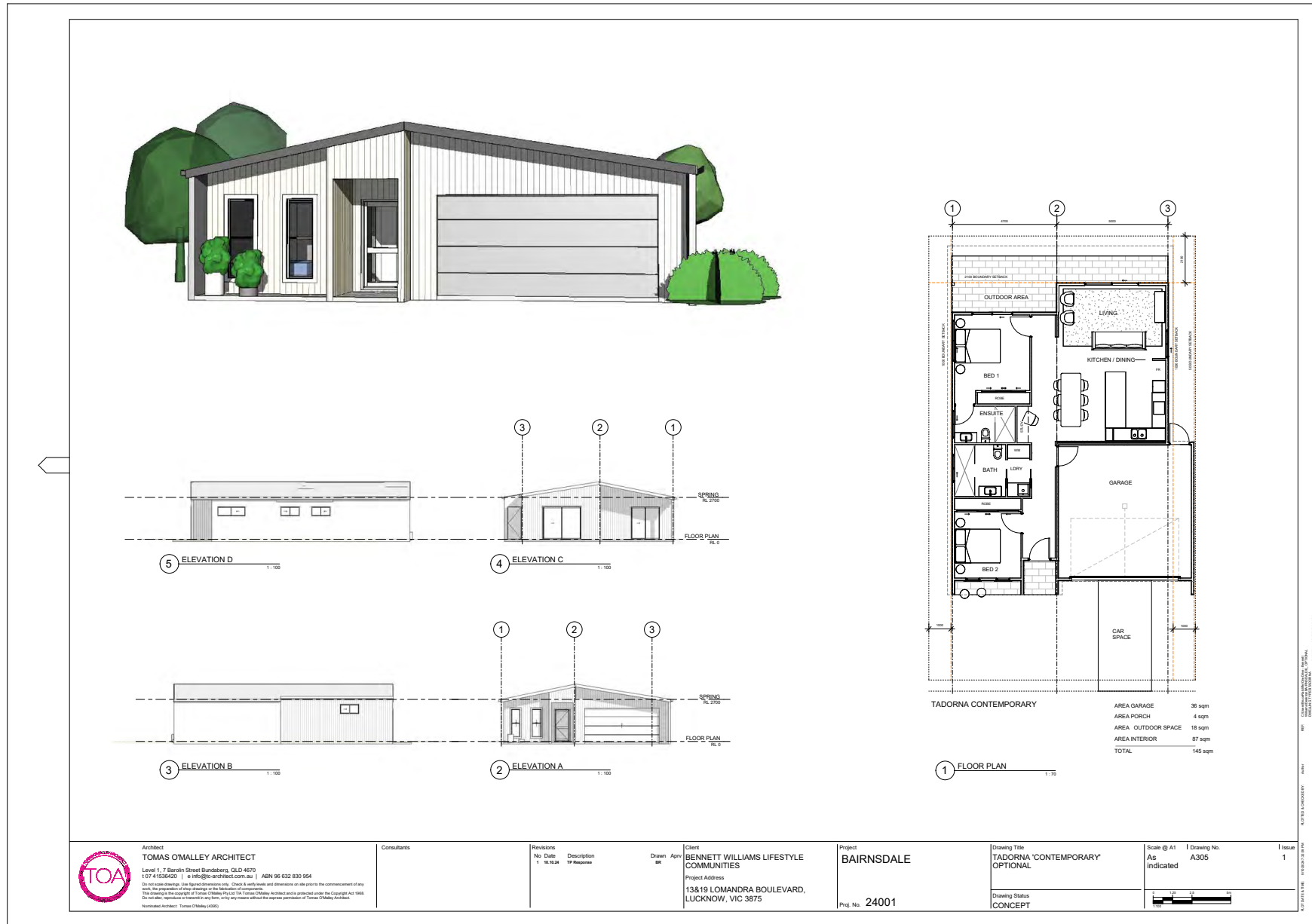
Noted and Approved: Tomas O'Malley (1968)













Planning Report

Purpose of Report

This is an assessment of the request against the planning requirements of the East Gippsland Planning Scheme. This assessment has been updated following presentation of the matter to Council on 27 August 2024, which resulted in a request for provision of additional information.

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)(part)
Area	8.1 hectares
Aboriginal cultural heritage sensitivity	Yes
Title description	Lot 2 on Plan of Subdivision 643132
Consultation	Three (3) rounds of community engagement and consultation (see Engagement Report for details).
Reason for Council decision	Consideration of amended development plan clause 43.04
Officer Recommendation	Approval of an amended development subject to conditions, which include an amended site layout plan and the imposition of future planning permit conditions, to address the following. - Amended site layout plan to allow for appropriate termination of Myrtle Place to the satisfaction of the responsible authority. - Requirement to enter into a section 173 legal agreement with future planning permit to address energy efficiency, building standards and internal access lighting. - Agreement to inclusion of a future planning permit condition which requires that pedestrian access be permitted into the site (during daylight hours) at the three roads interface and the future commercial activity (noting the site layout shows pedestrian connection to the Great Alpine Road).

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) and will provide for a communal living residential outcome. There are four (4) sets of plans and elevations supporting the proposal (a mix of two- and three-bedroom UMDs).

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 development plan document set will be as follows.

	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.	Concept Sketch Turnaround Area at End of Sheoak View	Traffix Group	13/03/2024	Sheet 1	
10.	Site Layout	Thomas OMalley Architect.	10/10/2024	Concept	*(To be amended).
11.	Elevations and facades plans	Thomas OMalley Architect.	10/10/2024	Concept	

A market assessment was lodged with the application documentation which will not be endorsed as part of the documentation set.

Additional information was provided in October 2024 which includes (not for endorsement).

- Example of UMD compliance details.
- Structural Engineering details of the UMD.
- DRAFT Community Rules.

- DRAFT Residential Site Agreement.
- Example Energy Efficiency rating reports.
- Example of Residential home modification request.

1.2 Application history

11/2022		Request for amended development lodged with Council. Accompanied by a range of technical reports and 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 planning permit application stage.
24/07/2023 14/08/2023	to	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 15/06/2024	to	Community engagement and consultation.
27/08/2024		Council Report recommending refusal to approve an amended development plan. Matter deferred, pending additional information.
22/10/2024		Additional information received; plans & elevations and additional background information relating to energy efficiency and site agreement.
09/10/2024		Additional information lodged by the Applicant.
17/09/2024 26/10/2024	to	Election period (consultation deferred).
26/10/2024 18/11/2024	to	3 rd round of 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 proceeds a detailed planning permit application.

1.6 Referral Agencies

There are no relevant Referral Agencies as part of the consideration of the amended development plan. Preliminary letters of advice have been received from East Gippsland Water and CFA as part the consultation phase of the application processing.

The advice is summarised as follows.

East Gippsland Water

The letter of advice suggests the following.

- The proposed increase in density may trigger need for external upgrades to water and sewer networks.
- A detailed servicing study is required to confirm the overall water supply and sewer servicing requirements for the development. This will be arranged by EGW at the cost of the Proponent.
- The Applicant will be required to enter into an agreement in accordance with section 126 of the Water Act for the provision of the required infrastructure.
- There are a series of requirements relating to design & construction of infrastructure, easements, common areas and compliance with relevant Australian Standards.

CFA

The CFA have responded with a letter of advice. The advice notes.

- Location of the site within a Bushfire Prone Area.
- Previous strategic work was undertaken prior to the amended state policy at 13.02-1S.
- The subject land is most likely to fall in an area of lower risk, where development is encouraged to be directed.
- New development will be required to have a radiant heat of not greater than 12.5kW/m2.
- This will need to include setbacks from Goose Gully.
- The area between the setback will need to have vegetation management.
- Water and access provisions will need be considered.

Internal Engineering

Internal referrals include the Assets & Environment team for drainage and road engineering advice. Specific details and requirements relating to termination of Sheak View and Myrtle Place, the vesting of land for the purpose of road reserve, construction standards and timing of delivery, have been nominated.

Proposed conditions will include a requirement to proposed an appropriate termination of Myrtle Place to Council satisfaction.

There are no other issues arising from the letters of advice and internal referral processes.

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 uses	land	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 extra 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 had the effect of rezoning 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 for the purpose of 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 the purposes of a residential village.

The conceptual layout of the village is shown below.



There are 3 conceptual designs for the dwelling units, with 2 and 3 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. The concept plans will be endorsed as part of the development plan documentation.

The proposal includes a proposed road termination for Sheoak View. There are no changes proposed to the current road termination in Myrtle Place.

3.2 Technical Reports

The request is supported by a range of technical reports and documents.

	Report	Overview
1.	Access & Servicing Strategy	Addresses services, roads, drainage, communications, environmental management and contains a series of plans.
2.	Stormwater Management Plan	Provides an overview of the stormwater provision, compliance details with best practice and confirms proposal to outfall to an existing sedimentation pond. This includes a statement relating to erosion management issues.
3.	Landscape Plans	Site layout landscaping, community facilities and a dwelling landscape plan.
4.	Planning Report	This report outlines the planning scheme requirements.
5.	Traffic Engineering Assessment and Addendum Memorandum	This report provides a review of the road layout, capacity, access arrangements and review of the development plan requirements. The Addendum statement includes response to road terminations to Myrtle Place and Sheoak View. A concept sketch turn around area for Sheoak View has been provided.
6.	Market Assessment	This report provides an overall of demographics, residential land lease communities, retirement market and residential market overview.
7.	UMD compliance	Information includes an example of UMD compliance plate details and schedule 3 of the Building Code of Australia.
8.	Structural Engineering details of the buildings	Details of structural schematic design for each of the proposed buildings.
9.	Community Rules (DRAFT)	A sample agreement has been provided in DRAFT form which outlines draft rules relating to the village. The matters addressed include residential use, payment of site fees and other charges, noise expectations, refuse and cleanliness, modifications to structures, number of persons occupying the site, vehicles, rubbish, pet ownership, pool rules, supervision of children, visitors, no fires, general conduct, sale of residential dwellings on the site, sub-letting, mail, security and emergency access to dwellings in times of emergency.
10.	Site Agreement (DRAFT)	An example of a site agreement was provided. The site agreement is executed in accordance with the Residential Tenancies Act 1997 Part 4A. It establishes that the site owner owns the site, operates and manages the community. The site owner leases part of the site to a site tenant in a rental agreement. The agreement outlines such terms of the rental, fees, charges, services, rates and taxes. Conditions include reference to sub-letting. Occupants, visitors, pets, vehicles and pests. There are obligations relating to leaving the site and arrangements relating to connection points and services. There are obligations relating to sale of the dwelling, administration fees and selling commissions.
12.	Energy Efficiency ratings	An energy assessment has been provided for each of the UMD's. The assessments provide a 7-star rating.

13.	Statement CHMP	A statement confirming that there is an approved Cultural Heritage Management Plan for the site (CHM).
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The information package responds to the planning scheme requirements and the information requested by the Council Resolution of the 27 August 2024 (Item 5.1.2).

Items 6 to 13 inclusive will not be endorsed as part of the development plan suite of documents. This information is background information.

4. Community Engagement

Three (3) separate rounds of community engagement have been undertaken in July/ August 2023 June 2024 (after amended plans and technical information received) and October/ November 2023.

An Engagement Report is a separate Attachment.

A petition was received by Council containing 26 names and signatures. The issues raised have been addressed in the written submission table in a separate attachment.

The key land use planning themes (reoccurring) raised in submissions are summarised below:

- Proposed delivery method of UMD's and associated building standards.
- Compatibility of the proposed residential village with restrictive covenants on land within the Brookfield Lakes precinct.
- Amenity considerations such as neighbourhood character and traffic implications.
- Overall density of housing.
- Concerns regarding infrastructure provision (e.g. traffic impact), environmental risks (bushfire and erosion) and environmental values.

5. Planning Assessment

The relevant assessment criteria include consideration of the following.

- Discussion relating to definitions.
- Planning scheme requirements including zone and overlay provisions.
- Planning Policy Framework (PPF) and local strategy considerations.
- Amenity and character considerations, such as traffic implications and building standards.
- Net community benefit.

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.

Residential village

"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 movable buildings being 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 (the 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 multiunit development and separate ownership. The definition for 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. Broadly speaking, the distinction is that between long-term accommodation.

The request is not seeking to use and develop the land for the purposes of 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 the purposes of a retirement village.

4.2 Planning Scheme controls

4.2.1 *Zone Controls*

General Residential Zone

The subject land is zoned for residential purposes. The purpose of the zone includes reference to encourage development that respects neighbourhood character and encourages 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 policy framework and purpose of the zone.

The zone encourages development that respects the neighbourhood character of the area; a diversity of housing types and promotes 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).

The use of the land for accommodation purposes in the form of a residential village is consistent with the purpose of the zone.

4.2.2 *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 expert reports, including a Traffic Impact Assessment have been submitted and assessed as part of the proposal.

The proposed use is not contemplated in the approved and existing 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 is proposed and amended plans will be required to address the road termination for 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 issue arising from the Erosion Management Overlay. The Erosion Management Overlay only covers a small portion of the land adjacent to the existing waterway and reserve area.

4.2.3 *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.	Section 60 of the <i>Planning and Environment Act</i> - relating to objectives of planning in Victoria. The objectives of planning set to implement the fair, orderly, economic and sustainable use and development of land.	The planning scheme by zone and overlays sets aside the use of the land for residential purposes. The key concerns raised during the community engagement and consultation has been to the form and quality of the residential amenity proposed. The proposed amended plans respond as follows. - Provide details with elevations and facades (multiple options for diversity). - Confirm a willingness to endorse the concept plans as part of the development plan set. - Agreement to a section 173 legal agreement as part of a future planning permit to require energy efficiency rating and appropriate building standards. - The updated CFA guidelines relating to residential parks assist with the requirements relating to separation between buildings. There are no significant environmental, social or economic impacts. There are no relevant restrictive covenants relating to the land preventing the issue of the approval. 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.
2.	Relevant sections of Planning Policy Framework. <i>Clause 15 (Built environment)</i> <i>Clause 16 (Housing)</i>	The proposed use is consistent with the provision of diversity of housing. 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. The policy equally seeks to facilitate diversity in housing choice and meet changing household needs. Lifestyle villages typically offering smaller homes with communal and landscaped settings. 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. The proposal will deliver a net community benefit.
3.	Stormwater provision	The development can 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 hazard associated with the location of the land and use and development of the land is able to be managed to minimize any hazard.
6.	Existing and future transport system	There are appropriate vehicle and pedestrian networks in place to support the proposed development and use.

4.3.1 Particular provisions

- *Car parking (clause 52.06)*

Car parking is provided onsite adjacent to the community facility and will 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.

4.4.1 Planning Policy Framework

Overarching policy statements seek to provide for and facilitate diversity in housing choice to meet changing and a mix in 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).

4.4.2 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.
- Pursuing options to advocate on behalf of the community to enhancement settlements and provide housing for all.
- Advocacy specifically is proposed to seek the development of further guidance for assessment of specific form of housing such as tiny homes and residential villages.
- The strategy seeks to encourage the provision of diversity in housing choice and options in the housing market.
- The strategy seeks to implement actions relating to 'assisting to reduce the experience of disadvantage' by providing affordable accommodation options.

The HSS strategy (at page 75) confirms that residential villages contribute to: diversity of tenure, diversity of housing type, lower cost housing and supported accommodation.

"Appropriately designed and managed residential villages can therefore play an important role in contributing to housing affordability and diversity" (EG HSS, page 75).

The proposed use and development of the land for the purposes of a residential village is consistent with the key strategies and recommendations contained in the recently adopted HSS. The proposal provides for an additional rental accommodation option into the supply equation and market options. The lend lease model which relies on a single operator owning the land, allows for an affordable housing option into the rental market, wherein residents own the structures and not the land.

The lend lease model delivers an increase in the housing supply which results in an increased diversity for housing choice and options, ownership structure and contributes to housing affordability.

4.5 Amenity considerations

Neighbourhood character

The consideration of impact to neighbourhood character is required as part of the assessment of the zone requirements. Potential detriment and change to neighbour character have been raised as key concerns raised by the community in relation to the proposal. Information provided by the applicant has included plans and elevations, building façade details, site layout and landscaping details.

This level of details assists in ensuring that the proposed inclusion of the proposal use into the residential setting has appropriate regard for reviling and emerging character. The proposal responds toe neighborhood character, and the change is appropriate.

The Applicant has agreed to the endorsement of the plan set to include the details as outline above which ensures that the quality and contribution to character in the precinct is managed. Background information provided by the Applicant includes a sample site agreement and community rules which provides details relating to the appearance of the buildings and rules relating to occupation.

It is recommended that a condition be included which requires that pedestrian access through the site is facilitated during daylight hours to allow for access and permeability into the site, to ultimately external access points and the commercial precinct. This also assists with the integration of the site as part of the neighborhood permeability. The purposes are to counteract in part the development of a 'closed community'.

Building standards

There are some challenges associated with there being no relevant building standards relating to the unregistrable moveable dwellings as dwellings. In this case, the delivery model for the residential village is dependent upon registration of the site as part of caravan park legislation and as such the UMDs do not require a building permit. The consequence of this is that building standards relating to dwellings do not apply.

6. Summary

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 part of a residential estate which is planned to be delivered coordinated public open space, drainage solutions and a commercial precinct.

The land is in the larger township of Bairnsdale and as such has access to a higher level of commercial, education, health, community, recreational and social services. The land forms part of the existing settlement boundary for Bairnsdale.

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, education, health services, social and community services and employment opportunities.

A planning permit would still be required for use and development of the land which will require conditions and the endorsement of detailed plans. The planning permit application will be exempt from future public notice, by virtue of the Development Plan Overlay controls.

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 have addressed the issue of built form outcomes at this stage of the planning process.

This delivers certainty for the neighbourhood character and to respond to community opinion within the emerging residential community. The planning and consultation process has resulted in an obligation for the Applicant to respond to a series of issues, and concerns relating to the quality and building standards, character objectives, sustainable housing objectives and longer term operation and management of the residential village site.

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, a range of social and community services and employment opportunities.

Community consultation and engagement has been undertaken with the existing and future residential community which resulted initially with an overwhelming negative response. Whilst there remains opposition to the proposal, the provision of additional detail, plans and commitment by the Applicant in relation to building standards and energy efficiency assessments, have contributed positively to the overall response to the amended development plan and use of the site for a residential village.

The proposed endorsement of a series of plans and documents assists with the delivery of a housing outcome which provides an example of sustainable and affordable housing, with appropriate consideration for character and amenity considerations.

The development is consistent with the recently adopted *East Gippsland Housing & Settlement Strategy* which seeks to action promote the benefits associated with appropriate designed and managed residential villages. Whilst the ongoing management of the site is not with Council's authority, draft site agreement and community rules, have assisted in the assessment of the proposal in providing a positive contribution to the prevailing and emerging neighbourhood character within the residential estate.

There are no outstanding technical requirements and such matters as traffic considerations and servicing requirements have been addressed and satisfied.

On balance the proposal does deliver a net community benefit.

The proposed amended development plan has been assessed against the East Gippsland Planning Scheme and is considered to comply with the requirements.

8. Recommendation

On balance, it is recommended that the proposed amendment to the development plan be approved with conditions.

Engagement Report

Proposed Amended Development Plan 19 Lomandra Boulevard, Lucknow (Brookfield Lakes Estate)

Public Consultation Period 28 October 2024 – 18 November
2024 (Third Round)

November 2024



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1 Executive summary

This engagement report pertains to an amended development plan request for a residential village at 19 Lomandra Boulevard, Lucknow, in the Brookfield Lakes Estate. The amended development plan documents have been lodged in accordance with the Development Plan Overlay Schedule 3 of the East Gippsland Planning Scheme.

A development plan lodged in accordance with the Development Plan Overlay is not subject to formal public notice under the Planning and Environment Act 1987, however Council's Development Policy states:

“Council is committed to informing and consulting with the community during the Development Plan assessment stage given the absence of review rights during the planning permit process. As part of this consultation process, the public are invited to provide comment and feedback. Any comments or feedback are then considered by Council at a formal Council meeting before a decision on the Development Plan is made”.

As part of the process, any feedback will be considered by Council in its decision on the Development Plan. The purpose of the community consultation is to gain an understanding of the response from the existing and emerging residential community relating to the land use change, as this is the only opportunity for community comment.

The development plan is a planning tool which establishes the strategic framework for future use and development of growth areas.

This is the third round of consultation on this project and is based on amended information provided by the applicant, including the designs of the proposed dwellings. So far, we have had a reduced number of submissions this period, which is a positive sign that the previous issues associated with the development have been resolved for much of the community. The number of letters and emails sent to landowners for each round of consultation is shown below, noting that the increase over time is due to new housing being completed within the estate.

	Letters	Emails
Round 1 (24 July -14 August 2023)	58	60
Round 2 (7 June - 25 June 2024)	152	182
Round 3 (28 October – 18 Nov 2024)	193	298

A summary of contact made during the three rounds of engagement is provided below which reflects the trend of a reduction in submissions and new issues being raised.

	Rd 1	Rd 2	Rd 3
 Surveys completed	140	64	12
 Written submissions	4	1	0
 Planning Consultation Meeting attendees	16	-	-

	People who visited multiple project pages, downloaded a document, or viewed the key dates or contacted the planning team.	250	83	119
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The figures in **green** show the number of individuals who sought information on the proposal, the numbers in **orange** show the feedback received.

A petition was received by the Council on 15 August 2023 containing 26 names and signatures. 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.

The main issues (which we have listed thematically below) raised throughout the three consultation periods include:

- Increased traffic volumes and safety concerns.
- Increased density.
- Impact to amenity and property values.
- Residents have moved into the estate with the understanding that the site would be a retirement village (support for the approved retirement village was also received).
- The quality of the proposed buildings.

No new issues were raised in this latest round of consultation however we did receive one comment indicating support for the proposal.

2 Engagement design overview

2.1 Methodology

Council's *Community Engagement Policy* applies the International Association of Public Participation's (IAP2) "Public Participation Spectrum" which establishes five levels of engagement.

This consultation was targeted a "Consult" level of public consultation within the IAP2 Spectrum (refer *Figure 1*).

	Inform	Consult	Involve	Collaborate	Empower
					
Our Goal	To provide balanced and objective information to make our community aware of something that has happened or will happen	To listen to our community's feedback on ideas, alternatives, and proposals to inform our decision making	To seek input to identify issues, concerns, and aspirations to inform decision making and show how that input has informed the decision	To work with our community to develop a detailed understanding of all the issues and opportunities and identify agreed solutions at every step of the process	To build the capacity of our community to identify solutions and/or lead change
Our promise to the community	We will keep you informed	We will listen to and acknowledge your concerns	We will work with you to exchange information, ideas, and concerns	We will seek advice and innovation from amongst the various stakeholder groups	We will work with you to identify options that will influence the final decision
Role of community and/or stakeholders	Listen	Contribute	Participate	Partner	Lead
Examples of Methods	Signs Advertisements Fact sheets Newsletter Public Notices Social media Websites	Focus groups Public exhibition Surveys (online and hard copy) Ideas boards Creative projects Online pin dropping map tools Face-to-face interviews and discussions	Workshops • Community panels • Advisory groups • Online forums • Co designing • Detailed online mapping, ranking and prioritising tools • Regularly reporting back to the community across multiple stages of engagement • Elements of deliberative engagement processes	Independently governed reference groups Citizens juries Representative deliberative panels Deliberative budgeting	

Figure 1: East Gippsland Shire Council's Spectrum of Engagement

2.2 Engagement Design and Communication Tools

This round of consultation included a second proposed amended development plan within the estate. Given both proposals involved the same landowners, it was decided that the letters, YourSay page and newspaper notices should include information relating to both projects in an effort to minimise engagement fatigue and confusion.

Table 1 below documents each activity undertaken as part of the consultation process.

Engagement Tool	Total No.	Date and engagement details	Success measures
Have Your Say Shire ad	1	6 November 2024 Notice in local papers	Circulation: - Snowy River Mail/Lakes Post: 3531 - Advertiser: 6,450
Meetings and communication with key stakeholders (External)	192 297*	28 October 2024 - Posted hardcopy letters to landowners 28 October 2024 – email sent to landowners, including 65 previous submitters*	Postal addresses subject to change *Council records may show multiple email addresses for a single property Difficult to measure reach or success with hard copy engagement tools
External Referrals	2	East Gippsland Water Country Fire Authority	Written advice received
Meetings and communication with key stakeholders (Internal)	1 1	Planning Team (advised at Team meeting) Customer Service (advised by email)	Awareness only Further distribution to team, difficult to measure reach or success
Hardcopies		Hardcopies of all documents available on request via Customer Service	Difficult to measure reach or success with hard copy engagement tools
YourSay East Gippsland webpage (Source: YourSay Report)		Live from 28 October 2024	Approximately 192 visits

Table 1 - Communications activity undertaken as part of the consultation process

Figure 2 below summarises and measures the success of the communication channels and engagement methods for this round of engagement.

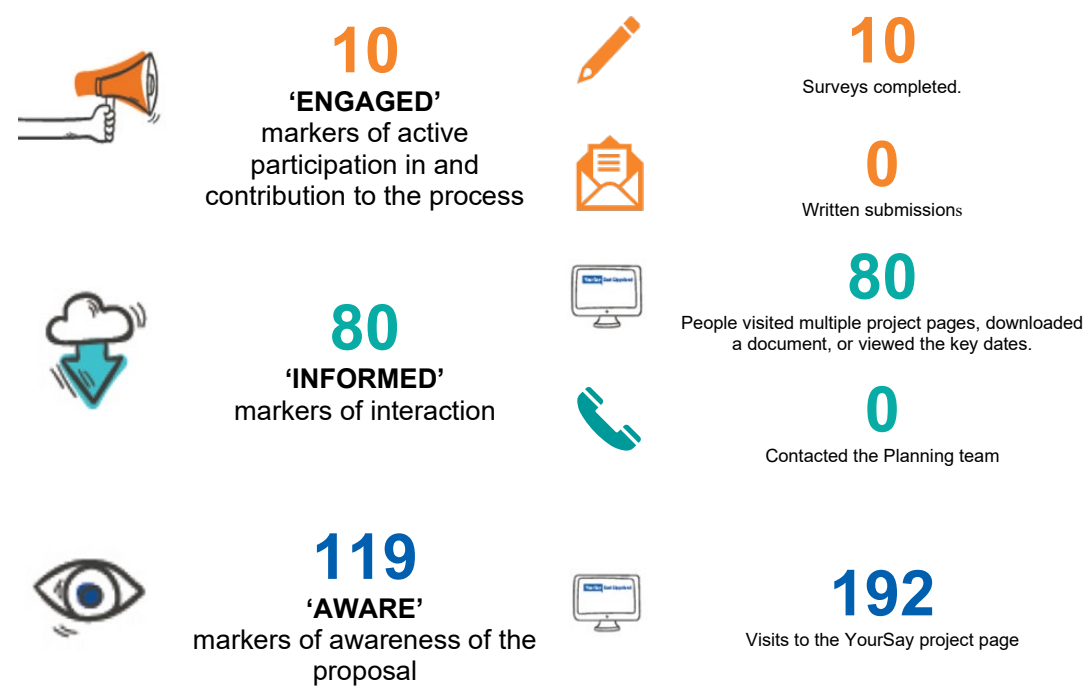


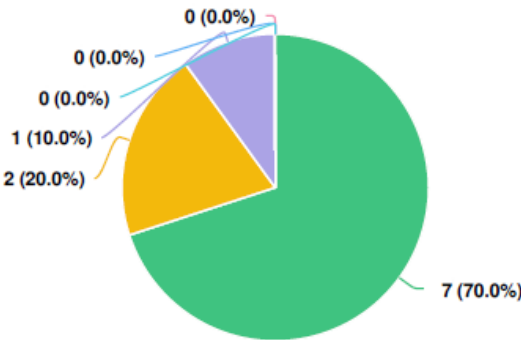
Figure 2 - Communication channels and engagement methods summary

3 Feedback received

3.1 Survey data

On Councils Yoursay page, the optional survey asked two questions and included one free text box for comments. Figures 3 and 4 show the breakdown of the responses to survey questions 1 and 2. There were **8 responses** in the free comments section which is summarised below.

Question 1 - Respondents were asked “What is your interest in the proposal?”



- Question options**
- Resident/landowner within estate
 - Resident/landowner within neighbouring area
 - Potential purchaser in estate
 - Professional interest (Developer/builder etc)
 - General interest
 - Other (please specify)

Mandatory Question (10 response(s))
Question type: Radio Button Question

Figure 3: Question 1 results

Question 2 – Respondents were asked “Would you support the proposed change from residential lots to a residential village at 19 Lomandra Boulevard, Lucknow as shown in the most recent set of documents?”

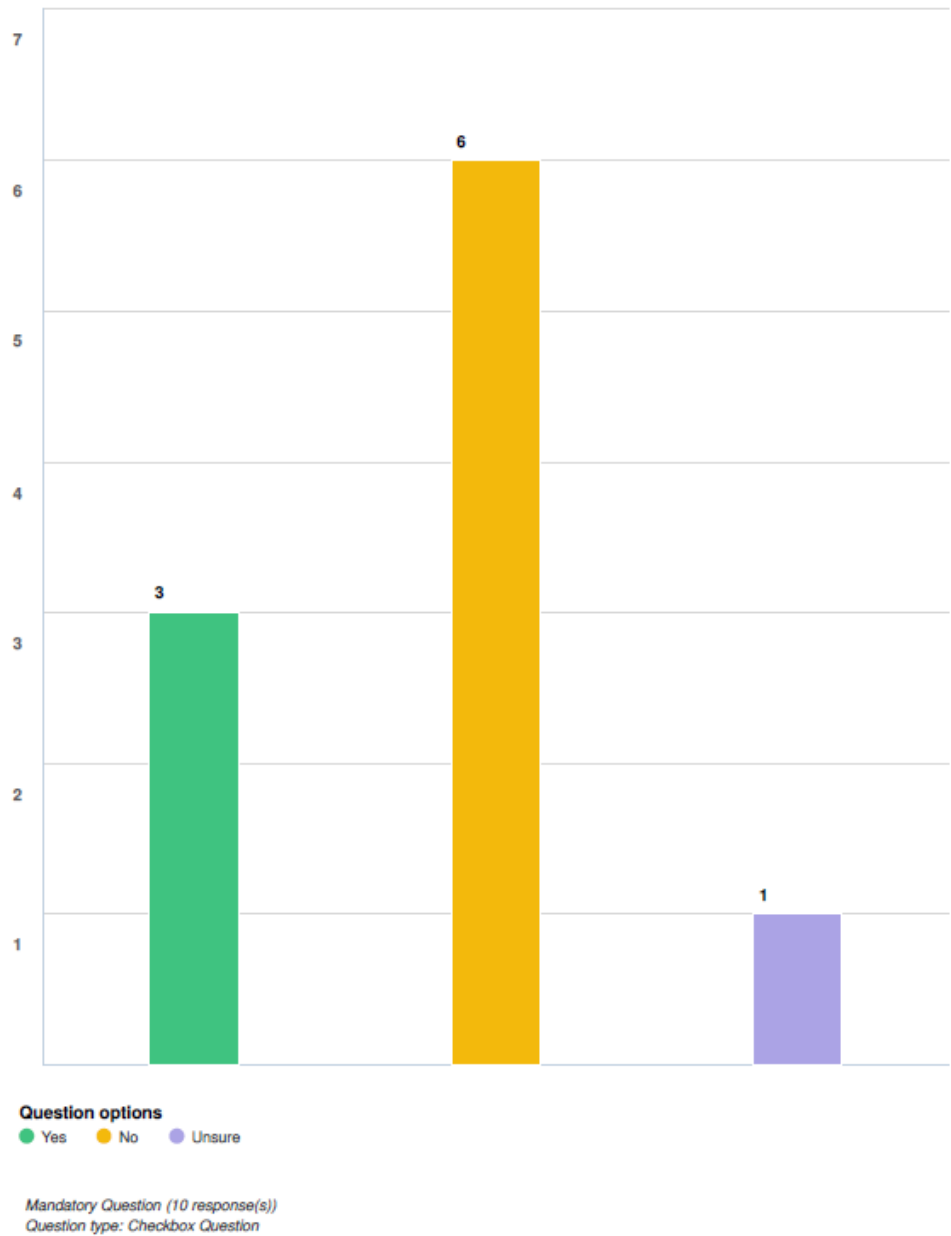


Figure 4: Question 2 results

Question 3 – Respondents were asked “Do you have comments you would like to make on the proposed amendment to this development plan for 19 Lomandra Boulevard, Lucknow?”

In summary, the responses indicated:

- Ongoing concern with traffic with only one entry/exit to the estate.
- Increased density causing amenity impacts.
- Support for housing supply.

**Please note, a contributor may be the same person completing the survey multiple times, or two or more people completing the survey from the same computer and browser, which YourSay will read as a single contributor. For this reason, all individual contributions have been included despite some responses being similar enough to in time or content to indicate a repeat response. This is a small weakness in the data that must be accepted.*

3.2 Written submissions

No written submissions (letters or emails) were received as part of this final round of consultation.

5.1.2 Planning permit application 5.2023.454.1 - Two lot subdivision and development of a second dwelling - 34-36 Eighth Avenue, Raymond Island

Authorised by General Manager Place and Community

Purpose

To confirm the position of Council regarding planning application reference 5.2023.454.1 for a two-lot subdivision and development of a second dwelling at 34-36 Eighth Avenue, Raymond Island to be presented as part of an upcoming Victorian Civil and Administrative Tribunal (VCAT) appeal process (VCAT reference P1131/2024).

Key Points

Planning application reference 5.2023.454.1 for a two-lot subdivision and development of a second dwelling at 34-36 Eighth Avenue, Raymond Island was considered by Council at the ordinary meeting on 6 August 2024. Council resolved to issue a notice of decision to refuse the planning application. The applicant subsequently appealed the decision of Council to VCAT.

A VCAT compulsory conference has been scheduled for 15 January 2025 and the matter has been listed as a major case*.

Details of the proposed subdivision and development and the merits of the planning application are presented in detail in the 6 August 2024 Council Report provided at **Attachment 1**. Council resolved as follows:

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;*
- 2. being the Responsible Authority and having considered all the relevant planning matters, determines that Planning Permit Application 5.2023.454.1 is inconsistent with the requirements and objectives of the East Gippsland Planning Scheme and therefore resolves issue a notice of decision to refuse to grant a planning permit for a Two lot subdivision and development of a second dwelling at 34-36 Eighth Avenue, Raymond Island for the following reasons:*
 - a) the proposal is generally inconsistent with the Planning Policy Framework (PPF) with respect to planning for places and environmental risks and amenity;*
 - b) the proposal is generally inconsistent with the objectives of Clause 44.04 Land Subject to inundation overlay; and*
 - c) the proposal is inconsistent with the decision guidelines in the Victorian Planning Provision (VPP) Planning Practice Note PPN11: Applying for a Planning Permit Under the Flood Provisions, in that:*
 - i) it is not consistent with the Planning Policy Framework (PPF).*
 - ii) it relies on low-level access to and from the site.*
 - iii) it is likely to increase the burden on emergency services and the risk to emergency personnel.*
 - iv) it is likely to increase the amount of flood damage to public or private assets.*

The new Council was sworn in on 12 November 2024. Councillors have undertaken an extensive induction program in accordance with the requirements of the *Local Government Act 2020*, including an induction regarding Council's role as the Responsible Authority under the *Planning and Environment Act 1987*.

Questions have been raised about the potential impact of the 6 August 2024 decision of Council regarding this planning application on the development of land elsewhere in East Gippsland where emergency access/egress of the land may be affected by flood. It was considered that the decision by the (previous) Council may have a substantial impact on the achievement of Local Planning Policy.

As the planning application is subject to an appeal by the applicant, the notice of decision to refuse the planning application is yet to be formalised. Council is required to present a position as part of the VCAT appeal process and, whilst the decision of the (previous) Council cannot be changed, it is possible for Council to advance an alternate or modified position as part of the appeal process.

The recommendation of Officers has not changed from the previous Council report dated 6 August 2024. It is still considered that the proposed subdivision and development is not consistent with the provisions of the East Gippsland Planning Scheme. Council may, however, direct Officers to present an alternate position as part of the appeal process.

Recommendation

That Council confirms the position of Council to be presented at the VCAT appeal process regarding planning application reference 5.2023.454.1 is as per the resolution of Council dated 6 August 2024, as follows:

- a. being the Responsible Authority and having considered all the relevant planning matters, determines that Planning Permit Application 5.2023.454.1 is inconsistent with the requirements and objectives of the East Gippsland Planning Scheme and therefore resolves issue a notice of decision to refuse to grant a planning permit for a Two lot subdivision and development of a second dwelling at 34-36 Eighth Avenue, Raymond Island for the following reasons:***
 - i. the proposal is generally inconsistent with the Planning Policy Framework (PPF) with respect to planning for places and environmental risks and amenity;***
 - ii. the proposal is generally inconsistent with the objectives of Clause 44.04 Land Subject to inundation overlay; and***
 - iii. the proposal is inconsistent with the decision guidelines in the Victorian Planning Provision (VPP) Planning Practice Note PPN11: Applying for a Planning Permit Under the Flood Provisions, in that:***
 - it is not consistent with the Planning Policy Framework (PPF).***
 - it relies on low-level access to and from the site.***
 - it is likely to increase the burden on emergency services and the risk to emergency personnel.***
 - it is likely to increase the amount of flood damage to public or private assets.***

Strategic Alignment

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.

Consultation/Community Engagement/Impacts

The application has been subject of notice to adjacent owners and occupiers by direct mail from the applicants under instruction by the responsible authority. No objections were received.

The planning application was referred to the East Gippsland Catchment Management Authority (EGCMA) who objected to the proposed subdivision and development. The primary objection raised by EGCMA is in relation to egress from the sites in an inundation event, and the additional burden that infill subdivision (and resulting development) can have on emergency response actions.

Opportunities and Risks

Access to appropriate and affordable housing for all households is a key issue for the East Gippsland community. This was highlighted in the East Gippsland Housing and Settlement Strategy (2023) (HSS) which identified that there are approximately 3,000 households experiencing housing stress in East Gippsland (13% of total households). In response to these challenges, the HSS promotes opportunities to provide diverse and affordable housing, particularly in the form of infill housing in appropriate locations.

The HSS also identifies the need to carefully balance the provision of housing against issues associated with environmental risks, including flood and bushfire. The proposed two-lot subdivision and buildings and works for a second dwelling at 34-36 Eighth Avenue, Raymond Island highlights the fine balance between providing infill housing opportunities and risks associated with natural hazards (flood).

The Council report at **Attachment 1** sets out a detailed assessment of the opportunities and risks associated with the planning application, including technical evidence provided by the EGCMA. The decision of Council reflects that, on balance, the proposal was not consistent with the requirements of the East Gippsland Planning Scheme. In particular, the specific characteristics of flood events and emergency management on Raymond Island (ferry access/egress only) were taken into account.

Whilst Council must consider each planning application on its individual merits, it is also important for Council to provide certainty for the East Gippsland community via consistent decision making. In the case of this planning application, it is noted that Raymond Island is not the only location in East Gippsland that has emergency egress impacted by flood events. Similar risks are also relevant to several other locations such as Eastwood, Metung, Marlo, etc. If the proposed grounds for refusal were applied to planning permit applications in other relevant locations, there may be a risk to housing supply to support the sustainable growth of existing settlements across East Gippsland.

The EGCMA are the relevant floodplain manager relating to this planning application and have provided expert technical advice to guide Council's decision making. In this context, the recommendation aligns with State and Regional Planning Policy and the advice of the technical experts. Failure to act on the advice of EGCMA may result in a liability risk for Council in the event of adverse outcomes arising from a future flood event.

Climate change

This report considers potential climate change risks and impacts relevant to the Officer recommendation and aligns with the applicable climate change functions, categories, and legislative obligations, as detailed below:

Legislation

- *Catchment and Land Protection Act 1994* (including ss.20, 26, 32 and Part 3A)
- *Climate Change Act 2017* (including ss.17, 23-28)
- *Local Government Act 2020* (including ss. 8-9)
- *Planning and Environment Act 1987* (including ss. 4, 6, 12, 12B, 60)

Category

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

Options

1. Endorse the Officer recommendation to confirm the position of Council to be presented at the VCAT appeal process regarding planning application reference 5.2023.454.1 is as per the resolution of Council dated 6 August 2024.

Implications: The matter will progress through the VCAT appeals process, commencing with a Compulsory Conference* between parties to the appeal on 15 January 2025. Officers will present the grounds for refusal on behalf of Council and proceed to a later full hearing on the merits of the application.

2. Direct officers to present an alternate view to VCAT based on the impact of the decision on the achievement of Local Planning Policy in other locations across East Gippsland.

Implications: The matter will progress through the VCAT appeals process, commencing with a Compulsory Conference** between parties to the appeal on 15 January 2025. Officers will acknowledge the decision of Council from 6 August 2024, however, present an alternate position in support of the planning application. Other parties to the appeal (the applicant and EGCMA) will have the opportunity to present their positions to VCAT.

Even if all parties achieve a consensus position following the Compulsory Conference on 15 January 2025, the VCAT Member will base their orders on the planning merits of the case. This could still see the matter progress to a full hearing.

** Major cases are heard sooner and can reach a resolution quicker than other planning cases. To apply for a major case, you must pay higher fees. Most planning cases that are about the use or development of land are eligible to apply for the major cases list.*

*** A Compulsory Conference provides the opportunity for all parties to identify if a resolution can be achieved without progressing to a full hearing.*

Conflicts of Interest

An Officer preparing this report has disclosed a conflict of interest.

Attachments

1. 6 August 2024 Council Report [**5.1.2.1** - 12 pages]

5.1.1 Planning Permit Application 5.2023.454.1 - Two-lot subdivision and buildings and works for a second dwelling - 34-36 Eighth Ave Raymond Island

Authorised by Acting General Manager Place and Community

Conflict of Interest

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

Executive Summary

Council is assessing a planning permit application for a two-lot subdivision and buildings and works for a second dwelling at 34-36 Eighth Avenue, Raymond Island which has received objections from East Gippsland Catchment Management Authority (EGCMA).

The EGCMA objection is consistent with past referral authority responses for Raymond Island and highlight that egress routes are inundated above recommended levels in 1 in 100-year flood events. The competing concern is that refusal of the application restricts development on Raymond Island, where the future development itself may not be subject to inundation in modelled flood events but egress from the property is restricted due to inundation.

Having considered all of the relevant planning considerations, including competing policy objectives, the recommendation made to Council is that the application be refused. The recommendation is subject to grounds of refusal which relate to inundation risk over egress from the site and general inconsistency with aspects of the planning policy framework (PPF).

Context and background to the planning permit application includes: application documents (**Attachment 1**), referral responses (**Attachment 2**), and a detailed assessment by officers of the application (**Attachment 3**).

This matter was considered by Council on 16 July 2024, Item 5.1.1. The motion was lost, meaning that no determination of the application was made. The report is therefore re-presented, and the Officer recommendation is remade (unchanged) to provide Council with the opportunity to make a determination.

Council should consider the matter afresh, including the balancing of competing policy considerations, the referral advice and the options outlined in the report.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. being the Responsible Authority and having considered all the relevant planning matters, determines that Planning Permit Application 5.2023.454.1 is inconsistent with the requirements and objectives of the East Gippsland Planning Scheme and therefore resolves issue a notice of decision to refuse to grant a planning permit for a Two lot subdivision and development of a second dwelling at 34-36 Eighth Avenue, Raymond Island for the following reasons:***

- a. ***the proposal is generally inconsistent with the Planning Policy Framework (PPF) with respect to planning for places and environmental risks and amenity;***
- b. ***the proposal is generally inconsistent with the objectives of Clause 44.04 Land Subject to inundation overlay; and***
- c. ***the proposal is inconsistent with the decision guidelines in the Victorian Planning Provision (VPP) Planning Practice Note PPN11: Applying for a Planning Permit Under the Flood Provisions, in that:***
 - i. ***it is not consistent with the Planning Policy Framework (PPF).***
 - ii. ***it relies on low-level access to and from the site.***
 - iii. ***it is likely to increase the burden on emergency services and the risk to emergency personnel.***
 - iv. ***it is likely to increase the amount of flood damage to public or private assets.***

Background

Context

Environmental values and risks affecting Raymond Island present a complex range of planning policy considerations relating to the assessment of the planning permit applications.

These policy circumstances are underpinned by Council's responsibilities under the *Planning and Environment Act 1987* (the Act); *Local Government Act 2020*; and *Climate Change Act 2017*.

Importantly, as the responsible authority for assessing the planning applications, Council must:

- ensure that its decision making is consistent with the risks involved to life and property; and
- be prepared to say no to planning applications that may place people and property at unreasonable risk.

Council's legislative responsibilities derive from planning policy direction in the East Gippsland Planning Scheme. In conjunction with State and Local policies in the PPF, the entire island is affected by the Bushfire Management Overlay (BMO); and significant areas also affected by a Vegetation Protection Overlay (VPO); Environmental Significance Overlay Schedule 1-41 – Sites of Biological Significance (ESO1-41); Significant Landscape Overlay (SLO); Design and Development Overlay Schedule 11 – Coastal Settlements (DDO11) and Land Subject to Inundation (LSIO).

Between 2013 and 2023, Council assessed approximately 130 planning permit applications for various forms of land use, subdivision, development, and vegetation removal on Raymond Island. The majority of these applications have been approved, subject to planning permit conditions to protect environmental values and manage environmental risks (amongst other things). Several planning permit applications have been withdrawn by applicants; however, no planning applications have been refused during this period.

It is considered that the current suite of Planning Scheme controls provide an adequate policy response to protect and enhance environmental values and manage environmental risks. This has been reflected in Council's historic decision-making processes.

However, planning policy considerations are constantly evolving, particularly in relation to Council's responsibilities to protect human life from natural hazards and climate change including coastal inundation.

The proposal

Figure 1, below, demonstrates the context of the subject site, the established lot layout, and the current extent of the LSIO. The LSIO, for context, has not been altered since it was reviewed and applied in the New Format Planning Scheme adopted in May 1999.

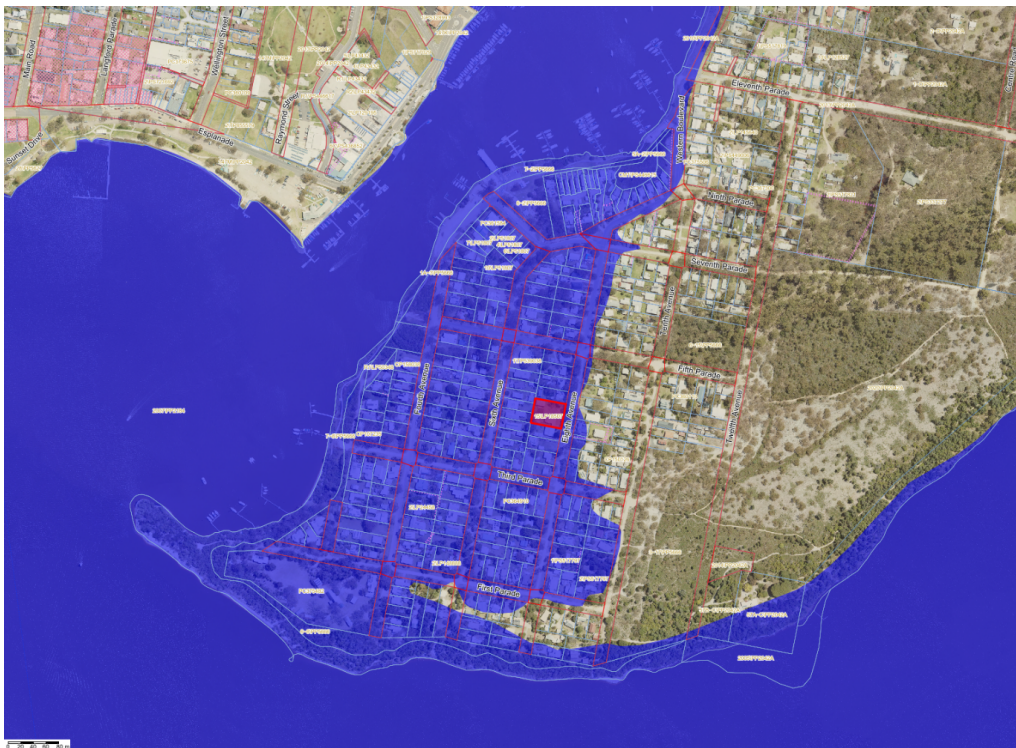


Figure 1 – Key Map of subject land including current land subject to inundation overlay map

The relevant applications and associated attachments to this report are summarised in Table 1. Most importantly, a copy of relevant referral responses and a detailed assessment of each application is made separate to this main report. A summary of the application is provided below:

Application Summary	Relevant Attachments
5.2023.454.1 – 34-36 Eighth Ave - Two lot subdivision and development of a second dwelling	Application Documents – Attachment 1 Referral Responses – Attachment 2 Detailed Assessment – Attachment 3

Table 1 – Summary of application details and attachments to this report.

34-36 Eighth Avenue

Existing Conditions: 2024 sqm lot, containing a single dwelling and associated outbuilding. The majority of the land in the immediate vicinity are of similar size to the proposed lots, noting that based on the plan of subdivision, at the time the land was created, the surrounding land would have been of similar size to this existing lot.

- Site History:

Established in 1970 on a Lodged Plan. A planning permit was issued in 2015 for a two-lot subdivision, and was certified but not completed, and the permission lapsed.
- Proposal:

A two-lot subdivision is proposed (**Figure 2**). Lot 1 will be 1012 sqm and contain the existing dwelling. Lot 2 will be 1012 sqm and contains an existing shed in the northwest corner. A second dwelling is also proposed for Lot 2 – a modest one-bedroom modular construction with decking (**Figure 3**).

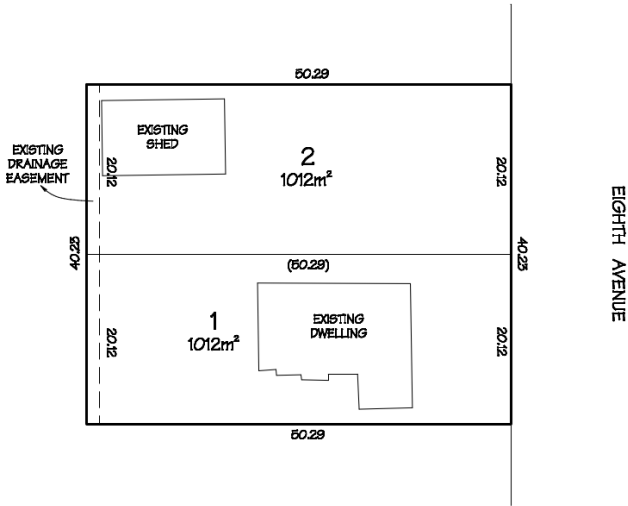


Figure 2 – 34-36 Eighth Ave Proposed Subdivision

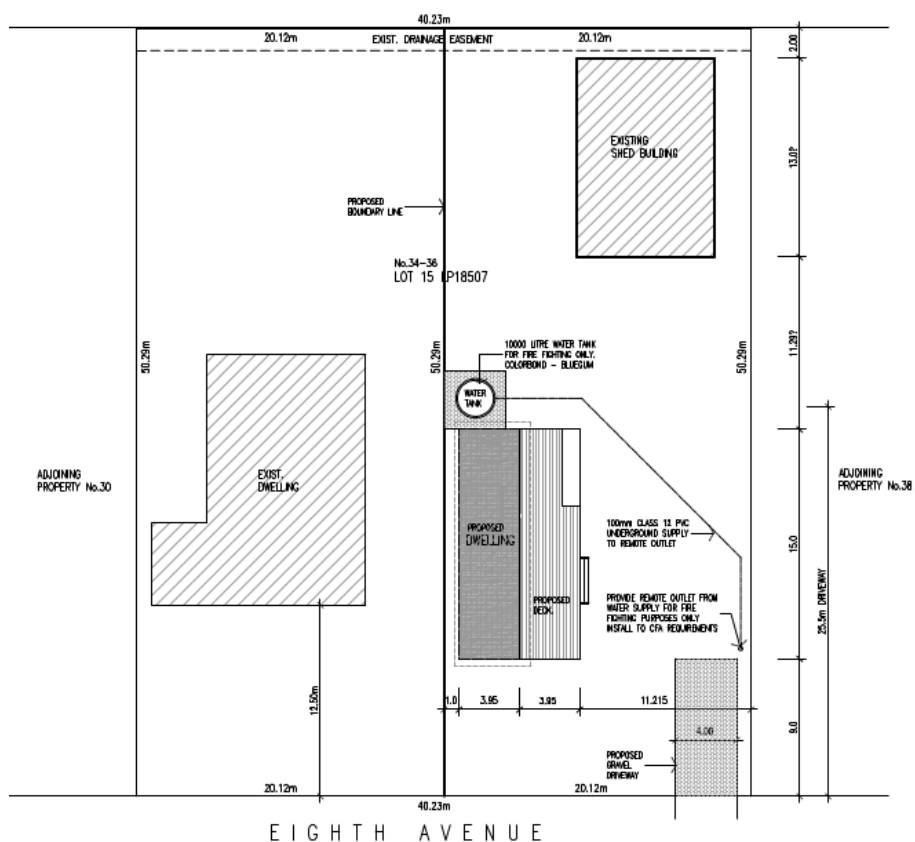


Figure 3 – site plan for proposed second dwelling at 34-36 Eighth Ave

EGCMA objection

The provisions of the Planning Scheme require the planning applications to be referred to relevant authorities (refer to **Engagement** section). Where the LSIO applies, EGCMA is the 'Floodplain Manager' and in relation to these planning applications they are a 'Recommending Authority' (as opposed to a 'Determining Authority'). This means that whilst their objection must be considered, Council has the authority to make a decision contrary to the EGCMA advice.

The following excerpt summarises the basis for objection from EGCMA:

"In accordance with East Gippsland Catchment Management Authority policy, where flood depth during a 1% AEP flood event is likely to exceed 0.5 metres over a property or 0.8 metres over the vehicle egress route from the property, a proposal that seeks to intensify development through the creation of additional lots or dwellings at a property is not supported as it would expose additional people and property to the flood hazard."

In summary, it is apparent that EGCMA have taken a position that further subdivision of land on Raymond Island is not supported due to the cumulative impact of each subdivision on the provision of emergency services and emergency egress in a flood event. In addition, the EGMCA response relies on an assessment of the egress (road access) to the subject properties.

The key consideration relates to the need for evacuation and whether the unique circumstances of Raymond Island warrant emergency evacuation in the event of a flood event. During such an event, houses are not usually inundated to the extent that evacuation is necessary, but ferry access is not available. Transport arrangements are put in place (barge for emergency services and water taxi for movement of people). It is noted that key shoreline infrastructure including jetties are difficult to access (informal arrangements are made such as temporary boardwalks).

Additional consideration must be given to the nature of a flood event at Raymond Island. The flooding at Raymond Island is characterised by:

1. Cumulative impact – a combination of factors is required to achieve a significant flood event. This includes tides, flooding in the catchments, and other weather conditions. These factors make flood events predictable, with appropriate response time available.
2. Gradual rise and fall of water level – the impact at Raymond Island is not a rapid increase in water level, and flow velocity is not high risk.
3. Pooling – often the duration of inundation will be prolonged due to topography and drainage. Pools of inundation will persist long after the peak flood event, as the water is stuck behind mostly natural barriers.

Implications

The objection lodged by EGCMA indicates that any future planning permit applications to subdivide land are likely to be subject to an objection due to risk to life and property in a flood event, regardless of whether the property itself is subject to inundation. There are numerous examples of applications for dwellings on single lots which have not resulted in an objection from EGCMA to the proposed development, subject to inclusion of planning permit conditions to mitigate direct inundation risk.

Over the last 10 years, EGCMA has consistently objected to planning applications that result in an intensification of development on Raymond Island, other than single dwellings on vacant lots. This includes proposals for the subdivision of land and use and development for tourist accommodation. Whilst the basis for EGCMA objections has remained consistent, the wording of objections has strengthened to reflect emerging legislative and planning policy direction.

Previous infill subdivision applications have been supported on the basis that there was a balance to be found between flood risk and reasonable expectations of infill development. However, in recent times there has been a greater emphasis placed on the avoidance of risk of flooding (including through the recently adopted Housing and Settlement Strategy (HSS)).

Council is not bound by trends of historic planning permit application decision making. It must consider each planning application on its merits and in accordance with the policy requirements of the Planning Scheme and any adopted policy position of Council at the time of a decision. In this context, a key matter for consideration is how planning policy has changed over time.

New and updated legislation set out above (*Context*) has emerged to recognise and respond to the challenges of climate change. This has been reflected in various updates to State policy requirements in the PPF section of Planning Scheme. As a priority, Council must protect life, property and community infrastructure from flood hazard, including coastal inundation. This policy direction must be taken into account as part of Council's decision-making responsibilities. Other policy directions must also be taken into account, including the need to facilitate infill development and support the availability of housing.

At a local level, Council adopted the HSS in December 2023, which has direct relevance to these planning applications. The HSS settlement roles and futures identifies Raymond Island as a 'Rural Town' where:

"Small scale population growth and housing development is supported in Rural Towns within existing residentially zoned areas. Minimal change via infill development in established areas will be preferred, subject to environmental values and environmental risk constraints."

At section 8.7 of the draft Strategy, there is greater detail regarding 'Minimal Change' areas, as follows:

"Minimal Change Areas: Not all towns and settlements in East Gippsland are appropriate to accommodate an increased density of residential development. This includes locations that:

- *Are affected by existing environmental risks such as bushfire, flood or landslip or future risks associated with the changing climate.*
- *Have established environmental or landscape values.*
- *Have established heritage values.*
- *Do not have access to appropriate infrastructure such as road access or reticulated services.*

Established residential locations that have attributes that are not compatible with an increased density of residential development will therefore be considered as minimal change areas. In general, the construction of single dwellings in accordance with the provisions of planning scheme zone and overlay controls will be supported in minimal change areas."

It is also noted that the current planning policy for Raymond Island (at Clause 11.03 of the Planning Scheme) contains the following strategies:

- *Protect and maintain the well vegetated coastal settlement and low intensity character of Raymond Island.*
- *Limit new low intensity development on Raymond Island as an attractive visitor destination for nature-based tourism experiences.*
- *Contain residential and low-density residential development to currently zoned areas.*
- *Encourage the use of indigenous planting on private land.*
- *Facilitate low impact, small scale and environmentally friendly tourist accommodation.*

Progressing within the Council Agenda for 16 July 2024 are four Planning Scheme Amendments, seeking authorisation from Council to initiate notice of the Amendments and adopt revised and new local planning policies in line with State and Regional PPF policy, alongside adoption of the HSS. That those documents are being considered concurrently with this report gives greater context, but those documents cannot yet be fully relied upon in individual planning applications.

The EGCMA objection to proposed subdivision of land and an increased density of development is based on the risk to life and property. The policy approach set out in the HSS indicates that in these circumstances, and where the risk can be suitably managed, the construction of a single dwelling on a lot in accordance with the provisions of the Planning Scheme will generally be supported. The policy positions of the HSS and EGCMA objections are therefore consistent in that respect.

Raymond Island has not traditionally been considered in the same category as other areas of the shire where access is only available by boat for the following reasons:

- Raymond Island is serviced by public transport operated (Raymond Island Ferry) that offers an alternate transport service including an outage service (water taxi and barge) that operate at times when the Ferry may be out of service.
- Access to emergency services does not differ from mainland services that are sometimes remote from emergency facilities and / or can become isolated by damage or blockage of the road network.
- Raymond Island has an internal access and egress system of roads that allows residents to relocate from effected areas during times of flooding.

Current Status

The application was presented at the 16 July 2024 Council meeting. The outcome of that meeting was that the motion was lost, and no determination was made in relation to the application.

The minutes of the 16 July 2024 Council meeting reflect:

Motion

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;*
- 2. being the Responsible Authority and having considered all the relevant planning matters, determines that Planning Permit Application 5.2023.454.1 is inconsistent with the requirements and objectives of the East Gippsland Planning Scheme and therefore resolves issue a notice of decision to refuse to grant a planning permit for a Two lot subdivision and development of a second dwelling at 34-36 Eighth Avenue, Raymond Island for the following reasons:*
 - a. the proposal is generally inconsistent with the Planning Policy Framework (PPF) with respect to planning for places and environmental risks and amenity;*
 - b. the proposal is generally inconsistent with the objectives of Clause 44.04 Land Subject to inundation overlay; and*
 - c. the proposal is inconsistent with the decision guidelines in the Victorian Planning Provision (VPP) Planning Practice Note PPN11: Applying for a Planning Permit Under the Flood Provisions, in that:*
 - i. it is not consistent with the Planning Policy Framework (PPF).*
 - ii. it relies on low-level access to and from the site.*
 - iii. it is likely to increase the burden on emergency services and the risk to emergency personnel.*
 - iv. it is likely to increase the amount of flood damage to public or private assets.*

Moved: Cr Mark Reeves

Seconded: Cr Mendy Urie

LOST

For: Cr Tom Crook, Cr Mark Reeves and Cr Mendy Urie

Against: Cr Arthur Allen, Cr Sonia Buckley, Cr Trevor Stow and Cr John White

Abstained: Cr Kirsten Van Diggele

The application is presented again for Council consideration. Council should consider the matter afresh, including the balancing of competing policy considerations, the referral advice and the options outlined in the report.

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

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

Application	Zone and Overlay Controls, Particular Provisions
5.2023.454.1 – 34-36 Eighth Ave - Two lot subdivision and development of a second dwelling	• General Residential Zone (GRZ) • Vegetation Protection Overlay Schedule 2 (VPO2) • Design and Development Overlay Schedule 11 (DDO11) • Land Subject to Inundation (LSIO) • Bushfire Management Overlay Schedule 1 (BMO1) • Clause 55 Two or more dwellings on a lot • Clause 56 Residential Subdivision

Table 2 – Application detail and relevant planning controls

An assessment of the application in relation to the controls applicable under the Planning Scheme is made in the detailed assessment attachment (**Attachment 3**).

In summary:

- In consideration of the PPF, the proposed subdivisions and development are consistent with the objective to provide for infill housing within established settlements.
- The application is appropriate in the GRZ context – meeting the relevant provisions of Clauses 55 (two or more dwellings on a lot) and 56 (residential subdivision).
- For subdivision in the DDO, the proposed subdivision is consistent with the prevailing neighbourhood character and does not conflict with the objectives of the overlay.
- For subdivision within the BMO, the application provides an appropriate bushfire response, nominating a suitable bushfire management plan including creation of defensible space and meeting the bushfire attack level construction, access, and water supply objectives.
- For the buildings and works in DDO11 and BMO, the scale of the development is consistent with the objectives and design guidelines for the coastal settlement, and an appropriate bushfire response is provided. The proposed development of a second dwelling is considered appropriate given the controls which apply to the land.

However,

- In relation to the LSIO affecting the land or the egress route to the mainland (Paynesville), there is a significant risk, and the proposed subdivision is considered to contribute to increased demand for emergency response in flood events and should not be supported.

- In consideration of the PPF and general decision guidelines of the planning scheme, the proposed subdivision and development of a second dwelling is inconsistent with environmental risks and amenity policies.

On balance of the competing objectives of the planning scheme, the application is recommended to be refused, subject to the specific grounds listed.

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

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

Consideration has been given to Council's *Coastal Inundation and Erosion Planning Policy* 2017. It is suggested that the Policy is partially in conflict with the Victorian State Government *Marine and Coastal Policy* March 2020. The recommendations made are in accordance with the State Government Policy.

Options

1. Accept and adopt the officer recommendation, which will effectively adopt a position without altering current policy and may result in a challenge of the decision at VCAT. Officers are confident in being able to defend this position.
2. Deferral of the matter, for any number of reasons considered appropriate by Councillors. The reasons and duration for deferral would need to be clearly communicated to officers and applicant, i.e., for the purpose of obtaining peer review of the recommendation, deferral for two months.

Deferring consideration of the application may result in the applicant seeking a failure to determine appeal at VCAT, and officers would then need to seek a position from Council on the application.

3. Move an alternate motion in relation to the application based on consideration of the policy matters outlined in the report and the referral advice from the East Gippsland Catchment Management Authority. An alternate motion requires setting appropriate conditions of approval and may benefit from documentation of the reasons for not adopting the Officer's recommendation. The referral authority may consider appealing a notice of decision to grant a permit.

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 recommendation.

Human Resources

There are no human resources impacts in relation to the recommendation.

Risk

The risks of this proposal have been considered. There are a range of risks assessed:

- Reputation risk – medium – the recommendation has an impact on the future planning for Raymond Island, and the community will be concerned about the consequences.
- Financial risk – low – the recommendation may result in an application for review at VCAT and aside from the existing resources, may require engagement of representation to defend a position taken in relation to the recommendation.
- Financial risk – low – the recommendation aligns with State and Regional Policy and the advice of the technical experts relating to flood risk. Adopting the recommendation will avoid liability claim over the approval the application. Arriving at a different outcome than recommended, future flood events may give rise to litigation.

Economic

There is not a significant economic impact contributing to or resulting from the recommendation. As outlined in the *Implications* section of this report, each planning permit application received will continue to be considered on its merits. The implications will primarily be felt at a personal, rather than community, scale.

Social

The proposal involves a two-lot subdivision and development of a second dwelling. Under the *Guidelines for Social Impact Assessment* (EGSC 2015), no assessment would be required for the application. It is considered that there is no net social impact resulting from the proposal nor the recommendation.

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 general environmental risk from inundation, and the content of the objection from EGCMA. As outlined elsewhere in this report, planning for sea level rise is a key policy direction, objective and decision guideline of the Planning Scheme. The recommendation is made with respect to environmental consideration.

Climate change

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

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

The application has been subject to notice of the application to adjacent owners and occupiers by direct mail from the applicants under instruction by the responsible authority. No objections were lodged by the general public.

The application has had the following response from referral authorities:

Application	Referral response
5.2023.454.1 – 34-36 Eighth Ave - Two lot subdivision and development of a second dwelling	Objection by EGCMA Consent from CFA (See Attachment 2)

Table 3 – Application and engagement outcomes

Referral authority response

As previously discussed, EGCMA has objected to the application. The primary consideration is in relation to egress from the sites in an inundation event, and the additional burden that infill subdivision (and resulting development) can have on emergency response actions.

In relation to bushfire issues, the application has appropriately responded to bushfire management requirements and has the support of the Country Fire Authority as referral authority. As outlined in the **Legislation** section, bushfire considerations are appropriately met and the applications are supportable from this perspective, with no increased risk as a result of the proposal being within the established settlement area.

Attachments

- 1. 2023 454 Application Documents 34-36 Eighth Ave [5.1.1.1 - 40 pages]
- 2. 2023 454 Referral Responses 34-36 Eighth Ave [5.1.1.2 - 8 pages]
- 3. 2023 454 Detailed Assessment 34-36 Eighth Ave [5.1.1.3 - 73 pages]

5.2 Assets and Environment

5.2.1 CON2025 1690 Flood Remediation Construction Works Livingstone Park Omeo

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.

Purpose

To recommend that Council awards contract 'CON2025 1690 Flood Remediation Construction Works at Livingstone Park, Omeo'.

Key Points

The purpose of this project is to reduce flood damage risks while safeguarding and managing key cultural and environmental assets, particularly Livingstone Creek, which serves as the focal point of the park. This will be achieved through targeted earthworks, vegetation restoration, and the installation of three rock chutes to enhance resilience and long-term stability.

Council was awarded grant funding to develop recreational facilities at the Livingstone Park in Omeo. The Project was placed on hold in 2022 due to Livingstone Creek and the project area being impacted by repeated flood events.

Hydraulic consultants Alluvium were engaged to assess the impact of the repeated flooding and effectiveness of current flood mitigation measures. Alluvium was also asked to provide advice for improving the flood mitigation measures with the intent of Livingstone Park being utilised as a safe and viable public space, thus providing for the requirements of the Livingstone Park Management Plan and associated uses such as the Omeo Mountain Bike Destination Project.

Discussions with the consultant reinforced that, without improved protection measures, Livingstone Park will significantly deteriorate from further flood events and the assets will be impacted. Importantly the North-East Catchment Management Authority (NECMA) have advised that due to flooding risks, NECMA do not support intensification of use within Livingstone Park which is an important driver for the changes to the masterplan outlined above.

Council varied the agreement with Emergency Recovery Victoria to be able to deliver flood remediation works for Livingstone Park. Council committed to fund part of the works. The detailed design for the works was completed by specialist waterway consultant Streamology.

The works include the construction of three rock chutes, one rock crossing, and extensive planting of groundcovers and trees. The works under this contract will provide long-term stabilisation of the floodway and reduce the risk of severe erosion and flood damage to Livingstone Park.

The works are scheduled to commence in February 2025 and be completed by May 2025 in line with our June 2025 grant funding milestone. During the works, Livingstone Park and the Omeo Mountain Bike Trails will remain open to the public. This is to be reflected in the contractor's Traffic Management Plan, Construction Compound Site Plan and Construction Program.

The Livingstone Park work footprint is provided as **Attachment 2**.

Recommendation

That Council:

- 1. accepts the tender submitted by _____ for CON2025 1690 Flood Remediation Construction Works at Livingstone Park, Omeo for the contract amount of \$_____ exclusive of GST;***
- 2. authorises the Chief Executive Officer or delegate to finalise the terms and to sign the contract in the form proposed; and***
- 3. resolves that Confidential Attachment 1 to this report and all discussions relating to that attachment remain confidential.***

Strategic Alignment

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.

Consultation/Community Engagement/Impacts

Community engagement has been undertaken in accordance with Council's Community Engagement Policy.

A revised Livingstone Park Management Plan was completed in 2018, which included comprehensive community involvement through consultation sessions with residents, essential management agencies [Goulburn Murray Water, East Gippsland Shire, and Parks Victoria], as well as various community organisations. The revised Plan emphasises important feedback and sentiments expressed by the community regarding Livingstone Park's development, particularly in terms of achieving a balance between recreational activities, conservation efforts, and safety measures. This feedback serves as the foundation for strategies aimed at prioritising safety, promoting environmental stewardship, and advancing recreational development, all in alignment with community expectations to enhance experiences for both locals and visitors.

A YourSay page was created on 19 May 2022 informing the community of Council's intentions to revitalise Livingstone Park with upgrades; 169 people are Aware of the YourSay page and 34 people are Informed [clicked on something inside the YourSay project page]. Several project updates are available on the YourSay project page.

Several large trees are proposed to be removed as part of these works. While overall support is expected for the project, the tree removal may raise concerns for some people. A media release has been drafted to foreshadow the project and clarify the rationale behind tree removals and plans for their replacement.

Council's environmental team played a key role in providing details of flooding events and damage to the park over the past ten years. A review of previous maintenance and remediation works has allowed the design team to assess the lessons learnt along the way and refine the scope of works for this project.

NECMA provided valuable input to the hydraulic modelling review and design process of the flood remediation works to be delivered as part of this contract. Importantly NECMA have advised that due to flooding risks, NECMA do not support intensification of use within Livingstone Park which is an important driver for the changes to the masterplan outlined above.

Opportunities and Risks

Financial

This contract is funded through the Local Economic Recovery Program (\$924,690) and by Council co-contribution (\$1,346,465). The remaining Council funds will be set aside to deliver the replacement of the spillway structure which has failed and is beyond repair. This second stage is currently in design and is expected to be constructed next financial year.

Delays in project delivery may impact the grant funding for this project.

The project is designed to mitigate risks to Council assets in Livingstone Park avoiding future costs.

Officers are currently investigating the need for plan guards for all plants and if these aren't required, the contract will have a small variation to remove some of these costs to Council.

Economic

In accordance with Council's 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.

Social

The project will significantly benefit the broader Omeo community that uses Livingstone Park, as well as the riders of the Omeo Mountain bike trails, which start and end at the park.

The flood mitigation measures at Livingstone Park will safeguard the park as an important hub for recreation, sports, and leisure. Additionally, these works will help protect local ecosystems by managing water flow to prevent soil saturation and promote biodiversity, ultimately enhancing both community well-being and environmental health.

Environmental

The works involve the removal of several large trees and the planting of more than 60 trees and 6,000 groundcover plants for erosion control. Biodegradable guards will be installed to protect all trees and groundcovers from deer and pedestrians. A 12-month maintenance period has been included in the construction contract to support tree establishment.

Human Resources

This project will be supervised by a Project Supervisor from Council's Infrastructure Projects unit. The design technical lead will also carry out several inspections at key milestones through the project to ensure that the design intent is being met on site.

Risks

It is important to recognise that Livingstone Park will continue to flood. The works aim to prevent flood damage but cannot prevent flooding events. As part of the design iteration process, hydraulic modelling was completed for Livingstone Park and the 1 in 50-year event was adopted for the design of the rock chutes.

Climate change

This report considers potential climate change risks and impacts relevant to the Officer recommendation and aligns with the applicable climate change functions, categories, and legislative obligations, as detailed below:

- Asset Management: Climate change is considered in the design and maintenance of assets and includes responses to direct and indirect impacts.

The design is based on hydraulic modelling and recognises that large flood events are expected to become more frequent.

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 Tender Evaluation Report recommendation, or to not proceed with the procurement.

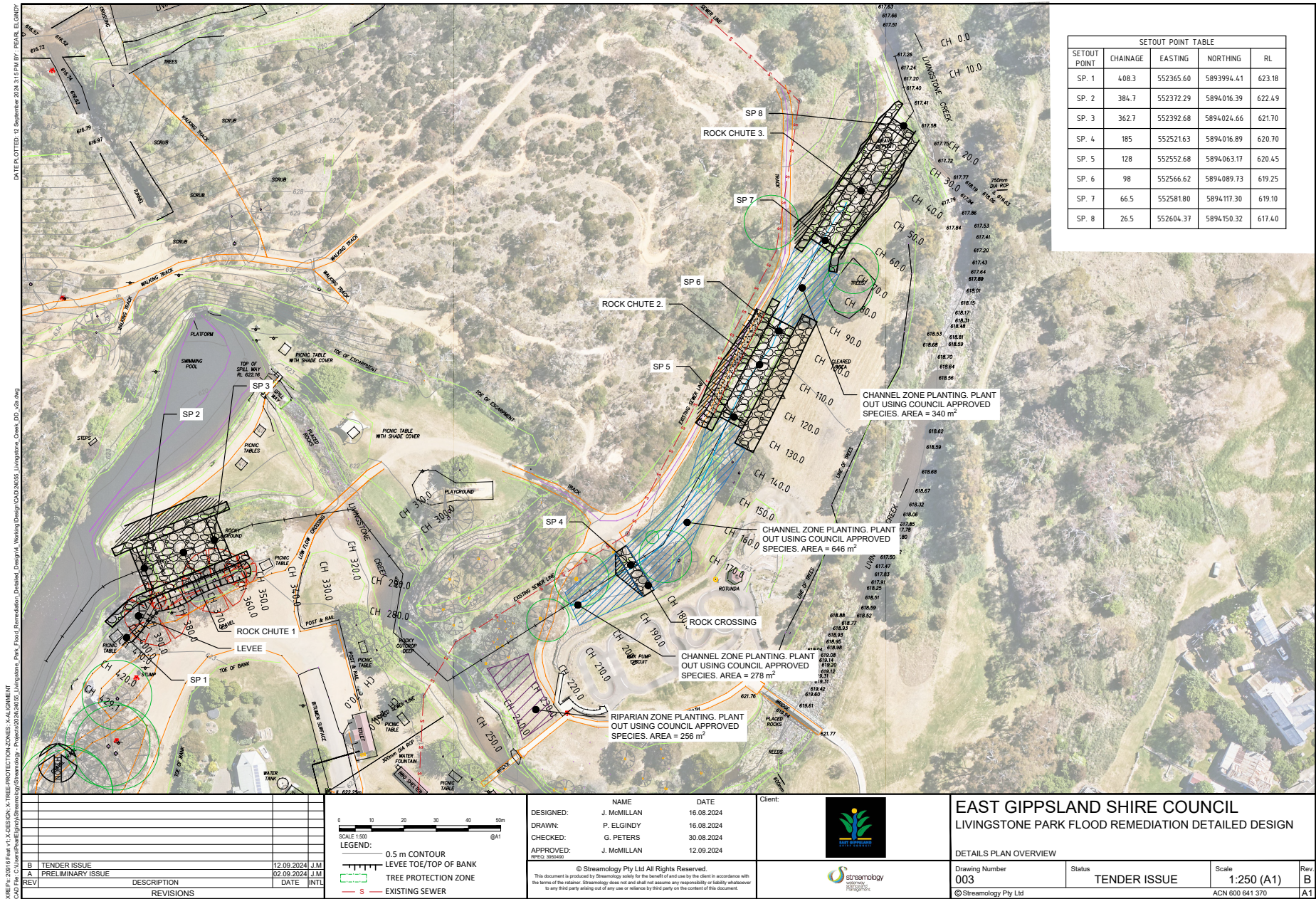
Procurement has been undertaken in accordance with Council's Procurement Policy.

Conflicts of Interest

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

Attachments

1. CONFIDENTIAL - CON2025 1690 Tender Evaluation Report [**5.2.1.1** - 31 pages]
2. Livingstone Park Works Footprint [**5.2.1.2** - 1 page]



5.2.2

CON2024 1630R Preparation of Functional Design for Public Drainage Assets - Lakes Entrance Northern Growth Area

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.

Purpose

To recommend that Council awards contract CON2024 1630R Preparation of Functional Design for Public Drainage Assets Lakes Entrance Northern Growth Area.

Key Points

A suitably qualified and experienced contractor with specialised technical knowledge and qualifications is required to provide clear concept, functional and detailed design for two proposed basins and one wetland which are downstream from proposed urban growth area north of Lakes Entrance to address existing drainage challenges, including the ramifications of increased overland waterflow into the existing Eastern Creek catchment, including larger rainfall events.

This project is related to but not included within the Lakes Entrance Northern Growth Area (LENGA) housing growth precinct.

The LENGA development will potentially deliver between 800 and 1,000 dwellings over a long fifty-to-eighty-year horizon (depending on construction activity).

Resolution of stormwater management arrangements is an important regional drainage issue for both the LENGA project and other existing development to the north-east of the Lakes Entrance urban centre, including the Merrangbauer Estate.

Background drainage investigation work undertaken by Council has identified possible drainage solutions to address existing drainage challenges. Projects, 11a, 11b and 11c have the potential to resolve known drainage problems that affect the Lakes Entrance township south of Golf Links Road including the new retirement development adjoining Princes Highway, Golf Links and Palmers Road. This is the basis to now undertake further design and costing work to prove up these solutions, including feasibility.

Assets Wetland DR 11a, and basins 11b and 11c will support the proposed Lakes Entrance Indoor Stadium project (catchment C).

Asset 11a, subject to future scope and design, is intended to provide best practice stormwater treatment, reducing pollutant loads into the Gippsland Lakes system. There is the potential for the treatment provided by 11a to offset some of the impacts of the LENGA development.

This could mean that stormwater drainage for developments in the LENGA precinct along with other new development nearby would only need to receive and retard water into the waterway system, rather than developing their own treatment systems.

If Council were to progress 11a to construction, investigation of cost recovery mechanisms (developer pays) from any development that benefits from it will form part of the next phase of the project.

Recommendation

That Council:

- 1. accepts the tender submitted by _____ for CON2024 1630R, Preparation of Functional Design for Public Drainage Assets - Lakes Entrance Northern Growth Area for the contract amount of \$_____ (exclusive of GST);***
- 2. authorises the Chief Executive Officer or delegate to finalise the terms and to sign the contract in the form proposed; and***
- 3. resolves that Confidential Attachment 1 and all discussions regarding this attachment remain confidential.***

Strategic Alignment

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.

Consultation/Community Engagement/Impacts

There is an extensive history of engagement and consultation relating to planning permits and the LENGA housing growth area project:

- Merrangbauer subdivision – public notice at each stage of development since the 1980's.
- LENGA – consultation and engagement was part of 2014 planning scheme amendment to rezone land (included identification of drainage requirements and a drainage strategy).
- Council has a requirement to continue to regularly review planning and infrastructure solutions for the LENGA precinct over its long development horizon. A review of the LENGA drainage solutions is currently underway and will form part of an anticipated draft planning scheme amendment in 2025 (that will include landowner consultation).

Community engagement has been undertaken in accordance with the Community Engagement Policy. Community engagement will continue to take place as required throughout the project design process subject to the findings of initial design and costing work.

Opportunities and Risks

Financial

Options to fund the award of this contract are detailed in the Tender Evaluation Panel Report.

Risk

The risks of this proposal have been considered, and tenderers were requested to develop a design method that minimises risks identified in relation to protection of existing services, traffic management, property access, vibration and other key issues associated with the works.

Flood mitigation reduces the overall risk of structures experiencing flood damage and reduces the severity of flood damage when it occurs.

Economic

In accordance with Council's 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 project is also an important enabler of ongoing development in Lakes Entrance.

Social

The design for the three assets proposed will enable controlled water release into a catchment area at capacity to mitigate any flooding events which will allow safe social outcomes for the community.

Climate change

This report considers potential climate change risks and impacts relevant to the Officer recommendation and aligns with the applicable climate change functions, categories, and legislative obligations, as detailed below:

- Asset Management: Climate change is considered in the design and maintenance of assets and includes responses to direct and indirect impacts.
- The design will incorporate Environmentally Sustainable Design (ESD) principles and water sensitive urban design (WSUD) into public space management.
- Australian Rainfall and Runoff (ARR) incorporates climate change assumptions in detail and is used by consultants and staff for roading and drainage design and planning.

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 Tender Evaluation Report recommendation, or to not proceed with the procurement.

Procurement has been undertaken in accordance with Council's Procurement Policy.

Conflicts of Interest

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

Attachments

1. CONFIDENTIAL - CON2024 1630R Tender Evaluation Report [5.2.2.1 - 19 pages]

5.3 Business Excellence

5.3.1 Trial removal of fees to allow expansion of existing outdoor dining to 30 June 2025

Authorised by General Manager Business Excellence

Purpose

To support a six-month trial of allowing existing businesses to expand their dining footprint without fees to allow extra patrons to dine outdoors during summer and the tourist season.

Key Points

In recognition of the current business environment, Councillors have requested Officers provide a mechanism to enable existing cafes and restaurants in the East Gippsland Shire to expand outdoor seating over the 2024/25 summer season and take advantage of the visitor economy. This can be achieved through a waiver on fees for applicants seeking additional outdoor seating until 30 June 2025.

Council has an obligation to ensure requests are lawful and compliant with Council's [Footpath Trading Policy](#), and section 45 of Council's General [Local Law](#) requires that placement of items on footpaths must have a permit that ensures:

- equitable usage of footpaths for people with disabilities; and
- footpaths are left in the same condition to ensure community safety.

The permit allows for the placement of items on a footpath if business operators meet Council's guidelines for fair and safe footpath use and have adequate and relevant insurances.

During COVID outdoor dining establishments were permitted to increase the size of their outdoor dining areas, where it could be legally achieved, at no additional cost. This report recommends that this allowance be made again on a trial basis, to enable established businesses to expand their footprint. In some circumstances, (e.g., narrow footpaths), Council may not be able to approve increased space usage.

Council's fee for Footpath Trading is \$85 per square metre with benchmarking indicating this is considerably less than most Victorian Councils.

The Victorian Government recently announced an [initiative](#) to remove the need for a planning permit on public land, this was motivated by the desire to reduce red tape and support economic growth for businesses. There is of course still the need to ensure that any dining on footpaths allows safe and equitable access for community – this is currently contained in the Local Law and other legislation. Council has a similar desire to make doing business in East Gippsland easier and will therefore take the opportunity to further build on the trial recommended in this report, by reviewing the East Gippsland Shire Council General Local Law to ensure it is contemporary and supports business growth.

Council can also review the fees set for footpath trading more generally when setting the budget for 2025/26.

Recommendation

That Council:

- 1. approves the trial of not charging a fee for businesses seeking additional lawful and compliant seating at cafes and restaurants in the East Gippsland Shire from 20 December 2024 to 30 June 2025;***
- 2. notes that learnings from the trial will inform the planned review of the Goods on Footpath Policy in mid-2025; and***
- 3. notes that Council will have further opportunity to consider how to simplify trading on footpaths and a range of other business permits in 2025 when the East Gippsland Shire Council General Local Law is reviewed.***

Strategic Alignment

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

- Strategic Objective 4: A thriving and diverse economy that attracts investment and generates inclusive local employment.

Consultation/Community Engagement/Impacts

Whilst only informal consultation has been undertaken in the preparation of this report, it is anticipated that this waiver to allow expansion over the busy summer period will be appreciated by conforming businesses. Feedback from businesses that participated in the relaxing of outdoor dining requirement during COVID, indicate that this initiative was greatly appreciated and, in many instances, kept businesses solvent during a difficult trading period.

Legislation

This report has taken into consideration a range of legislation including:

- *Disability Discrimination Act 1992*;
- *Road Management Act 2004*;
- *Local Government Act 2020*; and
- Council's *General Local Law 2017*.

Opportunities and risks

Council considers that the wider business community will see this as a positive change.

Risks to consider include:

- Reduction in revenue for Council.
- Increased workload for officers during the peak season to create communication material, field enquiries, respond to complaints, and process applications as quickly as possible.
- Non-compliance with legislative requirements.
- New businesses may perceive this as unfair.

Conflicts of Interest

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

Attachments

Nil

5.3.2 S11A Instrument of Appointment and Authorisation Planning and Environment Act 1987

Authorised by General Manager Business Excellence

Purpose

This report seeks a resolution of Council to:

- renew the S11A Instruments of Appointment approved by the previous Council that are still required by Planning staff;
- approve a new S11A Instrument of Appointment for Andrew Thompson, Arborist; and
- revoke the S11A Instrument of Appointment for Nichole Reynolds, Principal Strategic Planner.

Key Points

Some Council Officers are required to be appointed as Authorised Officers to exercise statutory powers under various Acts, regulations, and local laws in accordance with the provisions granted to them.

In most cases, Authorised Officers are appointed by the Chief Executive Officer (CEO) through the power of delegation conferred through the S5 Instrument of Delegation (Council to CEO). However, the *Planning and Environment Act 1987* (the Act) specifically requires that Authorised Officers under that Act be appointed by resolution of Council.

The Act lists the activities that can be carried out on behalf of Council, which can only be carried out by Council Officers authorised under the Act, these are:

1. serve planning infringement notices (section 130);
2. enter any land at any reasonable time to carry out and enforce the Act, the regulations, a planning scheme, a permit condition, an enforcement order or a section 173 agreement (section 133); and
3. request the assistance of Victoria Police in the execution of the powers of entry (section 136).

Following the recent Council election, a review of existing Authorisations has been undertaken which ensures that all staff authorised under the S11A Instrument are appropriately maintained and endorsed by the current Council.

The review has identified:

- 12 officers that are still required to be undertake Authorised Officer duties as part of their role in the organisation.
- One new appointment, being Andrew Thompson, who is an Arborist. Supporting Andrew to be an Authorised Officer will enable Andrew to lawfully enter property when assisting Planning staff with compliance and enforcement activities relating to native vegetation.
- One to be revoked for Nicole Reynolds, Principal Strategic Planner that is no longer required because of a recent change in Nicole's role and responsibilities.

Recommendation

That Council:

- 1. in the exercise of the powers conferred by section 147(4) of the Planning and Environment Act 1987, resolves that the Council Officers listed below be appointed as Authorised Officers, as set out in the Instrument of Appointment and Authorisation provided at Attachment 1, for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act:***
 - a. Andrew Bates, Acting Statutory Planning Coordinator***
 - b. Robert Buckmaster, Statutory Planning Officer***
 - c. Penny Cross, Statutory Planning Officer***
 - d. Royce Edwards, Development Compliance Officer***
 - e. Gareth Hutching, Technical Officer – Development***
 - f. Nirveen Kaur, Statutory Planning Officer***
 - g. Lachlan McArthur, Senior Technical Officer – Development***
 - h. Emine Mestan, Principal Statutory Planner***
 - i. Robert Pringle, Business Improvement Coordinator***
 - j. Martin Richardson, Manager Planning and Development***
 - k. Andrew Thompson, Arborist***
 - l. Neha Sharma, Statutory Planning Officer***
 - m. Petra Wood, Statutory Planning Officer***
- 2. authorises the Chief Executive Officer to execute the Instrument provided at Attachment 1;***
- 3. notes that the Instrument will come into force immediately following resolution of Council and will remain in force until Council determines to vary or revoke it, or until the Officer ceases to be employed by East Gippsland Shire Council; and***
- 4. revokes the S11A Instrument of Appointment and Authorisation for Nicole Reynolds, Principal Strategic Planner previously made by Council on 25 May 2021.***

Strategic Alignment

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

- Strategic Objective 5: 5.1 A better everyday customer experience is created for our residents and visitors.
- Strategic Objective 5: 5.4 Continuous improvement systems are strengthened, and organisational efficiency enhanced.
- Strategic Objective 5: 5.6 Council attracts, develops, and retains an inclusive workforce to deliver services and priorities.

Consultation/Community Engagement/Impacts

All appointments as Authorised Officers and the Act are prepared in consultation with the Manager Planning and Development.

Opportunities and Risks

Appointing Authorised Officers gives delegated staff the ability to carry out planning investigation and compliance activities, minimising the risks of failing to comply with the Act.

Conflicts of Interest

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

Attachments

1. S 11 A Instrument of Appointment under the Planning and Environment Act 1987
[5.3.2.1 - 2 pages]



Instrument of Appointment and Authorisation

S11A Instrument of Appointment and Authorisation

**Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)**

In this instrument "officer" means -

- a. Andrew Bates
- b. Robert Buckmaster
- c. Penny Cross
- d. Royce Edwards
- e. Gareth Hutching
- f. Nirveen Kaur
- g. Lachlan McArthur
- h. Emine Mestan
- i. Robert Pringle
- j. Martin Richardson
- k. Andrew Thompson
- l. Neha Sharma
- m. Petra Wood

By this instrument of appointment and authorisation East Gippsland Shire Council -

- 1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- 2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this Instrument comes into force immediately upon its execution; and

- (a) remains in force until varied or revoked; or
- (b) until the officer ceases to be employed by Council.

This Instrument is made by the Chief Executive Officer of East Gippsland Shire Council in the exercise of their authority to act on Council's behalf, which includes the authority conferred by resolution of Council made on {Date of resolution to be inserted}.

Fiona Weigall
Chief Executive Officer
East Gippsland Shire Council

Date

6 Urgent Business

7 Confidential Business

7.1 Property 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 Council business information being information that would, if released, prejudice the Council's position in commercial negotiations.

8 Close of Meeting