

Council Meeting Agenda

Tuesday 19 May 2026 at 6.00 pm
Council Chambers (and by video conferencing)
East Gippsland Shire Council Corporate Centre
273 Main Street, Bairnsdale 3875



Acknowledgement of Country

Council acknowledges the Traditional Owners and custodians of this land and pays deep respect to all First Nations peoples and communities with enduring cultural connections to East Gippsland, who have cared for and nurtured Country for tens of thousands of years.

We honour and celebrate the rich diversity, living cultures, and ongoing contributions of all First Nations peoples who live, work, visit, and play across East Gippsland.

We also acknowledge the many First Nations communities who, together, continue to shape and contribute to the region we know as East Gippsland. The place where we, as Local Government, deliver services and support to our community.

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

Executive Leadership Team

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

Purpose of Council meetings

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

Governance Rules

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

Councillors Pledge

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

Vision

To foster inclusive, connected, communities and places where all East Gippslanders prosper, and endeavour not to leave anyone behind.

Our Strategic Themes

1. Community Wellbeing and Social Responsibility
2. Prosperity
3. Making the Most of What We've Got
4. Managing Council Well

Index

1 Procedural 7

1.1 Recognition of Traditional Custodians 7

1.2 Apologies 7

1.3 Declaration of Conflict of Interest 7

1.4 Confirmation of Minutes 7

1.5 Next Meeting 7

1.6 Requests for Leave of Absence 7

1.7 Open Forum 8

1.7.1 Petitions 8

1.7.1.1 Save the Bairnsdale Outdoor Pool 8

1.7.2 Questions of Council 9

1.7.3 Public Submissions 9

1.8 Items for Noting 9

2 Notices of Motion 10

2.1 Advocacy for Swifts Creek 24 Hour Health Services 10

3 Deferred Business 12

4 Councillor Delegate Reports 12

5 Officer Reports 13

5.1 Place and Community 13

5.1.1 Bairnsdale Outdoor Pool - Response to Council Resolution 13

5.1.2 Application 2025.105 - 705 Metung Road (3 Lot Subdivision and Creation of Carriageway Easement Adjacent to a Road in a Transport Zone 2) 42

5.1.3 Planning Scheme Amendment C161egip - Update Lakes Entrance Northern Growth Area (Authorisation) 173

5.2 Chief Executive Officer 761

5.2.1 Nicholson Street Mall 761

5.3 Assets and Environment 765

5.3.1 CON2026 1755 WORLD Soccer Pavilion and Pitches Construction Works 765

5.3.2 CON2026 1642 Eastern Beach Road Drainage Improvements Construction Works 771
5.3.3 CON2026 1733 Krauatungalung Walk, Stage 2 - Section 4 - Construction Works 776
5.4 Business Excellence 803
5.4.1 Organisational Performance Report 803
5.4.2 Council Meeting Resolution Register 855
6 Urgent Business 863
7 Confidential Business 863
8 Close of Meeting 863

1 Procedural

1.1 Recognition of Traditional Custodians

Council acknowledges the Traditional Owners and custodians of this land and pays deep respect to all First Nations peoples and communities with enduring cultural connections to East Gippsland, who have cared for and nurtured Country for tens of thousands of years.

We honour and celebrate the rich diversity, living cultures, and ongoing contributions of all First Nations peoples who live, work, visit, and play across East Gippsland.

We also acknowledge the many First Nations communities who, together, continue to shape and contribute to the region we know as East Gippsland. The place where we, as Local Government, deliver services and support to our community.

1.2 Apologies

1.3 Declaration of Conflict of Interest

1.4 Confirmation of Minutes

That the minutes of the Council Meeting held Tuesday 21 April 2026 be confirmed.

1.5 Next Meeting

The next scheduled Council Meeting is to be held on Tuesday 9 June 2026 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 Save the Bairnsdale Outdoor Pool

Authorised by General Manager Business Excellence

Conflict of Interest

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

Key Points

This report informs Council of a petition submitted by Ms Stephanie Buckland and Ms Genevieve Wilks both from Bairnsdale. The petition was received on Thursday 16 April 2026. The petition states:

"We the undersigned, hereby petition East Gippsland Shire Council to:

1. *undertake the necessary repairs to make the Bairnsdale Outdoor Pool safe for staff and the community, and to ensure it is ready to reopen in 2026;*
2. *actively consult with the community on the development of any plans for the future of the Bairnsdale Outdoor Pool, including any decisions regarding redevelopment, refurbishment, or changes to its operation; and*
3. *acknowledge and affirm that the Bairnsdale Outdoor Pool is an important and valued community asset - one that is both needed and wanted by our community for current and future generations."*

A total of 2,592 signatures were received, including both hard copy and online submissions.

The petition has been received and presented in accordance with Governance Rule 8.7.

Councillors have been provided with a full copy of the petition separately. In the interest of respecting the privacy of signatories, and in accordance with the *Privacy and Data Protection Act* 2014, a copy of the petition has not been included with this report.

To assist Council in considering the matters raised in the petition, a separate Officer report titled *Bairnsdale Outdoor Pool - Response to Council Resolution* is also being considered at item 5.1.1 of this meeting.

That report responds to a Council resolution of 19 August 2025 and presents the findings of an independent condition and safety assessment of the Bairnsdale Outdoor Pool. The assessment identifies that the facility is beyond the end of its service life and presents significant health, safety, compliance and operational risks.

The report advises that remediation to achieve compliance with current standards is estimated to exceed $5.3 million and would provide only a limited extension of the asset's service life. It also outlines Council's obligations under the *Occupational Health and Safety Act 2004* and confirms that the facility cannot be reopened in its current condition.

The report further notes that consideration of the future of the pool is being progressed through the development of the East Gippsland Aquatic Strategy, including community and stakeholder engagement.

Recommendation

That Council:

1. ***receives and notes the petition lodged by head petitioners Ms Stephanie Buckland and Ms Genevieve Wilks requesting Council to:***

    a. ***undertake the necessary repairs to make the Bairnsdale Outdoor Pool safe for staff and the community, and to ensure it is ready to reopen in 2026;***

    b. ***actively consult with the community on the development of any plans for the future of the Bairnsdale Outdoor Pool, including any decisions regarding redevelopment, refurbishment, or changes to its operation; and***

    c. ***acknowledge and affirm that the Bairnsdale Outdoor Pool is an important and valued community asset; and***

2. ***considers the matters raised in the petition in conjunction with the Officer report titled Bairnsdale Outdoor Pool - Response to Council Resolution at Item 5.1.1 relating to the Bairnsdale Outdoor Pool; and***

3. ***notes that the Chief Executive Officer will arrange for Council Officers to write to the head petitioners advising them of Council's resolution arising from consideration of Item 5.1.1.***

1.7.2 Questions of Council

1.7.3 Public Submissions

1.8 Items for Noting

2 Notices of Motion

2.1 Advocacy for Swifts Creek 24 Hour Health Services

Take notice that it is my intention to move at the Council meeting to be held on Tuesday 19 May 2026 at 6.00 pm or at any adjournment of that meeting:

That Council:

1. ***notes the serious concerns raised at the Swifts Creek stakeholder meeting regarding:***

    a. ***the sustainability of 24-hour nursing services;***
    b. ***insufficient funding relative to weekend and peak population demand;***
    c. ***emergency response capacity and workforce pressures; and***
    d. ***the absence of local home care, palliative care, and ageing in place support.***

2. ***affirms that 24-hour nursing services at Swifts Creek are essential and non-negotiable, and critical to community safety;***

3. ***acknowledges that:***

    a. ***the current funding model does not reflect actual service demand;***
    b. ***reliance on grants is no longer viable for essential health services; and***
    c. ***community fear and risk are real and escalating.***

4. ***welcomes Ambulance Victoria's recent support and recognition of the pressures faced in the Swifts Creek catchment;***

5. ***calls on the Victorian Minister for Health to:***

    a. ***guarantee and recurrently fund 24-hour nursing services at Swifts Creek;***
    b. ***reform the funding model to reflect real population and risk;***
    c. ***provide additional paramedic resources;***
    d. ***fund essential infrastructure upgrades; and***
    e. ***support home care, palliative care, and ageing at home services.***

6. ***requests a formal written response from the Minister for Health outlining decisions, funding commitments, and implementation timeframes; and***

7. ***authorises the Mayor (or Deputy Mayor) and CEO to:***

    a. ***write formally to the Minister for Health and local Members of Parliament;***
    b. ***engage in coordinated advocacy with health services, Ambulance Victoria, and community representatives; and***
    c. ***report back to Council on progress.***

Signed: Cr Sonia Buckley
Date: 4 May 2026

Rationale

Swifts Creek is a small, remote community, but one with a strong sense of identity, resilience, and mutual care. For residents, the local nursing service is not simply a health facility - it is a lifeline, providing reassurance that help is available at any hour, in emergencies, in times of illness, and at the most vulnerable moments of life.

The loss of the 24-hour care is not an abstract policy change. It means that older residents, families, visitors, and vulnerable community members must face medical emergencies knowing that help may be hours away. For many, this creates real fear and distress. Community members have expressed that they feel unsafe, anxious, and forgotten, despite having raised their concerns respectfully and persistently over several years.

Swifts Creek's population dynamics further compound this risk. While funding models reflect a small resident base, the reality is that on weekends and peak periods the population in the district has large increases due to tourism and related incidents at the Mountain Bike Trails and other adventure activities. This places unsustainable pressure on health and emergency services that were never designed - nor funded - to respond to such demand. Dedicated staff continue to go above and beyond, but goodwill cannot replace adequate resourcing, nor should staff be expected to carry this burden alone.

Importantly, there are no realistic alternatives for Swifts Creek residents. Distance, terrain, weather conditions, and response times make reliance on distant services unsafe. For people wishing to age at home, those requiring palliative care, or families facing unexpected medical crises, the presence of a 24-hour local service is the difference between dignity and distress, safety and risk.

The community has not been idle. For years, local health services have planned, engaged, sought grants, and worked constructively with government agencies. However, short-term grants have proven inadequate and unreliable, particularly as they do not fund wages or core services. Despite every effort, the current model is no longer sustainable under funding arrangements that do not reflect lived reality.

This is why advocacy for Swifts Creek is grounded not in convenience, but in equity, safety, and compassion. Rural and remote communities deserve confidence that their lives are valued equally, and that geography does not determine access to essential care. Protecting and strengthening 24-hour health services in Swifts Creek is an investment in people, in dignity, and in the trust between government and community.

There is also a moral and ethical responsibility on government to support bush nursing centres across the state, particularly in rural and remote communities such as Swifts Creek. These services were established because governments recognised that equal access to health care cannot be determined by postcode. Bush nursing centres exist to ensure fairness, dignity, and safety for communities that face distance, isolation, and limited alternatives. When core services are allowed to erode through funding models that do not reflect reality, it signals a withdrawal of that ethical commitment. Supporting bush nursing centres is not discretionary - it is a statement that rural lives matter equally, that vulnerable people will not be left behind, and that government accepts its responsibility to protect those most at risk.

The risk is real. The fear is real. And the need for action is immediate.

3 Deferred Business

4 Councillor Delegate Reports

5 Officer Reports

5.1 Place and Community

5.1.1 Bairnsdale Outdoor Pool - Response to Council Resolution

Authorised by General Manager Place and Community

Confidentiality Notice

The information contained in **Confidential Attachment 1** is confidential under section 3(1) of the *Local Government Act* 2020 because it relates to: (a) Council Business Information, being information that would prejudice the Council's position in commercial negotiations, if prematurely released.

Pursuant to section 66(5)(b) of the *Local Government Act 2020*, if released, the information discussed or considered in relation to this agenda item could signal Council's intended approach, financial parameters, or risk position to the market, reducing competitive tension, limiting Council's ability to secure value for money, and disadvantaging Council in any future commercial negotiations

Purpose

This report is to provide Council with the Independent Safety Inspection of the Bairnsdale Outdoor Pool at 49 Turnbull Street, Bairnsdale and meets the requirements of Council resolution (item 5.1.1) from the Council meeting on 19 August 2025.

The report also addresses the petition titled 'Save the Bairnsdale Outdoor Pool' presented to Council earlier in this meeting (item 1.8.1.1), requesting Council to:

1. undertake the necessary repairs to make the Bairnsdale Outdoor Pool safe for staff and the community, and to ensure it is ready to reopen in 2026;

2. actively consult with the community on the development of any plans for the future of the Bairnsdale Outdoor Pool, including any decisions regarding redevelopment, refurbishment, or changes to its operation; and

3. acknowledge and affirm that the Bairnsdale Outdoor Pool is an important and valued community asset.

Key Points

This report responds to the resolution of 19 August 2025 Council meeting for item 5.1.1 Bairnsdale Outdoor Pool.

Based on this Council resolution, contractors were engaged to undertake an assessment of the pool.

The Bairnsdale Aquatic Condition and Safety Assessment - Bairnsdale Swimming Pool (Report) by Built Environment Collective (BEC) is provided in full at **Confidential Attachment 1.** A summary of this report is provided at **Attachment 2.**

BEC has determined the Bairnsdale Outdoor Pool is beyond the end of its service life. The facility presents significant safety, compliance and operational risks, and would require substantial capital investment to achieve compliance with current standards.

The report advises remediation is estimated to cost Council excess of $5.3 million. Remediation will result in limited extension of asset life (approximately ten years). To make the 10-year milestone, further work to the asset will still be required five years after remediation.

The cost estimation in the report excludes; costs associated with further exploratory work; work permits, extensive demolition and site excavation, detailed design, engineering, project management and any project contingencies. These items are dependent on a finalised scope of works.

Any works onsite would be managed through Council's project management framework to ensure that Council prevents under or over scoping. This also delivers a more definitive cost estimate for the project.

The *Occupational Health and Safety Act 2004* (the Act) is clear that employers must take every reasonable action and work proactively to ensure health and safety in their business activities.

Due to its obligations under the Act and its associated regulations, Council cannot open the facility in its current form.

The development of a new East Gippsland Aquatic Strategy has commenced.

This work is focused on reviewing Council's current aquatic facilities and strategies and includes stakeholder/community engagement, asset condition assessments and reassessing demand for an Outdoor Pool in Bairnsdale.

The strategy is due for completion by December 2026 and will be presented to Council for adoption in early 2027.

Recommendation

That Council:

1. ***notes the findings of Bairnsdale Aquatic Condition and Safety Assessment – Bairnsdale Swimming Pool report, provided at Confidential Attachment 1;***

2. ***notes a summary of the findings of Bairnsdale Aquatic Condition and Safety Assessment – Bairnsdale Swimming Pool report, provided at Attachment 2;***

3. ***notes that the matters addressed in the petition received at item 1.8.1.1 at this same Council meeting will be responded to via correspondence with the head petitioner as follows:***

    a) ***based on the independent safety assessment and Council's obligations under the Occupational Health and Safety Act 2004, the Bairnsdale Outdoor Pool cannot be reopened or repaired in its current condition to enable operation in 2026;***

    b) ***Council commits to undertaking broad community consultation on the future of aquatic facilities across East Gippsland, including the Bairnsdale Outdoor Pool, through the development of the East Gippsland Aquatic Strategy;***

    c) ***Council acknowledges the important role aquatic facilities play in supporting health, wellbeing and community participation across East Gippsland, and notes that the future role, value and provision of aquatic infrastructure, including the Bairnsdale Outdoor Pool, will be considered through Council's development of an East Gippsland Aquatic Strategy;***

4. ***resolves that no further remedial action be undertaken in relation to the Bairnsdale Outdoor Pool until the East Gippsland Aquatic Strategy is completed, considered and formally adopted by Council; and***

5. ***resolves that Confidential Attachment 1 to this report, and all discussions relating to this attachment, remain confidential.***

Report Context

At its meeting of 19 August 2025 (item 5.1.1), Council received a report on the Bairnsdale Outdoor pool advising that the outdoor pool is an aging Council facility that is now considered to be at end of life with identified operating risks. The report indicated that:

- A decision in previous terms of Council was made to prioritise investment in upgrades at the Bairnsdale Aquatic and Recreation Centre (BARC) whilst operating the outdoor pool for as long as practicable, with no further major investment.

- Officers have worked to a maintenance schedule and completed ad-hoc maintenance on site to open the facility for public use. These maintenance costs have increased year on year. Regular independent assessments of the facility indicate that the facility is continuing to age and deteriorate with no short-term, low-cost solutions that will keep the facility safe and operational.

- Usage of the outdoor pool is considered low, with the cost of visits significantly subsidised - making swimming at the pool one of the most highly subsidised pool facilities across Gippsland.

- Based on recent inspections and Council's obligations under the Act, Council is not able to open the facility for the 2025/26 season.

- There is a need to bring a strategic focus to future investment in aquatic facilities and officers are therefore seeking to develop a new aquatic strategy to guide future decision making around investment in aquatic facilities across the shire.

- In this report Officers recommended that Council note that the Bairnsdale Outdoor Pool will be closed for the 2025/26 summer season.

Councillors passed a motion at this meeting to:

1. commission an independent safety inspection and detailed report on the Bairnsdale Outdoor Pool to:

    a) identify any safety risks to staff and patrons;

    b) assess compliance with relevant occupational health and safety legislation, standards, and guidelines; and

    c) highlight any areas of non-compliance or concern requiring remediation.

2. request that officers obtain quotes for any necessary repairs or upgrades identified through the inspection to ensure the facility is compliant with occupational health and safety legislation;

3. request that the inspection findings and repair quotes be presented to Council for further consideration, including any recommended actions or improvements;

4. endorses the commissioning of a new East Gippsland Aquatic Strategy to determine the future of the Bairnsdale Outdoor Pool site, and future planning of aquatic facilities in the shire; and

5. undertakes comprehensive community engagement including the use of a community reference group when developing the new East Gippsland Aquatic Strategy and determining the future use of the site.

Based on this Council resolution, independent contractors were engaged to undertake an assessment of the pool using the following scope of work:

- A comprehensive Health and Safety assessment identifying all safety risks, compliance gaps with relevant legislation, and recommending remedial actions.

- A review of current pool plant and equipment including a peer review of current assessments to validate asset condition, remaining service life and any possible life extension works.

- A dilapidation report for all buildings and structures onsite to identify the condition of the assets, expected asset life and any possible life extension works.

- Identify and itemise remedial works with clear cost estimates associated with each identified action.

This report is now formally provided to Councillors as **Confidential Attachment 1** with a summary also provided at **Attachment 2.** This report is considered to address actions 1, 2 and 3 of the Council resolution.

Resolutions 4 and 5 have also commenced with experienced aquatic specialist consultants engaged, and a community reference group has been established which included an open Expression of Interest process for community representation as well as invitations to user groups and key stakeholders. Broader community consultation has also been built into the scope for the preparation of the Aquatics Strategy.

It is Officers advice to Councillors that any future consideration of the future of the Bairnsdale Outdoor Pool should be considered within the strategic context of the new East Gippsland Aquatics Strategy.

This approach is also aligned with the Project Management Guiding Principles endorsed by Council at its meeting on 18 November 2025 (item 5.1.1), specifically: Principle 6: Strategic Alignment - Ensure that projects fit in with the Council Plan, masterplans and other strategic documents.

Community Petition (item 1.8.1.1)

As Councillors noted at item 1.8.1.1 of this meeting, a petition has been received on the Outdoor Pool calling on Council to:

1. Undertake the necessary repairs to make the Bairnsdale Outdoor Pool safe for staff and the community, and to ensure it is ready to reopen in 2026.

2. Actively consult with the community on the development of any plans for the future of the Bairnsdale Outdoor Pool, including any decisions regarding redevelopment, refurbishment, or changes to its operation.

3. Acknowledge and affirm that the Bairnsdale Outdoor Pool is an important and valued community asset - one that is both needed and wanted by our community for current and future generations.

Under the Act, Council has a primary duty of care to ensure, so far as is reasonably practicable, the health and safety of employees and members of the public. This duty applies to Council as an entity and extends to officers, including the Chief Executive Officer, and to Councillors where they are in a position to influence decisions affecting health and safety outcomes.

Given the Extreme risk rating and these statutory obligations, the facility cannot be reopened in its current condition or design. The report further identifies that minor life-extension works would expose Council to significant financial risk without adequately addressing the underlying safety and compliance issues.

Therefore, Council is not able to reopen the Pool without extensive works, which would be subject to further scoping, costing and project management. As stated earlier in the report, any future investment in the site should be considered within the strategic context of the East Gippsland Aquatic Strategy currently in preparation.

The response to the petition is therefore proposed to advise the head petitioner that:

a) *based on the independent safety assessment and Council's obligations under the Occupational Health and Safety Act 2004, the extent of the findings and the need to consider these findings within a broader strategic and investment perspective, the Bairnsdale Outdoor Pool cannot be reopened or repaired in its current condition to enable operation in 2026;*

b) *confirm that Council commits to undertaking broad community consultation on the future of aquatic facilities across East Gippsland, including the Bairnsdale Outdoor Pool, through the development of the East Gippsland Aquatic Strategy; and*

c) *acknowledges the important role aquatic facilities play in supporting health, wellbeing and community participation across East Gippsland, and notes that the future role, value and provision of aquatic infrastructure, including the Bairnsdale Outdoor Pool, will be considered through Council's development of an East Gippsland Aquatic Strategy.*

Strategic Alignment

This report has been prepared and aligned with the following theme in the Council Plan 2025-2029:

Theme 3: Making the most of what we've got
Outcome – Our assets are well maintained, utilised and meet community needs

Consultation/Community Engagement/Impacts

Officers have progressed commissioning the new East Gippsland Aquatics Strategy.

The East Gippsland Aquatics Strategy includes extensive community engagement, to ensure local voices help shape the future of aquatic facilities across our shire.

It is imperative that all East Gippsland rate payers have opportunity to provide feedback as so Council ascertains a true understanding of where community desire significant investment in our facilities to occur. This will inform strategic direction and future decision making.

The East Gippsland Aquatics Strategy has a project reference group. Members of the Save the Outdoor Pool group are represented in this group.

Opportunities and Risks

At its meeting on 21 October 2025, Council formally adopted its Risk Appetite and Tolerance Statements and associated levels, which establish clear parameters for decision-making, including a low-risk appetite for matters impacting health, safety and well-being, as well as financial and reputational risks.

The risks identified in relation to the Bairnsdale Outdoor Pool, particularly those affecting health, safety and well-being, have been assessed in accordance with Council's Risk Management Framework as having an **Extreme** risk rating.

The nature, severity and cumulative impact of these risks significantly exceed Council's adopted risk appetite and tolerance levels and are inconsistent with Council's commitment to providing a safe environment for staff and the community.

Council's Occupational Health and Safety Obligations

The facility's risk profile, combined with its condition beyond design life, indicates that continued operation presents unacceptable safety, compliance, financial and reputational exposure to Council. The key risks identified include:

- Drowning hazards (pits, access, fencing);
- Electrical shock and electrocution risks;
- Water quality contamination and illness outbreaks;
- Chemical exposure and hazardous materials handling;
- Confined space entry and non-compliant workspaces;
- Structural failure of ageing pool assets; and
- Non-compliance with OHS and Public Health legislation.

Under the Act, Council has a primary duty of care to ensure, so far as is reasonably practicable, the health and safety of employees and members of the public. This duty applies to Council as an entity and extends to officers, including the Chief Executive Officer, and to Councillors where they are in a position to influence decisions affecting health and safety outcomes.

Given the Extreme risk rating and these statutory obligations, the facility cannot be reopened in its current condition or design. The report further identifies that minor life-extension works would expose Council to significant financial risk without adequately addressing the underlying safety and compliance issues.

Should Council wish to consider remediation or redevelopment, the proposal must be progressed through Council's Project Management Framework to ensure clear scope definition, robust costings and informed decision-making. In the absence of identified external funding, any investment would likely be fully funded by Council, with consequential impacts on the delivery of other strategic priorities, including future sport and recreation infrastructure.

Accordingly, any decision regarding the future of the facility should be considered in the context of Council's Risk Appetite and Tolerance Statements and its broader strategic objectives, ensuring the following matters are fully evaluated prior to any commitment:

- health and safety compliance;
- appropriate capital investment;
- ongoing operational sustainability; and
- strong project management governance.

Climate Change

This report is assessed as having no direct impact on climate change.

Conflicts of Interest

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

Attachments

1. CONFIDENTIAL - Bairnsdale Aquatic Condition and Safety Assessment (Bairnsdale Swimming Pool) Report [**5.1.1.1** - 144 pages]
2. Bairnsdale Pool Audit Report [**5.1.1.2** - 21 pages]

built environment collective

BEC

engineered design + management ™

Bairnsdale Aquatic Condition & Safety Assessment

Bairnsdale Swimming Pool



DATE: March 2026

BEC PROJECT NUMBER: 9359

ATLAS CERTIFICATION ISO 9001

JAS-ANZ

www.jas-anz.org/register

ADDIS ABABA | BRISBANE | CAIRNS | CANBERRA | CHRISTCHURCH
DOVER (USA) | DUBAI | MELBOURNE | PERTH | RIYADH | SHENZHEN | SYDNEY
Built Environment Collective Pty Ltd ABN 22 152 885 393

Document Control

Job No.: 9359
Job Title: Bairnsdale Pool
Document Title: Aquatic Condition & Safety Assessment Report

Document Control

Revision	Date	Document Issue	Author	Reviewer
01	08/05/26	For Approval	AnS	RJK

© Document copyright of Built Environment Collective Pty Ltd

This document is and shall remain in the property of Built Environment Collective (BEC). The document may only be used for the purpose for which it was commissioned and in accordance with the Terms of Engagement for the commission. Unauthorised use of this document in any form whatsoever is prohibited.

To the extent permitted by law, BEC expressly disclaims and excludes liability for any loss, damage, cost or expenses suffered by any third party relating to or resulting from the use of, or reliance on, any information contained in this report. BEC does not admit that any action, liability or claim exist or be available to any third party.

CONTENTS

1. INTRODUCTION 1

2. SITE HEALTH & SAFETY ASSESSMENT 2

2.1 HEALTH & SAFETY RISK ASSESSMENT REPORT 2
2.2 POOL RISK ASSESSMENT 2
2.2.1 Common Filtration System 2
2.2.2 Equipotential Bonding 2
2.2.3 Pool Access 2
2.3 SITE FENCING 3

3. POOL PLANT HEALTH & SAFETY ASSESSMENT 4

3.1 RISK ASSESSMENT 4
3.1.1 Stormwater & Backwash Management 4
3.1.2 Pump Well Configuration & Access Safety 4
3.1.3 Pump & Filtration Equipment Arrangement 4
3.1.4 Chemical Handling & Dosing Safety 4
3.1.5 Safety Equipment & Plant Arrangement 5
3.1.6 Filtered Water Return Arrangement 5
3.1.7 Pool Gutter Design & Surface Skimming 5

4. ONSITE ASSET ASSESSMENT 6

4.1 KIOSK/ANCILLARY BUILDINGS 6
4.2 SITE INFRASTRUCTURE 6
4.3 POOL ASSETS CONDITION 7
4.3.1 50M Pool Observations 7
4.3.2 Condition Assessment 8
4.4 OUTDOOR TODDLER POOL 9
4.4.1 Condition Assessment 10
4.5 FILTRATION 11
4.6 POOL PLANT AUDIT REPORT 11
4.7 ELECTRICAL AUDIT REPORT 12

5. RECOMMENDATIONS 13

5.1 REMEDIATION WORKS 13
5.2 BUDGET COSTING 13
5.2.1 OHS Safety 14
5.2.2 Electrical 14
5.2.3 Aquatic 14

6. CONCLUSION 16

RELIANCE ON DATA

In preparing this report, BEC has relied upon data, surveys, analysis, designs, plans and other information provided by the Client and/or other individuals and organisations. Except as otherwise stated in the report, BEC has not verified the accuracy or completeness of this data. To the extent that the statements, opinions, facts, information, conclusions and/or recommendations in the report are based in whole or in part on the data, those conclusions are contingent upon the accuracy and completeness of the data. BEC will not be liable in relation to incorrect conclusions should any data, information or condition be incorrect or have been concealed, withheld, misrepresented or otherwise not fully disclosed to BEC. Any quantities provided are based on estimates provided or obtained during site investigations.

NO RELIANCE BY THIRD PARTIES

The report should not be regarded as suitable for use by any person or persons other than the Client. A party, other than the Client, may not rely on the report, and therefore BEC:

- Owes no duty (whether in contract or in tort or under statute or otherwise) with respect to or in connection with the report or any part thereof;
- Will have no liability for any loss or damage suffered or costs incurred by any party arising out of or in connection with the provision of the report or any part thereof, however the loss or damage is caused, including, but not limited to, as a result of negligence but not as a result of the fraud or dishonesty of BEC.
-

SAFETY IN DESIGN

The content of this report does not represent detailed design. Where detailed design works 'follows on' from this report, the designer must comply with the relevant states Work Health and Safety Act and Work Health and Safety Regulation.

Where relevant, in undertaking detailed design, a Designer's duties are to:

- Ensure that a structure or work element is designed to be without risks to the health and safety of workers, end users and people in the vicinity;
- Provide a written safety report that identifies the hazards relating to the design so far as the designers are reasonably aware, to the Client.
- Make said information available if requested by persons who will use or handle substances, plant or structures at the workplace site for the purposes for which these were designed

The Designer may need to:

- Prepare a written report at each defined stage of the commission to inform the Client of design related hazards that create health and safety risks to persons associated with construction and operation of the facility or work element.
- At contract documentation stage, append a detailed Work Health and Safety Design Review report to the specification for the purpose of informing the Contractor of the particular risks to health and safety identified by the designers of each element of the Works. It may be appropriate for said report should detail how construction and operating risks have been mitigated through design.

For further information refer to:

- https://www.safeworkaustralia.gov.au/system/files/documents/1702/how_to_manage_whs_risks.pdf

1. INTRODUCTION

The purpose of this report is to assess and document the condition and safety of the council-owned assets with particular attention to the pool structures, filtration equipment, plant room safety, and overall site safety for staff and patrons. Observations regarding assets conditions are also included. The pool complex was inspected by Rhys Kilpatrick and Peter Bagust of BEC on 4th December 2025.

The complex comprises of three water bodies:

- 50.m x 21.0m & 1.1m – 1.6m deep lap pool with 8 lanes;
- 22.5m x 7.3m x 0.46m – 0.76m children's pool; &
- 7.3m wide semicircular Toddlers splash pool (no longer used).

The site has a single two storey pool plant building to the east of the site with the main entrance, kiosk, clubhouse and amenities along the Turnbull Street frontage along the northern boundary.

The pool complex was constructed at around 1969 and is approximately 60 years old. The pool structures are the original concrete shells with some previous remediation works taking place over the years. All pools are filtered using a common gravity sand filter plant. The semicircular splash pool has been disconnected and has not been in use for some time due to water quality issues.

The site presents poor safety conditions for both staff and pool users due to outdated infrastructure and non-compliant systems. Significant upgrades would be required to achieve compliance, representing substantial cost and disruption. Based on the extent of remediation needed, demolition and reconstruction are considered a more practical and cost-effective long-term solution for the site.

2. SITE HEALTH & SAFETY ASSESSMENT

2.1 HEALTH & SAFETY RISK ASSESSMENT REPORT

In support of this report, Red Letter Consulting provided a Health and Safety Risk Assessment Report on Bairnsdale Outdoor Pool. The below outlines the Health & Safety defects identified that pose potential hazards or risks, requiring remedial works:

- Potential water pooling in public entry area;
- Electrical tests & tagging out of compliance date in the Office, Plant Room, Chemical Mixing Area & Amenities;
- Inadequate ventilation observed in Chemical Mixing Area;
- Drowning potential with unlocked balance tank pit;
- Fire risks & slip hazards due to possible incompatible storage;
- Tiles missing on pool steps;
- Cracked concrete pathways & changes in levels along pathways present trip hazards;
- Surfaces around facility should be sloped to direct stormwater away, may affect water quality;
- No ramp provided to the clubhouse building; &
- Most signage throughout facility is faded & requires replacement.

2.2 POOL RISK ASSESSMENT

In addition to the items above key risk items have been identified for the pools specifically per below.

2.2.1 Common Filtration System

The 50m pool and Children's pools are currently a common water body served by a common filter plant. Given the differing pool uses, the current configuration presents cross-contamination and operational risks. As outlined in the Victorian Water Quality Guidelines for Public Aquatic Facilities document, pools used for different purposes are to be separate & independent water bodies, each filtered using separate filtration systems to ensure water quality control and limit cross contamination.

2.2.2 Equipotential Bonding

Equipotential bonding for metallic components around the pools is required as per AS 3000. The lack of clear evidence raises safety concerns regarding electrical bonding and potential shock hazards in wet environments. Formal testing and verification of the bonding system has been undertaken. The testing has shown that insufficient earth bonding is present to the equipment, ladders around the outdoor pool. In addition, the Water Dragon Club house and kiosk water pipes are insufficiently earthed.

2.2.3 Pool Access

Access to the pools is not compliant based on the step up to the surrounding hob being over the allowed 190mm max typical step height with no handrails present. Form the 50m pool no equitable access has been provided as required.

2.3 SITE FENCING

AS1926.1:2024 requirements are to restrict the access of young children to swimming pools. Of note a public council pool does not need to comply with AS1926 per note 1 of section 1.1. A separate risk management guide from council can be utilised to assess the adequacy of the existing fence.

From the site investigation it was noted that in general the fence is made up of a 1.8m high chain-link wire mesh fence with an additional 3 strands of barbed wire over with an approximate total height of over 2.2m. The design is a typical security chain-link mesh fence which are commonly used around regional public council pools.

The chain-link wire fence with openings of less than 100mm wide is suitable of use as a pool barrier. In addition, the top strands of barbed wire will act as a deterrent and ensure young children would be unable to climb the fence and enter the pool. Therefore, the current pool perimeter fence generally complies with the requirements of AS1926.1. The council should ensure that there are no external climbable objects/trees within 900mm of the fence to ensure full compliance.

If council wishes to have a fence that is of higher security to ensure older kids or adults are kept out of the pool after hours a further higher security fence can be assessed.

3. POOL PLANT HEALTH & SAFETY ASSESSMENT

3.1 RISK ASSESSMENT

3.1.1 STORMWATER & BACKWASH MANAGEMENT

Site stormwater is currently directed into the balance tank before being pumped to the backwash tanks via a Regent pump (model 150-203-T41B, 220/190 impeller, 15.0 kW). This routing introduces potential contamination risks by allowing external stormwater to mix with the pool's balance water system. The backwash tanks lack a dedicated sewer connection, resulting in filter backwash water being discharged onto adjacent lawn areas. This runoff ultimately drains back into the balance tank, introducing potential pathogens and chemical contaminants back into the filtration system. The discharge of untreated backwash water to areas accessed by patrons presents a notable health hazard and requires immediate rectification through proper containment and sewer disposal systems.

3.1.2 PUMP WELL CONFIGURATION & ACCESS SAFETY

All circulating and backwash pumps are housed within a below-ground pump well accessed by a fixed ladder. The well qualifies as a confined space under relevant work health and safety regulations, which introduces additional entry and monitoring controls. The caged ladder is a fabricated tube-and-bar construction and does not comply with AS 1657 requirements, particularly regarding rung slip-resistance. This represents a fall and injury risk during maintenance access.

3.1.3 PUMP & FILTRATION EQUIPMENT ARRANGEMENT

The multiport valves servicing the filters are located in a low-clearance section of the pump well, making operation difficult and ergonomically unsafe. The valves also appear to be at the end of their service life, requiring replacement. It should be noted this type of multiport valve is no longer available. Although a small sump and sump pump are installed, site observations confirm the pump well frequently floods, posing additional electrical and access hazards.

The recirculating pump (Regent model 150-203-T41B, 220/190 impeller, 15.0 kW) is connected on the suction side to both the filter multiport valve and the balance tank. This configuration is unconventional as it appears the filters operate under suction rather than gravity feed, contrary to standard gravity-sand filter design. This setup is likely to reduce filtration efficiency, creating preferential flow paths through the filter bed and leaving portions of the media underutilised. The suction-driven flow also increases the risk of drawing soiled water through incomplete filtration zones, compromising overall water quality.

3.1.4 CHEMICAL HANDLING & DOSING SAFETY

No automated water chemistry controller was present at the time of inspection. Continuous automatic measurement and dosing of pH and chlorine levels are required for maintaining the required minimum chlorine residual & pH levels as required by the Victorian Water Quality Guidelines for Public Aquatic Facilities document.

pH correction is currently achieved using muriatic acid (dilute hydrochloric acid). The 250L bulk acid tank lacks adequate & compliant spill bunding. The existing bund appears non-watertight and incapable of containing a major spill. Manual decanting from acid supply carboys directly into the tank is standard

practice; however, this presents a significant occupational health and safety risk due to potential splashes and spills that could cause chemical burns. A chemical transfer pump should be used to eliminate manual handling hazards.

3.1.5 Safety Equipment & Plant Arrangement

The safety shower and eyewash station are located in a non-compliant position relative to the chemical storage and handling area, reducing their accessibility in the event of a chemical spill or splash incident. Relocation to a compliant, unobstructed position is required.

The existing concrete filter is located at ground level surrounded by dense vegetation. Although attempts have been made to cover the cells, the current arrangement leaves the pool water and sand bed exposed to contamination from external debris, leaf litter, and potential animal ingress. Such contamination can significantly affect water hygiene, introduce pathogens, and impede filtration performance. Vegetation clearance and secure covering of the filter units are strongly recommended to prevent biological and physical contamination.

3.1.6 Filtered Water Return Arrangement

The filtered water return system is limited, consisting of a minimal number of grated outlets. In the 50m pool, water returns through a series of outlets located along the floor and walls, whereas in the children's pool, outlets are positioned only at low level along the walls. This limits effective circulation, particularly in the children's pool, increasing the potential for areas of stagnant water and uneven chemical distribution.

3.1.7 Pool Gutter Design & Surface Skimming

The pool gutter system comprises of narrow channel tiles approx. 75mm wide x 75mm deep. Each gutter includes multiple 50mm dia. gutter outlets, approx. 15 each side for the 50m pool and 14 in total for the children's pool.

The limited gutter capacity and outlet sizing provide inadequate skimming performance, reducing removal efficiency of floating debris, oils and organic matter from the pool surface. This deficiency impacts water clarity and hygiene standards.

4. ONSITE ASSET ASSESSMENT

4.1 KIOSK/ANCILLARY BUILDINGS

The facility comprises of aging concrete block structures with no visible structural defects observed during inspection. While the construction remains stable, its age warrants periodic monitoring for potential weathering, cracking or surface deterioration. The ceiling materials could not be identified at the time of inspection, limiting assessment of their durability and compliance; material sampling and verification are recommended to confirm asbestos composition and safety. Fixtures and furniture throughout facility are aged and in need of refurbishment. Renewal using corrosion-resistant and low-maintenance materials would enhance both safety and presentation.

4.2 SITE INFRASTRUCTURE

Stormwater management across the site is inadequate, with no lawful designated stormwater discharge point identified. The site is situated at a lower elevation than the surrounding properties and street levels, which limits its ability to connect directly to existing council stormwater infrastructure without the use of a pumped discharge system. During the inspection, standing stormwater was observed in multiple areas, indicating poor or incorrect surface grading and insufficient falls toward existing drainage points. This condition poses ongoing drainage and safety risks, particularly during heavy rainfall events.

Recent improvements to the stormwater inlets along the Turnbull Street frontage were noted; however, localized flooding remains an issue. The surrounding street and neighbouring properties appear to drain toward the pool site, resulting in stormwater inflow and periodic inundation of the pool area. Photographic evidence of recent flooding was reviewed, confirming that external stormwater migration continues to adversely impact the facility. A comprehensive drainage redesign and flood mitigation strategy are recommended to establish proper overland flow paths and prevent further site inundation.

A sewer connection point was identified along the Turnbull Street frontage servicing the existing amenities and kiosk/office building, though no connection currently extends to the plant room. The backwash system discharges to an aboveground tank, which then overflows onto the adjacent grassed area, creating non-compliant wastewater disposal conditions. Future works should include provision of a compliant sewer connection for all plant and backwash water.

An aboveground rainwater tank is present on-site, functioning adequately at the time of inspection. The site's primary water meter is located at the north-eastern corner and shows no visible defects or operational issues. Both installations are suitable for continued use.

The pool perimeter is secured with a standard wire fence topped with barbed wire, which was found to be structurally sound and free of major defects. However, its design reflects a general boundary fence rather than a modern, compliant pool safety barrier, and future upgrades should consider improved safety performance, aesthetics and accessibility.

4.3 POOL ASSETS CONDITION

4.3.1 50M POOL OBSERVATIONS

POOL DIMENSIONS	**LENGTH:** 50m **WIDTH:** 21 **DEPTHS:** 1.1 – 1.6m **NO. LANES:** 8
GUTTER TYPE / DETAILS	**Scum gutter:** 75mm x 75mm with a series of 50mm drainage outlets
GUTTER CONDITION: Is gutter lip level? Look at water flow	Specialist formed gutter tile pieces, in poor condition with cracks & grout missing, unlikely able to hold water
JOINTING LAYOUT	**Cross joints:** 5 across floor, noting joints in wall not aligned with floor joints **Longitudinal joints:** 2, each side of return channel **Perimeter floor joints:** all around floor to wall junction
JOINT CONDITION	Poor condition Separation of sealant at most joints, specifically around pool floor perimeter joint
FLOOR – STRUCTURAL CONDITION	**Cracks:** Large cracks throughout, previously repaired using a polyurethane/epoxy type product **Corrosion:** No obvious signs of corrosion. Steel cover generally around 40-50mm from tile surface **General:** understand that the existing floor is not original & likely poured over the top of the original/main pool floor structure
WALLS – STRUCTURAL CONDITION	**Cracks:** Limited cracks **Corrosion:** No corrosion staining sighted **General Condition:** Some defective/drummy tiles noted around the pool, no major areas
POOL FINISHES	**Type:** Tiled walls throughout, painted floor finish **Condition:** Cracked & damaged tiles sighted throughout Limited visibility across all tiles but generally tiles in reasonably okay condition A few patches of drummy tiles noted on the walls

POOL ACCESS – COMPLIANCE	**Stairs:** Non-compliant stairs, top step up to pool hob too high Stairs typically around 280 x 180mm Bottom step not consistent, typically 50-75mm **Handrails:** Non-compliant, not existent **Ramp to BCA:** Not provided. No compliant means of PWD access provided **Ladders:** Insert ladders, located at deep end corners & midway
POOL FIT OUT	**Metal inserts:** Backstroke flag posts in place **Grab rails:** Ladder access points, unlikely to be earthed **Lane ropes not installed:** Steel Eye bolts within gutter channel. Unlikely to be adequately equipotential bonded/earthed Lane ropes stored outdoors on rollers, appeared functional but colours fading **Starter Blocks:** Tiled insitu blocks, not up to current FINA standards
POOL SIGNAGE - COMPLIANCE	**Depth Marker Spacing in Pool:** Shallow, deep, & do not dive marking on pool wall above gutter line **Depth Marker Spacing on Concourse:** Nil, signage **or** markings present on concourse **Deep Water/shallow Water Signs:** Signage present & visible around pool perimeter with posts located at each corner
CONCOURSE – STRUCTURAL CONDITION	**Jointing:** control joints all around. Vegetation ground through joints/cracks throughout **Cracking:** All around with **evidence of maintenance/grinding of cracks to ensure flush surfaces** **Settlement/Heave:** Evidence of settlement & separation from the pool structure **Drainage:** Poor all around pool perimeter. Limited drainage outlets & fall. Drainage discharges to pool tank, non-compliant & health risk

4.3.2 Condition Assessment

Overall, the 50 m outdoor pool is in poor condition. The gutter tiles are extensively defective, while the wall tiling is generally sound with only isolated areas of drummy tiles there is significant deterioration of the hob finishes all around. The pool floor exhibits significant structural cracking, and all movement joints require resealing as they represent likely points of water leakage.

The original concrete structure shows widespread cracking, particularly across the floor slab. Although these cracks have been previously repaired, ongoing deterioration is evident. Given the age of the pool, the concrete shell has exceeded its reasonable design life.

Concrete cover was measured indicatively at sections across the pool with cover measurements on the wall ranging from 26mm to 66mm. Minimum concrete cover we would expect should be 40mm. Cover measurements on the wall were taken with the tile, therefore actual concrete cover is likely 10-15mm less. Therefore the majority of the areas measured may just be compliant at over 50mm measured with a few areas of low cover detected. Cover measurements on the floor ranged from 31mm to 58mm. with only a painted surface minimal impact is present from the finish. Similarly, majority of the areas measured had compliant cover with a few areas of low cover present. No corrosions of the steel reinforcing was visible.

4.4 OUTDOOR TODDLER POOL

POOL DIMENSIONS	**LENGTH:** 22.53m **WIDTH:** 7.3m **DEPTHS:** 0.46 – 0.76m
GUTTER TYPE / DETAILS	**Scum gutter:** 75mm x 75mm with a series of 50mm drainage outlets
GUTTER CONDITION: Is gutter lip level? Look at water flow	Specialist formed gutter tile pieces, in poor condition with cracks & grout missing, unlikely able to hold water
JOINTING LAYOUT	**Cross joints:** 2 cross joints in floor, 1 in wall each side unaligned **Longitudinal joints:** nil **Perimeter floor joints:** nil
JOINT CONDITION	Poor condition, specifically around gutter & hob in walls
FLOOR – STRUCTURAL CONDITION	**Cracks:** No visible structural cracks **Corrosion:** No obvious signs of corrosion
WALLS – STRUCTURAL CONDITION	**Cracks:** No visible structural cracks **Corrosion:** No corrosion staining sighted **General Condition:** Some defective tiles noted around the pool, no major areas
POOL FINISHES	**Type:** Tiled walls & floor throughout **Condition:** Cracked & damaged tiles sighted throughout A few patches of drummy tiles noted on the walls Hob & section of tiles at entrance steps significantly degraded Tiles on hob degraded with grout worn-out

POOL ACCESS – COMPLIANCE	**Stairs:** Non-compliant stairs, top step up to pool hob too high Stairs typically around 280 x 190mm **Handrails:** Non-compliant, not existent **Ramp to BCA:** Not provided. No compliant means of PWD access provided
POOL FIT OUT	**Metal inserts:** nil
POOL SIGNAGE - COMPLIANCE	**Depth Marker Spacing in Pool:** Depth markings present above gutter line, markings have worn & not fully legible Shallow, deep, & do not dive marking on pool wall above gutter line **Depth Marker Spacing on Concourse:** Nil, markings present on concourse. Signage present at each end of pool with depth & do not dive **Depth Marker Height:** Full tile height **Deep Water/shallow Water Signs:** Signage present & visible around pool perimeter with posts located at each corner

4.4.1 Condition Assessment

The toddler pool is in poor condition. The gutter tiles are extensively defective, while the wall tiling is generally sound with only isolated areas of drummy tiles. The floor tiling appear to be in reasonable condition with no drummy tiles immediately present however the grout joints need remediation. The tiles above the waterline/gutter are all significantly deteriorated with drummy tiles present throughout.

Given the age of the pool, the concrete shell has exceeded its reasonable design life.

4.5 FILTRATION

Estimated technical data of existing Pool;

Pool	50m	Children's
Surface Area (m2)	1055	168
Av Depth (m)	1.35 (1.6m - 1.1m)	0.61 (0.76m – 0.46m)
Volume (m3)	1420	101
Total Surface Area (m2)	1223	
Total Volume (m3)	1522	
Estimated Pump Capacity (m3/hr)	300	
Estimated Pump Capacity (Lt/sec)	83	
Estimated Turn Over Period (hrs)	5.0	
Filter Area (m2)	30.4 (5 x 6.1m2 cells)	
Assumed Filter Rate (m3/hr/m2)	10.0	
Year of Construction	1969	

Note that the filter plant was not operational at the time of the inspection, therefore the above data is an assessment made from manufacturers pump curves and estimation of the filter rate for filters of that type. The calculated 5.0 hr turnover period is a common turnover period for pools constructed around the same time, however, is significantly well below compliance with current standards. An assessment of compliant turnover periods for each pool in their current size & water depths are assessed as follows;

Pool	50m	Children's
Turn Over Period (hrs)	2.14	0.75
Plant Capacity (m3/hr)	664	135
Plant Capacity (Lt/sec)	184	38

Given the above, existing pool infrastructure is insufficient to provide for the increased capacity/flow. Each pool will require wet deck gutters, soiled water and filtered water pipework sized for the required capacities.

New filtered water return pipes within each pool would be needed with outlet nozzles located to provide effective distribution of filtered water throughout the pool. Soiled surface water would be effectively removed via wet deck gutters.

Plantroom is aging brick construction with no ceiling lining, significant corrosion to the underside of the roof sheeting is present throughout.

4.6 POOL PLANT AUDIT REPORT

BEC are in full support of the report provided by Roejen Services titled Bairnsdale Outdoor Pool, Pool Plant Asset Condition Audit May 2025. All associated plant is considered at end of or beyond expected service life. Existing plant is not capable of providing compliant plant capacities required by the Victorian Water Quality Guidelines for Public Aquatic Facilities document.

In summary;

- Gravity sand media requires immediate replacement. It should also be noted that the condition of the filters under drain system is unknown as such will more than likely be a further cost to council to undertake repairs. Due to the filters age, replacement parts are more than likely not available;
- Gravity sand filter is unable to provide modern filtration rates;
- Gravity sand filter is at risk of corruption from surrounding vegetation & animal ingress; &
- The existing plant is incapable of providing modern turn over periods.

BEC consider the cost estimates noted in the report are accurate. Further consideration should be taken with regards to multiple unforeseen issues that could/will become apparent during any life extension works, these could/will substantially increase these costs estimates.

4.7 ELECTRICAL AUDIT REPORT

In support of this report, Yeates Electrical provided an Electrical Assessment Report on Bairnsdale Outdoor Pool. The below outlines any defects identified that pose potential hazards or risks, requiring remedial works:

- Splash pool shade structure, 50m pool ladders are not earthed;
- Conductive materials are in arms reach of the pool;
- Equipotential bonding must comply with AS/NZ3000;
- Only 2 pole mounted floodlights working, with heavy rusting present at the base of all poles;
- Potential parallel earth path between Kiosk & Plant room due to both installations having conducive piping;
- Incoming supplies to the site, typically not compliant & each requires supply arrangement diagram;
- Residual Current Devices (RCD) protection not available on all circuits;
- Aging & non-compliant switchboards present on site;
- Pencil Light circuit currently isolated as earth fault present;
- Chemical storage is no sealed, posing risks of rodents damaging electrical wires;
- Overhead catenary wire to The Hut building utilises incorrect cabling type, exposure to UV will cause outer sheath to become brittle & crack;
- Unused Old Supply Pole with cables hanging from it should be removed to avoid electrical hazards; &
- Pool Plantroom switchboard complies with current AS3000 with RCD protection on all. Current supply of 63amp, three phase.

5. RECOMMENDATIONS

5.1 REMEDIATION WORKS

To bring the existing aquatic facility to a safe and compliant standard, substantial remediation works would be required. The current infrastructure falls short of modern design, safety, and operational requirements, and even extensive upgrades would only provide a limited extension to the facility's service life. The following represents the minimum scope of works necessary to address key safety, functionality, and compliance issues:

- Construct a new plant & plant room to replace aging & non-compliant equipment. Plantroom design would need to consider operator safety with adequate access around each item of plant;
- Install separate plant & balance tanks for each pool to ensure independent filtration & water quality control;
- Develop a compliant chemical access/loading, & storage area to meet hazardous materials & occupational safety standards;
- Upgrade pool gutters to a grated wet deck system & improve water reticulation back to the pool to achieve compliant water circulation rates;
- Remove existing tiles & painted finishes & apply a new waterproof membrane, tiled /painted surfaces & repair cracks in the main pool shell to restore watertightness & structural integrity;
- Acknowledge that remediation works would extend operational life by only approximately 10 years before further major maintenance or replacement becomes necessary;
- Provide expanded shade structures over pool areas to enhance user safety, comfort, & UV protection;
- Replace the entire pool concourse with compliant, trip-free, slip-resistant, & durable materials with suitable falls to improved drainage;
- Implement improved site stormwater drainage to prevent ponding & localised flooding;
- Install a compliant backwash discharge system connected to the sewer network to eliminate contamination & environmental risk; &
- Provide equitable access into the main 50m pool via ramp or pool lift & include compliant stair entry into each pool.

5.2 BUDGET COSTING

Costs provided are estimates only based off current expected rates, all costs have not been verified by a Quantity Surveyor.

Cost estimates based off BEC's experience and our expectations for the works involved however they are not exact figures. Without accurate detailed design we are unable to provide further more accurate figures. All costs are exclusive of any necessary consultancy or investigation costs.

5.2.1 OHS Safety

Item Number	Description	Estimated Cost (excl GST)
1	New stormwater drainage system **Refer Note 1**	
2	New plant room ventilation system	
3	New backwash pit cover – lockable	
4	New concrete paving throughout the entire complex (approx. 400m2), including demolition & site preparation	
	Estimated Total Costs	**$382,500**

5.2.2 Electrical

Item Number	Description	Estimated Cost (excl GST)
5.1	New earthing system to connect to all metal items within 1.25m from water's edge	
5.2	Install new poles & replace defective floodlights **Note:** Only 2 pole mounted floodlights working, with heavy rusting present at the base of all poles	
5.3	Repair potential parallel earth path between Kiosk & Plant room	
5.4	Amalgamate incoming supplies to the site **Refer Note 2**	
5.5	New compliant switchboards **Note:** Pool Plantroom switchboard complies with current AS3000 with RCD protection on all. Current supply of 63amp, three phase	
5.6	Repair Pencil Light circuit **Note:** currently isolated as earth fault present	
5.7	Replace The Hut catenary cable **Note:** Overhead catenary wire to The Hut building utilises incorrect cabling type, exposure to UV will cause outer sheath to become brittle & crack	
5.8	Removal of defective/redundant members **Note:** Unused Old Supply Pole with cables hanging from it should be removed to avoid electrical hazards	
	Estimated Total Costs	**$242,000**

5.2.3 Aquatic

Item Number	Description	Estimated Cost (excl GST)
6	New 50m Pool filter plant & reticulating pipework	
7	New Children's Pool filter plant & reticulating pipework	
8	New plantroom structure	
9	New 50m pool wet-deck gutters & Water Reticulation	
10	New toddler pool wet-deck gutters & Water Reticulation	
11	New 50m pool balance tank (approx. 150.0m3)	
12	New Children's pool balance tank	

	(approx. 35.0m3)	
13	New backwash tank & sewer connection (approx. 100m2) ***Notes 3 & 4***	
14	50m Pool New Floor & Finishes	
15	Toddler Pool New Finishes	
16	Compliant stairs to pools	
17	Disabled access ramp to 50m pool	
18	General signage, lighting & ancillary items	
	Estimated Total Costs	**$4,688,000**

Notes:

1. Design options to be considered with limited stormwater drainage available on site. Cost estimate is based on a suitable Lawful Point of Discharge (LPD) being available, significant infrastructure upgrades may be required to provide a suitable and compliant system which haven't been costed at this stage.
2. The costs to amalgamate the incoming supply to the single point is unable to be provided due to limited design costs and works required to accurately price the works. Significant infrastructure upgrades (pad-mount transformer) may be required to ensure necessary supply is achieved.
3. Underground formed and poured backwash tank is assumed as it would more than likely be constructed integral to the new balance tanks structures. The underground tank also maximises usable ground space on the site.
4. Above ground poly backwash tanks are an option for sand filtration however will require significant footprint for tank installation due to water volume used during backwashing.
5. Note costs have not been modified based on local regional area, an increased regional index of around 15% may need to be applied to the remedial budget costings.
6. Any latent conditions for the site haven't been considered, a min 10-15% contingency should be allowed for the remediation works.

In comparison, a new 50m lap pool with ramp and new LTS/toddler warm water pool with plant and tiled finishes is around $7.5milion and will provide a new pool structure with a design life of around 50 years, and new finishes with a design life of 25 years. A new 25m Pool and separate LTS warm water pool with plant and tiled finishes is around $4.5milion.

Although the pools are not showing any major signs of corrosion on the pool internal surface yet, once the finishes are demolished it's likely some dilapidated areas may become evident, with further repair costs required. If the current 50m pool is to be remediated and brought up to current code compliance, the estimated increased design life would only be up to 10 years with further remediation of the finishes and concrete needing to be budgeted at maximum intervals of 5 years, with new patch works likely to be necessary as the concrete further degrades.

6. CONCLUSION

Based on the fact the existing pool structures and finishes are all aging with the pools past their current design life, the costs to remediate the pool structures will be significant with only a few more years able to be achieved with ongoing maintenance required.

The existing pool filtration is not compliant with current best practice and health guidelines and upgrading the system will require new filtration and circulation systems to be install for each pool separately with at least 3 new filtration systems to be installed.

The site has a significant number of safety issues identified that will require significant works to make safe and bring up to current Code compliance and standard WH&S requirements.

Given the significant ongoing costs required to bring the Pool complex up to current standards, we believe that more value for financial spending would be achieved if put towards demolition and construction of new pools and associated pool infrastructure. This will provide a better outcome over the long term, with a 50-year design life of the structures and 25-year design life of the finishes and plant and increased ability to create better operations and safer environment for the patrons and staff.

built environment collective

engineered design + management

SYDNEY	CANBERRA	BRISBANE	CAIRNS	PERTH	SHENZHEN
sydney@bec.studio	canberra@bec.studio	brisbane@bec.studio	cairns@bec.studio	perth@bec.studio	shenzhen@bec.studio
MELBOURNE	**ADDIS ABABA**	**RIYADH**	**DUBAI**	**CHRISTCHURCH**	**DOVER (USA)**
melbourne@bec.studio	addis@bec.studio	riyadh@bec.studio	dubai@bec.studio	christchurch@bec.studio	brisbane@bec.studio

This document is and shall remain the property of Built Environment Collective Pty Ltd. The document may only be used for the purpose for which it was commissioned and in accordance with the Terms of Engagement for the commission. Unauthorised use of this document in any form whatsoever is prohibited.

© Built Environment Collective 2026

5.1.2 Application 2025.105 - 705 Metung Road (3 Lot Subdivision and Creation of Carriageway Easement Adjacent to a Road in a Transport Zone 2)

Authorised by General Manager Place and Community

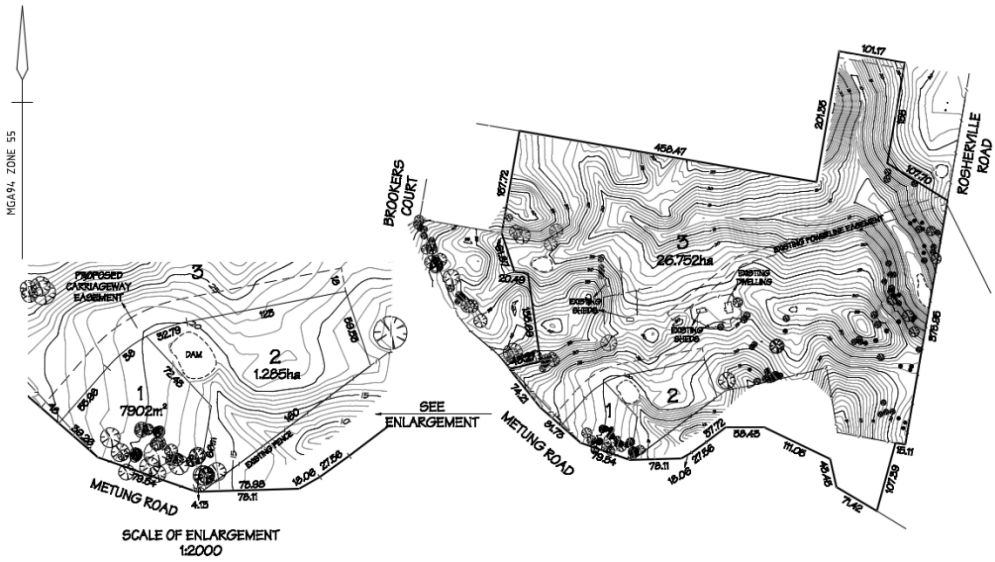
Purpose

This report is to consider planning permit application 5.2025.105.1 for a three-lot subdivision and creation of a carriageway easement adjacent to a road in Transport Zone 2 at 705 Metung Road, Metung. The report outlines the proposal and details the rationale behind the Officer's recommendation for approval.

Key Points

The application is reported to Council following the Planning Consultation Meeting (PCM) which was held on 2 March 2026. The applicant, along with all parties who submitted objections were invited to the PCM meeting. No objectors attended the PCM meeting.

The application before you for consideration, is for a three-lot subdivision and creation of a carriageway easement adjacent to transport Zone 2.



This application follows application 111/2020/P, for which an appeal was submitted to VCAT against Council's decision to issue a Notice of Decision to Grant a Permit. VCAT issued an Order (dated 27 October 2023) that no permit be issued. A copy of the VCAT order is provided at **Attachment 4**.

The current application before Council has sought to address the concerns raised by the VCAT Member with regard to native vegetation removal, uncertainty regarding the removal of a dam on site, required earthworks and the resultant impact upon biodiversity. Concerns were also raised regarding a lack of detail regarding the proposed vehicular access and the potentially required earthworks and resultant impacts upon native vegetation on site.

Following the VCAT decision an application was submitted and a subsequent permit was issued for the Creation of an Access to Transport Zone 2 on 4 June 2024 (5.2024.61.1). The current proposal for a three-lot subdivision and creation of carriageway easement relies upon the access approved and subsequently constructed in accordance with this permit.

The current application is for a three-lot subdivision of the land, with the creation of two lots adjacent to the southern boundary of the site. The two new lots to be created measure 7902 sqm and 1.28 Hectares, with the remaining existing property measuring 26.75 Hectares. The proposed carriageway easement proposed to be created runs from the recently approved and constructed new access into the site from Metung Road.

As with the previous planning permit application, EGCMA has objected to this application and despite an amendment to realign the lots (to minimise the ownership of the waterway to two of the three lots). EGCMA maintains objections due to the defendable space for the future dwellings incurring within the 30 Metres buffer either side of the waterway and their position that the application fails to suitably address state policy for waterway health. Objections are also maintained due to the lack of a Waterway Management Plan for consideration. Officers propose to require a Waterway Management Plan by means of Condition imposed upon the permit.

A detailed assessment of the planning application is provided at **Attachment 1**. The Officer recommendation seeks to balance the merits of the case in the context of the policy requirements of the East Gippsland Planning Scheme (the Scheme); expert advice of EGCMA; and objector concerns.

Following careful consideration, the recommendation of Officers is to issue a Notice of Decision to grant a permit based upon the assessment of the merits of the proposal. A copy of the proposed conditions is provided at **Attachment 6**.

Recommendation

That Council, being the Responsible Authority and having considered all the relevant planning matters, determines that Planning Permit Application 5.2025.105.1 is consistent with the requirements and objectives of the East Gippsland Planning Scheme and therefore resolves to issue a Notice of Decision to Grant a permit subject to Conditions as provided at Attachment 6.

Strategic Alignment

This report has been prepared and aligned with the following themes set out in the Council Plan 2025-2029:

Theme 2: Prosperity
Outcome – A well-functioning planning system that responds to our communities' needs

Theme 3: Making the most of what we've got
Outcome – Natural assets are well-managed and protected

Theme 4: Managing Council well
Outcome – Decision-making is streamlined, efficient, and responsive to community needs

Consultation/Community Engagement/Impacts

In accordance with the Planning and Environment Act 1987 and the Planning Scheme, the application was referred to: EGCMA; CFA; DEECA; DTP; Ausnet; and EGW. Their referral responses are provided at **Attachment 2.**

Notice of the permit application was made to property owners and occupiers near the subject land. Nine objections were received as provided at **Attachment 3**. The referral responses, objections and submission are considered further in the detailed assessment of the planning application as provided at **Attachment 5.**

Opportunities and Risks

Legislative and policy context

In isolation, this planning application is relatively modest and will create two additional lots and accordingly the opportunity for the development of two additional dwellings within an established residential zoned (Rural Living Zone 2) location in Metung.

The application, however, has broader implications for opportunities to deliver an adequate and diverse supply of housing across East Gippsland. Plan for Victoria (Department of Transport and Planning, 2025) sets housing targets to be delivered by each municipality in Victoria. The Plan identifies that East Gippsland must deliver 11,000 new homes by 2050.

Many settlements in East Gippsland are affected by environmental risks. Future development in these locations must balance the need for additional housing to meet community needs with the need to manage environmental risk. These objectives are often conflicting. The application site is subject to the Bushfire Management Overlay. However, the risks associated with the Overlay are considered to be manageable through the creation of defendable space and good access to Metung Road provides good emergency egress and fire-fighting access.

In addressing environmental risk, Council must consider the following legislation and policy:

Local Government Act 2020

Section 9 of the Local Government Act *2020* sets out the overarching governance principles that Council must deliver which include '... the economic, social and environmental sustain ability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.'

Climate Change Act 2017

Section 23 of the *Climate Change Act 20217* sets out the principles of informed decision making and states: lilt is a guiding principle of this Act that a decision, policy, program or process (a) should be based on a comprehensive analysis of the best practicably available information about the potential impacts of climate change that is relevant to the decision, policy, program or process under consideration.'

Planning and Environment Act 1987

The objectives of planning at Section 4 of the *Planning and Environment Act 1987* (the Act) include:

'Provide for fair, orderly, economic and sustainable use and development of land; Secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria; Balance the present and future interests of all Victorians.'

Section 60 of the Act continues by stating that before deciding on an application, Council must consider: '... *any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development*.'

Planning Policy Framework (PPF)

The policy requirements of the Scheme are set out in the detailed assessment of the application at Attachment 2 and summarised below:

- Clause 13 (Environmental Risks and Amenity): planning should (among other things) prepare for and respond to the impacts of climate change.
- Clause 13.01-1S (Natural Hazards and Climate Change): minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.
- Clause 13.02-18 (Bushfire Planning): strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- Clause 14.02-18 (Catchment Management and Planning): assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater and marine environment

Options

Council has two options:

1. Endorse the Officer's recommendation and issue a Notice of Decision to approve the application, subject to Conditions.

2. Not endorse the Officers' recommendation and resolve to issue a Notice of Decision to refuse the application.

Option 1 is recommended. With either option, it is possible that the decision could be appealed at VCAT either by the applicant (if refused) or objectors including EGCMA (if approved).

Conflicts of Interest

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

Attachments

1. Officer Assessment [**5.1.2.1** - 13 pages]
2. Referral Responses [**5.1.2.2** - 27 pages]
3. Objections [**5.1.2.3** - 18 pages]
4. VCAT ORDER [**5.1.2.4** - 10 pages]
5. Permit Application [**5.1.2.5** - 53 pages]
6. Proposed Conditions [**5.1.2.6** - 5 pages]

Attachment 5.2.1.2

Planning Permit Application 5.2025.105.1 – Three lot subdivision and creation of carriageway easement adjacent to a road in Transport Zone 2 at 705 Metung Road, Metung.

Detailed Planning Assessment

Site Context and Proposal

The subject site is located at 705 Metung Road, Metung. The site measures 28.83 Hectares and fronts Metung Road, along the southern boundary of the site. Access into the site is gained along the south-western boundary of the site.

The site contains a single existing dwelling and associated outbuildings, which are located within the centre of the site.

The topography of the site is undulating and contains patches of native vegetation. The site is crossed by several watercourses, only one of which is in the area of the site which is proposed for subdivision. The designated watercourse travels from the eastern side of the driveway and extends along a wetland gully system which grows in scale as it travels toward the eastern boundary of the site and contains significant vegetation and rainforest species.



Figure 1: Site and Locality context

Image 3 – Existing Conditions photo



Looking east from Metung Road towards existing access



Looking North East from close to the boundary with Metung Rd (existing dwelling on site visible).



Looking south across waterway towards Metung Road



Looking south west along driveway towards Metung Road

The application before Council seeks approval for a three lot subdivision and creation of a carriageway easement adjacent to Transport Zone 2. The proposed lots for development (Lots 1 and 2) measure 7902 square Metres and 1.285 Hectares and the remainder of the land (including the existing dwelling) forms Lot 3 which measures 26.752 Hectares in area.

Details of the proposal are provided in Attachment 1.

Relevant Planning History

- The current application follows application 111/2020/P, for which an appeal was submitted to VCAT against Council's decision to issue a Notice of Decision to Grant a Permit. VCAT issued an Order (dated 27th October 2023) that no permit be issued. The current application before Council has sought to address the concerns raised by the VACT Member with regard to Native Vegetation removal, concerns regarding uncertainty regarding the removal of a dam on site, required earthworks and the resultant impact upon biodiversity. Concerns were also raised regarding a lack of detail regarding the proposed vehicular access and the potentially required earthworks and resultant impacts upon native vegetation on site. The VCAT Order is provided for reference at Attachment 5.
- A permit was issued for the Creation of an Access to Transport Zone 2 on 4th June 2024 (5.2024.61.1). The permit has subsequently been implemented and the access constructed.

Planning Scheme Controls

The subject land is subject to the following East Gippsland Shire Council Planning Scheme controls:

- Low Density General Residential Zone (LDRZ) and Rural Living Zone (RLZ).
- Design and Development Overlay Schedule 11 (DDO11) – Residential Development in Coastal Settlements.
- Environmental Sensitivity Area Schedule 1-63 – Rosherville Road Wildlife Corridor.
- Vegetation Protection Overlay Schedule 3 (VPO3) – Nungurner-Metung Vegetation Protection Area.
- Special Landscape Overlay Schedule 3 – Metung and Lakes Entrance Hills.
- Erosion Management Overlay.
- Bushfire Management Overlay (BMO).
- Land Subject to Inundation Overlay (LSIO).
- Clause 52.02 (Creation of an easement).
- Clause 52.29-2 (Subdivision of land adjacent Transport Zone 2).

Pursuant to the Aboriginal Heritage Regulations 2018, a Cultural Heritage Management Plan (CHMP) is not required as the proposal is not defined as a high impact activity.

Engagement

The application required referral to the following authorities:

Authority	Recommending or Determining	Response
Country Fire Authority (CFA)	Recommending	Conditional consent
East Gippsland Catchment Management Authority (EGCMA)	Recommending	Objects to the issue of a planning permit.
DTP	Determining	Conditional consent (no direct access for Lots 1&2 from Metung Road)
DEECA	52(1)(c) (for comment)	No objections
EGW	Determining	Conditional consent.
Ausnet	Determining	Conditional consent.

Referral responses are provided at **Attachment 3**.

Public notification was undertaken in the form of letters to adjoining landowners and a sign was placed on site in accordance with Section 52 of the Planning and Environment Act 1987. Nine objections have been received. The submissions received are provided at **Attachment 4**.

The following issues, in summary, have been raised by objectors:

- Visual impact upon landscape;
- Impact upon character of the area;
- Loss of vegetation including grasslands;
- Noise and disruption during construction phase;
- Traffic generation;
- Loss of privacy, particularly from vehicles exiting the subdivision from the newly constructed driveway entrance;
- Pollution of adjacent environment including rainforest due to lightspill, noise and use of chemicals including pesticides; and
- Loss of biodiversity.

Assessment

Municipal Planning Strategy (MPS)

Clause 02.03-2 (Environmental and Landscape Values) acknowledges the biodiversity value of natural habitat and the significant environments and landscapes across the Shire. The clause promotes the adoption of basic environmental sustainability principles in decision making.

Clause 02.03-3 identifies the need to assess the impacts of climate change upon flood and bushfire risk. Furthermore, the Clause reinforces that Council will seek to manage the environmental risks and amenity, by amongst other things prioritising the protection of life and property and avoiding land use and development in areas where environmental risk has been identified.

Planning Policy Framework

Policy Reference	Objective/Strategy	Response
11.01-1L-01	East Gippsland Settlements. Encourage infill or incremental development of existing towns.	The proposal provides development on the fringes of an established residential location in Rural Living Zone 2.
11.03-4L-04	Metung Protect the landscape setting and environmental qualities that contribute to the 'village' character of Metung. Protect visually and environmentally significant native vegetation, the vegetated escarpment of Lake King and vegetated wildlife corridors and wetlands. Avoid development adjoining Metung Road, Nungurner Road and Kalimna West Road that detracts from the views and scenic landscape values of the road corridors.	The proposal is generally consistent with the Metung Framework Plan. The proposed subdivision is not considered to prejudice the village character of Metung, nor is it considered that it would result in an unacceptable impact upon the landscape. The proposed development does not result in the removal of native vegetation.
13	Environmental Risks and Amenity. Prepare for and respond to the impacts of climate change	The CFA has no objections to the proposed development. The EGCM maintains its objection to the proposed subdivision due to proximity to the waterway and specifically the conflicts

		between the requirements for revegetation of the waterway buffer and the defendable space requirements of the CFA. Officers are of the view that the amended application improves the proposal by retaining the waterway in the ownership and management of two lots (as opposed to three) and a Condition would require the submission of an appropriate Waterway Management Plan including revegetation which is suitable within defendable space.
Clause 13.02-1S	Bushfire Planning. Strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.	The proposal is consistent with strategies relating to bushfire. The CFA have reviewed the application and provided conditional consent.
Clause 16	Housing. Facilitate well-located, integrated and diverse housing that meets community needs	The proposal is consistent with strategy to consolidate urban development and provide integrated and diverse housing on the fringes of an established residential settlement.

On balance it is considered that the proposal adequately address the requirements of the PPF.

Zone and Overlays

Rural Living Zone (Schedule 2)

The relevant purposes of the Zone include:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for residential use in a rural environment.*
- *To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.*
- *To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

Clause 35.03-3 states that a permit is required to subdivide land.

'Each lot must be at least the area specified for the land in a schedule to this zone.'

A permit may be granted to create smaller lots if any of the following apply:

- *The number of lots is no more than the number the land could be subdivided into in accordance with a schedule to this zone.*

Schedule 2 is applied to the land and this stipulates that the minimum lot size is 4 Hectares.

The entire property within the Rural Living Zone (RLZ2) measures 26.63 Hectares. Whilst the two proposed lots measure 9677 square Metres and 1.108 hectares and are clearly well below the minimum lot size of 4 Hectares, the remaining land within Lot 3 will total 26.752 Hectares. On the basis of the remainder of the wider landholding being retained within Lot 3 and not being proposed for further subdivision the proposed subdivision is considered to be compliant with the Planning Scheme and acceptable in principle. The proposed subdivision also falls to be considered against the Decision Guidelines of the RLZ2 Zone.

The Decision Guidelines require, in addition to, compliance with the Municipal Planning Strategy and the Planning Policy Framework, the following Environmental requirements:

- *'The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.*
- *The impact of the use or development on the flora, fauna and landscape features of the locality.*
- *The need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.'*

The proposed subdivision is considered to comply with each of the above standards.

No earthworks are proposed as part of the subdivision. The building envelope to proposed Lot 1 is contained on part of the site which is flatter than other areas of the site and outside of the Erosion Management Overlay. Proposed Lot 2 contains a building envelope which encroaches only minimally within the Erosion Management Overlay. None of the works required to facilitate the subdivision would prejudice landscape features within the site.

The proposed subdivision does not require the removal of vegetation. The lot layout has been designed to ensure that no vegetation requires removal along the proposed fence lines on boundaries. The significant vegetation on site (including rainforest) has been retained in Lot 3 and will therefore be managed by the existing land owners. The application is accompanied by a Land Capability Assessment which shows that the proposed development can be appropriately drained, without adverse impact upon existing native vegetation on site.

The proposed development has been designed to enable the retention of a buffer zone around the watercourse on site and a Condition of any permit would include the requirement for a

Waterway Management Plan (WMP) to be approved by the Responsible Authority and the on-going implementation of the WMP would secured by means of a Section 173 legal agreement.

On balance, the proposal is considered to comply with the Planning Policy Framework and is supported by the RLZ (Schedule 2).

Environmental Significance Overlay Schedule 1-63

A permit is required at Clause 42.01-2 for the subdivision of land. The ESO only applies to a small portion of the application site (within Lot 3, where there is no expectation of further development). No works associated with the subdivision are proposed within the ESO.

Vegetation Protection Overlay Schedule 3 (VPO3) – Nungurner-Metung Vegetation Protection Area.

The Vegetation Protection Overlay (Schedule 3) applies to the entirety of the site. The purpose of the VPO is as follows:

- *To protect areas of significant vegetation.*
- *To ensure that development minimises loss of vegetation.*
- *To preserve existing trees and other vegetation.*
- *To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.*
- *To maintain and enhance habitat and habitat corridors for indigenous fauna.*
- *To encourage the regeneration of native vegetation.*

The proposed subdivision is considered to comply with the other purposes of the VPO as no vegetation requires removal. The proposed building envelopes have been positioned in order that the defendable space requirement does not extend within areas of existing woodland. The required drainage fields identified within the submitted Land Capability Assessment are also positioned in order to avoid adverse impact upon vegetation. The required Waterway Management Plan also provides the ability for betterment in terms of species planting within the buffer either side of the waterway on site.

According, as no vegetation is proposed for removal a permit is not required under Clause 42.02.

Design and Development Overlay (Schedule 11) Residential Development in Coastal Settlements

The proposed subdivision requires a permit under Clause 43.02-3. The relevant design objectives of the DDO11 include:

- Protect and manage the township character of coastal settlements.
- Ensure that new development is visually and physically integrated with the site and surrounding landscape.

It is only the subdivision of land that requires a planning permit under the provisions of DDO11. The proposed subdivision results in a lot configuration that is consistent with lot sizes and configuration of the surrounding established residential area. It facilitates the construction of a future dwelling that responds to the physical features of the site (topography, vegetation etc.) and is well located to community focal points, public land and activity areas (commercial or community precincts, recreation areas and foreshore areas).

The proposal is considered to be consistent with the requirements of DDO11.

Erosion Management Overlay

The proposed subdivision requires a permit under the Erosion Management Overlay, Clause 44.01-5. The majority of the application site is within the EMO. The application was accompanied by a Geotechnical Risk Assessment Report, which confirms that the site is low risk relating to landslide, tunnel erosion and sheet/rill erosion. The report makes suitable recommendations for minimising erosion during works. The application identifies proposed building envelopes for Lots 1 and 2. The building envelope on Lot 1 is outside of the EMO. The building envelope for Lot 2 only encroaches minimally into the EMO. The proposed subdivision will not require the removal of vegetation and additional planting will be required on site within the buffer zone to the waterway.

Land Subject to Inundation Overlay (LSIO)

A permit is required under Clause 44.04-3 as part of the site is subject to the LSIO.

The purposes of the LSIO relevant to consideration of this planning application include:

- Identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.
- Ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- Minimise the potential flood risk to life, health and safety associated with development.

The referral response from the EGCMA (**Attachment 3**), does not provide commentary on the LSIO, as there is only a small section of the site (within the south eastern corner of proposed Lot 3 - where development is not proposed).

Bushfire Management Overlay

A planning permit is required for subdivision of land in the BMO. To address the requirements of the BMO, the applicant has submitted a Bushfire Hazard Site Assessment and a Bushfire Management Plan and a Bushfire Management Statement with the application. This detailed analysis identifies that the bushfire risk at the subject land can be appropriately managed. The analysis also addresses the requirements of clause 52.03 Bushfire Planning.

The application was referred to the CFA who provided no objection to the proposal subject to conditions.

The proposal is considered to be consistent with the requirements of BMO.

Particular Provisions

A permit is required under Clause 52.02 for the creation of an easement (proceeding under Section 23 of the Subdivision Act 1988). The easement will provide access to all three Lots along the route of the existing driveway into the property. The access is supported by the Department of Transport and Council's Senior Technical Officer.

A permit is required under Clause 52.29-2 for the subdivision of land adjacent to a road in Transport Zone 2. The application was referred to the Department of Transport and Planning (DTP) and confirmation was received of no objections subject to a Condition being imposed preventing direct access of Lots 1 and 2 to Metung Road. The Condition is to be imposed and will ensure that access is only gained from the proposed carriageway easement, which gains access from Metung Road via the newly constructed access which was approved as part of Planning Permit 5.2024.61.1 on 4th June 2024.

General Provisions

The planning application has been assessed against the decision guidelines for subdivisions and all other relevant Overlays. All relevant matters have been addressed as part of the assessment undertaken against the MPS, PPF, Zone and Overlay provision.

Consideration of submission and objections

Submission/Objection Themes	**Response**
Visual Impact	The application before Council is solely for the subdivision and not for development and this why the application does not fall to be considered against the provisions of the Significant Landscape Overlay. Notwithstanding this, the development would not result in a need to remove any trees or shrubs on site and earthworks required to facilitate the subdivision would not be considered to unacceptably prejudice the visual appearance of the wider site.
Impact upon character of the area	The area is characterised by lots of a range of different sizes and the provision of two additional lots is not considered to unacceptably impact upon the character of the area.
Loss of vegetation including grasslands	This matter is considered within the above report.
Noise and Disruption during construction phase	Whilst noise and disruption is not considered likely to be significant, the temporary impact of works is an acceptable and anticipated outcome.
Traffic Generation	The traffic generation of two additional lots is considered to be an acceptable outcome onto a Transport Zone 2 road. Furthermore, DTP has not raised any objections.
Loss of privacy, particularly from vehicles exiting the subdivision from the newly constructed driveway entrance	The access from Metung Road is already in situ. The access is circa 40 Metres from the front elevation of the nearest residential property at 680 Metung Road.
Pollution of adjacent environment including rainforest due to	The proposal will result in two additional dwellings, which would be accommodated on building envelopes which maintain a buffer of 30 Metres from the watercourse

lightspill, noise and use of chemicals including pesticides;	through the property. It is not considered that the proposal would unacceptably prejudice the adjacent environment.
Loss of biodiversity	Significant habitat is not proposed for removal. Other than the proposed building envelopes, the management of the defendable space for the dwellings is the only vegetation which would require removal and this benefits from a prospective exemption.

VCAT Decision

The application before Council precedes planning permit application 111/2020/P for which a Notice of Determination was issued. Subsequently an appeal was submitted to VCAT (P251/2022) and the decision was made by VCAT that the decision of the Responsible Authority be set aside and a permit not issued.

Application 111/2020/P differs from the application currently before us, as it also included the development of a dwelling on Lot 1 and the construction of a new access from Metung Road.

Following the VCAT decision an application was submitted for the creation of an access to Transport Zone 2 and a permit issued on 4th June 2024 (5.2024.61.1). The permit has subsequently been implemented and the access constructed. The proposed subdivision now relies upon the newly constructed access.

There was discussion within the VCAT Member's decision regarding the uncertainty around the removal of the dam on site, which is fed by the waterway which passes through proposed Lots 2 and 3. The current application has removed the uncertainty regarding the dam removal and has confirmed the retention of the dam. Therefore, the concerns previously raised regarding the impact upon biodiversity have, in the view of Officers, been addressed.

The VCAT Member also raised uncertainty regarding the impact of the development upon vegetation which was subject to the Vegetation Protection Overlay and within the Significant Landscape Overlay. The proposed access road into the site would have required vegetation removal. The application currently before us provides greater clarity that vegetation removal is not required to facilitate the subdivision.

AusNet

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

Our Reference: 75104428
Your Reference: 5.2025.105.1
Surveyors Reference: 21041

Date: 08 April 2025

EAST GIPPSLAND SHIRE COUNCIL
PO Box 1618
BAIRNSDALE VIC 3875

Dear Sir/Madam,

PLANNING PERMIT NUMBER: 5.2025.105.1
APPLICANT: Crowther & Sadler Pty Ltd
DESCRIPTION OF LAND: 705 METUNG ROAD, METUNG

CONDITIONAL CONSENT TO ISSUE OF PERMIT

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

CONDITIONS REQUIRED BY AUSNET ELECTRICITY SERVICES PTY LTD

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

The applicant must –

- Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
- Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
- Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.
- If required, provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of “AusNet Electricity Services Pty Ltd” pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.

- If required, obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.

- If required, adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.

- Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.

END OF CONDITIONS

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

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

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

For all enquiries please email: subdivisions@ausnetservices.com.au

Yours sincerely,

Mark Taylor
Customer Connect
AusNet Services

Our Reference: 75104428
Your Reference: 5.2025.105.1
Surveyors Reference: 21041

Date: 20 October 2025

AusNet

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

EAST GIPPSLAND SHIRE COUNCIL
PO Box 1618
BAIRNSDALE VIC 3875

Dear Sir/Madam,

PLANNING PERMIT NUMBER:	5.2025.105.1
APPLICANT:	Crowther & Sadler
DESCRIPTION OF LAND:	705 METUNG ROAD, METUNG

CONDITIONAL CONSENT TO ISSUE OF PERMIT

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

CONDITIONS REQUIRED BY AUSNET ELECTRICITY SERVICES PTY LTD

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

The applicant must –

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

- Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.

END OF CONDITIONS

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

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

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

For all enquiries please email: subdivisions@ausnetservices.com.au

Yours sincerely,

Mark Taylor
Customer Connect
AusNet Services

Department of Energy, Environment and Climate Action

Nicholson Street
EAST MELBOURNE, VICTORIA 3001
Email: pe.assessment@deeca.vic.gov.au
deeca.vic.gov.au

Robert Pringle
Planning Department
East Gippsland Shire Council
273 Main Street
BAIRNSDALE VIC 3875

Our ref: 8759

By email: planning@egipps.vic.gov.au

Dear Mr Pringle

REFERENCE: **5.2025.105.1**
PROPOSAL: **THREE LOT SUBDIVISION, CREATION OF CARRIAGEWAY EASEMENT ADJACENT TO A ROAD IN A TRANSPORT ZONE 2**
ADDRESS: **705 METUNG ROAD, METUNG**

Thank you for your correspondence received on 4 April 2025.

The Department of Energy, Environment and Climate Action has been referred this application under Section 52(1)(c) of the *Planning and Environment Act* 1987 for comment. The specific referral trigger being schedule 1 to clause 42.01-2 Environmental Significance Overlay *East Gippsland Sites of Biological* Significance, Schedule 1 – 63, *Rosherville Road Corridor.*

The application seeks a three lot subdivision, creation of carriageway easement adjacent to a road in a Transport Zone 2.

Having considered the application and on the basis of the information provided, under delegation from the Secretary DEECA **does not object** to a planning permit being issued.

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

Yours sincerely

Elaine Wood

Elaine Wood
Senior Planning Officer
Planning Services (Central East)
DEECA Planning and Environment Assessment

9/04/2025

Any personal information about you or a third party in your correspondence will be protected under the provisions of the *Privacy and Data Protection Act 2014*. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorized by law. Enquiries about access to information about you held by the Department should be directed to foi.unit@delwp.vic.gov.au or FOI Unit, Department of Energy, Environment and Climate Action, PO Box 500, East Melbourne, Victoria 8002.

VICTORIA State Government

OFFICIAL

Department of Energy, Environment and Climate Action

Nicholson Street
EAST MELBOURNE, VICTORIA 3001
Email: pe.assessment@deeca.vic.gov.au
deeca.vic.gov.au

Robert Pringle
Planning Department
East Gippsland Shire Council
273 Main Street
BAIRNSDALE VIC 3875

Our ref: CMS8759 / CMS9134

By email: planning@egipps.vic.gov.au

Dear Mr Pringle

REFERENCE: **5.2025.105.1**
PROPOSAL: **THREE LOT SUBDIVISION, CREATION OF CARRIAGEWAY EASEMENT ADJACENT TO A ROAD IN A TRANSPORT ZONE 2**
ADDRESS: **705 METUNG ROAD, METUNG**

Thank you for your correspondence received on 2 May 2025 being a re-referral of the application.

The Department of Energy, Environment and Climate Action has been referred this application under Section 52(1)(c) of the *Planning and Environment Act* 1987 for comment. The specific referral trigger being schedule 1 to clause 42.01-2 Environmental Significance Overlay *East Gippsland Sites of Biological* Significance, Schedule 1 – 63, *Rosherville Road Corridor.*

The application seeks a three lot subdivision, creation of carriageway easement adjacent to a road in a Transport Zone 2.

Having considered the application and on the basis of the information provided, under delegation from the Secretary DEECA **does not object** to a planning permit being issued.

If you have any queries regarding this matter, please contact Elaine Wood by email at pe.assessment@deeca.vic.gov.au.

Yours sincerely

Elaine Wood

Elaine Wood
Senior Planning Officer
Planning Services (Central East)
DEECA Planning and Environment Assessment

7/05/2025

Any personal information about you or a third party in your correspondence will be protected under the provisions of the *Privacy and Data Protection Act 2014*. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorized by law. Enquiries about access to information about you held by the Department should be directed to foi.unit@delwp.vic.gov.au or FOI Unit, Department of Energy, Environment and Climate Action, PO Box 500, East Melbourne, Victoria 8002.

VICTORIA State Government

OFFICIAL

Kerry Stow

From: Planning and Environment Assessment (DEECA) (DEECA) <pe.assessment@deeca.vic.gov.au>
Sent: Wednesday, 8 October 2025 9:57 AM
To: Planning Unit Administration
Subject: OFFICIAL: DEECA RESPONSE: 5.2025.105.1 Section 52 notice - re-referral for 3-lot subdivision (DEECA Ref. 00011092)

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

Good morning April,

Thank you for your notice of the above-mentioned application to amend planning permit 5.2025.105.1 in accordance with Section 52 of the *Planning and Environment Act 1987*.

The Department of Energy, Environment and Climate Action (DEECA) understands the application is a re-referral of a previous application for a 3-lot subdivision at 705 Metung Road Metung.

Based on an initial assessment of the application materials and a review of DEECA's previous responses, DEECA advises it has no further comment regarding the re-referral and will not be providing any further response.

Kind regards,

Rebekah O'Reilly
Planning Officer, Planning Services (West) | Planning and Environment Assessment
Regions, Environment, Climate Action and First Peoples | Department of Energy, Environment and Climate Action

609 Burwood Hwy, Knoxfield, Victoria 3180
M: 0458 425 611 | **E:** rebekah.oreilly@deeca.vic.gov.au



Facebook | X (formerly Twitter) | LinkedIn | Instagram | YouTube



We acknowledge Victorian Traditional Owners and their Elders past and present as the original custodians of Victoria's land and waters and commit to genuinely partnering with them and Victoria's Aboriginal

cfa.vic.gov.au

Patron: Her Excellency Professor the Honourable Margaret Gardner AC, Governor of Victoria

CFA Fire Risk, Research and Community Preparedness
8 Lakeside Drive Burwood East Vic 3151
Email: firesafetyreferrals@cfa.vic.gov.au

CFA Ref: **11000-69198-143681**
Council Ref: **5.2025.105.1**

12 May 2025

Robert Pringle
East Gippsland Shire Council
273 Main Street
BAIRNSDALE VIC 3875
east gippsland shire council

Dear Robert,

CONDITIONAL CONSENT TO THE GRANT OF A PERMIT

Application No: 5.2025.105.1
Site Address: 705 Metung Road Metung
Proposal: THREE LOT SUBDIVISION IN BMO

I refer to correspondence received on 4 April 2025 seeking comments on the above application.

CFA acting as a Referral Authority pursuant to section 55 of the *Planning and Environment Act, 1987* (**Act**) has considered and does not object to the grant of a permit for the above proposal subject to –

- Any mandatory conditions specified within the planning scheme; and
- The following conditions being included on any planning permit that may be issued.

– Start of Conditions –

1. **Endorsement of Bushfire Management Plans**

   The Bushfire Management Plans 21041-BMP-L1 version 2 and 21041-BMP-L2 version 2, both dated 09/04/2025 and both prepared by Crowther and Sadler Pty Ltd, must be endorsed by the Responsible Authority, be included as an annexure to the section 173 agreement prepared to give effect to clause 44.06-5 of the Planning Scheme and must not be altered unless agreed to in writing by CFA and the Responsible Authority.

2. **Additional matters to be set out in the Section 173 agreement**

   In addition to the requirements of Clause 44.06-5 of the Scheme, the section 173 Agreement prepared in accordance with that clause must also:

a) Explicitly exclude Lot 3 from the following exemption under Clause 44.06-2 of the Scheme:

"A building or works consistent with an agreement under section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-5".

– End of Conditions –

Certification and Statement of Compliance

CFA consents under Section 9 of the *Subdivision Act 1988* to the Certification of the Plan of Subdivision. CFA does not want the Plan of Subdivision for this planning permit application referred under Section 8 of the *Subdivision Act 1988*.

CFA also consents to the Statement of Compliance for Subdivision under the *Subdivision Act 1988*.

If you wish to discuss this matter in more detail, please do not hesitate to contact Mark Sacco on 0438 743 126.

Yours sincerely,



Justin Meli
Bushfire Planning Coordinator
CFA, Fire Risk, Research & Community Preparedness

cc: contact@crowthersadler.com.au

cfa.vic.gov.au

Patron: Her Excellency Professor the Honourable Margaret Gardner AC, Governor of Victoria

CFA Fire Risk, Research and Community Preparedness
8 Lakeside Drive Burwood East Vic 3151
Email: firesafetyreferrals@cfa.vic.gov.au

CFA Ref: 11000-69198-147761
Council Ref: 5.2025.105.1

28 October 2025

Andrew Bates
East Gippsland Shire Council
PO BOX 1618
BAIRNSDALE VIC 3875
east gippsland shire council

Dear Andrew,

CONDITIONAL CONSENT TO THE GRANT OF A PERMIT

Application No: 5.2025.105.1
Site Address: 705 Metung Road Metung
Proposal: THREE LOT SUBDIVISION IN BMO

I refer to correspondence received on 07 October 2025 seeking comments on the above application.

CFA acting as a Referral Authority pursuant to section 55 of the *Planning and Environment Act, 1987* (**Act**) has considered and does not object to the grant of a permit for the above proposal subject to –

- Any mandatory conditions specified within the planning scheme; and
- The following conditions being included on any planning permit that may be issued.

– Start of Conditions –

1. **Endorsement of Bushfire Management Plans**

   The Bushfire Management Plans 21041-BMP-L1 version 3 and 21041-BMP-L2 version 3, both dated 10/07/2025 and both prepared by Crowther and Sadler Pty Ltd, must be endorsed by the Responsible Authority, be included as an annexure to the section 173 agreement prepared to give effect to clause 44.06-5 of the Planning Scheme and must not be altered unless agreed to in writing by CFA and the Responsible Authority.

2. **Additional matters to be set out in the Section 173 agreement**

   In addition to the requirements of Clause 44.06-5 of the Scheme, the section 173 Agreement prepared in accordance with that clause must also:

a) Explicitly exclude Lot 3 from the following exemption under Clause 44.06-2 of the Scheme:

"A building or works consistent with an agreement under section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-5".

– End of Conditions –

Certification and Statement of Compliance

CFA consents under Section 9 of the *Subdivision Act 1988* to the Certification of the Plan of Subdivision. CFA does not want the Plan of Subdivision for this planning permit application referred under Section 8 of the *Subdivision Act 1988*.

CFA also consents to the Statement of Compliance for Subdivision under the *Subdivision Act 1988*.

If you wish to discuss this matter in more detail, please do not hesitate to contact Mark Sacco on 0438 743 126.

Yours sincerely,



Justin Meli
Bushfire Planning Coordinator
CFA, Fire Risk, Research & Community Preparedness

cc: contact@crowthersadler.com.au

East Gippsland Water

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

Our Ref: DOC/25/22193

12 May 2025

Reference Number(s): 5.2025.105.1
Referral Authority: East Gippsland Shire Council
For: Three lot subdivision & creation of carriageway easement adjacent to a road in a Transport Zone 2
Location: 705 Metung Road Metung
Applicant: Crowther & Sadler Pty Ltd

In response to the above application, East Gippsland Water does not object to a permit being granted, provided it includes the following conditions and notes.

Conditions:

1. Extend water supply infrastructure to the satisfaction of East Gippsland Water. A duplicate watermain is required to front the development due to the major road reserve being wider than 30.0m (Water Association of Australia Clause 5.7 of WSA03)
2. Submit design, construction, commissioning and as constructed documentation on all proposed infrastructure, or alterations to existing infrastructure, for written approval by East Gippsland Water.
3. Pay applicable development planning charges.
4. Existing water meter (No. 77756), which serves the existing dwelling, is to remain within, or be relocated to, proposed Lot 3 and continue to serve the existing dwelling.

Notes:

(A) Each lot is to be separately serviced by the water reticulation system. Subject to East Gippsland Water's requirements being met, relevant infrastructure will then become East Gippsland Water's to own, operate and maintain in perpetuity.
(B) Design documentation to be submitted after certification application has been made.
(C) Development planning charges apply where East Gippsland Water approve design, construction, commissioning and as constructed documentation (actual charge is based on the final cost of the works).

Sewer services are not available for this subdivision.

East Gippsland Water

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

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

Yours faithfully,

ADRIAN J. KELLY
MANAGER DISTRICT GROWTH
East Gippsland Water

cc: Crowther & Sadler Pty Ltd

East Gippsland Water

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

Our Ref: DOC/25/55841

5 November 2025

Reference Number(s): 5.2025.105.1
Referral Authority: East Gippsland Shire Council
For: Three lot subdivision & creation of carriageway easement adjacent to a road in a Transport Zone 2
Location: 705 Metung Road Metung
Applicant: Crowther & Sadler Pty Ltd

In response to the above application, East Gippsland Water does not object to a permit being granted, provided it includes the following conditions and notes.

Conditions:

1. Extend water supply infrastructure to the satisfaction of East Gippsland Water. A duplicate watermain is required to front the development due to the major road reserve being wider than 30.0m (Water Association of Australia Clause 5.7 of WSA03).
2. Submit design, construction, commissioning and as constructed documentation on all proposed infrastructure, or alterations to existing infrastructure, for written approval by East Gippsland Water.
3. Pay applicable development planning charges.
4. Existing water meter (No. 77756), which serves the existing dwelling, is to remain within, or be relocated to, proposed Lot 3 and continue to serve the existing dwelling.

Notes:

(A) Each lot is to be separately serviced by the water reticulation system. Subject to East Gippsland Water's requirements being met, relevant infrastructure will then become East Gippsland Water's to own, operate and maintain in perpetuity.
(B) Design documentation to be submitted after certification application has been made.
(C) Development planning charges apply where East Gippsland Water approve design, construction, commissioning and as constructed documentation (actual charge is based on the final cost of the works).

Sewer services are not available for this subdivision.

East Gippsland Water

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

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

Yours faithfully,

ADRIAN J. KELLY
MANAGER DISTRICT GROWTH
East Gippsland Water

cc: Crowther & Sadler Pty Ltd

Department of Transport and Planning

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

Ref: PPR 48579/25 -A

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

Dear Robert

PLANNING APPLICATION NO.:	**5.2025.105.1**
DEPARTMENT REFERENCE NO:	**PPR 48579/25 -A**
PROPERTY ADDRESS:	**705 METUNG ROAD, METUNG VIC 3904**

Section 55 – No objection subject to conditions

Thank you for your referral dated 2 May 2025 of the above application to the Head, Transport for Victoria under Section 55 of the *Planning and Environment Act 1987.*

This application seeks planning permission for a three lot subdivision & creation of carriageway easement adjacent to a road in a Transport Zone 2.

The Head, Transport for Victoria has considered this application and does not object if the permit is subject to the following conditions:

1. **No direct access to Metung Road is permitted for Lots 1 & 2.**

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

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

Yours sincerely

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

26 / 05 / 2025

Cc: Permit applicant

VICTORIA State Government

Department of Transport and Planning

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

Ref: PPR 48579/25 -B

Andrew Bates
East Gippsland Shire Council
273 Main Street
Bairnsdale VIC 3875

Dear Andrew

PLANNING APPLICATION NO.:	**5.2025.105.1**
DEPARTMENT REFERENCE NO:	**PPR 48579/25 -B**
PROPERTY ADDRESS:	**705 METUNG ROAD, METUNG VIC 3904**

Section 55 – No objection subject to conditions

Thank you for your referral dated 07 October 2025 of the above application to the Head, Transport for Victoria under Section 55 of the *Planning and Environment Act 1987.*

The application seeks planning permission to alter the boundary between Lots 1 & 2 resulting in the retention of the dam in Lot 2.

The Head, Transport for Victoria has considered this application and does not object if the permit is subject to the previous condition provided on the 26 May 2025, which reads as follows:

1. ***No direct access to Metung Road is permitted for Lots 1 & 2.***

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

Should you have any enquiries regarding this matter, please contact Raelene Pooley on 0437601925 or Raelene.Pooley@transport.vic.gov.au.

Yours sincerely

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

09 / 10 / 2025

Cc: Permit applicant

VICTORIA State Government

EAST GIPPSLAND CATCHMENT MANAGEMENT AUTHORITY

OFFICIAL

574 Main Street
(PO Box 1012)
Bairnsdale Vic 3875

EGCMA Ref: EGCMA-F-2025-00084
Document No: 2
Date: 28 May 2025

Planning Department
East Gippsland Shire Council

Planning Permit Application No.: 5.2025.105.1

Property **Street:** 705 Metung Road Metung Vic 3904
Cadastral: Lot 3 PS802735, Parish of Bumberrah

Applicant(s): Edward & Vicky Smith C/- Crowther & Sadler Pty Ltd

Regarding: **Request for more information**

I refer to your correspondence received at the East Gippsland Catchment Management Authority ('the Authority') on 2 May 2025 in accordance with the provisions of section 55 of the *Planning and Environment Act 1987*. The Authority notes that the application is for a three-lot subdivision and creation of carriageway easement adjacent to a road in a Transport Zone 2.

We note that proposed Lots 1 and 2 intersect the designated waterway on the property, which would result in two additional owners having responsibility for the health of the waterway (refer to Figure 1). Furthermore, the Bushfire Management Plan indicates that defendable space for proposed future dwellings on Lots 1 and 2 would encroach within 30 metres either side of the waterway, significantly reducing the available buffer for riparian vegetation and waterway protection.

Clauses 12.03-1S and 14.02-1S of the Planning Policy Framework both seek to protect and enhance waterway health through the use of revegetated 30 metre waterway buffers either side of the waterway. The proposed development has not addressed state policy for waterway health.

Pursuant to section 56 of the *Planning and Environment Act 1987*, the Authority considers that insufficient information has been provided in support of the application and consequently is unable to adequately assess the impacts of the proposal. Further information is requested from the applicant and must include the following:

1. Amended plans that show:
    a. The designated waterway in the southern portion of the property being contained within single ownership rather than being split across proposed Lots 1, 2 and 3.
    b. Building envelopes and the associated defendable space and septic tank LAAs being located a minimum of 30 metres from the centreline of the designated waterway.
2. A Waterway Management Plan (WMP) for future revegetation and rehabilitation of the designated waterway in the southern portion of the property. The WMP must include:
    a. Details of existing environmental values.
    b. Details of any initial stabilisation and vegetation works.
    c. A landscape plan for revegetation of land within a 30 metre buffer either side of the waterway, including a species list and proposed density of the plantings. The

OFFICIAL

vegetation must be representative of the Ecological Vegetation Class for the site. Any area required to be cleared of vegetation to create defendable space must not encroach into the required revegetation within the waterway buffer.

d. A maintenance plan detailing the sequencing and periods of short, medium and long term actions, including inspections, and the parties responsible for each action.

The Authority requests the additional information to be supplied at your earliest convenience.

The Authority **objects** to the issue of a planning permit if the requested information is not provided to the Authority's satisfaction.

Should you have any queries, please do not hesitate to contact Penny Phillipson on 1300 094 262 or email planning@wgcma.vic.gov.au. To assist the Authority in handling any enquiries please quote **EGCMA-F-2025-00084** in your correspondence with us.

Yours sincerely,



Adam Dunn
Gippsland Floodplain Officer

Cc: Edward & Vicky Smith C/- Crowther & Sadler Pty Ltd (contact@crowthersadler.com.au)

The information contained in this correspondence is subject to the disclaimers and definitions attached.

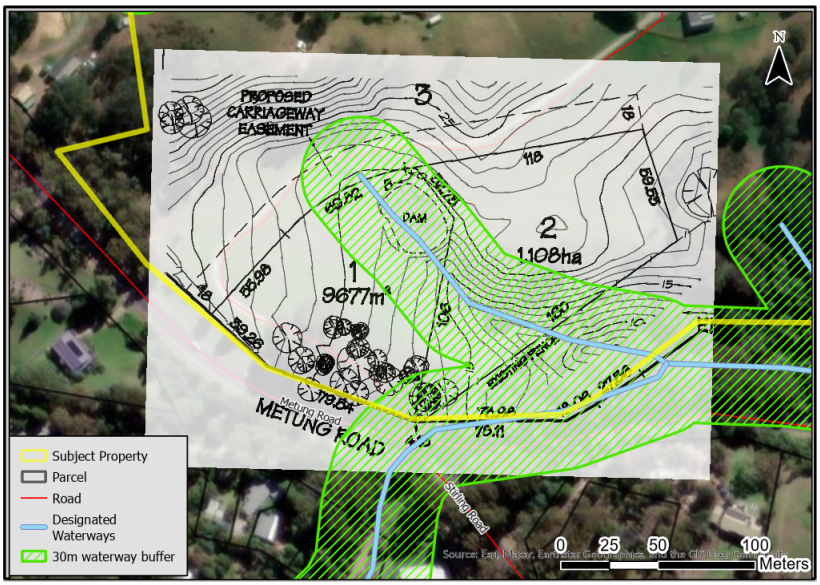


Figure 1 – Designated waterways, 30-metre buffers and proposed Lot 1 and 2 boundaries

OFFICIAL

Definitions

1. **AEP** as Annual Exceedance Probability is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).

   Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.

2. **AHD** as Australian Height Datum is the adopted national height datum that generally relates to height above mean sea level. The elevation is in metres.

3. **ARI** as Average Recurrence Interval is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as, or larger than, the design flood event. For example, floods with a discharge as large as, or larger than, the 100 year ARI flood will occur on average once every 100 years.

4. **Finished Floor Level** is the level of the top layer of the floor. This is the layer of floor that you will see and walk on.

5. **Flood Resistant Materials** are materials used in building construction that are capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage. Some examples of this are concrete, metal, brick and some timber. Avoid using materials like carpet, plaster and some timber.

6. **Nominal Flood Protection Level** is the minimum height required to protect a building or its contents, which includes a freeboard above the 1% AEP flood level.

Disclaimers

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, most closely represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or the local government authority.

2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for, or makes no warranty regarding, the accuracy or naming of this proposed development location according to its official land title description.

3. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.

4. This letter has been prepared for the sole use by the party to whom it is addressed, and no responsibility is accepted by the Authority regarding any third-party use of the whole or of any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it would appear.

5. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.

6. Please note that land levels provided by the Authority are an estimate only and should not be relied on by the applicant. Prior to any detailed planning or building approvals, a licensed surveyor should be engaged to confirm the above levels.

7. The flood information provided in this letter is generally more up to date than the Flood Overlay (FO) or Land Subject to Inundation Overlay (LSIO). This is because the Authority continually updates its flood information whenever new information becomes available. The overlays mentioned above are maintained by Council and are often out of date (by years in some areas).

OFFICIAL

EAST GIPPSLAND CATCHMENT MANAGEMENT AUTHORITY

574 Main Street
(PO Box 1012)
Bairnsdale Vic 3875

EGCMA Ref: EGCMA-F-2025-00084
Document No: 3
Date: 31 October 2025

Andrew Bates
Acting Statutory Planning Coordinator
East Gippsland

Dear Andrew,

Planning Permit Application No.: 5.2025.105.1

Property **Street:** 705 Metung Road Metung Vic 3904
Cadastral: Lot 3 PS802735, Parish of Bumberrah

Applicant(s): Edward & Vicky Smith C/- Crowther & Sadler Pty Ltd

I refer to your correspondence received at the East Gippsland Catchment Management Authority ('the EGCMA') on 7 October 2025 in accordance with the provisions of section 55 of the *Planning and Environment Act 1987*. The EGCMA notes that the application is for a three-lot subdivision.

We note that the lot layout has been amended since our previous request for further information dated 28 May 2025. The amended lot layout limits the waterway to proposed Lots 2 and 3, however the defendable space for the future dwellings is still within the 30-metre waterway buffer. Figure 1 in the attached explanatory report shows the location of the waterway, the proposed lot layout and the proposed defendable space (blue shading).

Additionally, the applicant has not provided a Waterway Management Plan as requested in our 28 May 2025 correspondence.

Clauses 12.03-1S, 12.03-1L and 14.02-1S of the Planning Policy Framework (PPF) seek to protect and enhance waterway health with revegetated 30-metre waterway buffers either side of the waterway. The proposed defendable space within the waterway buffer will not allow for waterway rehabilitation and has therefore not addressed state policy for waterway health.

The EGCMA is a recommending referral authority for this application pursuant to section 56(1) of the *Planning and Environment Act 1987*. The EGCMA **objects** to the issue of a planning permit based on the following grounds:

1. The proposal is not consistent with the objective of clause 12.03-1S 'River and riparian corridors, waterways, lakes, wetlands and billabongs' of the PPF which seeks to "protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs."

2. The proposal is not consistent with the strategy of clause 12.03-1L 'Waterways' which seeks to "encourage revegetation of land near waterways to enhance bank stability, habitat corridors and water quality."

3. The proposal is not consistent with the objective of clause 14.02-1S 'Catchment planning and management' of the PPF which seeks to "assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment."

Pursuant to sections 64 to 66 of the *Planning and Environment Act 1987*, please ensure that you provide the EGCMA a copy of your decision as soon as possible to allow time if an application for review to VCAT is required.

The attached **explanatory report** provides further detail regarding the EGCMA's assessment.

Should you have any queries, please do not hesitate to contact Penny Phillipson on 1300 094 262 or email planning@wgcma.vic.gov.au. To assist the EGCMA in handling any enquiries please quote **EGCMA-F-2025-00084** in your correspondence with us.

Yours sincerely,

Bec Hemming
Chief Executive Officer

Cc: Edward & Vicky Smith C/- Crowther & Sadler Pty Ltd (contact@crowthersadler.com.au)

The information contained in this correspondence is subject to the disclaimers and definitions attached.

OFFICIAL

EXPLANATORY REPORT

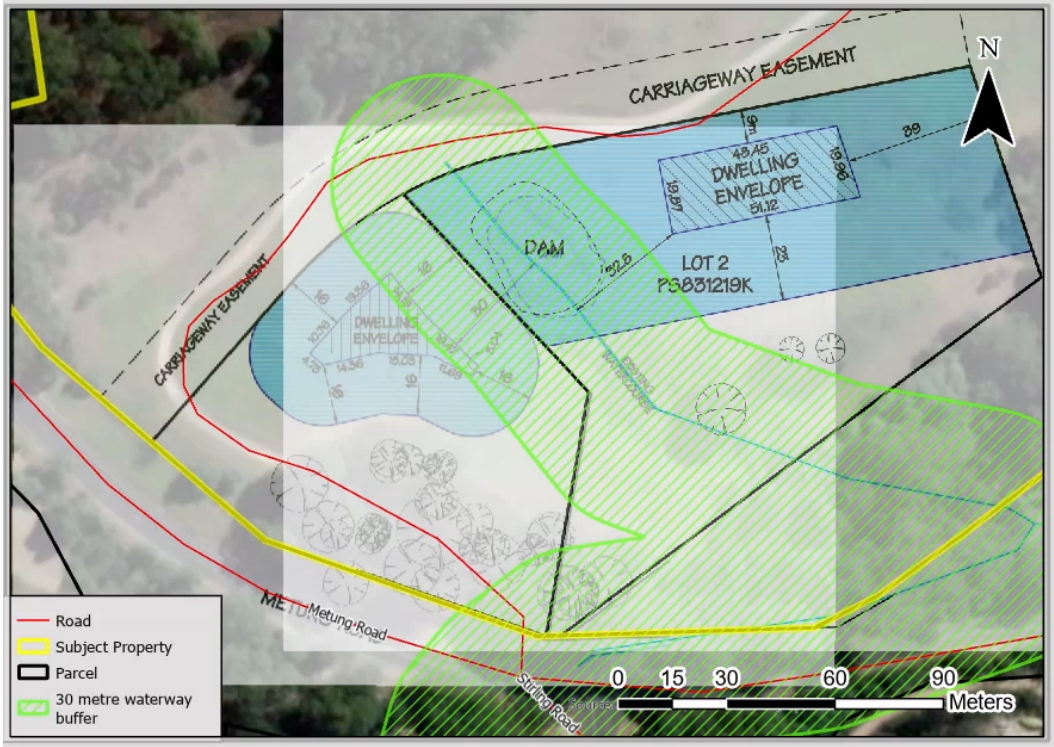


Figure 1 – Designated waterways, 30 metre buffer (green hatch) and proposed defendable space (shaded blue)

Decision Guidelines

The EGCMA assesses all applications against the following national, state, and local policies, guidelines, and practice notes:

1. *Australian Disaster Resilience Guideline 7-3 Flood Hazard* (AIDR, 2017)
2. *Victorian Floodplain Management Strategy* (Victoria State Government, 2016)
3. Council Planning Schemes including the:
    i. Planning Policy Framework
    ii. Local Planning Policy Framework
    iii. Relevant Zones and Overlays
4. *Guidelines for Coastal Catchment Management Authorities: Assessing development in relation to sea level rise* (DSE, 2012)
5. *PPN11: Applying for a Planning Permit under the Flood Provisions* (DELWP, 2015)
6. *East Gippsland Waterway Strategy* (EGCMA, 2014-2022)
7. *East Gippsland Regional Catchment Strategy* (EGCMA, 2022)
8. *East Gippsland Floodplain Management Strategy* (EGCMA, 2017)

Definitions

1. **Annual Exceedance Probability (AEP)** is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of Average Recurrence Interval.

   Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.

2. **Australian Height Datum (AHD)** is the adopted national height datum that generally relates to height above mean sea level. The elevation is in metres.

3. **Average Recurrence Interval (ARI)** is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as, or larger than, the design flood event. For example, floods with a discharge as large as, or larger than, the 100 year ARI flood will occur on average once every 100 years.

4. **Finished Floor Level** is the level of the top layer of the floor. This is the layer of floor that you will see and walk on.

5. **Flood Resistant Materials** are materials used in building construction that are capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage. Some examples of this are concrete, metal, brick and some timber. Avoid using materials like carpet, plaster and some timber.

6. **Nominal Flood Protection Level (NFPL)** is the minimum height required to protect a building or its contents, which includes a freeboard above the 1% AEP flood level.

Disclaimers

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the EGCMA's assessment, most closely represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the EGCMA's GIS has been done in good faith and in accordance with the information given to the EGCMA by the applicant(s) and/or the local government authority.

2. While every endeavour has been made by the EGCMA to identify the proposed development location on its GIS using VicMap Parcel and Address data, the EGCMA accepts no responsibility for, or makes no warranty regarding, the accuracy or naming of this proposed development location according to its official land title description.

3. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the EGCMA disclaims all liability and

responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.

4. This letter has been prepared for the sole use by the party to whom it is addressed, and no responsibility is accepted by the EGCMA regarding any third-party use of the whole or of any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the EGCMA's written approval of the form and context in which it would appear.

5. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.

6. Please note that land levels provided by the EGCMA are an estimate only and should not be relied on by the applicant. Prior to any detailed planning or building approvals, a licensed surveyor should be engaged to confirm the above levels.

7. The flood information provided in this letter is generally more up to date than the Flood Overlay (FO) or Land Subject to Inundation Overlay (LSIO). This is because the EGCMA continually updates its flood information whenever new information becomes available. The overlays mentioned above are maintained by Council and are often out of date (by years in some areas).

East Gippsland Shire Council

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

Telephone: (03) 5153 9500
Fax: (03) 5153 9576
National Relay Service: 133 677
ABN: 81 957 967 765

Objection to Planning Permit Application

s57 Planning and Environment Act 1987

Objector Details:
This detail will be published in a register of objections for as long as there is an opportunity for an application for review of a decision to be made to the Tribunal.

Objector name:	Rhonda Keating
Objector address impacted by the proposal:	Forge Creek
	Postcode: 3875

Objector Contact Details:
Email details are preferred to correspond with objectors during the assessment of the application and to provide a copy of a decision, once made.
This detail will be available for inspection during the assessment of the application and will be available to those who sign a declaration in accordance with the Privacy Statement.

Postal address (if different from above):	
	Postcode:
Email address:	
Preferred Phone	

Planning Permit Application Details:
Refer to FORM 2 or FORM 3 notice as mailed to affected neighbours, displayed on site, or published in a local newspaper.

The land affected by the application is located at:	705 Metung Rd, Metung
The application is for a permit to:	3 Lot subdivision and creation of a carriage way easement
The applicant for the permit is:	Ted & Vicky Smith
The application reference number is:	App No 5.2025.105.1

What are the reasons for your objection:

I was concerned to see on the website this "concept" application for 705 Metung Rd Metung. I drive into Metung on a regular basis. The position of this app. is right on top of Metung's rainforest. These grasslands form part of that forest. It would be devastation to the Town's character to see that site developed.

Received EGSC
Time 7.56 am/pm
16 MAY 2025
Corporate Centre

RECEIVED EGSC
19 MAY 2025
INFORMATION MANAGEMENT

East Gippsland Shire Council

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

Telephone: (03) 5153 9500
Fax: (03) 5153 9576
National Relay Service: 133 677
ABN: 81 957 967 765

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

Visually, it would be a terrible loss to Metung. It is on the tourist route, this should be conserved for all to enjoy and it pains me to see the grassland & the forest treated so impartially.

Additional details/longer submissions
If there is insufficient space in the form above for your submission, please attach a document with the details of your submission. So that the assessing officer can appropriately consider your objection, please keep long submissions focussed on the reasons for the objection, and how you will be affected by the proposal.

Privacy Statement
The East Gippsland Shire Council asks for details about you to make decisions on planning permit applications. The information you give to us on this form is used for your application and is required for Council to make its decision under the *Planning and Environment Act* 1987. Sometimes we may provide a copy of this objection form to another person, but only if it is for a legitimate purpose that is related to the planning process, or we are allowed by law, or to protect people or property. If your information is put onto Council's website or provided to another person, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act* 2014. For instance, if requested by another person, after deciding that it is requested for a legitimate purpose, Council will obtain an undertaking from the recipient confirming how they will use your personal information and that they will destroy it once used.

You may ask for more information about Council's Privacy Policy by contacting our Privacy Officer on 03 5153 9500 or e-mail feedback@egipps.vic.gov.au .You can gain access to information you provided to us through the *Freedom of Information Act 1982*, more information about FOI is available on Council's website.

Declarations:

- ☑ I declare that the information I have provided is true and correct to the best of my understanding.
- ☑ I authorise my phone number to be given to anyone requesting it or required to have it for use during the assessment of the application, acknowledging that they have made the request in accordance with the Privacy Statement.
- ☑ I authorise my email address to be given to anyone requesting it or required to have it for use during the assessment of the application, acknowledging that they have made the request in accordance with the Privacy Statement.
- ☑ I accept the East Gippsland Shire Council Privacy Statement.

Objector signature:	
Name: Rhonda Pearce	Date: 15/5/2026

East Gippsland Shire Council

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

Telephone: (03) 5153 9500
Fax: (03) 5153 9576
National Relay Service: 133 677
ABN: 81 957 967 765

RECEIVED EGSC
19 MAY 2025
INFORMATION MANAGEMENT

Objection to Planning Permit Application

s57 Planning and Environment Act 1987

Objector Details:
This detail will be published in a register of objections for as long as there is an opportunity for an application for review of a decision to be made to the Tribunal.

Objector name: DAVID & SALLY DOERY	
Objector address impacted by the proposal	
METUNG	Postcode: 3904

Objector Contact Details:
Email details are preferred to correspond with objectors during the assessment of the application and to provide a copy of a decision, once made.
This detail will be available for inspection during the assessment of the application and will be available to those who sign a declaration in accordance with the Privacy Statement.

Postal address (if different from above):	
	Postcode: 3904
Email address	
Preferred Phoi	

Planning Permit Application Details:
Refer to FORM 2 or FORM 3 notice as mailed to affected neighbours, displayed on site, or published in a local newspaper.

The land affected by the application is located at:	705 Metung Rd, Metung 3904
The application is for a permit to:	3 lot subdivision and creation of a carriageway easement.
The applicant for the permit is:	No 5.2025.105 T
The application reference number is:	Ed & Vicki Smith.

What are the reasons for your objection:

This development will completely detract from the natural environment we moved here for. We are devastated that this subdivision is taking place and we were not notified formally but found out in accidental conversation with a local resident.
To replace a rainforest area with a subdivision, along with a noisy road, is an infringement upon the privacy + serenity for which Metung has always been prized; we are devastated to see this after decades of living & visiting this area.

Received EGSC
Time 2.56 am/pm
16 MAY 2025 JB
Corporate Centre

East Gippsland Shire Council

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

Telephone: (03) 5153 9500
Fax: (03) 5153 9576
National Relay Service: 133 677
ABN: 81 957 967 765

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

Our privacy will be effected; we will lose the serenity we moved here for. The noise and dust of developing this subdivision will be considerable. Road traffic will increase; an extra road will be intrusive and loud. Visually it is a tragedy to carve up beautiful land + we will lose the view we bought the property for.

Additional details/longer submissions
If there is insufficient space in the form above for your submission, please attach a document with the details of your submission. So that the assessing officer can appropriately consider your objection, please keep long submissions focussed on the reasons for the objection, and how you will be affected by the proposal.

Privacy Statement
The East Gippsland Shire Council asks for details about you to make decisions on planning permit applications. The information you give to us on this form is used for your application and is required for Council to make its decision under the *Planning and Environment Act* 1987. Sometimes we may provide a copy of this objection form to another person, but only if it is for a legitimate purpose that is related to the planning process, or we are allowed by law, or to protect people or property. If your information is put onto Council's website or provided to another person, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act* 2014. For instance, if requested by another person, after deciding that it is requested for a legitimate purpose, Council will obtain an undertaking from the recipient confirming how they will use your personal information and that they will destroy it once used.

You may ask for more information about Council's Privacy Policy by contacting our Privacy Officer on 03 5153 9500 or e-mail feedback@egipps.vic.gov.au .You can gain access to information you provided to us through the *Freedom of Information Act 1982*, more information about FOI is available on Council's website.

Declarations:

- ☑ I declare that the information I have provided is true and correct to the best of my understanding.
- ☑ I authorise my phone number to be given to anyone requesting it or required to have it for use during the assessment of the application, acknowledging that they have made the request in accordance with the Privacy Statement.
- ☑ I authorise my email address to be given to anyone requesting it or required to have it for use during the assessment of the application, acknowledging that they have made the request in accordance with the Privacy Statement.
- ☑ I accept the East Gippsland Shire Council Privacy Statement.

Objector signature	
Name: SALLY VICARY DAVID VICARY	Date: 14 / 5 / 2025

East Gippsland Shire Council

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

Telephone: (03) 5153 9500
Fax: (03) 5153 9576
National Relay Service: 133 677
ABN: 81 957 967 765

Objection to Planning Permit Application

s57 Planning and Environment Act 1987

Objector Details:
This detail will be published in a register of objections for as long as there is an opportunity for an application for review of a decision to be made to the Tribunal.

Objector name: Belinda Miles and Dennis Miles	
Objector address impacted by the proposal:	
Mehrung	Postcode: 3904

Objector Contact Details:
Email details are preferred to correspond with objectors during the assessment of the application and to provide a copy of a decision, once made.
This detail will be available for inspection during the assessment of the application and will be available to those who sign a declaration in accordance with the Privacy Statement.

Postal address (if different from above):	
	Postcode:
Email address:	
Preferred Phone numbe	econdary number:

Planning Permit Application Details:
Refer to FORM 2 or FORM 3 notice as mailed to affected neighbours, displayed on site, or published in a local newspaper.

The land affected by the application is located at:	705 Mehrung Rd, Mehrung 3904
The application is for a permit to:	3 lot subdivision and creation of carriageway and easement.
The applicant for the permit is:	Ted and Vicki Smith
The application reference number is:	5.2025.105.1

What are the reasons for your objection:

Too close to Rainforest.
Traffic and residents, more pollution to forest, eg noise, light chemicals
Grasslands are part of the forest!

Received EGSC
Time 2.56 am/pm
16 MAY 2025 JB
Corporate Centre

RECEIVED EGSC
19 MAY 2025
INFORMATION MANAGEMENT

East Gippsland Shire Council

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

Telephone: (03) 5153 9500
Fax: (03) 5153 9576
National Relay Service : 133 677
ABN: 81 957 967 765

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

Totally inappropriate subdivision on a Rainforest
Should be there for everyone to enjoy, grandchildren!

Additional details/longer submissions
If there is insufficient space in the form above for your submission, please attach a document with the details of your submission. So that the assessing officer can appropriately consider your objection, please keep long submissions focussed on the reasons for the objection, and how you will be affected by the proposal.

Privacy Statement
The East Gippsland Shire Council asks for details about you to make decisions on planning permit applications. The information you give to us on this form is used for your application and is required for Council to make its decision under the *Planning and Environment Act* 1987. Sometimes we may provide a copy of this objection form to another person, but only if it is for a legitimate purpose that is related to the planning process, or we are allowed by law, or to protect people or property. If your information is put onto Council's website or provided to another person, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act* 2014. For instance, if requested by another person, after deciding that it is requested for a legitimate purpose, Council will obtain an undertaking from the recipient confirming how they will use your personal information and that they will destroy it once used.

You may ask for more information about Council's Privacy Policy by contacting our Privacy Officer on 03 5153 9500 or e-mail feedback@egipps.vic.gov.au .You can gain access to information you provided to us through the *Freedom of Information Act 1982*, more information about FOI is available on Council's website.

Declarations:

- ☑ I declare that the information I have provided is true and correct to the best of my understanding.
- ☑ I authorise my phone number to be given to anyone requesting it or required to have it for use during the assessment of the application, acknowledging that they have made the request in accordance with the Privacy Statement.
- ☑ I authorise my email address to be given to anyone requesting it or required to have it for use during the assessment of the application, acknowledging that they have made the request in accordance with the Privacy Statement.
- ☑ I accept the East Gippsland Shire Council Privacy Statement.

Objector signature:	
Name: Dennis Miles	Date: 14/5/2025

East Gippsland Shire Council

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

Telephone: (03) 5153 9500
Fax: (03) 5153 9576
National Relay Service: 133 677
ABN: 81 957 967 765

Objection to Planning Permit Application

s57 Planning and Environment Act 1987

Objector Details:
This detail will be published in a register of objections for as long as there is an opportunity for an application for review of a decision to be made to the Tribunal.

Objector name: SANDRA PLAIN	
Objector address impacted by the proposal:	
METUNG	Postcode: 3904.

Objector Contact Details:
Email details are preferred to correspond with objectors during the assessment of the application and to provide a copy of a decision, once made.
This detail will be available for inspection during the assessment of the application and will be available to those who sign a declaration in accordance with the Privacy Statement.

Postal address (if different from above): AS ABOVE	
	Postcode:
Email address:	
Preferred Phone	:

Planning Permit Application Details:
Refer to FORM 2 or FORM 3 notice as mailed to affected neighbours, displayed on site, or published in a local newspaper.

The land affected by the application is located at:	705 METUNG RD METUNG. 3904 VIC.
The application is for a permit to:	3 LOT SUBDIVISION and creation of carriage way easement.
The applicant for the permit is:	TED + VICKI Smith.
The application reference number is:	5.2025.105.1.

What are the reasons for your objection:

I am really worried about the rainforest. The grassland is part of the rainforest and needs to be preserved. I concerned that the forest wont survive
This is the main road into our village (METUNG) and will change the character of the town

Received EGSC
Time 2.56am/pm
16 MAY 2025
Corporate Centre
JB

RECEIVED EGSC
19 MAY 2025
INFORMATION MANAGEMENT

East Gippsland Shire Council

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

Telephone: (03) 5153 9500
Fax: (03) 5153 9576
National Relay Service: 133 677
ABN: 81 957 967 765

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

I moved here for the country appeal, and the wild life and the birds. I feel terrible if I didn't have my say on the preservation of the rainforest, for future generation coming into our village.

Additional details/longer submissions
If there is insufficient space in the form above for your submission, please attach a document with the details of your submission. So that the assessing officer can appropriately consider your objection, please keep long submissions focussed on the reasons for the objection, and how you will be affected by the proposal.

Privacy Statement
The East Gippsland Shire Council asks for details about you to make decisions on planning permit applications. The information you give to us on this form is used for your application and is required for Council to make its decision under the *Planning and Environment Act* 1987. Sometimes we may provide a copy of this objection form to another person, but only if it is for a legitimate purpose that is related to the planning process, or we are allowed by law, or to protect people or property. If your information is put onto Council's website or provided to another person, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act* 2014. For instance, if requested by another person, after deciding that it is requested for a legitimate purpose, Council will obtain an undertaking from the recipient confirming how they will use your personal information and that they will destroy it once used.

You may ask for more information about Council's Privacy Policy by contacting our Privacy Officer on 03 5153 9500 or e-mail feedback@egipps.vic.gov.au .You can gain access to information you provided to us through the *Freedom of Information Act 1982*, more information about FOI is available on Council's website.

Declarations:

- ☑ I declare that the information I have provided is true and correct to the best of my understanding.
- ☑ I authorise my phone number to be given to anyone requesting it or required to have it for use during the assessment of the application, acknowledging that they have made the request in accordance with the Privacy Statement.
- ☑ I authorise my email address to be given to anyone requesting it or required to have it for use during the assessment of the application, acknowledging that they have made the request in accordance with the Privacy Statement.
- ☑ I accept the East Gippsland Shire Council Privacy Statement.

Objector signature:	
Name: SANDRA PLAIN.	Date: 15/5/25

East Gippsland Shire Council

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

Telephone: (03) 5153 9500
Fax: (03) 5153 9576
National Relay Service: 133 677
ABN: 81 957 967 765

Objection to Planning Permit Application

s57 Planning and Environment Act 1987

Objector Details:
This detail will be published in a register of objections for as long as there is an opportunity for an application for review of a decision to be made to the Tribunal.

Objector name:	TAMIE PLANT	
Objector address impacted by the proposal:		
	METUNG	Postcode: 3904.

Objector Contact Details:
Email details are preferred to correspond with objectors during the assessment of the application and to provide a copy of a decision, once made.
This detail will be available for inspection during the assessment of the application and will be available to those who sign a declaration in accordance with the Privacy Statement.

Postal address (if different from above):		
	METUNG.	Postcode: 3904.
Email address		
Preferred Pho		Secondary number:

Planning Permit Application Details:
Refer to FORM 2 or FORM 3 notice as mailed to affected neighbours, displayed on site, or published in a local newspaper.

The land affected by the application is located at:	705 METUNG ROAD, METUNG
The application is for a permit to:	TED & VICKI SMITH
The applicant for the permit is:	5. 2025-105-1.
The application reference number is:	

What are the reasons for your objection:

This subdivision is close to the Metung rainforest. Subdividing will impact biodiversity.
Our property was bought on the understanding that it was in a rural zone (not allowing for subdivision). This will change the character of the town.

Received EGSC
Time 7.56am/pm
16 MAY 2025
Corporate Centre

RECEIVED EGSC
19 MAY 2025
INFORMATION MANAGEMENT

East Gippsland Shire Council

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

Telephone: (03) 5153 9500
Fax: (03) 5153 9576
National Relay Service: 133 677
ABN: 81 957 967 765

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

I would like to see the unique rainforest be protected and the to support wildlife and ~~to~~ support ~~of~~ biodiversity.

Additional details/longer submissions
If there is insufficient space in the form above for your submission, please attach a document with the details of your submission. So that the assessing officer can appropriately consider your objection, please keep long submissions focussed on the reasons for the objection, and how you will be affected by the proposal.

Privacy Statement
The East Gippsland Shire Council asks for details about you to make decisions on planning permit applications. The information you give to us on this form is used for your application and is required for Council to make its decision under the *Planning and Environment Act* 1987. Sometimes we may provide a copy of this objection form to another person, but only if it is for a legitimate purpose that is related to the planning process, or we are allowed by law, or to protect people or property. If your information is put onto Council's website or provided to another person, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act* 2014. For instance, if requested by another person, after deciding that it is requested for a legitimate purpose, Council will obtain an undertaking from the recipient confirming how they will use your personal information and that they will destroy it once used.

You may ask for more information about Council's Privacy Policy by contacting our Privacy Officer on 03 5153 9500 or e-mail feedback@egipps.vic.gov.au .You can gain access to information you provided to us through the *Freedom of Information Act 1982*, more information about FOI is available on Council's website.

Declarations:

- ☑ I declare that the information I have provided is true and correct to the best of my understanding.
- ☑ I authorise my phone number to be given to anyone requesting it or required to have it for use during the assessment of the application, acknowledging that they have made the request in accordance with the Privacy Statement.
- ☑ I authorise my email address to be given to anyone requesting it or required to have it for use during the assessment of the application, acknowledging that they have made the request in accordance with the Privacy Statement.
- ☑ I accept the East Gippsland Shire Council Privacy Statement.

Objector signature	
Name: Tamie Plant	Date: 14/5/2025.

East Gippsland Shire Council

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

Telephone: (03) 5153 9500
Fax: (03) 5153 9576
National Relay Service: 133 677
ABN: 81 957 967 765

Objection to Planning Permit Application

s57 Planning and Environment Act 1987

Objector Details:
This detail will be published in a register of objections for as long as there is an opportunity for an application for review of a decision to be made to the Tribunal.

Objector name:	DAMIAN ANDERSON
Objector address impacted by the proposal:	METUNG
	Postcode: 3904

Objector Contact Details:
Email details are preferred to correspond with objectors during the assessment of the application and to provide a copy of a decision, once made.
This detail will be available for inspection during the assessment of the application and will be available to those who sign a declaration in accordance with the Privacy Statement.

Postal address (if different from above):	
	Postcode:
Email address:	
Preferred Phone number:	

Planning Permit Application Details:
Refer to FORM 2 or FORM 3 notice as mailed to affected neighbours, displayed on site, or published in a local newspaper.

The land affected by the application is located at:	705 METUNG ROAD, METUNG VIC 3904
The application is for a permit to:	3 LOT SUBDIVISION AND CREATION OF CARRIAGEWAY
The applicant for the permit is:	TED AND VIKI SMITH
The application reference number is:	5.2025.105.1

What are the reasons for your objection:

- CHANGE THE CHARACTER OF THE METUNG TOWNSHIP
- WILL HAVE A DETRIMENTAL IMPACT ON THE ADJOINING PROPERTIES ON METUNG ROAD
- WILL HAVE AN ADVERSE IMPACT ON NATIVE FLORA & FAUNA
- WILL HAVE A NEGATIVE IMPACT ON THE OPERATION OF METUNG ROAD

Received EGSC
Time 2.56 am/pm
16 MAY 2025 JB
Corporate Centre

RECEIVED EGSC
19 MAY 2025
INFORMATION MANAGEMENT

East Gippsland Shire Council

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

Telephone: (03) 5153 9500
Fax: (03) 5153 9576
National Relay Service: 133 677
ABN: 81 957 967 765

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

* INCREASED TRAFFIC NOISE
* INCREASE THE R.S.K OF A TRAFFIC ACCIDENT
* REDUCE THE NATURAL APPEAL OF MEFUNG
* CONCERNS RELATING TO BIODIVERSITY OF THE RAINFOREST

Additional details/longer submissions
If there is insufficient space in the form above for your submission, please attach a document with the details of your submission. So that the assessing officer can appropriately consider your objection, please keep long submissions focussed on the reasons for the objection, and how you will be affected by the proposal.

Privacy Statement
The East Gippsland Shire Council asks for details about you to make decisions on planning permit applications. The information you give to us on this form is used for your application and is required for Council to make its decision under the *Planning and Environment Act* 1987. Sometimes we may provide a copy of this objection form to another person, but only if it is for a legitimate purpose that is related to the planning process, or we are allowed by law, or to protect people or property. If your information is put onto Council's website or provided to another person, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act* 2014. For instance, if requested by another person, after deciding that it is requested for a legitimate purpose, Council will obtain an undertaking from the recipient confirming how they will use your personal information and that they will destroy it once used.

You may ask for more information about Council's Privacy Policy by contacting our Privacy Officer on 03 5153 9500 or e-mail feedback@egipps.vic.gov.au .You can gain access to information you provided to us through the *Freedom of Information Act 1982*, more information about FOI is available on Council's website.

Declarations:

- [x] I declare that the information I have provided is true and correct to the best of my understanding.
- [ ] I authorise my phone number to be given to anyone requesting it or required to have it for use during the assessment of the application, acknowledging that they have made the request in accordance with the Privacy Statement.
- [x] I authorise my email address to be given to anyone requesting it or required to have it for use during the assessment of the application, acknowledging that they have made the request in accordance with the Privacy Statement.
- [x] I accept the East Gippsland Shire Council Privacy Statement.

Objector signature:	
Name: DAMIAN ANDERSON	Date: 14/05/2025

East Gippsland Shire Council

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

Telephone: (03) 5153 9500
Fax: (03) 5153 9576
National Relay Service: 133 677
ABN: 81 957 967 765

Objection to Planning Permit Application

s57 Planning and Environment Act 1987

Objector Details:
This detail will be published in a register of objections for as long as there is an opportunity for an application for review of a decision to be made to the Tribunal.

Objector name: PETER SMITH	
Objector address impacted by the proposal:	
METUNG.	Postcode: 3904

Objector Contact Details:
Email details are preferred to correspond with objectors during the assessment of the application and to provide a copy of a decision, once made.
This detail will be available for inspection during the assessment of the application and will be available to those who sign a declaration in accordance with the Privacy Statement.

Postal address (if different from above):	
	Postcode:
Email address:	
Preferred Phone number:	umber:

Planning Permit Applicat... Details:
Refer to FORM 2 or FORM 3 notice as mailed to affected neighbours, displayed on site, or published in a local newspaper.

The land affected by the application is located at:	705 METUNG RD METUNG
	VIC 3904
The application is for a permit to:	3 LOT SUBDIVISION & CREATION
	OF CARRIAGEWAY & EASEMENT
The applicant for the permit is:	TED & VICKI SMITH.
The application reference number is:	5.2025.105.1

What are the reasons for your objection:

Save the Rain Forest, grass lands, attched, I need to protect all grass lands and rainforest.

Received EGSC
Time 2.56 am/pm
16 MAY 2025 JB
Corporate Centre

RECEIVED EGSC
19 MAY 2025
INFORMATION MANAGEMENT

East Gippsland Shire Council

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

Telephone: (03) 5153 9500
Fax: (03) 5153 9576
National Relay Service: 133 677
ABN: 81 957 967 765

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

Change, peace and quiet need to Protect for future generation

Only part of the Rain forest that still exists

Additional details/longer submissions
If there is insufficient space in the form above for your submission, please attach a document with the details of your submission. So that the assessing officer can appropriately consider your objection, please keep long submissions focussed on the reasons for the objection, and how you will be affected by the proposal.

Privacy Statement
The East Gippsland Shire Council asks for details about you to make decisions on planning permit applications. The information you give to us on this form is used for your application and is required for Council to make its decision under the *Planning and Environment Act* 1987. Sometimes we may provide a copy of this objection form to another person, but only if it is for a legitimate purpose that is related to the planning process, or we are allowed by law, or to protect people or property. If your information is put onto Council's website or provided to another person, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act* 2014. For instance, if requested by another person, after deciding that it is requested for a legitimate purpose, Council will obtain an undertaking from the recipient confirming how they will use your personal information and that they will destroy it once used.

You may ask for more information about Council's Privacy Policy by contacting our Privacy Officer on 03 5153 9500 or e-mail feedback@egipps.vic.gov.au .You can gain access to information you provided to us through the *Freedom of Information Act 1982*, more information about FOI is available on Council's website.

Declarations:

- ☑ I declare that the information I have provided is true and correct to the best of my understanding.
- ☑ I authorise my phone number to be given to anyone requesting it or required to have it for use during the assessment of the application, acknowledging that they have made the request in accordance with the Privacy Statement.
- ☑ I authorise my email address to be given to anyone requesting it or required to have it for use during the assessment of the application, acknowledging that they have made the request in accordance with the Privacy Statement.
- ☑ I accept the East Gippsland Shire Council Privacy Statement.

Objector signature:	
Name: PETER SMITH	Date: 14/5/2025

East Gippsland Shire Council

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

Telephone: (03) 5153 9500
Fax: (03) 5153 9576
National Relay Service: 133 677
ABN: 81 957 967 765

Objection to Planning Permit Application

s57 Planning and Environment Act 1987

Objector Details:
This detail will be published in a register of objections for as long as there is an opportunity for an application for review of a decision to be made to the Tribunal.

Objector name: STEPHEN PETER	
Objector address impacted by the proposal:	
CRESCENT HOCKING STONS	Postcode: 3563

Objector Contact Details:
Email details are preferred to correspond with objectors during the assessment of the application and to provide a copy of a decision, once made.
This detail will be available for inspection during the assessment of the application and will be available to those who sign a declaration in accordance with the Privacy Statement.

Postal address (if different from above):	
	Postcode:
Email address	
Preferred Pho	mber:

Planning Permit Application Details:
Refer to FORM 2 or FORM 3 notice as mailed to affected neighbours, displayed on site, or published in a local newspaper.

The land affected by the application is located at:	705 METUNG RD METUNG 3904
The application is for a permit to:	3 LOT SUB-DIVISION + CREATION OF A CARRIAGEWAY EASEMENT
The applicant for the permit is:	
The application reference number is:	5.2025.105.1

What are the reasons for your objection:

THIS APPLICATION WILL DESTROY THE CHARACTER + ENTRANCE TO THE TOWNSHIP.
WAY TO CLOSE TO THE FOREST. WILL PUT THE FOREST AT RISK. TO WILDLIFE + DESTROY THE ECO SYSTEM THAT FOREST BRING TO AREA'S

Received EGSC
Time 2.56 am/pm
16 MAY 2025 JB
Corporate Centre

RECEIVED EGSC
19 MAY 2025
INFORMATION MANAGEMENT

East Gippsland Shire Council

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

Telephone: (03) 5153 9500
Fax: (03) 5153 9576
National Relay Service: 133 677
ABN: 81 957 967 765

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

IT WOULD BE SAD TO LOOSE THE COUNTRY FEELING. THE
FOREST HAS TO OFFER VISITORS TO THIS LOCAL REGION.

Additional details/longer submissions
If there is insufficient space in the form above for your submission, please attach a document with the details of your submission. So that the assessing officer can appropriately consider your objection, please keep long submissions focussed on the reasons for the objection, and how you will be affected by the proposal.

Privacy Statement
The East Gippsland Shire Council asks for details about you to make decisions on planning permit applications. The information you give to us on this form is used for your application and is required for Council to make its decision under the *Planning and Environment Act* 1987. Sometimes we may provide a copy of this objection form to another person, but only if it is for a legitimate purpose that is related to the planning process, or we are allowed by law, or to protect people or property. If your information is put onto Council's website or provided to another person, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act* 2014. For instance, if requested by another person, after deciding that it is requested for a legitimate purpose, Council will obtain an undertaking from the recipient confirming how they will use your personal information and that they will destroy it once used.

You may ask for more information about Council's Privacy Policy by contacting our Privacy Officer on 03 5153 9500 or e-mail feedback@egipps.vic.gov.au .You can gain access to information you provided to us through the *Freedom of Information Act 1982*, more information about FOI is available on Council's website.

Declarations:

- ☑ I declare that the information I have provided is true and correct to the best of my understanding.
- ☑ I authorise my phone number to be given to anyone requesting it or required to have it for use during the assessment of the application, acknowledging that they have made the request in accordance with the Privacy Statement.
- ☑ I authorise my email address to be given to anyone requesting it or required to have it for use during the assessment of the application, acknowledging that they have made the request in accordance with the Privacy Statement.
- ☑ I accept the East Gippsland Shire Council Privacy Statement.

Objector signature:	
Name: STEPHEN PETER.	Date: 14/05/2025

Received EGSC
Time 10:56 am/pm
21 MAR 2025
Lakes Entrance Service Centre

East Gippsland Shire Council

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

Telephone: (03) 5153 9500
Fax: (03) 5153 9576
National Relay Service: 133 677
ABN: 81 957 967 765

Objection to Planning Permit Application

s57 Planning and Environment Act 1987

Objector Details:
This detail will be published in a register of objections for as long as there is an opportunity for an application for review of a decision to be made to the Tribunal.

Objector name: Faye Carlin	
Objector address impacted by the proposal: Metung	
Victoria.	Postcode: 3904

Objector Contact Details:
Email details are preferred to correspond with objectors during the assessment of the application and to provide a copy of a decision, once made.
This detail will be available for inspection during the assessment of the application and will be available to those who sign a declaration in accordance with the Privacy Statement.

Postal address (if different from above):	
	Postcode:
Email address:	
Preferred Phor	nber:

Planning Permit Application Details:
Refer to FORM 2 or FORM 3 notice as mailed to affected neighbours, displayed on site, or published in a local newspaper.

The land affected by the application is located at:	705 Metung Road, Metung. Vict. 3904
The application is for a permit to:	3 Lot Sub-division and creation of carriageway easement.
The applicant for the permit is:	Ted and Vicki Smith
The application reference number is:	5.2025.105.1

What are the reasons for your objection:

These grasslands and lake are an integral part of the Rainforest. Taking away an eco-system that is an essential element to the survival of the Rainforest is a crime against the environment.
This outlook forms part of the character of our town. The Rainforest is protected, so are the River gums on ~~lot~~ a 'proposed' lot!
A VCAT order is still in place for enviromental reasons, against this development. Splitting hairs to call this a 'new application'.

East Gippsland Shire Council

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

Telephone: (03) 5153 9500
Fax: (03) 5153 9576
National Relay Service : 133 677
ABN: 81 957 967 765

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

The new road access is permanently in my view. The traffic is horrid.
I want this Rainforest to survive for future generations and for all Australians.
The most southerly Rainforest in Australia
[redacted] our protection.
needs and [redacted] warrants

Additional details/longer submissions
If there is insufficient space in the form above for your submission, please attach a document with the details of your submission. So that the assessing officer can appropriately consider your objection, please keep long submissions focussed on the reasons for the objection, and how you will be affected by the proposal.

Privacy Statement
The East Gippsland Shire Council asks for details about you to make decisions on planning permit applications. The information you give to us on this form is used for your application and is required for Council to make its decision under the *Planning and Environment Act* 1987. Sometimes we may provide a copy of this objection form to another person, but only if it is for a legitimate purpose that is related to the planning process, or we are allowed by law, or to protect people or property. If your information is put onto Council's website or provided to another person, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act* 2014. For instance, if requested by another person, after deciding that it is requested for a legitimate purpose, Council will obtain an undertaking from the recipient confirming how they will use your personal information and that they will destroy it once used.

You may ask for more information about Council's Privacy Policy by contacting our Privacy Officer on 03 5153 9500 or e-mail feedback@egipps.vic.gov.au .You can gain access to information you provided to us through the *Freedom of Information Act 1982*, more information about FOI is available on Council's website.

Declarations:

- ☑ I declare that the information I have provided is true and correct to the best of my understanding.
- ☑ I authorise my phone number to be given to anyone requesting it or required to have it for use during the assessment of the application, acknowledging that they have made the request in accordance with the Privacy Statement.
- ☑ I authorise my email address to be given to anyone requesting it or required to have it for use during the assessment of the application, acknowledging that they have made the request in accordance with the Privacy Statement.
- ☑ I accept the East Gippsland Shire Council Privacy Statement.

Objector signatur	
Name: Faye Carlin	Date: 21/5/2025

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P251/2022
PERMIT APPLICATION NO. 111/2020/P

CATCHWORDS

Section 82 of the *Planning and Environment Act 1987*; East Gippsland Planning Scheme; Clause 42.02 Vegetation Protection Overlay; Nungurner-Metung Vegetation Protection Area; Clause 42.03 Significant Landscape Overlay; Metung and Lakes Entrance Hills; Clause 44.01 Erosion Management Overlay; Failure to address environmental impacts; Failure to seek permit to remove or destroy vegetation; Failure to detail proposed earthworks; Application plans insufficiently detailed.

APPLICANT	Faye Carlin
RESPONSIBLE AUTHORITY	East Gippsland Shire Council
RESPONDENT	Edwin Robert Smith and Vicky Anne Smith
SUBJECT LAND	705 Metung Road METUNG VIC 3904
HEARING TYPE	Hearing
DATE OF HEARING	29 November 2022
DATE OF INTERIM ORDER	21 December 2022
DATE OF ORDER	27 October 2023
CITATION	Carlin v East Gippsland SC [2023] VCAT 1199

ORDER

No permit granted

1 In application P251/2022 the decision of the responsible authority is set aside.

2 In planning permit application 111/2020/P no permit is granted.

Karina Shpigel
Member

APPEARANCES

For Faye Carlin	Faye Carlin, in person.
For East Gippsland Shire Council	Robert Pringle, Town Planner.
For Edwin Robert Smith and Vicky Anne Smith	John Ribbands of Counsel instructed by direct brief by Crowther & Sadler Pty Ltd.

INFORMATION

Description of proposal	Subdivision of the land into 3 lots: • Lot 1 has an area of 9,677 square metres. • Lot 2 has an area of 1.108 hectares; and • Lot 3 has an area of 26.752 hectares. Use and develop the land (Lot 1) for a dwelling. Create access to a road in a Transport Zone 2 (Metung Road). Creation of a carriageway easement over Lot 3 to provide vehicular access for Lots 1 and 2 to Metung Road.
Nature of proceeding	Application under section 82 of the *Planning and Environment Act 1987* (Vic) – to review the decision to grant a permit.
Planning scheme	East Gippsland Planning Scheme
Zone and overlays	Low Density Residential Zone (as to part) Rural Living Zone, Schedule 2 (as to majority) Environmental Significance Overlay, Schedule 1 - 63 (as to part). Vegetation Protection Overlay, Schedule 3. Significant Landscape Overlay, Schedule 3 (as to majority). Design and Development Overlay, Schedule 11 (as to part). Erosion Management Overlay. Land Subject to Inundation Overlay. Bushfire Management Overlay (as to part).

Permit requirements	<u>Subdivision</u> Clauses 32.03-3, 35.03-3, 42.01-2 and 44.06 to subdivide land. Clause 52.29-2 to subdivide land adjacent to a road in a Transport Zone 2. <u>Dwelling</u> Clause 35.03-1 to use land for a dwelling. Clause 35.03-4 to construct a building or carry out works associated with a use in Section 2 of Clause 35.03-1. Clause 35.03-4 to construct a building within the setback from a Transport Zone and 100 metres from a waterway, wetlands or designated flood plain. Clause 42.03-2 to construct a building or carry out works. Clause 44.01-2 to construct a building or construct or carry out works. Clause 44.06 to construct a building or construct or carry out works associated with accommodation use. <u>Other</u> Clause 52.02 before a person proceeds under Section 23 of the *Subdivision Act 1988* (Vic) to create an easement. Clause 52.29-2 to create or alter access to a road in a Transport Zone 2.

Land description	The land is contained in Lot 3 on Plan of Subdivision PS803735E. The land is irregular in shape and has an approximate area of 28.83 hectares. The land has frontage to Metung Road to the south and an existing crossover to the southeast. The northeast corner of the land has a frontage to Rosherville Road. The land is developed with an existing dwelling and outbuildings. There are several dams on the site. The south-eastern portion of the site contains dense vegetation and a wetland gully system. The land is steep in sections and generally undulating due to the presence of gully systems. Metung Road is a sealed bitumen road that is zoned Transport Zone 2 – Principal Road Network.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL · VCAT

REASONS

1 Edwin and Vicky Smith ('respondents') are owners of the land located at 705 Metung Road, Metung ('subject land'). They have applied for a planning permit to subdivide the subject land into three lots, use and develop Lot 1 for a dwelling and create a new access to Metung Road (being a road in a Transport Zone 2). The respondents are also wishing to create a carriageway easement over Lot 3 to provide vehicular access for Lots 1 and 2 to Metung Road.

2 East Gippsland Shire Council ('responsible authority') supported the permit application and issued a Notice of Decision to Grant a Permit.

3 Faye Carlin ('applicant') lives opposite the subject land and is opposed to the application. She has sought review of the responsible authority's decision under section 82 of the *Planning and Environment Act 1987* (Vic). She was concerned about the impact of the dwelling on the environmental values of the subject land and submits the proposed dwelling will be visually dominant and contrary to the landscape character of the area. The applicant was particularly concerned about the impact of the proposal on the rainforest species contained in the wetland gully system in the south-eastern portion of the subject land.

4 Having regard to the submissions of the parties and the policies and provisions of the East Gippsland Planning Scheme ('planning scheme'), I have determined to refuse the application for a combination of reasons.

5 This is a large and complex site that is within two zones and affected by 7 overlays, including environmental and landscape overlays. I consider that the respondents have failed to satisfactorily address the environmental context of the land or the purposes and objectives of the vegetation and landscape overlays that apply to the subject land. I find that the application is not consistent with orderly and proper planning for the reasons that follow.

Vegetation removal and/or destruction

6 In the first instance I am extremely concerned that the application has not addressed the impacts of the proposal on vegetation, including native vegetation, on the subject land. The subject land is located within the 'Nungerner-Metung Vegetation Protection Area' and is subject to Vegetation Protection Overlay, Schedule 3. The land is also within the 'Metung and Lakes Entrance Hills' significant landscape area pursuant to Significant Landscape Overlay, Schedule 3.

7 The purposes of the Vegetation Protection Overlay include protecting areas of significant vegetation and ensuring development minimises the loss of vegetation. The statement of nature in clause 1.0 in Schedule 3 identifies that the area comprises large areas of remnant native vegetation and tree lined roadsides and that vegetation contributes significantly towards aesthetic values of the area. The vegetation protection objectives in clause

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL · VCAT

2.0 include the conservation of high conservation value vegetation and vegetation with high aesthetic and landscape value.

8 Clause 3.0 of Schedule 3 to the Vegetation Protection Overlay requires a permit to remove, destroy or lop any vegetation on the land. The respondents have not sought a permit to remove, destroy or lop vegetation on the subject land.

9 Due to the undulating nature of the subject land, the construction of the proposed dwelling on a flat building pad will necessitate cutting and filling. It is reasonable to assume these works are likely to result in the removal or destruction of some vegetation on the subject land and require a planning permit.

10 The application was also not accompanied by any report or survey identifying the impacts of the proposal on vegetation on the subject land.

11 In the hearing the responsible authority indicated that the removal of vegetation is covered by exemptions, but the respondents' supplementary submissions following the hearing[1] indicate the application does not have the benefit of any of the exemptions in clause 3.0 to Schedule 3 to the Vegetation Protection Overlay.

12 The purposes of the Significant Landscape Overlay include to conserve and enhance the character of significant landscapes. The statement of nature identifies that the Metung Hills are an important part of the town's landscape setting and are visually of regional significance. The landscape character objectives outlined in clause 2.0 to Schedule 3 include maintaining and strengthening native and indigenous vegetation cover throughout the landscape and protecting the vegetated and natural character in landscapes.

13 Clause 3.0 of Schedule 3 to clause 42.03 Significant Landscape Overlay requires a permit to remove, destroy or lop native vegetation except where exempt under clause 52.17. The respondents in their supplementary submissions did not identify any applicable exemptions.

14 During the hearing I was taken to a Biodiversity Assessment prepared by Ecology & Heritage Partners[2]. It does not appear this report formed part of the permit application and the ecologists who prepared the report were not called to give expert evidence in the hearing.

15 The report identifies there are several patches of native vegetation on the subject land and the construction of the new carriageway will result in the removal of 0.012 hectares of native vegetation along the southern boundary of the subject land, adjacent to Metung Road.

16 Notwithstanding that the report concluded that the carriageway has been sited to minimise impacts on native vegetation and the removed native

[1] Dated 27 January 2023 and filed pursuant to Tribunal Order of 21 December 2022.
[2] Ecology and Heritage Partners Pty Ltd, *Biodiversity Assessment for the Proposed Residential Subdivision at 705 Metung Road, Metung, Victoria* (November 2022).

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL · VCAT

vegetation can be satisfactorily offset, these matters were not actually before the Tribunal for assessment because the respondents never applied for a permit to remove or destroy native vegetation from the subject land.

17 The protection of native vegetation and areas of environmental and landscape value are identified as important objectives throughout both state and local planning policies in the planning scheme and through the overlay controls applying to the subject land. I consider the respondents' failure to address the environmental impacts of the proposal or seek the required permits as part of the application to be contrary to orderly planning and a major shortcoming of the application.

Decommissioning of the existing dam

18 During the hearing I was informed that the proposal includes earthworks to decommission an existing dam on the subject land, located within proposed Lot 1.

19 The planning report accompanying the permit application made general reference to earthworks for the decommissioning of an existing dam on the subject land.[3] But the works were not detailed in the application plans or identified in the permit application form.

20 Earthworks require a planning permit pursuant to clauses 35.03-4 (Rural Living Zone), 42.03-2 (Significant Landscape Overlay), 44.01-2 (Erosion Management Overlay) and 44.04-2 (Land Subject to Inundation Overlay).

21 The responsible authority appeared to be supportive of the proposed earthworks and made the following submission:

> The landform within proximity to the dwelling and outbuilding will be manipulated to provide a flat building pad with suitable batters as shown on the plan set (PNPE Attachment 1.18c). Further earthworks will also be undertaken to decommission the existing dam located within Lot 1 to negate any safety concern.

22 It is not possible for me to assess the scope or appropriateness of these works as they are not actually detailed in any plan or described in any document. The respondents' supplementary submissions indicate that a permit is required under clause 44.01-2 because the earthworks will exceed one metre in depth. There is no plan before the Tribunal confirming this. I am not certain what works will comprise the 'decommissioning' of the dam.

23 The whole of the subject land is affected by the Erosion Management Overlay. The erosion management objectives set out in the Schedule include designing and constructing development in accordance with the recommendations of an expert geotechnical risk assessment and ensuring that development does not increase the risk of geotechnical hazard to life or property.

[3] Crowther & Sadler Pty Ltd, *Planning Report* (March 2020).

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL · VCAT

24 Whilst the permit application was accompanied by a Geotechnical Risk Assessment,[4] the report does not actually address the proposed earthworks to the dam and so does not contain any recommended measures to manage or minimise the possibility of erosion or landslip.[5] In light of this, it is difficult to assess whether the earthworks are likely to cause erosion or landslip or assess any of the other matters in the decision guidelines in clause 44.01-8 or clause 3.0 to the Schedule to clause 44.01 Erosion Management Overlay.

25 The applicant raised concerns about the environmental impacts of decommissioning the dam. The Biodiversity Assessment prepared by Ecology & Heritage Partners in fact confirms that the dam contains native aquatic vegetation[6] and occurs along a natural water course that drains into an adjacent rainforest to the east. The report also identifies that the vegetation provides foraging and breeding habitat for a variety of frog species.

26 The report did not assess the impact of the proposed earthworks to the dam on native vegetation or fauna habitat because the authors had assumed the dam would be retained as part of the proposed development. The report appears to identify the retention of the dam as a positive feature of the proposal.[7]

27 As already noted above, a permit is required to remove, destroy or lop any vegetation on the subject land, including native vegetation pursuant to:

- Clause 3.0 of Schedule 3 to clause 42.02 Vegetation Protection Overlay; and
- Clause 3.0 of Schedule 3 to clause 42.03 Significant Landscape Overlay.

28 The respondents have not sought approval under these provisions. Furthermore there is no material assessing the impact of decommissioning the dam on protected vegetation within and around the dam, on the contrary, the biodiversity assessment presumes the dam will be retained. The respondents did not call any expert evidence concerning the impact of the proposed earthworks to the dam on native vegetation, fauna habitat or the possibility of erosion or landslip. When combined with the complete lack of detail around the extent of earthworks proposed, I consider these to be further shortcomings of the application.

Other details

29 Application plans TP-01 and TP-02 purport to detail the siting of the proposed dwelling. No setbacks details are shown on the plans, the

---

4 Prepared by Simon Anderson Consultants (13 September 2019).
5 The description of the proposal under 'Project Details' does not refer to earthworks to the existing dam.
6 A small patch of Aquatic Herbland (EVC 653) was mapped within the farm dam.
7 Crowther & Sadler Pty Ltd (n 3) pages 17 – 18.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL · VCAT

elevations contain no dimensions or maximum heights. The missing detail in these plans is wholly unsatisfactory and do not enable the Tribunal to undertake a proper assessment of the proposal.

30 It is unclear from the plans where the new driveway will be located in relation to the existing driveway on the subject land. The parties indicated in the hearing that the existing driveway would be partly utilised, but this is not clearly detailed in the plans. It is also unclear where the location of the access point is in relation to the access points of other properties on Metung Road, which are not shown in the plans.

31 It is also unclear whether the construction of a new driveway will require the removal of either vegetation or native vegetation and consequently require a permit under clauses 42.02 and/or 42.03. It is also not certain whether the new driveway would require cutting and filling due to topography of the subject land and may also require planning approval.

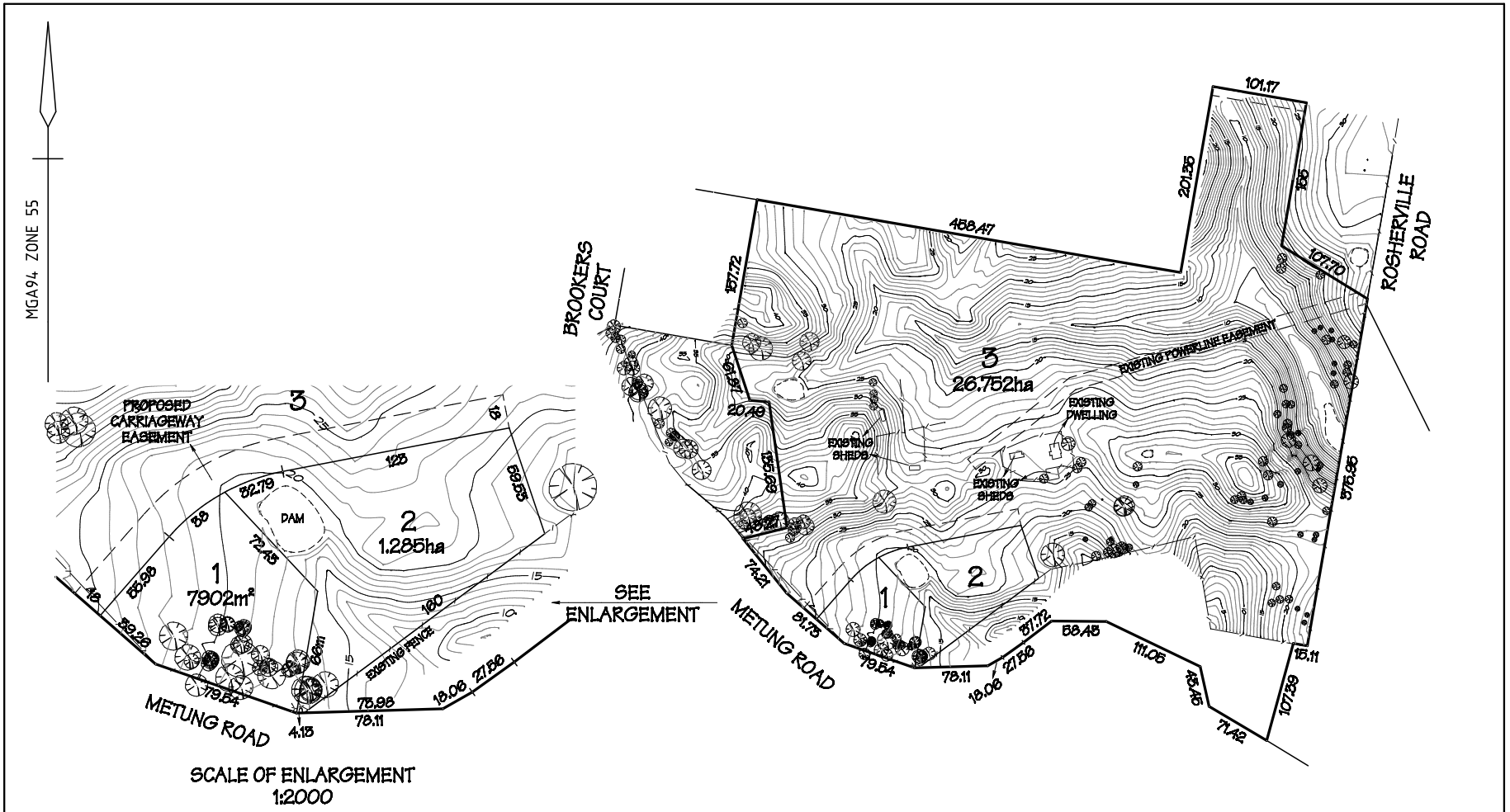
32 The application to create a carriageway easement was not accompanied by a clear plan detailing the alignment of the proposed easement intended to facilitate access to Lots 1 and 2 over Lot 3 to Metung Road.

Conclusion

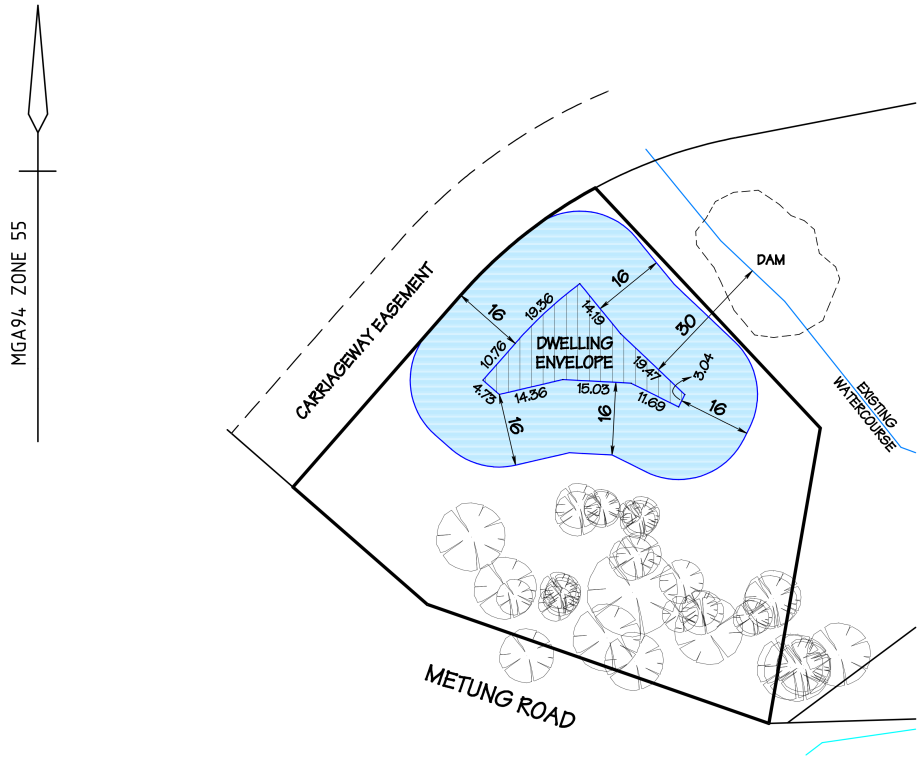
33 In view of my findings and decision to refuse the permit application, it is not necessary for me to make findings on the merits of the subdivision design or the proposed dwelling.

34 For the reasons outlined above, the decision of the responsible authority is set aside and no permit is to issue.

Karina Shpigel
Member



TED & VICKI SMITH 705A METUNG ROAD, METUNG	NOTATIONS AREAS ARE APPROXIMATE ONLY DIMENSIONS ARE SUBJECT TO SURVEY	PROPOSED SUBDIVISION PARISH OF BUMBERRAH CROWN ALLOTMENTS 79B & (PARTS) 79 & 79A & PART OF FORMER GOVT ROAD PARISH OF BUMBERRAH TOWNSHIP OF METUNG SECTION M CROWN ALLOTMENT 1A (PART) LOT 3 - PS802735E
Crowther & Sadler Pty. Ltd. LICENSED SURVEYORS & TOWN PLANNERS 152 MACLEOD STREET, BAIRNSDALE, VIC., 3875 P. (03) 5152 5011 E. contact@crowthersadler.com.au	SCALE (SHEET SIZE A3): 1 : 4000 SURVEYORS REF.: 21041 VERSION 2 - DRAWN 10/07/2025	
FILENAME: Y:\21000-21999\21000-21099\21041 Smith\21041 Prop V2.pro		



MANAGEMENT OF VEGETATION WITHIN THE AREA OF DEFENDABLE SPACE - SHOWN

DEFENDABLE SPACE TO THE PROPERTY BOUNDARY MUST BE PROVIDED WHERE VEGETATION (AND OTHER FLAMMABLE MATERIALS) WILL BE MODIFIED AND MANAGED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS;

- GRASS MUST BE SHORT CROPPED AND MAINTAINED DURING THE DECLARED FIRE DANGER PERIOD.
- ALL LEAVES AND VEGETATION DEBRIS MUST BE REMOVED AT REGULAR INTERVALS DURING THE DECLARED FIRE DANGER PERIOD.
- WITHIN 10m OF A BUILDING, FLAMMABLE OBJECTS MUST NOT BE LOCATED CLOSE TO THE VULNERABLE PARTS OF THE BUILDING.
- PLANTS GREATER THAN 10cm IN HEIGHT MUST NOT BE PLACED WITHIN 3m OF A WINDOW OR GLASS FEATURE OF THE BUILDING.
- SHRUBS MUST NOT BE LOCATED UNDER THE CANOPY OF TREES.
- INDIVIDUAL AND CLUMPS OF SHRUBS MUST NOT EXCEED 5m² IN AREA AND MUST BE SEPARATED BY AT LEAST 5m.
- TREES MUST NOT OVERHANG OR TOUCH ANY ELEMENTS OF THE BUILDING.
- THE CANOPY OF TREES MUST BE SEPARATED BY AT LEAST 5m.
- THERE MUST BE A CLEARANCE OF AT LEAST 2m BETWEEN THE LOWEST TREE BRANCHES AND GROUND LEVEL.
- IN ADDITION ALL AREAS NOT CONTAINING STRUCTURES WITHIN THE DWELLING ENVELOPE MUST BE MANAGED AS DEFENDABLE SPACE.

VEHICLE ACCESS

ACCESS FOR FIRE FIGHTING PURPOSES MUST BE PROVIDED WHICH MEETS THE FOLLOWING REQUIREMENTS;

- ACCESS MUST HAVE A LOAD LIMIT OF AT LEAST 15 TONNES.
- CURVES MUST HAVE A MINIMUM INNER RADIUS OF 10m.
- THE AVERAGE GRADE MUST BE NO MORE THAN 1 IN 7 (14.4%) (8.1°) WITH A MAXIMUM OF NO MORE THAN 1 IN 5 (20%) (11.3°) FOR NO MORE THAN 50M.
- HAVE A MINIMUM TRAFFICABLE WIDTH OF 3.5. OF ALL-WEATHER CONTRUCTION.
- BE CLEAR OF ENCROACHMENTS FOR AT LEAST 0.5M ON EACH SIDE AND 4M ABOVE THE ACCESSWAY.
- DIPS MUST HAVE NO MORE THAN 1 IN 8 (12.5%) (7.1°) ENTRY AND EXIT ANGLE.

WATER SUPPLY

10,000LT OF EFFECTIVE WATER SUPPLY FOR FIRE FIGHTING PURPOSES MUST BE PROVIDED WHICH MEETS THE FOLLOWING REQUIREMENTS:

- IS STORED IN AN ABOVE GROUND WATER TANK CONSTRUCTED OF CONCRETE OR METAL.
- ALL FIXED ABOVE-GROUND WATER PIPES AND FITTINGS REQUIRED FOR FIREFIGHTING PURPOSES MUST BE MADE OF CORROSIVE RESISTANT METAL.
- INCLUDE A SEPARATE OUTLET FOR OCCUPANT USE.
- INCORPORATE A BALL OR GATE VALVE (BRITISH STANDARD PIPE (BSP) 65mm) AND COUPLING (64mm CFA 3 THREAD PER INCH MALE FITTING).
- BE LOCATED WITHIN 60m OF THE OUTER EDGE OF THE APPROVED BUILDING.
- THE OUTLET/S OF THE WATER TANK MUST BE WITHIN 4m OF THE ACCESSWAY AND BE UNOBSTRUCTED.
- BE READILY IDENTIFIABLE FROM THE BUILDING OR APPROPRIATE IDENTIFICATION SIGNAGE TO THE SATISFACTION OF CFA MUST BE PROVIDED.
- ANY PIPEWORK AND FITTINGS MUST BE A MINIMUM OF 65mm (EXCLUDING THE CFA COUPLING).

CONSTRUCTION

THE BUILDING MUST COMPLY TO A MINIMUM BUSHFIRE ATTACK LEVEL OF 29 (BAL-29).

TED & VICKI SMITH
705A METUNG ROAD, METUNG

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

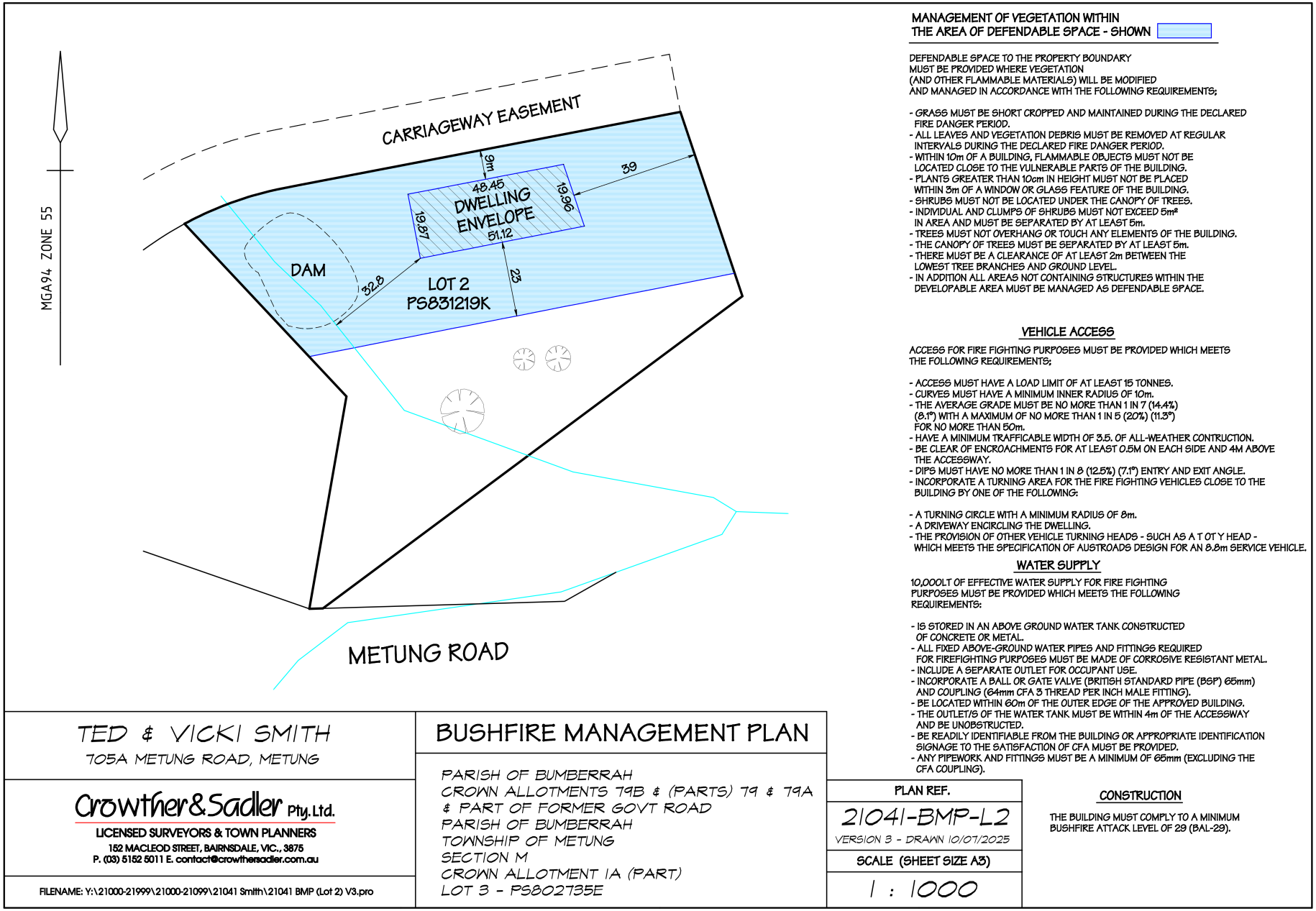
FILENAME: Y:\21000-21999\21000-21099\21041 Smith\21041 BMP (Lot 1) V3.pro

BUSHFIRE MANAGEMENT PLAN

PARISH OF BUMBERRAH
CROWN ALLOTMENTS 79B & (PARTS) 79 & 79A & PART OF FORMER GOVT ROAD
PARISH OF BUMBERRAH
TOWNSHIP OF METUNG
SECTION M
CROWN ALLOTMENT 1A (PART)
LOT 3 - PS802735E

PLAN REF.
21041-BMP-L1
VERSION 3 - DRAWN 10/07/2025

SCALE (SHEET SIZE A3)
1 : 1000



MANAGEMENT OF VEGETATION WITHIN THE AREA OF DEFENDABLE SPACE - SHOWN

DEFENDABLE SPACE TO THE PROPERTY BOUNDARY MUST BE PROVIDED WHERE VEGETATION (AND OTHER FLAMMABLE MATERIALS) WILL BE MODIFIED AND MANAGED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS;

- GRASS MUST BE SHORT CROPPED AND MAINTAINED DURING THE DECLARED FIRE DANGER PERIOD.
- ALL LEAVES AND VEGETATION DEBRIS MUST BE REMOVED AT REGULAR INTERVALS DURING THE DECLARED FIRE DANGER PERIOD.
- WITHIN 10m OF A BUILDING, FLAMMABLE OBJECTS MUST NOT BE LOCATED CLOSE TO THE VULNERABLE PARTS OF THE BUILDING.
- PLANTS GREATER THAN 10cm IN HEIGHT MUST NOT BE PLACED WITHIN 3m OF A WINDOW OR GLASS FEATURE OF THE BUILDING.
- SHRUBS MUST NOT BE LOCATED UNDER THE CANOPY OF TREES.
- INDIVIDUAL AND CLUMPS OF SHRUBS MUST NOT EXCEED 5m² IN AREA AND MUST BE SEPARATED BY AT LEAST 5m.
- TREES MUST NOT OVERHANG OR TOUCH ANY ELEMENTS OF THE BUILDING.
- THE CANOPY OF TREES MUST BE SEPARATED BY AT LEAST 5m.
- THERE MUST BE A CLEARANCE OF AT LEAST 2m BETWEEN THE LOWEST TREE BRANCHES AND GROUND LEVEL.
- IN ADDITION ALL AREAS NOT CONTAINING STRUCTURES WITHIN THE DEVELOPABLE AREA MUST BE MANAGED AS DEFENDABLE SPACE.

VEHICLE ACCESS

ACCESS FOR FIRE FIGHTING PURPOSES MUST BE PROVIDED WHICH MEETS THE FOLLOWING REQUIREMENTS;

- ACCESS MUST HAVE A LOAD LIMIT OF AT LEAST 15 TONNES.
- CURVES MUST HAVE A MINIMUM INNER RADIUS OF 10m.
- THE AVERAGE GRADE MUST BE NO MORE THAN 1 IN 7 (14.4%) (8.1°) WITH A MAXIMUM OF NO MORE THAN 1 IN 5 (20%) (11.3°) FOR NO MORE THAN 50m.
- HAVE A MINIMUM TRAFFICABLE WIDTH OF 3.5. OF ALL-WEATHER CONTRUCTION.
- BE CLEAR OF ENCROACHMENTS FOR AT LEAST 0.5M ON EACH SIDE AND 4M ABOVE THE ACCESSWAY.
- DIPS MUST HAVE NO MORE THAN 1 IN 8 (12.5%) (7.1°) ENTRY AND EXIT ANGLE.
- INCORPORATE A TURNING AREA FOR THE FIRE FIGHTING VEHICLES CLOSE TO THE BUILDING BY ONE OF THE FOLLOWING:

- A TURNING CIRCLE WITH A MINIMUM RADIUS OF 8m.
- A DRIVEWAY ENCIRCLING THE DWELLING.
- THE PROVISION OF OTHER VEHICLE TURNING HEADS - SUCH AS A T OT Y HEAD - WHICH MEETS THE SPECIFICATION OF AUSTROADS DESIGN FOR AN 8.8m SERVICE VEHICLE.

WATER SUPPLY

10,000LT OF EFFECTIVE WATER SUPPLY FOR FIRE FIGHTING PURPOSES MUST BE PROVIDED WHICH MEETS THE FOLLOWING REQUIREMENTS:

- IS STORED IN AN ABOVE GROUND WATER TANK CONSTRUCTED OF CONCRETE OR METAL.
- ALL FIXED ABOVE-GROUND WATER PIPES AND FITTINGS REQUIRED FOR FIREFIGHTING PURPOSES MUST BE MADE OF CORROSIVE RESISTANT METAL.
- INCLUDE A SEPARATE OUTLET FOR OCCUPANT USE.
- INCORPORATE A BALL OR GATE VALVE (BRITISH STANDARD PIPE (BSP) 65mm) AND COUPLING (64mm CFA 3 THREAD PER INCH MALE FITTING).
- BE LOCATED WITHIN 60m OF THE OUTER EDGE OF THE APPROVED BUILDING.
- THE OUTLET/S OF THE WATER TANK MUST BE WITHIN 4m OF THE ACCESSWAY AND BE UNOBSTRUCTED.
- BE READILY IDENTIFIABLE FROM THE BUILDING OR APPROPRIATE IDENTIFICATION SIGNAGE TO THE SATISFACTION OF CFA MUST BE PROVIDED.
- ANY PIPEWORK AND FITTINGS MUST BE A MINIMUM OF 65mm (EXCLUDING THE CFA COUPLING).

CONSTRUCTION

THE BUILDING MUST COMPLY TO A MINIMUM BUSHFIRE ATTACK LEVEL OF 29 (BAL-29).

TED & VICKI SMITH
705A METUNG ROAD, METUNG

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

FILENAME: Y:\21000-21999\21000-21099\21041 Smith\21041 BMP (Lot 2) V3.pro

BUSHFIRE MANAGEMENT PLAN

PARISH OF BUMBERRAH
CROWN ALLOTMENTS 79B & (PARTS) 79 & 79A & PART OF FORMER GOVT ROAD
PARISH OF BUMBERRAH
TOWNSHIP OF METUNG
SECTION M
CROWN ALLOTMENT 1A (PART)
LOT 3 - PS802735E

PLAN REF.
21041-BMP-L2
VERSION 3 - DRAWN 10/07/2025
SCALE (SHEET SIZE A3)
1 : 1000

Applicant Details

Applicant name
Crowther & Sadler Pty Ltd

Business trading name
Crowther & Sadler Pty Ltd

Email address *
contact@crowthersadler.com.au

Postal address *
PO Box 722 Bairnsdale 3875

Preferred phone number *
0351525011

Secondary phone number

Owners Details (if not the applicant)

Name
Edward & Vicki Smith

Business trading name (if applicable)

Postal address

Description of the Land

Street number
705

Street name
Metung Road

Town
Metung

Post code
3904

AND/OR

Lot number
3

Plan number
PS802735E

Other Legal Description

Other legal description may be a Crown Allotment reference, Volume/Folio, or other title descriptor.

If the proposal relates to multiple addresses/parcels, please attach a document with a list of the owner and land description details for each additional property.

Additional land details

Browse

If the proposal relates to multiple addresses/parcels, please attach a document with a list of the owners and land description details for each additional property.

Declaration in relation to Title Restrictions

Is there any encumbrance on the Title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope? *

○ Yes ◉ No

Will the proposal result in a breach of a registered covenant restriction or agreement? *

- ○ Yes
- ◉ No

Description of proposal

Provide a brief description of your proposal *

Three Lot Subdivision
Amended plans to alter alignment of boundary between Lot 1 and Lot 2 resulting in the retention of the dam in Lot 2. The area of Lot 2 is increased by).177ha, with a corresponding reduction in the area of Lot 1.
The Bushfire management Plans have been amended to correspond with the change to the alignment of the boundary.

Under which section of the Act is the amendment to the application made? *

- ○ s50 Amendment by applicant before notice
- ◉ s57A Amendment by applicant after notice is given

One answer only

How many matters are required for this proposal?

This field is hidden on the form

Planning Scheme Clause

This field is hidden on the form

Choose from the list

Matter for which the permit is required

Copy from the Matters for which a permit is required document, removing variables and inserting uses as required

Revised estimated cost of development *

0

Note: You may be required to verify this estimate

Existing conditions

Describe how the land is currently used and developed *

Residential

Application Requirements

Required supporting documents (if the amendment to the application affects the existing documents):

- Title to each property subject to the application (must have been generated within the past 30 days)
- Full copy of Covenants or Section 173 agreements if applicable, and details of beneficiaries if there is a proposal which would contravene, alter, or end a covenant or restriction.
- Supporting documents which are mandatory requirements of the Planning Scheme (e.g. – Native Vegetation Removal Report, Bushfire Management Statement, Geotechnical report/waiver)
- Plans as relevant to the proposal

Suggested, or subject to requirements of the scheme

- A report responding to the relevant application requirements and the policies and objectives of the East Gippsland Planning Scheme
- Supporting information/reports which are commonly considered with similar applications (e.g. – Land Capability Assessment, Bushfire Management Statement, Geotechnical report/waiver)

Attach forms

Full copy of Title

Browse

Must have been generated within the past 30 days. Use the additional attachment dialogue for multiple files

Copy of covenant(s) or s173 Agreement(s) on Title (if applicable)

Browse

Relevant Plans

Plans as relevant to the proposal. Seek advice if unsure.

Other attached files: 21041 Prop V2.pdf

Planning report

Browse

How many additional files do you need to upload?

2

If greater than 20, consider combining attachments or email further attachments to planning@egipps.vic.gov.au

Supporting information/reports

Other attached files: 21041 BMP (Lot 1) V3.pdf

Other attached files: 21041 BMP (Lot 2) V3.pdf

Payment of Application Fees

For a s50 application, no additional fees are payable unless the amendment introduces a matter not already covered by the original application.

For a s57A application, a fee of 40 percent of the original application fee amount is payable. The amount will be to be confirmed by a senior planning officer in accordance with the *Planning and Environment (Fees) Regulations* 2016. An invoice will be generated once the amended application has been assessed to confirm it is complete.

Who is the invoice to be made out to? (Payer)

Senior Planner has agreed to waive the fee

Address for Invoice

Invoice Email

Preferred Phone Number

Secondary Phone Number

Privacy Statement

The East Gippsland Shire Council asks for details about you to make decisions on planning permit applications. The information you give to us on this form is used for your application and is required for Council to make its decision under the *Planning and Environment Act* 1987. Sometimes we may provide a copy of this application form to another person, but only if it is for a legitimate purpose that is related to the planning process, or we are allowed by law, or to protect people or property. If your information is put onto Council's website or provided to another person, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act* 2014. For instance, if requested by another person, after deciding that it is requested for a legitimate purpose, Council will obtain an undertaking from the recipient confirming how they will use your personal information and that they will destroy it once used.

You may ask for more information about Council's Privacy Policy by contacting our Privacy Officer on 03 5153 9500 or e-mail feedback@egipps.vic.gov.au .You can gain access to information you provided to us through the *Freedom of Information Act 1982*, more information about FOI is available on Council's website.

Declarations

Please complete this section to confirm your application.

- [x] I declare that I am the applicant and all the information in this application is true and correct and the owner (if not myself) has (have) been notified of the permit application. *
- [x] I confirm I have authority to use the relevant documents. *
- [x] In the event that the giving of notice is required pursuant to Section 52 *Planning and Environment Act* 1987, I permit documents submitted as part of this application, including my full contact information, to be made available for public viewing on Council's website. *
- [x] In the event that the giving of notice is required pursuant to Section 52 of the *Planning and Environment Act* 1987, and I receive instructions to give notice to potentially affected parties, I confirm that I will destroy the instructions and personal information once the information is no longer necessary. *
- [x] I accept the East Gippsland Shire Council Privacy Statement. *

Crowther & Sadler Pty. Ltd. A.B.N. 81 660 442 982
LICENSED SURVEYORS & TOWN PLANNERS

Planning Report **Version 2**

Three Lot Subdivision and Creation of Carriageway Easement

705 Metung Road, Metung

Our reference – 21041

28 April 2025

Version #	Date	Revision Description
1	28 March 2025	
2	28 April 2025	Report amended to provide additional commentary in response to Clause 53.03 *Bushire Planning* to reflect changes made to Bushfire Management Plans and Bushfire Hazard Site Assessment.

FS 520900
MEMBER FIRM

152 Macleod Street
Bairnsdale VIC 3875
PO Box 722
Bairnsdale VIC 3875
Ph. 03 5152 5011
E: contact@crowthersadler.com.au

Contents

1. Introduction 3

2. Subject Land & Surrounding Context 4

3. The Application & Proposal 11

4. Cultural Heritage 17

5. Planning Policy 18

5.1 Municipal Planning Strategy 18

5.2 Planning Policy Framework 18

6. Planning Elements 21

6.1 Rural Living Zone 21

6.2 Low Density Residential Zone 23

6.3 Environmental Significance Overlay 24

6.4 Design & Development Overlay 27

6.5 Erosion Management Overlay 28

6.6 Land Subject to Inundation Overlay 30

6.7 Bushfire Management Overlay 31

7. Particular Provisions 35

7.1 Bushfire Planning 35

7.2 Land Adjacent to the Principal Road Network 45

8. **General Provisions 46**

8.1 Subdivision of Land in More than One Zone 46

9. Conclusion 46

10. Attachments

Attachment	Superseded Version #	Replaced By Version #	Revision Description
Bushfire Hazard Site Assessment	V1 25/02/2025	V2 9/04/2025	Amended to show recently constructed access
Bushfire Management Plan – Lot 1	V1 26/02/2025	V2 9/04/2025	Altered design of building envelope and defendable space
Bushfire Management Plan – Lot 2	V1 25/02/2025	V2 9/04/2025	Altered design of building envelope and defendable space
Previously lodged Attachments – Remaining Current:			
Proposed Subdivision Plan (Version 1, dated 25/02/2025)			
Land Capability Assessment Report – Simon Anderson Consultants			
Geotechnical Risk Assessment – Simon Anderson Consultants			
Copy of Title (Lot 3 on PS802735E)			
Legal Agreement AL981390P			
Legal Agreement AQ805832E			
VCAT Decision *Carlin v East Gippsland SC [2023] VCAT 1199*			
VCAT Order *Carlin v East Gippsland SC [2002] VCAT 1003*			

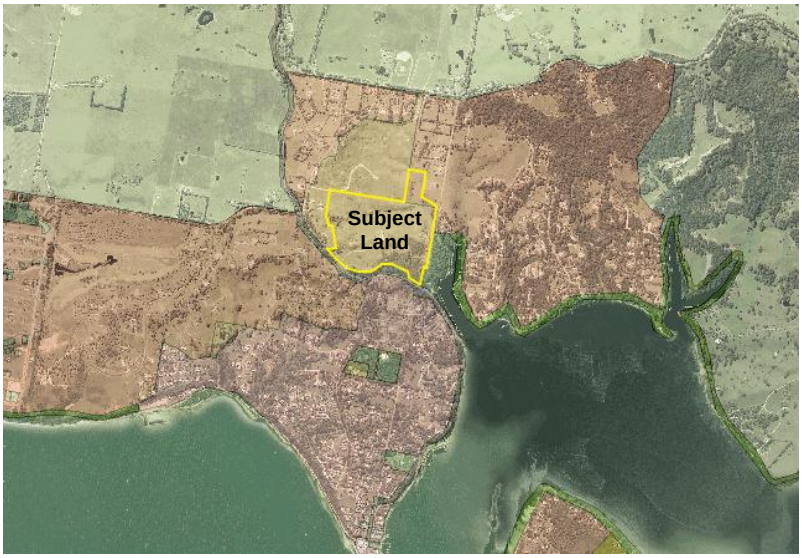
Notes: Applicable Planning Application fee of $1,453.40 was paid by EFT 7/04/2025
Pre-Application meeting held with Martin Richardson 20/01/2025
Robert Pringle provided an email 3/02/2025 confirming he will assess this Application

1. Introduction

This Planning Report is prepared in support of a proposed Three Lot Subdivision and Creation of Carriageway Easement at 705A Metung Road, Metung. The Report addresses the provisions of the Rural Living Zone (Schedule 2), Low Density Residential Zone, Bushfire Management Overlay, Design & Development Overlay (Schedule 11), Erosion Management Overlay, Environmental Significance Overlay (Schedule 1-63), Land Subject to Inundation Overlay, Significant Landscape Overlay (Schedule 3) and Vegetation Protection Overlay (Schedule 3) as contained within the *East Gippsland Planning Scheme*.



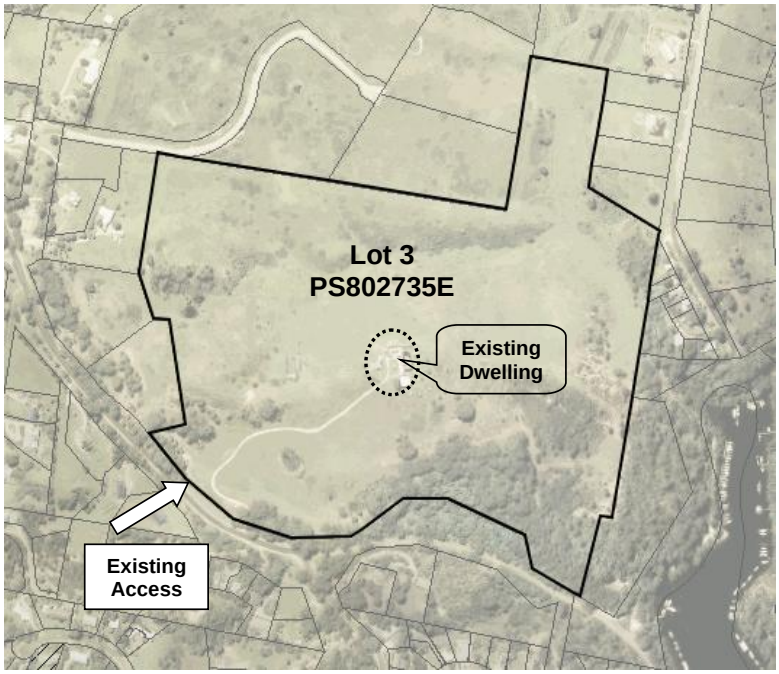
Aerial view of subject land and surrounding precinct (Source: VicPlan)



Zone mapping and aerial of subject land and surrounding precinct (Source: VicPlan)

2. Subject Land & Surrounding Context

The subject land is located on the fringe of the Metung township area and is formally described as Lot 3 on Plan of Subdivision 802735E. The property is approximately 28.83ha in area.



Aerial view of subject land and surrounding subdivision pattern (Source: VicPlan)

The site has frontage to Metung Road to the south which is a good quality sealed bitumen Transport Zone 2 road, which serves as the primary vehicle access to the township of Metung. Access to Metung Road is established in the south-west. The north-eastern tip of the property also has frontage to Rosherville Road.

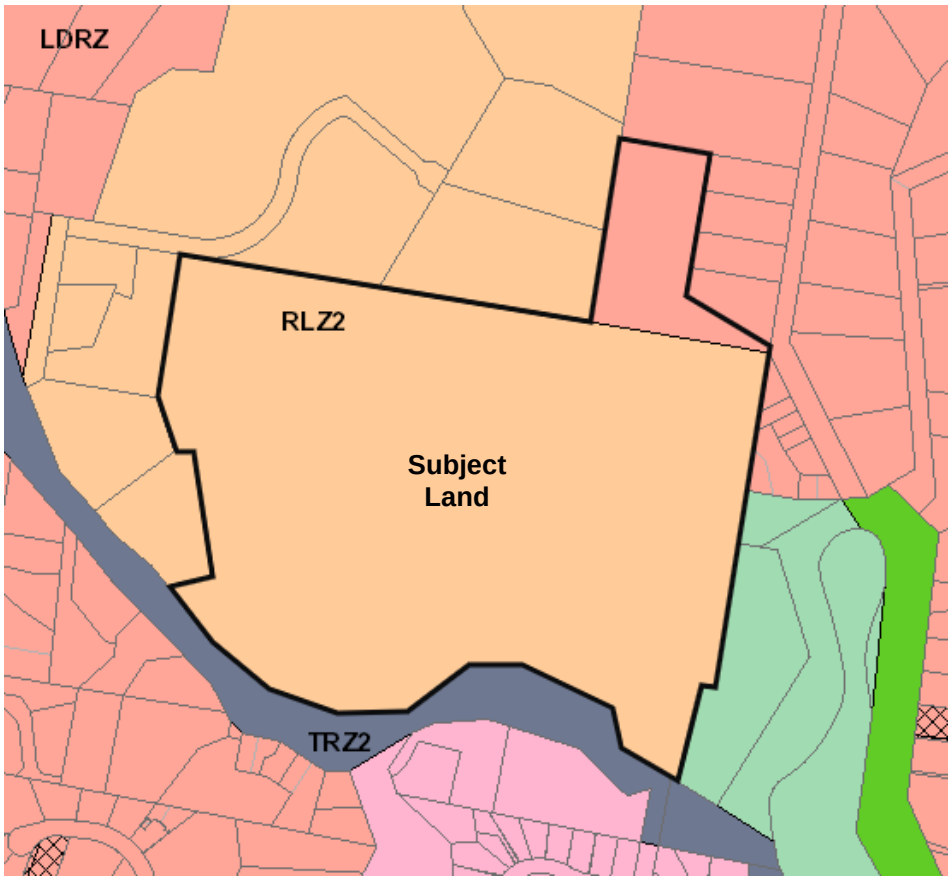
The property is developed with an existing dwelling and associated outbuildings, reliant upon onsite wastewater disposal. The southeastern portion of the site contains a wetland gully system which is well vegetated with rainforest species.



General view east towards existing dwelling and outbuildings

There are a series of dams and ephemeral waterways located across the property. The landform is undulating in nature and steep in sections due to the presence of gully systems.

Whilst the majority of the site is included within the Rural Living Zone – Schedule 2 ('RLZ2'), the northeastern portion of the property is contained within the Low Density Residential Zone ('LDRZ') of the *East Gippsland Planning Scheme.*



Zone Mapping (Source: VicPlan)

The whole of the subject land is affected by the Erosion Management Overlay and Vegetation Protection Overlay (Schedule 3), and partially included within the Bushfire Management Overlay, Design & Development Overlay (Schedule 11), Environmental Significance Overlay (Schedule 57), Land Subject to Inundation Overlay and Significant Landscape Overlay (Schedule 3) of the *East Gippsland Planning Scheme.*

Background

Planning Application 111/2020/P previously sought approval for a Three Lot Subdivision, Creation of Access to a Transport Zone 2, Creation of a Carriageway Easement and Use and Development of a Dwelling on the land.

A Notice of Decision to Grant a Planning Permit issued on 10 February 2022; with an Application for Review lodged by an objector with the *Victorian Civil & Administrative Tribunal* (VCAT).

As the prior Application referenced the filling of a dam, issues were raised within the hearing over authorisations for earthworks and removal of aquatic vegetation. These matters resulted in VCAT setting aside the Responsible Authority's decision, determining that no permit be granted (see *Carlin v East Gippsland SC [2023] VCAT 1199).*

Planning Permit 5.2024.61.1 subsequently issued on 4 June 2024 approving Works (Roadworks) for the creation of access to the subject land from Metung Road consistent with GD4010. This access has been constructed and facilitates vehicle access to the existing dwelling.



View towards subject land and existing access from Metung Road

The subject land is encumbered by two agreement under Section 173 of the *Planning & Environment Act 1987*:

1) Legal Agreement AL983190P recognises the further subdivision potential, acknowledging previous subdivision that has been lawfully undertaken; and
2) Legal Agreement AQ805832E relates to a Waterway Management Plan established through a previous subdivision, the obligations of which encumber adjoining allotments (Lots 1 & 2 on PS802735E).

Subdivision History

The East Gippsland Planning Scheme came into effect on 31 August 1999 at which time three separately transferable parcels of land existed within the Rural Living Zone, Schedule 2:

- Lot 1 on LP141707 (665 Metung Road, Metung)
- Lot 1 on PS343170K (part 705 Metung Road, Metung
- Lot 2 on PS343171H (part 705 Metung Road, Metung)

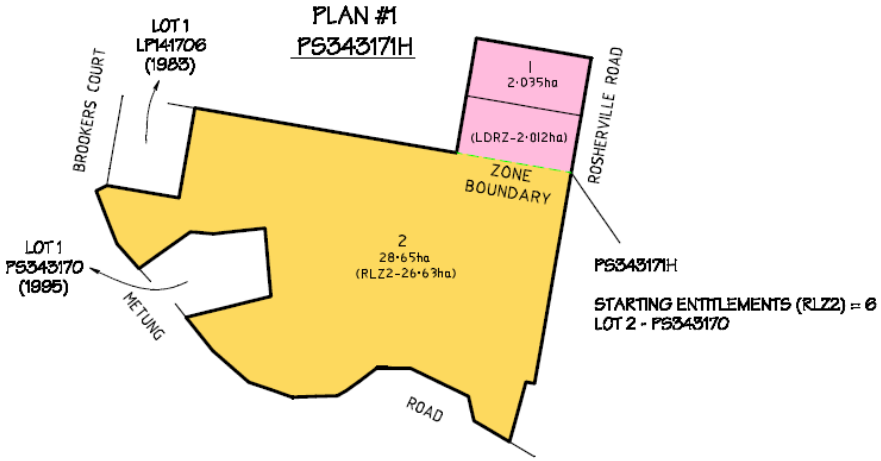
Lot 2 on PS343171H had a total area of 28.65ha, comprising 26.63ha within the RLZ2 and 4.047ha within the LDRZ. The portion of Lot 2 on PS343171H contained within the RLZ had the potential to be subdivided into 6 lots.

Lot 1 on LP141707 had an area of 2ha and Lot 1 on PS343170K had an area of 2.426ha. With Lot 3 on PS3543171K having the opportunity to yield 6 lots, it was possible for a total of 8 lots across the holding.

A number of subdivisions have been undertaken involving these three parcels since the commencement of the East Gippsland Planning Scheme. The subdivisions have created lots from land within the LDRZ and RLZ2.

Plan #1: PS343171H

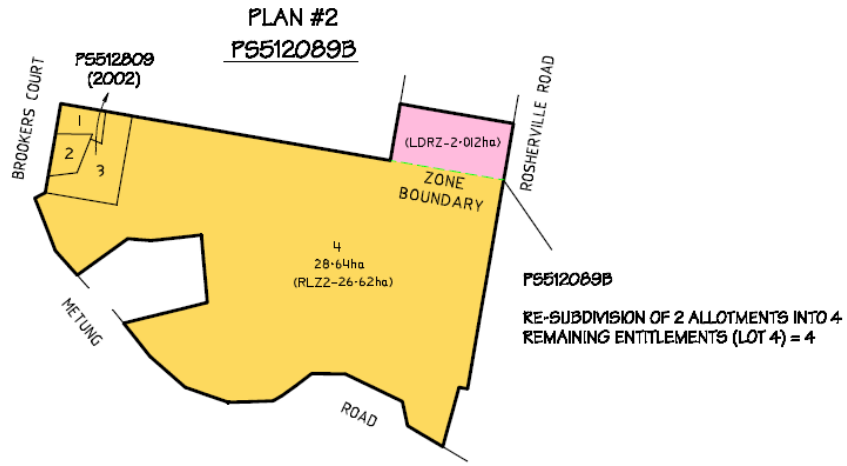
The first subdivision of the subject land under the East Gippsland Planning Scheme created two lots within the area under the controls of the LDRZ. The newly created lots were wholly contained within the LDRZ and as such did not utilise any lot entitlements available to the overall holding under the RLZ2.



Plan #2: PS512089B

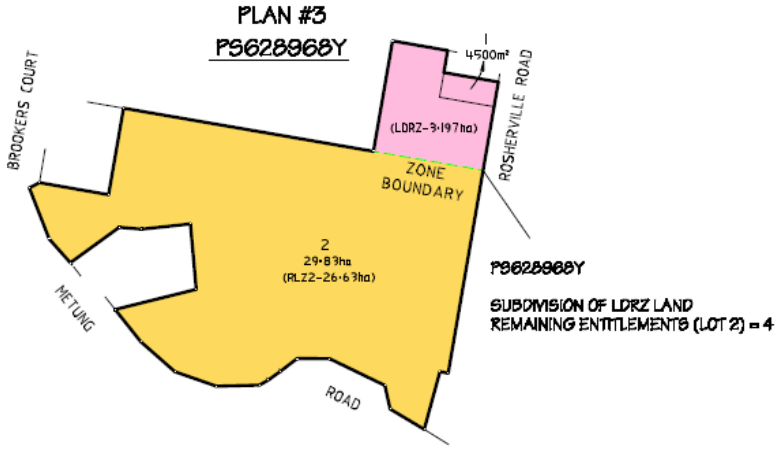
The second subdivision involved Lot 1 on LP141707 and Lot 2 on PS343171H. The effect of this subdivision was that the starting number of entitlements was 7 in total, comprised of 6 entitlements from Lot 2 on PS343170H and 1 entitlement from the neighbouring property (Lot 1 on LP141706).

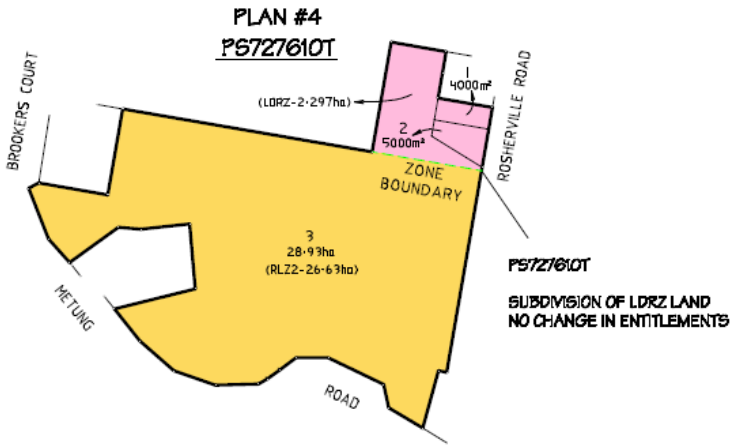
Upon completion of this subdivision, 3 of the 7 entitlements had been utilised, creating the three small lots (net increase of two additional smaller lots) fronting Brookers Court. 4 of the remaining entitlements were carried forward with the larger balance lot with frontage to Metung Road. Approval of this subdivision included a requirement to enter a Section 173 Agreement limiting the further subdivision of Lot 4 into a maximum of five lots (Agreement AB832305G). It is our understanding the limitation was only intended to apply to that portion of Lot 4 contained within the RLZ2, although the maximum number of lots that could be created within the RLZ2 was four lots.



Plan #3: PS628968Y
Plan#4:PS727610T

The third and fourth plans of subdivision that affected the subject land each created lots solely within the area zoned LDRZ and as such did not rely on the entitlements available to the parcel under the RLZ2 provisions.

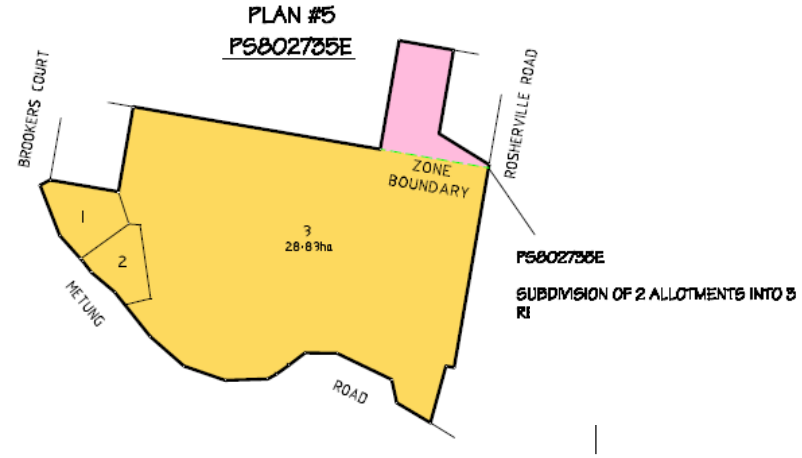




The approval of the fourth subdivision included a requirement to enter a Section 173 Agreement (AL983190P) limiting the further subdivision of Lot 3 into no more than three lots. We believe this was intended to reflect the balance number of lots remaining as prescribed by Agreement AB832305G, however no lots were in fact created from land within the RLZ2 as part of this subdivision. We believe this to be a miscalculation by the responsible authority at the time.

Plan #5:PS802735E

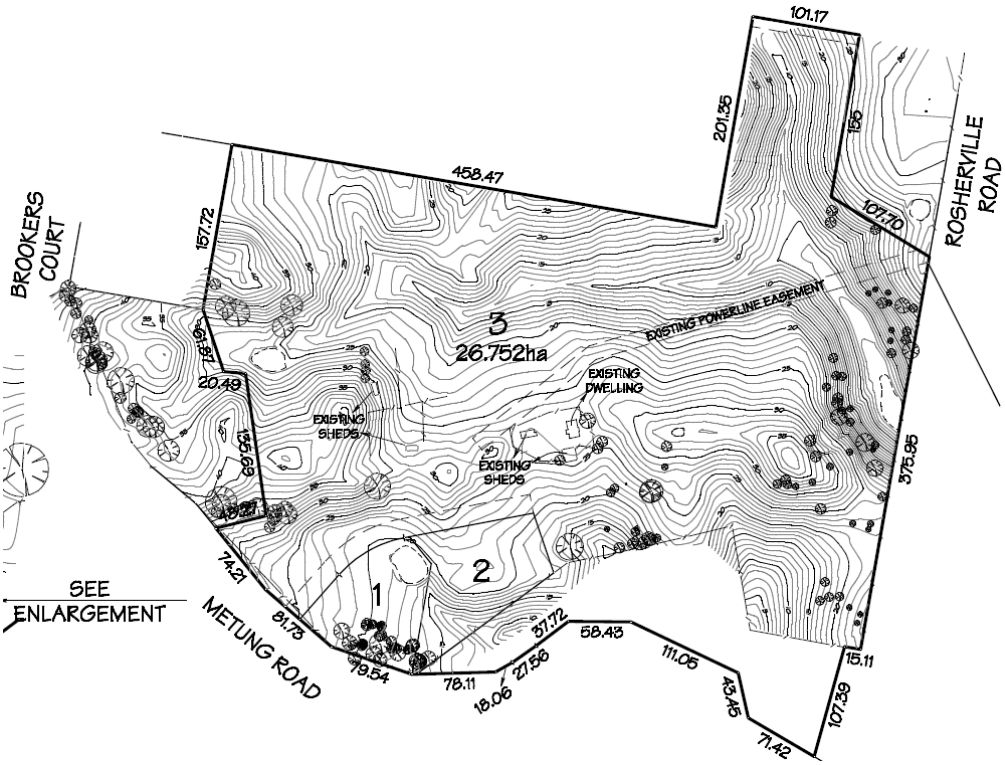
The fifth and most recent subdivision comprised Lot 1 on PS 343170K and Lot 3 on PS727610T. The effect of this subdivision was that the starting number of entitlements was 5 in total which was made up of 4 entitlements remaining from Lot 2 on PS343170H and 1 entitlement from the existing allotment (Lot 1 on PS343170K).
Only one additional lot was created after the completion of the subdivision approval than that which existed prior to the subdivision, thus a reduction of one entitlement from those available to the larger parcel is required to be carried forward. Upon completion of this subdivision, 2 of the entitlements had been utilised, leaving a balance of 3 lot entitlements.



The subject land therefore retains three lot entitlements under the provisions of the Rural Living Zone. This was confirmed by VCAT via a Preliminary Hearing (see *Carlin v East Gippsland SC [2002] VCAT 1003*).

3. The Application & Proposal

The Application seeks approval for a Three Lot Subdivision to create Lots 1 and 2 for future residential purposes, and a balance allotment (Lot 3) which will contain the existing dwelling and associated outbuildings as shown on Proposed Subdivision Plan (Version 1).



Extract from Proposed Subdivision Layout (Version 1)

Proposed Lot 1 will be approximately 9677m² in area, Proposed Lot 2 will be approximately 1.108ha in area, and Proposed Lot 3 will be approximately 26.752ha in area.

A carriageway easement has been proposed over the existing driveway within Lot 3 to provide rights of access to proposed Lots 1 and 2. The use of a carriageway easement is considered an appropriate mechanism to enable the existing vehicle crossing to service each of the proposed allotments.

The creation of the new section of carriageway will also avoid the need to establish any new vehicle access from Metung Road, which is considered logical and appropriate given its arterial road status.

Careful consideration has been given to ensuring the proposed subdivision will not have any adverse impacts on existing native vegetation or environmental values of the site.

- The existing dam containing colonised aquatic sedges which represent EVC 653: Aquatic Herbland will be retained.
- The proposed Building Envelopes have been nominated in existing cleared areas of the site, ensuring future dwellings will not require the removal of native vegetation. There are also sufficient cleared areas within the allotments to accommodate future onsite wastewater disposal and access arrangements without compromising native vegetation.
- Defendable space for a distance of 16.0 metres surrounds the Building Envelope on Lot 1 ensuring the requirements of Table 6 to Clause 53.02-5 will be achieved without compromising the Blue Box trees on the southern portion of the allotment or native vegetation that has colonised the existing dam.

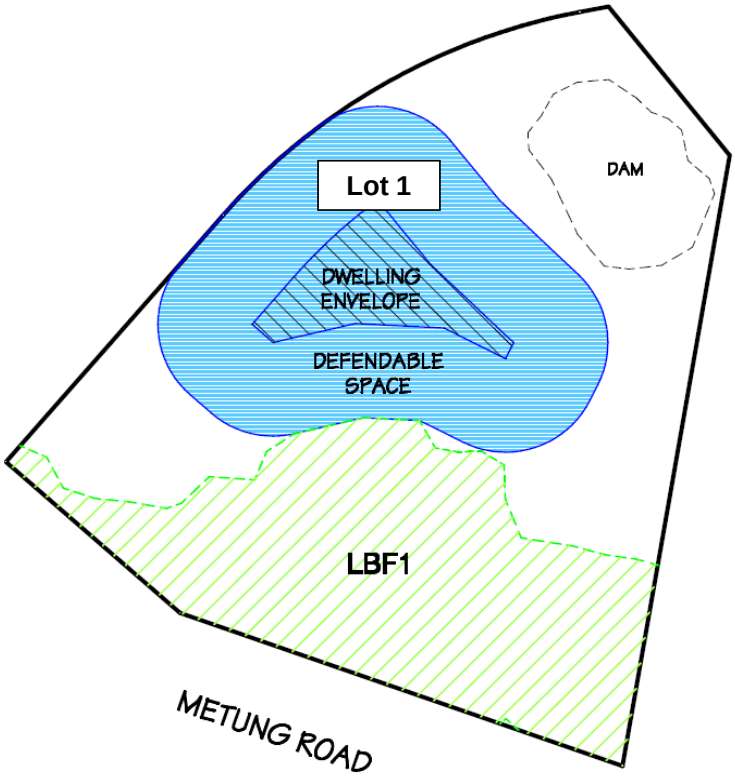


Diagram of existing vegetation and defendable space for Lot 1

- The Building Envelope and defendable space on Lot 2 has been designed consistent with Table 6 to Clause 53.02-5 without compromising the two small patches of Limestone Box Forest present on the southern portion of the allotment.

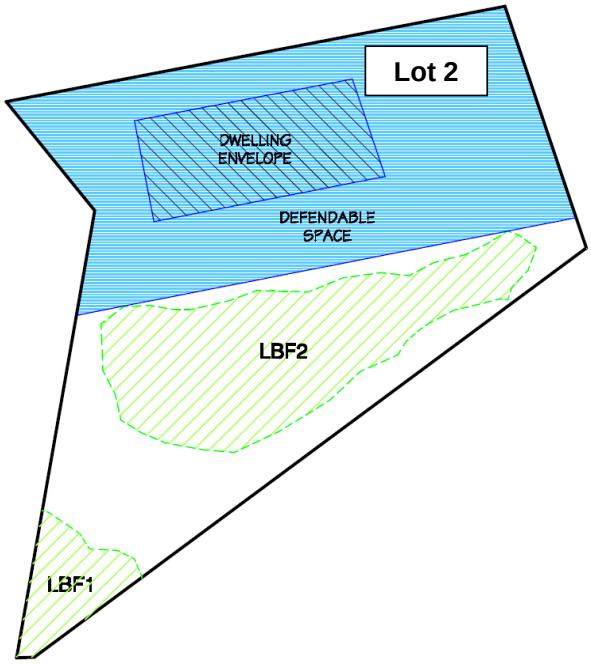


Diagram of existing vegetation and defendable space for Lot 2

The subject land is not currently located within the sewer district, and it is therefore expected that future development of the land will continue to be reliant upon onsite wastewater disposal.

A Land Capability Assessment Report prepared by *Simon Anderson Consultants* has been provided in support of the Application to demonstrate the ability of each Lot to accommodate onsite wastewater disposal consistent with EPA requirements.

As the subject land is affected by the provisions of the Bushfire Management Overlay, it is expected that the mandatory Condition prescribed by Clause 44.06-5 will be imposed on permit. The Condition will require the execution of a Section 173 Agreement which will exempt future owners from the need to obtain planning approval for dwellings under the Bushfire Management Overlay, provided future dwellings are located within the nominated Building Envelopes.

The Application is supported by a Bushfire Management Plan which includes Building Envelopes and prescribes bushfire mitigation measures which are expected to be referenced within the aforementioned Section 173 Agreement.

The existing Legal Agreements applying to the land do not restrict the ability to make the Application at hand. The proposal will not compromise any obligations included within these existing Legal Agreements.

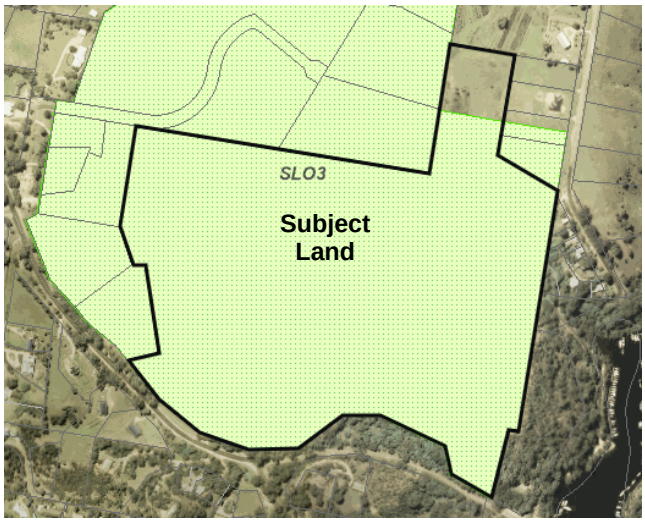
It is expected that a Condition of Permit will require the ending of Legal Agreement AL983190P, calling for the execution of a new Agreement to prevent further subdivision of the land under the density provisions.

Planning approval is required pursuant to the following Clauses of the *East Gippsland Planning Scheme:*

Planning Scheme Clause	Matter for which a Permit is required
32.03-3 (LDRZ)	Subdivide Land
35.03-3 (RLZ)	Subdivide Land
42.01-2 (ESO)+	Subdivide Land
43.02-3 (DDO)	Subdivide Land
44.01-5 (EMO)*	Subdivide Land
44.04-3 (LSIO)*	Subdivide Land
44.06-2 (BMO)*	Subdivide Land
52.02	Proceeding under Section 23 of the *Subdivision Act 1988* to create an easement
52.29-2*	Subdivide land adjacent to a road in a Transport Zone 2

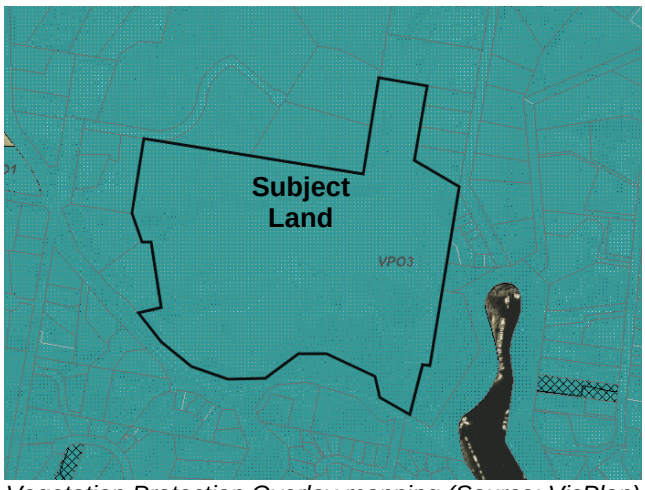
Notice & Review Exemptions:
** Always exempt matters*
+ Conditionally exempt matters

Although most of the property is affected by the provisions of the Significant Landscape Overlay – Schedule 3 *"Metung & Lakes Entrance Hills",* the Overlay does not require consideration for subdivision.



Significant Landscape Overlay mapping (Source: VicPlan)

Similarly, whilst the subject land is affected by the Vegetation Protection Overlay – Schedule 3, as the proposal does not seek to remove vegetation, planning approval is not required under the Overlay.



Vegetation Protection Overlay mapping (Source: VicPlan)

The application is required to be referred pursuant to Section 55 of the *Planning & Environment Act 1987* to the following:

- East Gippsland Water (Determining Authority) as the subdivision will result in the creation of more than two lots.
- AusNet Services (Determining Authority) as the subdivision will result in the creation of more than two lots.
- East Gippsland Catchment Management Authority, as the relevant floodplain management authority (Recommending Authority) for an Application under the Land Subject to Inundation Overlay.
- Country Fire Authority (Recommending Authority) for an application to subdivide land within the Bushfire Management Overlay.
- Transport for Victoria (Determining Authority) to subdivide land adjacent to a road owned by the Head, Transport for Victoria.

The Application will also need to be referred to the *Department of Energy, Environment & Climate Action* for comment given it triggers consideration under the provisions of the Environmental Significance Overlay.

To consider the matter of onsite wastewater disposal, access and drainage we anticipate Council will undertake internal referrals to their Environmental Health and Engineering Departments.

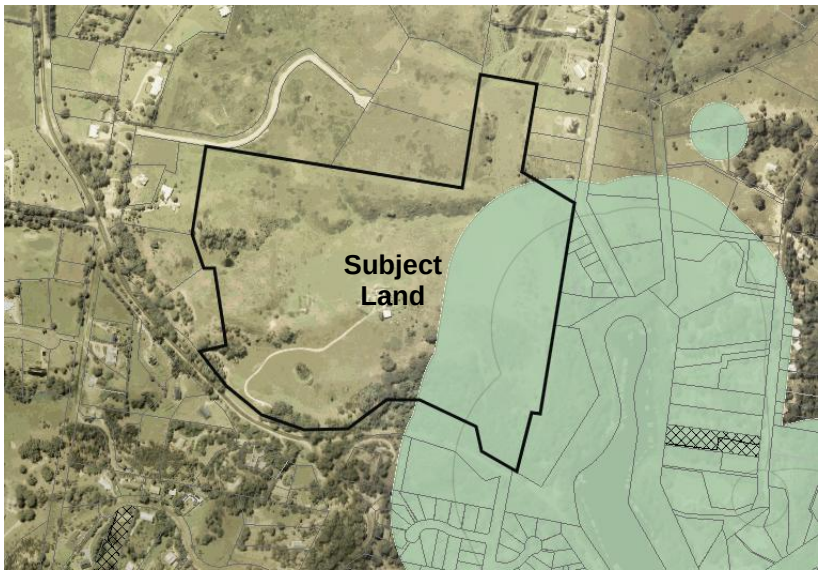
It is also anticipated that the mandatory Conditions prescribed at Clause 66.01-1 *Mandatory Conditions for subdivision permits* pertaining to telecommunications will be imposed on Planning Permit.

4. Cultural Heritage

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

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

(b) all or part of the activity is a high impact activity



Cultural Heritage Sensitivity mapping (Source: VicPlan)

Whilst part of the site is mapped as being cultural heritage sensitive, there is no mandatory requirement to provide a CHMP as the proposed activity is not deemed to be a 'high impact' under the *Aboriginal Heritage Regulations 2018.*

Whilst the proposal seeks to create three allotments, it does not constitute a 'high impact' activity as proposed Lot 3 is greater than 8 hectares in area (Regulation 49).

5. Planning Policy

The following comments respond to State and Local Planning Policy as relevant to the proposal.

5.1 Municipal Planning Strategy

Clause 02.03-1 *Settlement & Housing* identifies Metung is a key destination for visitors to the Gippsland Lakes system and a significant boating hub with a strong residential community.

Clause 02.03-2 *Environmental & Landscape Values* acknowledges the unspoilt nature of large tracts of native vegetation within East Gippsland and its unique biodiversity qualities. The proposal adheres to associated strategic directions as the site vegetation will not be compromised by the proposal.

Clause 02.03-3 *Environmental Risks and Amenity* seeks to manage and mitigate environmental risks such as flood, erosion and bushfire, with associated strategies prioritising the planning and management of vulnerable areas, assessing impacts of climate induced sea level rise, minimise land degradation and tree decline and to use geotechnical risk assessments when evaluating proposals in erosion risk areas.

The application has been supported by documentation prepared by a suitably qualified and experienced Geotechnical Engineering in response to the site's inclusion within the Erosion Management Overlay.

The application is also supported by a Bushfire Management Plan which incorporates bushfire mitigation measures including vegetation management, access and water supply requirements and which nominates a minimum construction of BAL-29 for future residential development.

5.2 Planning Policy Framework

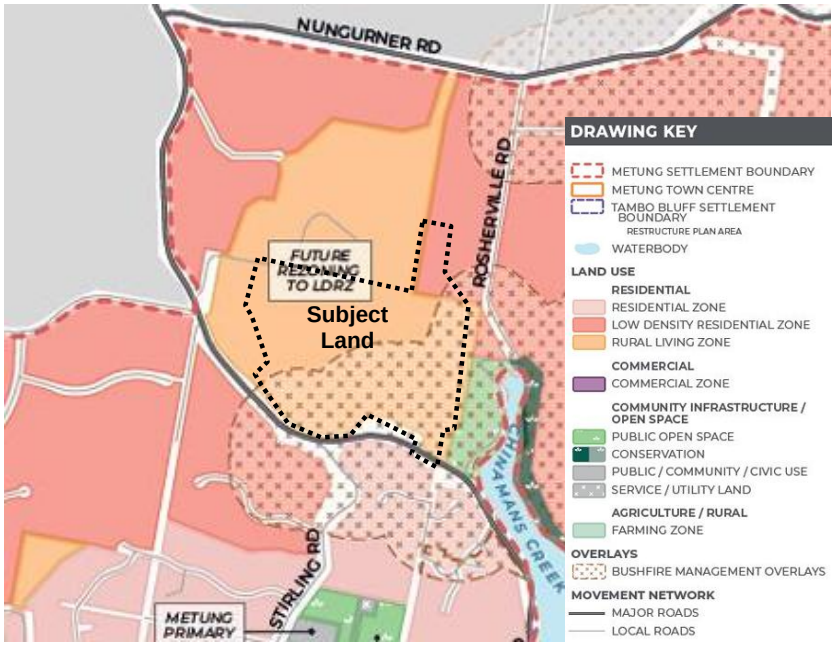
Clause 11-01-1S relating to *Settlement* seeks to promote sustainable growth and development and deliver choice and opportunity for all Victorians through a network of settlements. The proposal responds positively as the subject land, is capable of sustaining the proposed development and is located on the fringe of an established residential precinct with access to services.

The accompanying Plans and documents demonstrate how the land is capable of accommodating future development having regard for the site characteristics and constraints.

Clause 11.03-4L *Metung* applies to all land within the Metung Framework Plan, including the subject land. The proposal responds to associated strategies for the following reasons:

- The proposal has sought to retain the landscape setting by avoiding any adverse impacts to native vegetation. The accompanying Bushfire Management Plan identifies the existing vegetation to be retained.
- The subdivision has been designed to make use of existing access provisions from Metung Road which ensures the vegetated roadside corridor will remain untouched.
- Whilst future development Lots 1 & 2 will be adjacent to Metung Road, it will be generously setback from the property frontage and the retention of existing vegetation will aid in filtering views.

The Metung Framework Plan identifies the subject land as being within the Metung settlement boundary, and to be rezoned to Low Density Residential Zone in the future.

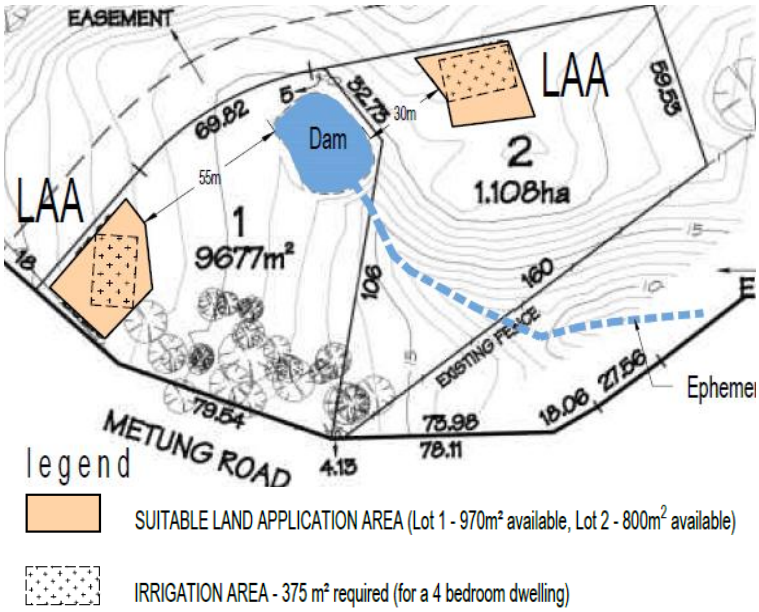


Metung Framework Plan (Source: EGPS)

Clause 12.03-16S *River and riparian corridors, waterways, lakes and billabongs* seek to protect and enhance waterway systems with supporting strategies seeking to protect and conserve environmental values of the landscape and Clause 12.03-1L *Waterways* seeks to protect the quality of the Gippsland Lakes.

The proposal responds appropriately to both Clauses with the subdivision having been designed to ensure the nearby waterways will not be adversely affected.

- To ensure that no waterways will be compromised by the development a Land Capability Assessment Report has been provided in support of the Application which confirms the ability to treat and retain wastewater on site in compliance with *EPA Victoria's Code of Practice Onsite Wastewater Management.*
- The subdivision design provides Building Envelopes that can achieve a minimum setback of 30.0 metres from the nearby ephemeral watercourse.



Extract from Land Capability Assessment Report (Simon Anderson Consultants)

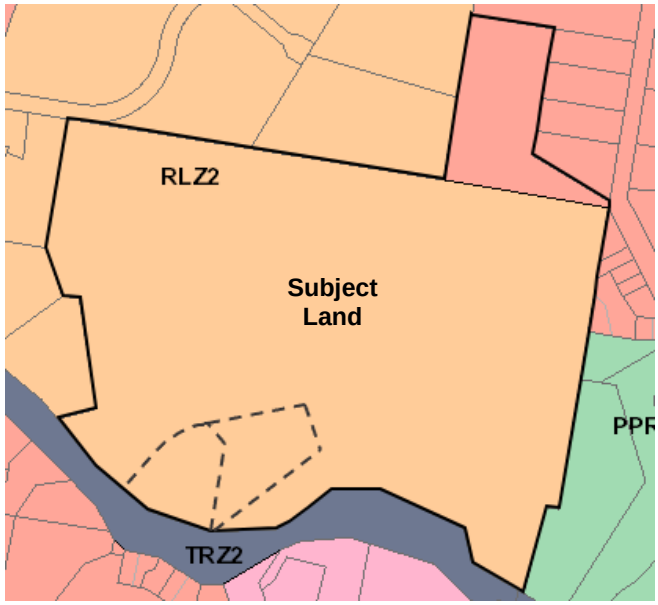
The proposal has considered Clause 13.02-1S *Bushfire Planning* as the whole of the subject land is contained within a Designated Bushfire Prone area and the Bushfire Management Overlay applies.

The proposal has prioritised human life by establishing appropriate separation distances from classifiable vegetation and prescribing a minimum of BAL 29 for future development on Lots 1 & 2.

Clause 15.01-3S relating to *Subdivision Design* seeks to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods. The proposed subdivision adheres to this objective as the accompanying Plans demonstrate that the proposed vacant allotments (Lots 1 & 2) can easily accommodate future residential development that respects the vegetated setting whilst achieving appropriate separation distances to aid in mitigating bushfire risk.

6. Planning Elements

The subject land is mapped as being affected by the provisions of two different zones. The northeastern portion of the property is mapped as being affected by the provisions of the Low Density Residential Zone and the bulk of the property is mapped as being affected by the provisions of the Rural Living Zone – Schedule 2.



Zone Mapping (Source: VicPlan)

6.1 Rural Living Zone

The proposed subdivision is considered to respond positively to the purpose of the RLZ as it will result in the creation of residential style development in an appropriate location.

The subject land is unique as it is predominately included in the RLZ but is also within close proximity to the established residential area of Metung and the associated services and facilities.

Planning approval is triggered at Clause 35.03-3 of the RLZ provisions to subdivide land. Whilst Schedule 2 to the RLZ stipulates a minimum subdivision area of 4ha, smaller lots may be created where the number of lots is no more than that which the land could be subdivided into in under a Schedule to the Zone.

Whilst the Application does not seek approval for the use of Lots 1 & 2 for the purposes of dwellings, the subdivision will result in an expectation that dwellings will be established into the future.

To further justify the proposed subdivision, the following comments have therefore been provided in response to Clause 35.03-2 *Use of Land for a Dwelling or Small Second Dwelling.*

Use of Land for a Dwelling or Small Second Dwelling Clause 35.03-2	
A lot used for a dwelling or small second dwelling must meet the following requirements:	
Access to the dwelling or small second dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.	Access to each lot will be facilitated from Metung Road, which is a good quality sealed bitumen road identified as Transport Zone 2.
Each dwelling or small second dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.	In the absence of reticulated sewer, the Application is supported by a Land Capability Assessment Report by Simon Anderson Consultants which confirms the ability for wastewater to be accommodated on site. Whilst the site has a number of limitations that result in the site being unsuitable for primary treatment only, it has the ability to manage wastewater through secondary treatment with sub-surface irrigation area of 375m².
The dwelling or small second dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.	The site benefits from the presence of reticulated water supply which already services the property. It is anticipated that a Condition on Permit will require each of the allotments to be connected to the water supply prior to the issue of Statement of Compliance. The Bushfire Management Plan, which will be referenced within a mandatory Section 173 Legal Agreement, also ensures that any future dwelling will be provided with a static water supply of 10,000 litres for fire fighting purposes.
The dwelling or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy source.	It is anticipated that a Condition on Permit will require each allotment to be connected to the existing power supply as already available to the land.

Decision Guidelines

The information contained herein demonstrates that the subject land can sustain the proposed subdivision. The design and layout of the proposal will result in residential development located on the flatter portion of the land which can accommodate onsite wastewater disposal. The balance of the land (Lot 3) will be approximately 26.752ha in area, being sufficient in size to facilitate the continuation of grazing activities for ongoing management.

The siting of proposed Lots 1 and 2 on the southern portion of the site is considered to be most practical as the landform is flatter and more suited to residential style development in that vicinity.

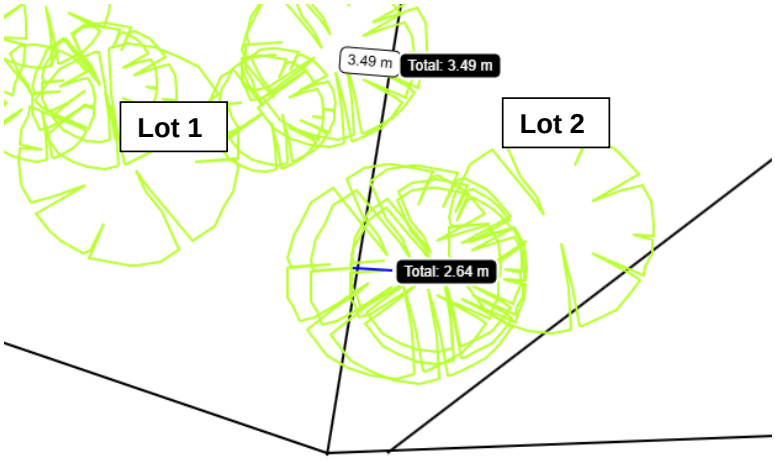
There is ample cleared area within proposed Lots 1 & 2 to establish future residential style development whilst ensuring retention of the site vegetation and providing adequate offset distances from mapped watercourses.

The more significant site vegetation and rainforest area has been deliberately retained within the larger balance allotment (Lot 3) to ensure that it is not compromised by the proposed subdivision.

The agricultural capacity of the land will not be adversely compromised by the proposal as the balance of the land (Lot 3) will continue to be utilised for grazing purposes.

The proposed subdivision will result in allotments each greater than 4000m² in area. There will therefore be no presumed vegetation losses incurred as a result of the proposal.

Whilst the common boundary between Lots 1 & 2 will be aligned through the existing Blue Box trees in part, it will not result in any consequential vegetation loss, having regard to the fence line exemption at Clause 52.17-7 as the trees will be more than 2.0 metres off the proposed boundary.



Tree and boundary diagram (Source: VicPlan)

6.2 Low Density Residential Zone

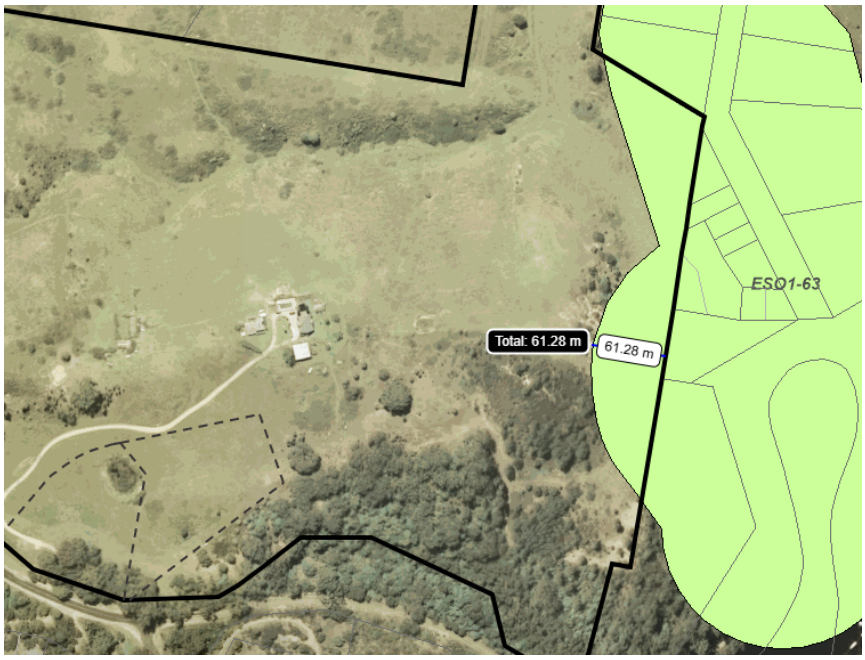
The proposed subdivision is considered to respond positively to the purpose of the Low Density Residential Zone, with the area contained within the zone remaining within the balance allotment (Lot 3).

A Permit is required to subdivide land at Clause 32.03-3 when being undertaken within the Low Density Residential Zone however it is acknowledged that the proposed boundaries will not dissect land contained within the zone.

6.3 Environmental Significance Overlay

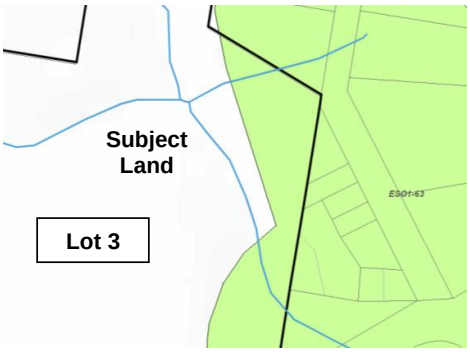
A permit is required for subdivision of land pursuant to Clause 42.01-2 of the Environmental Significance Overlay. The Statement of Environmental Significance for Schedule 1-63 *"Rosherville Road Corridor"* (ESO1-63) relates to Wildlife Corridor.

ESO1-63 applies to land within and adjoining Rosherville Road, and only extends minimally into the eastern portion of the subject land.



Environmental Significance Overlay mapping (Source: VicPlan)

Response to Application Requirements	
Requirement	**Response**
Details of the works proposed to be undertaken.	The proposal results in the need for limited works associated with servicing and fencing, all of which will be undertaken outside of the Environmental Significance Overlay – Schedule 1-3 *"Rosherville Road Corridor"* mapping.
Description of the purpose for which the removal of vegetation is to be undertaken.	The proposal does not seek approval for the removal of any vegetation, nor will it result in any adverse impacts to vegetation.

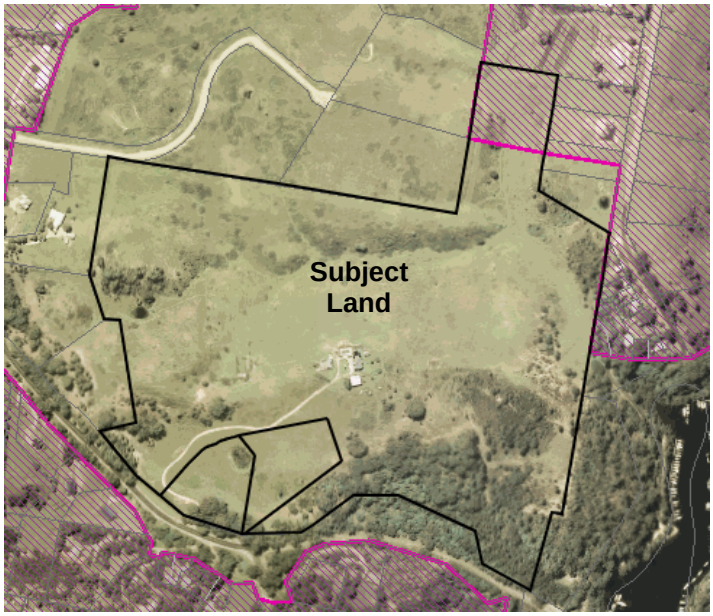
Response to Application Requirements	
Requirement	**Response**
Detailed scale map of the subject land including north and showing: - **Property boundaries and dimensions** - **Site of buildings and works, and areas where removal of vegetation is to be undertaken, existing cleared areas, and areas to be retained as vegetation.** - **Type and condition of all vegetation present on the entire property, particularly that which is proposed to be removed or cleared.** - **All waterways, drainage lines and wetlands.** - **Adjacent roads and any unused easements.** - **Any native fauna known to be present on or near the subject land.**	Accompanying the Application is a Proposed Subdivision Plan which includes details on property boundaries and dimensions, along with other significant site features. There are mapped waterways on the subject land contained within the Overlay mapping.  *ESO and waterway mapping (Source: VicPlan)*

Response to Decision Guidelines	
Decision Guideline	**Response**
Reduce or limit the extent of inappropriate clearing and harvesting of native vegetation.	The proposal does not seek approval for, nor will it result in, the removal of native vegetation.
Undertake revegetation with appropriate indigenous species to offset any loss of environmental values resulting from the works or development.	The proposal does not seek approval for vegetation removal, therefore does not require consideration of vegetation offsets.
Fence off areas of remnant native vegetation and revegetated areas so as to protect and limit further degradation to environmental values.	The more significant rainforest vegetation on the southeastern portion of the site is already fenced off from the balance of the land, albeit located outside of ESO mapping. The subdivision design ensures this area will not be compromised, with proposed boundaries adopting existing fencing.
Develop a land management plan or works program encompassing a range of management practices implemented over a period of time.	The landowners already undertake suitable land management practices such as pest plant and animal management on an as needed basis. The subdivision will not segment or impact the area encumbered by the ESO.

Response to Decision Guidelines	
Decision Guideline	**Response**
Any relevant land management practices listed within the table at Clause 5.0.	Land management practices encouraged by Schedule 1-63 *"Rosherville Road Corridor"* include fencing of vegetation remnants, fox control programs, appropriate fire regime, road maintenance strategy, encouragement of parallel plantings and revegetation of vegetation gaps along the corridor. The section of the subject land affected by the ESO will be retained wholly within the proposed balance lot (Lot 3). There is considered to be no need to specify any new land management practices as a result of the proposal, given the nature of the subdivision and the existing land management practices already established.

6.4 Design & Development Overlay

A permit is required for subdivision of land pursuant to Clause 43.02-3 of the Design & Development Overlay – Schedule 11 *Residential Development in Coastal Settlements* ('DDO11').



Design & Development Overlay mapping (Source: VicPlan)

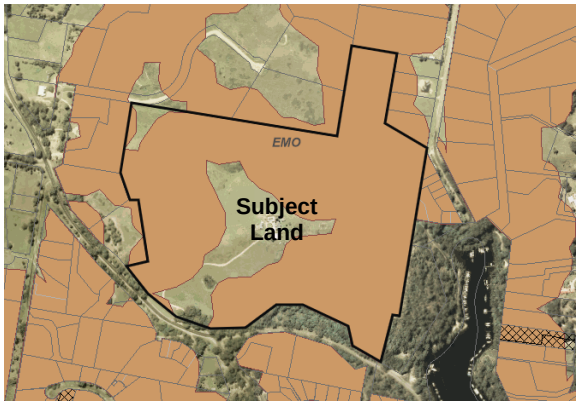
Pursuant to Clause 43.02-5 an application must be accompanied by any information specified in a Schedule to the Design & Development Overlay. The only requirements for subdivision specified by DDO11 relate to lot area requirements for land within Newlands Arm.

The DDO11 mapping only applies to the very northeastern section of balance Lot 3. As there is no development within that area, and Lot 3 is already developed with an existing dwelling, DDO11 is considered to have limited relevance to the proposal at hand.

The establishment of future dwellings within proposed Lots 1 & 2 will not require consideration of DDO11 as these lots are excluded from the Overlay.

6.5 Erosion Management Overlay

The majority of the subject land is affected by the Erosion Management Overlay which triggers planning approval at Clause 44.01-5 for subdivision.



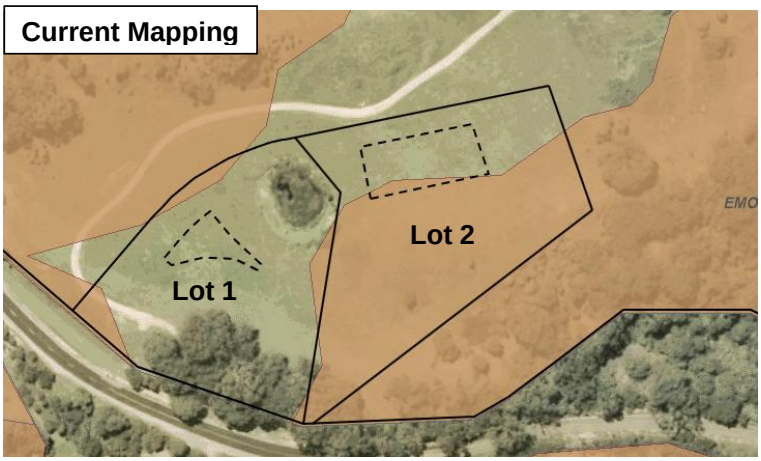
Erosion Management Overlay mapping (Source: VicPlan)

Application Requirements (Clause 44.01-6)	
The existing site conditions, including land gradient and the extent of any existing erosion, landslip or other land degradation.	The landform across the site is steep in sections, with a number of gully lines and vegetated areas. The subdivision layout retains steeper land within the balance allotment (Lot 3) with Lots 1 & 2 comprising appropriate landform to accommodate future residential style development. The Proposed Subdivision Plan incorporates contour information detailing the landform across the property. The accompanying Land Capability Assessment Report identifies that there is no evidence of sheet or rill erosion, and that the erosion hazard is 'low'.
The extent of any proposed earthworks.	Earthworks associated with the proposed subdivision will be limited to establishment of servicing and boundary fencing. The existing dam will not be filled as part of the proposal. Allotments will make use of existing vehicle access from Metung Road. The subdivision design will provide vacant lots with suitable defendable space consistent with the Bushfire Management Overlay without adverse impacts on existing vegetation.
The means proposed to stabilise disturbed areas.	it is anticipated that the standard suite of Conditions will be placed on Permit regarding sediment control and stabilisation for any ground disturbance for service connections.
Any other application requirements specified in a schedule to this overlay.	The accompanying Proposed Subdivision Plan has been drawn to scale and includes dimensions, together with other significant detail such as contours, waterways and vegetation. A Geotechnical Risk Assessment prepared by *Simon Anderson Consultants* accompanies the Application and confirms that the site has a low risk rating for landslide, tunnel erosion and sheet/rill erosion.

Decision Guidelines

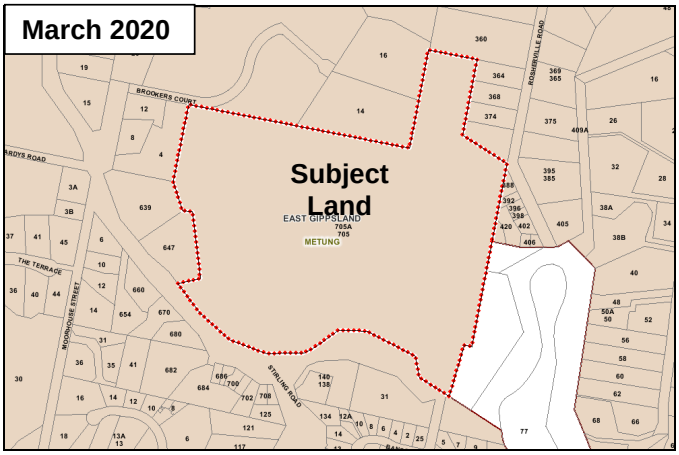
The majority of proposed Lot 1 is excluded from the Erosion Management Overlay mapping, including the nominated Building Envelope. Earthworks associated with the future development of a dwelling on Lot 1 will not require consideration of the Erosion Management Overlay provided it is sited within the nominated Building Envelope.

Whilst the Building Envelope on Lot 2 is partially affected by Erosion Management Overlay mapping, a permit for a single dwelling does not trigger planning approval unless associated earthworks are more than 1.0 metre in height or depth.



Erosion Management Overlay mapping (Source: VicPlan)

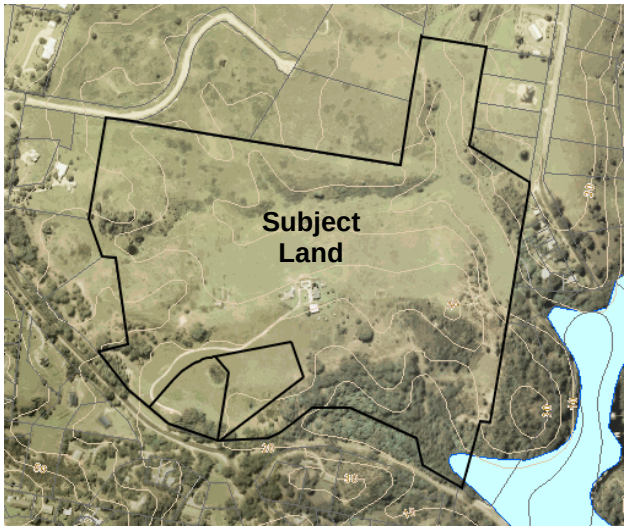
Historically the entire site was included within the Erosion Management Overlay, however the gazettal of Amendment C167egip on 1 August 2024 reduced the extent of mapping affecting the land.



Historic Erosion Management Overlay mapping (Source: Planning Maps Online)

6.6 Land Subject to Inundation Overlay

A permit is required for subdivision of land pursuant to Clause 44.04-3 of the Land Subject to Inundation Overlay ('LSIO') which affects the very south-eastern tip of the subject land.



Land Subject to Inundation Overlay mapping (Source: VicPlan)

Pursuant to Clause 44.04-4 an application must be accompanied by any information specified in a Schedule to this Overlay however there are none specified at Clause 4.0 of Schedule 1 to the LSIO.

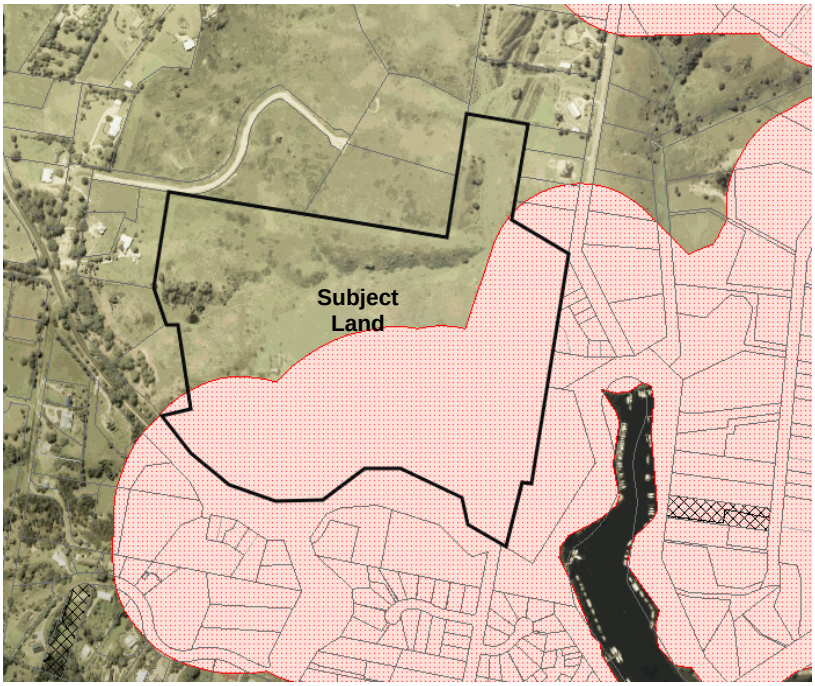
Only a very limited section of the subject land is affected by the provisions of the LSIO which is due to the landform and proximity to Bancroft Bay.

The LSIO encumbers a small section of proposed Lot 3, and does not have any detrimental impact on the proposal having regard for the following:

- The proposed vacant allotments (Lots 1 & 2) are located on the elevated section of the land and provide good opportunity to establish future residential development.
- The proposed access provisions provide safe egress and access without requiring any need to move through flood waters.
- There is no or access or development proposed within proximity to the lower lying section of the site encumbered by the LSIO.
- A dwelling already exists on the elevated section of proposed Lot 3.

6.7 Bushfire Management Overlay

The southern portion of the subject land is included within the Bushfire Management Overlay ('BMO') which requires planning approval at Clause 44.06-2 for subdivision of the land.



Bushfire Management Overlay mapping (Source: VicPlan)

The purpose of the BMO is to ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire, to identify areas where the bushfire hazard warrants bushfire protection measures to be implemented and to ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

The Application is considered to respond positively to the purpose of the BMO as the risk to life and property can be reduced to an acceptable level through implementation of mitigation measures prescribed in Clause 53.02.

Application Requirements Clause 44.06-3	
Bushfire Hazard Site Assessment	A Bushfire Hazard Site Assessment Plan has been prepared in support of the Application which provides detail of the site and immediate surrounds. The landform and vegetation classifications within the surrounding 150 metre assessment area has been considered in the calculations for separation distances and associated Bushfire Attack Level (BAL-29).
Bushfire Hazard Landscape Assessment	A Bushfire Hazard Landscape Assessment describing the bushfire hazard in the wider landscape (>150 metres from the site) has been provided. The subject land is located just north of the main township area of Metung being on the fringe of the developed residential area. Metung is generally quite well vegetated for a residential area however is somewhat well managed and maintained having regard for the coexistence with existing established dwellings and residential occupation. Properties further to north of the subject land are generally clear farming properties which are utilised for grazing activities. Whilst the land is undulating in landform it is not considered to be steep or mountainous. The risk of bushfire from the wider landscape is therefore not considered to be high risk or extreme.
Bushfire Management Statement	A Bushfire Management Statement is included within this Report which includes a detailed response to each of the Approved Measures at Clause 53.02-4 *Bushfire Protection Objectives.*

Mandatory Condition (Clause 44.06-5)

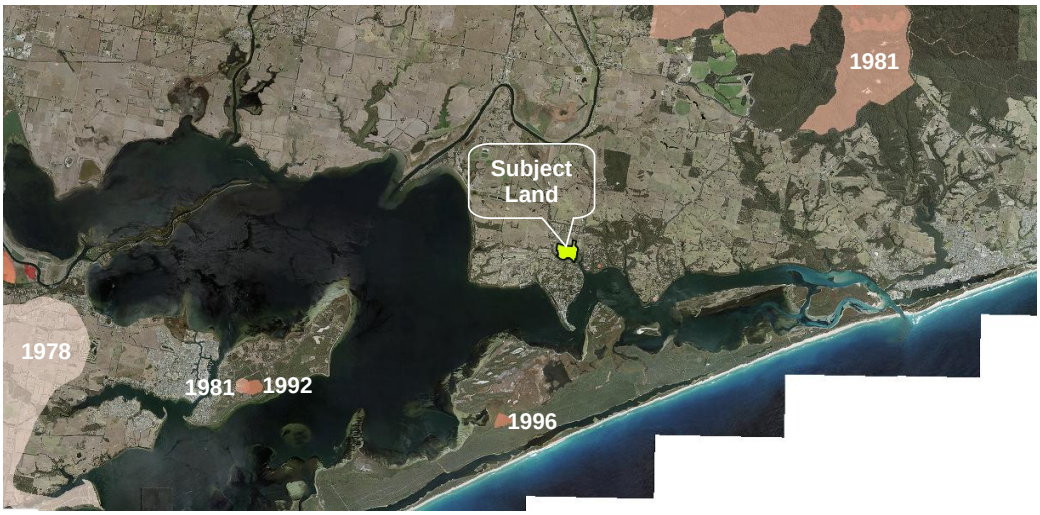
As the proposal seeks approval for subdivision a permit must include the mandatory Condition prescribed at Clause 44.06-5 of the Bushfire Management Overlay.

The mandatory requirement to execute a Section 173 Agreement in response to Clause 53.02-4.4 will exempt future dwellings on Proposed Lots 1 & 2 from requiring a planning permit under the provisions of the BMO.

The Application is supported by Bushfire Management Plans prepared in response to Clause 53.02-4.4 *Subdivision Objectives*. The Bushfire Management Plan is expected to be endorsed as part of Permit and prescribes a minimum construction standard of BAL-29, defendable space, water supply and access requirements.

If in the event future dwellings were proposed outside the Building Envelope nominated on the Bushfire Management Plans or sought to be constructed to a lower standard of construction than BAL-29, further planning approval would be required under the provisions of the BMO.

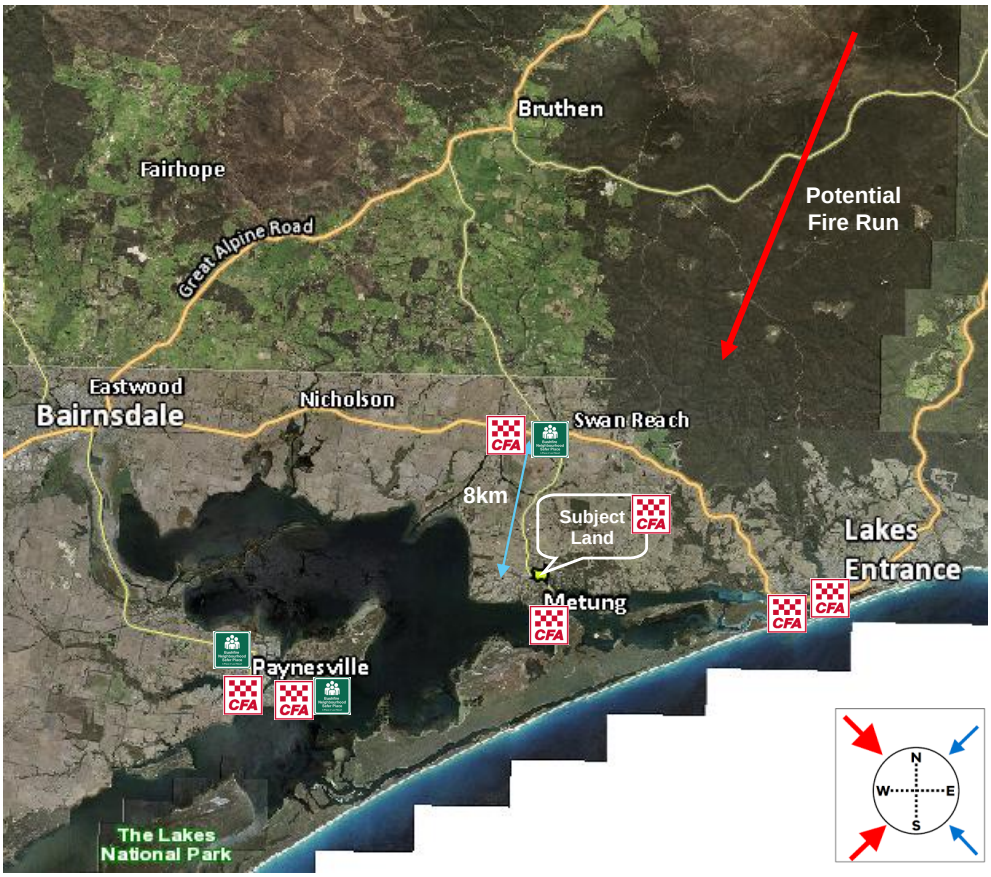
Bushfire Hazard Landscape Assessment



Wildfire History (Source: Forest Explorer)



Planned Burn History (Source: Forestry Explorer)



Broader landscape (Source: Forest Explorer)

	Broader Landscape: Type 2
CFA	**Nearest CFA's (within 15km)** • Metung: 1 Wood Street, Metung • Kalimna West: 265 Nungurner Road, Nungurner • Johnsonville: 1749 Princes Highway, Johnsonville • Paynesville: 31 Tenth Avenue, Raymond Island • Lakes Entrance Coast Guard: 420 Esplanade, Lakes Entrance • Paynesville Coast Guard: 55 Esplanade, Paynesville • Lakes Entrance: 12 Bulmer Street, Lakes Entrance
Bushfire Neighbourhood Safer Place	**Neighbourhood Safer Places** • Swan Reach Oval: Duffy Street, Swan Reach • Raymond Island Community Hall: Corner Firth Parade & Sixth Avenue, Raymond Island • AJ Freeman Reserve Oval 1: Main Road between King Street & Ashley Street, Paynesville

7. Particular Provisions

7.1 Bushfire Planning

The following Bushfire Management Statement has been provided to demonstrate compliance with Clause 53.02 *Bushfire Planning.*

CLAUSE 53.02-4.1 LANDSCAPE, SITING & DESIGN OBJECTIVES
Objective Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape. Development is sited to minimise the risk from bushfire. Development is sited to provide safe access for vehicles, including emergency vehicles. Building design minimises vulnerability to bushfire attack. **Approved Measures** **AM 2.1** The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level. **Response:** **The subject land is located within the identified settlement area of Metung however is positioned on the fringe of the established residential area. Whilst the site itself is included within the RLZ and LDRZ, there are many residential properties located on the southern side of Metung Road within the General Residential Zone.** **The township area of Metung to the south is characterised by undulating topography with the presence of established trees being a main feature which provides a unique and picturesque residential setting. The town also enjoys the presence of Lake King to the east, south and west.** **Land further to the north of the subject land comprises a mixture of cleared farming land and rural residential style properties. This land is undulating in nature however is generally well cleared and not considered to pose a high bushfire risk.** **The site is located only a short drive from the main village area of Metung via a good quality sealed road network which is capable of accommodating emergency vehicles. Egress to the site from the main township area is provided through established residential development. Metung Road also provides access to Swan Reach approximately 8km to the north.** **The subject land is also undulating in nature and does contain some pockets of established vegetation. The most substantial site vegetation is located on the southeastern corner of the property which is predominately Warm Temperate Rainforest (EVC 32) established within an existing gully.**

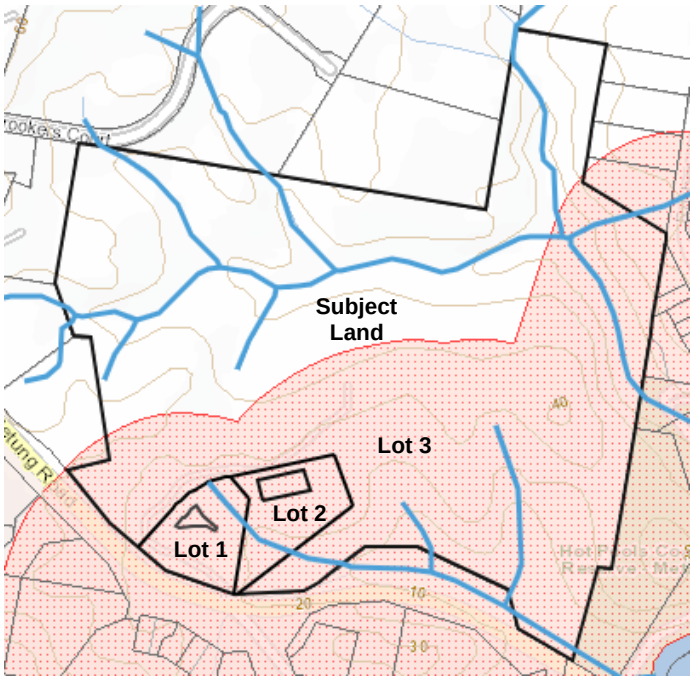
AM 2.2

A building is sited to ensure the site best achieves the following:

- The maximum separation distance between the building and the bushfire hazard.
- The building is in close proximity to a public road.
- Access can be provided to the building for emergency service vehicles.

Response:

Whilst the northern portion of the property is excluded from BMO mapping, the landform on that portion of the site is quite steep and forms part of the farm. It is simply not conducive to residential development and the siting of smaller Lots 1 & 2 for residential purposes have therefore been positioned to the south along Metung Road.



Waterway, contour (10m intervals) and BMO Mapping (Source: VicPlan)

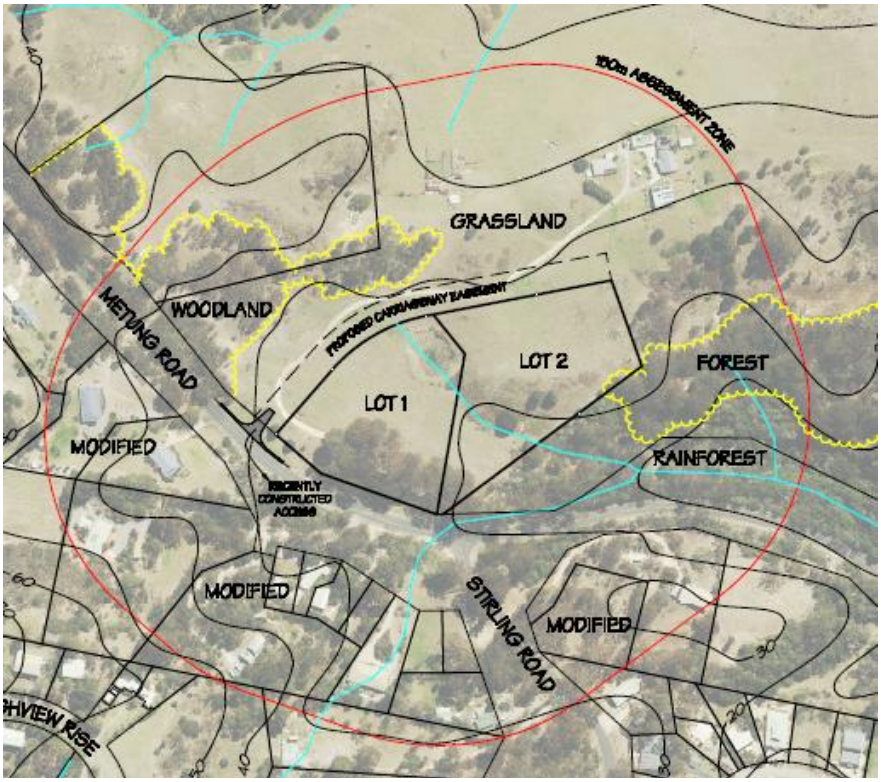
Whilst proposed vacant Lots 1 & 2 are affected by the provisions of the BMO, their siting is most appropriate having regard to the surrounding residential development and more limited surrounding bushfire risk.

The subdivision has been designed to retain the more undulating and vegetated components of the land within the balance allotment (Lot 3). The Building Envelopes on proposed Lots 1 & 2 have been positioned within close proximity to Metung Road on landform which is less steep and where vegetation is sparse.



View towards proposed Lots 1 & 2 from Metung Road

There is ample area within both vacant Lots 1 & 2 to accommodate Building Envelopes which are adequately setback from the bushfire threat, as demonstrated by the Bushfire Hazard Site Assessment Plan.



LOT 1 BAL 29	NORTH	EAST	SOUTH	WEST
SLOPE	UPSLOPE	DOWNSLOPE >5-10°	UPSLOPE	UPSLOPE
VEG TYPE	GRASSLAND	RAINFOREST	WOODLAND	WOODLAND
DEFENDABLE SPACE	9m	18m	16m	16m

LOT 2 BAL 29	NORTH	EAST	SOUTH	WEST
SLOPE	UPSLOPE	DOWNSLOPE >5-10°	DOWNSLOPE >10-15°	UPSLOPE
VEG TYPE	GRASSLAND	FOREST	RAINFOREST	WOODLAND
DEFENDABLE SPACE	9m	39m	23m	16m

Extract from Bushfire Hazard Site Assessment (Version 2)

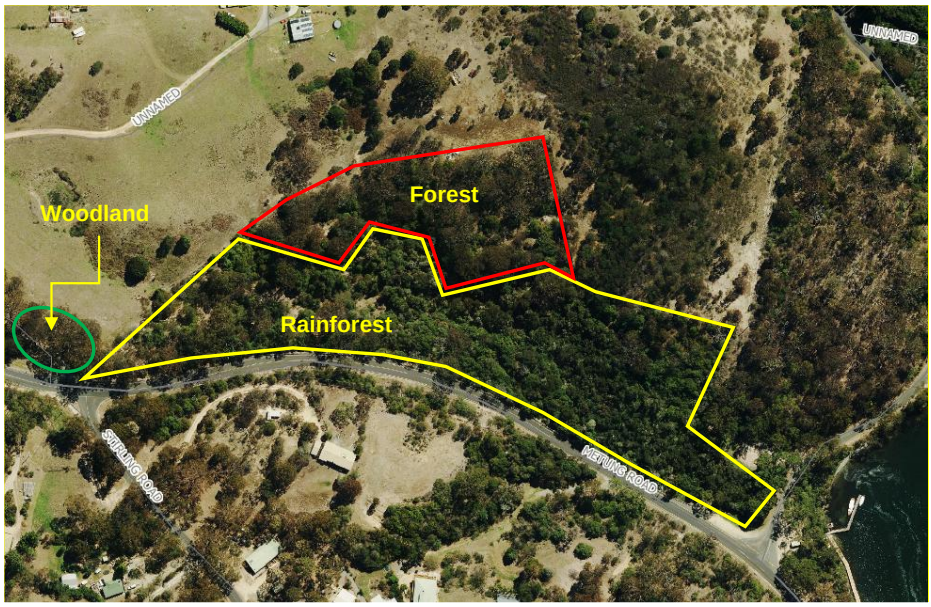
Within the 150 metre assessment area both the landform and the vegetation classifications vary:

- **Whilst there is some vegetation present on the southern side of Metung Road it is classified as 'modified' having regard for the residential context and presence of established residential development.**
- **In the western portion of the assessment area there is a patch of vegetation which is classified as 'Woodland' being on an upslope from the proposed Building Envelopes. This vegetation comprises established trees however there is minimal understorey lifeforms present. Whilst classifiable this area of woodland vegetation is only minimal in extent and does not have connection to any substantial vegetated areas.**



View of vegetation classified as 'Woodland'

- **The northern portion of the assessment area within proximity to the existing dwelling (Lot 3) has historically been utilised for grazing purposes and is classified as 'grassland' on an upslope. Due to both the residential use and the grazing activity the grass is kept short and presents a lower bushfire hazard.**
- **Within the eastern portion of the assessment area there is a pocket of vegetation classified as 'forest' which is on a downslope 5-10° from the Building Envelope on Lot 2. This vegetation is situated on the northern side of the gully and is on more elevated land however is quite limited in extent and doesn't have connection to wider forested areas. It does however connect to vegetation with a 'Rainforest' classification to the south.**
- **The existing gully segmenting Lot 2 and land immediately adjoining the allotment to the south comprises vegetation on a downslope >10-15° which is classified as 'Rainforest'. This vegetation has a much higher moisture content and provides a significantly lower chance of flammability due to its species composition and presence within the gully system.**
- **The existing cluster of trees located on the southern portion of Lot 1 are classified as 'Woodland' on an upslope which has connection to the vegetation classified as 'Rainforest'.**



Access to each of the allotments will be facilitated from Metung Road via the recently established vehicle crossing and nomination of carriageway easement over the driveway alignment within Lot 3. This access is logical as it negates the need to establish any new points of access along Metung Road whilst being able to serve each of the allotments adequately.

Metung Road is Transport Zone 2 and is an arterial road providing main entry and exit from the established residential area of Metung. It is a good quality road and provides direct access to the centre of Metung and nearby township of Swan Reach.

CLAUSE 53.02-4.3 WATER SUPPLY & ACCESS OBJECTIVES

Clause 53.02-4.3 Objective

A static water supply is provided to assist in protecting property.

Vehicle access is designed and constructed to enhance safety in the event of a bushfire

Approved Measures

AM 4.1

A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with:

- A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5.
- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.

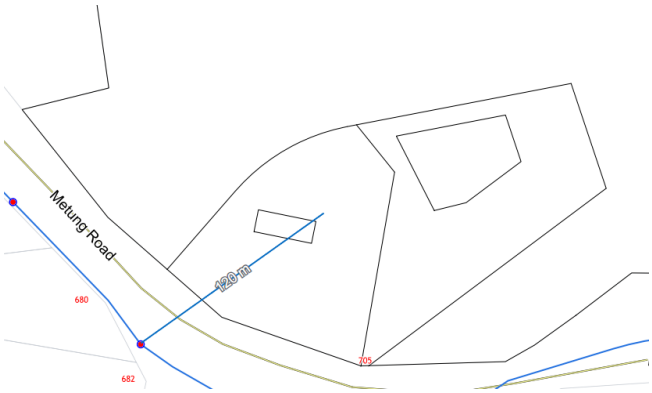
The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.

Response:

The proposed bushfire mitigation measures prescribed within the Bushfire Management Plans include provision of a static water supply for firefighting purposes in accordance with the requirements of Table 4 to Clause 53.02-5.

Whilst Lot 1 is between 500m² in area and 1,000m² in area and the Building Envelope is within a radial distance of 120 metres of an existing fire hydrant, the Bushfire Management Plan prescribes the need for a static water supply of 10,000 litres to be provided for fire fighting purposes prior to occupancy of dwellings on both vacant lots (Lots 1 & 2).

For the existing fire hydrant to provide sufficient coverage of a future dwelling within proposed Lot 1 the alignment of vehicle access needs to be considered. The hydrant therefore won't necessarily have the capacity to cover a future dwelling on the allotment in its entirety and a static water supply of 10,000 litres is therefore deemed necessary.



Existing Hydrants (Source: EGW)

The Bushfire Management Plans include the standard access requirements for a driveway greater than 30 metres in length for Lot 1 and the standard access requirements for a driveway greater than 100 metres in length of Lot 2 consistent with Table 5 to Clause 53.02-5.

AM 4.2

A building used for accommodation (other than a dwelling or dependent person's unit), child care centre, education centre, hospital, leisure and recreation or place of assembly is provided with:

- A static water supply for fire fighting and property protection purposes of 10,000 litres per 1,500 square metres of floor space up to 40,000 litres.
- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.
- An integrated approach to risk management that ensures the water supply and access arrangements will be effective based on the characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.

The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire-fighting water supplies.

Response:

N/A The proposed development complies with the Approved Measure AM 3.1.

CLAUSE 53.02-4.4 SUBDIVISION OBJECTIVES

Clause 53.02-4.4 Objective

To provide lots that are capable of being developed in accordance with the objectives of Clause 53.02.

To specify at the subdivision stage bushfire protection measures to develop a lot with a single dwelling on land zoned for residential or rural residential purposes.

Approved Measures

AM 5.1

An application to subdivide land, other than where AM 5.2 applies, demonstrates that each proposed lot is capable of meeting:

- The defendable space in accordance with Column A, B or C of Table 2 to Clause 53.02-5.
- The approved measures in Clause 53.02-4.1 and Clause 53.02-4.3

Response:

N/A. AM 5.2 applies as the subject land is affected by the provisions of the LDRZ and RLZ.

AM 5.2

An application to subdivide land zoned for residential or rural residential purposes must be accompanied by a plan that shows:

- Each lot satisfies the approved measure in **AM2.1**
- A building envelope for a single dwelling on each lot that complies with **AM 2.2** and provides defendable space in accordance with:
  - Columns A or B of Table 2 to Clause 53.02-5 for a subdivision that creates 10 or more lots; or
  - Columns A, B or C of Table 2 to Clause 53.02-5 for a subdivision that creates less than 10 lots.

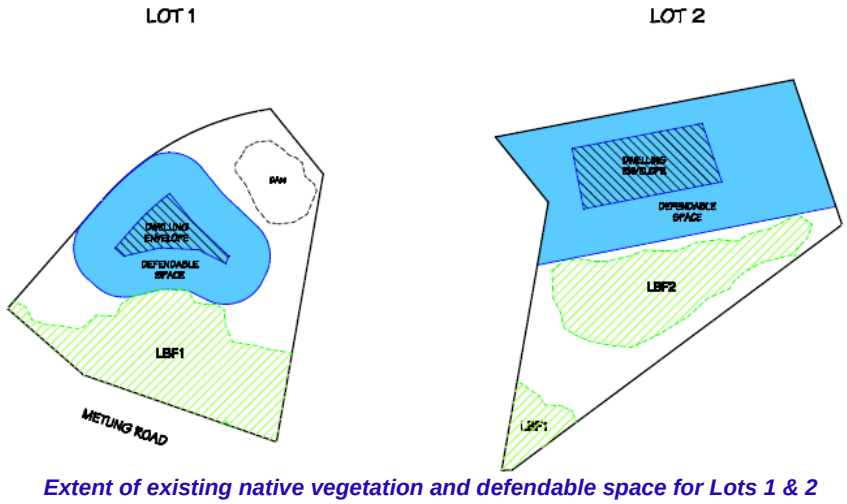
  The bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5 must be noted on the building envelope.
- Defendable space wholly contained within the boundaries of the proposed subdivision.
- Defendable space may be shared between lots within the subdivision. Defendable space for a lot may utilise communal areas, such as roads, where that land can meet the requirements for defendable space.
- Vegetation management requirements in accordance with Table 6 to implement and maintain the defendable space required under this approved measure.
- Water supply and vehicle access that complies with **AM 4.1**.

Response:

A Bushfire Hazard Landscape Assessment forms part of this Report which provides information on the wider landscape risk surrounding the subject land. Whilst the subject land is partially within the Bushfire Management Overlay, the wider landscape risk is not high. The site is located within the settlement boundaries and strategically is earmarked for future residential development.

The Building Envelopes for Lots 1 & 2 have been derived having regard for the site conditions whilst achieving separation distances consistent with Column C, Table 2 to Clause 53.02-5.

The conditions of the subject land and surrounds do not present a high bushfire threat however careful consideration has been given to designing Building Envelopes which are provided with adequate separation from classifiable vegetation. The Building Envelopes on both proposed allotments ensure all defendable space will be contained wholly within the lot boundaries.



Extent of existing native vegetation and defendable space for Lots 1 & 2

The Bushfire Management Plans include dimensions to highlight the extent of vegetation management required to achieve the separation distances prescribed by Column C, Table 2 to Clause 53.02-5.

The higher order classifiable vegetation within proximity to Lot 1 is 'Woodland' on an upslope and the Building Envelope has therefore been designed and sited to provide 16 metres defendable space in all directions to accommodate BAL-29 construction.

The Building Envelope on Lot 2 has been designed having regard to the varying slopes and vegetation classifications. The higher order classifiable vegetation of 'Forest' is provided to the east on a >5-10° downslope which has resulted in the Building Envelope being setback 39 metres from the eastern boundary.

To avoid impact on native vegetation the Building Envelope for Lot 2 has been restricted to the northern portion of the allotment enabling establishment of 23 metres separation distance from 'Rainforest' on a downslope >5-10° to the south.

The main bushfire threat is from the east and south due to the presence of the 'forest' and 'rainforest' vegetation however this vegetation is not connected to large expanses of classifiable vegetation due to the residential context of the area. The surrounding landscape is at best Landscape Type 2 and does not represent a high bushfire risk.

AM 5.3

An application to subdivide land to create 10 or more lots provides a perimeter road adjoining the hazardous vegetation to support fire fighting.

Response:

N/A

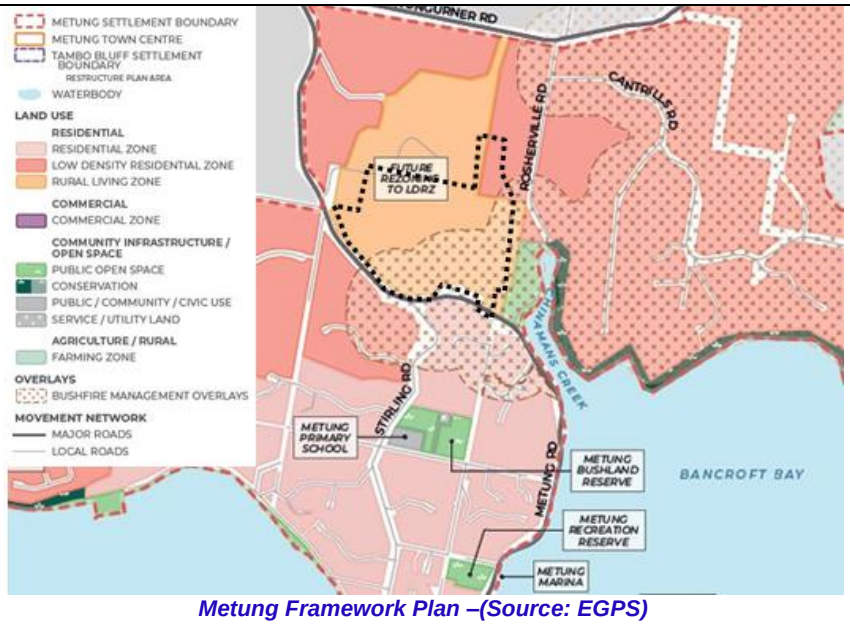
The proposal includes subdivision of the land into three allotments.

AM 5.4

A subdivision manages the bushfire risk to future development from existing or proposed landscaping, public open space and communal areas.

Response:

The subject land and surrounding areas have been identified by strategic documentation for future rezoning from RLZ to LDRZ. The subdivision therefore manages the bushfire risk appropriately having regard for intended future land use.



Metung Framework Plan –(Source: EGPS)

7.2 Land Adjacent to the Principal Road Network

The Application requires approval at Clause 52.29-2 of the Particular Provisions to subdivide land adjacent to Metung Road, a Transport Zone 2 road.

The proposed subdivision has been designed to utilise an existing point of access to Metung Road which was established in accordance with Planning Permit 5.2024.61.1 (issued 4 June 2024). The existing access was constructed consistent with GD4010 and is provided with good sight lines in both directions.



Looking east from Metung Road towards existing access





Sight lines to the north and south of existing point of access

The nomination of carriageway easement over the existing driveway within balance Lot 3 will provide rights of access to proposed Lots 1 & 2 allowing for vehicles to utilise the existing vehicle crossing.

There is no expectation that any new points of access will be established from Metung Road. Should a future landowner desire direct access from Metung Road it would incur the need for further planning approval to be sought under Clause 52.29-2 and an application would require referral to Head, Transport Victoria pursuant to Section 55 of the *Planning & Environment Act 1987.*

8. General Provisions

8.1 Subdivision of Land in More than One Zone

Clause 64.03 relating to subdivision of land in more than one zone states that if a provision of the Planning Scheme provides that a permit is required to subdivide and the land is in more than one zone, a permit may be granted even if one of the lots does not comply with the minimum lot size requirements of a zone.

As outlined herein, the proposed subdivision meets the requirements of both the RLZ and the LDRZ as applying to the land. The subdivision therefore meets the requirements of Clause 64.03.

9. Conclusion

The proposed Three Lot Subdivision & Creation of Carriageway Easement at 705A Metung Road, Metung is considered to accord with all relevant provisions of the Rural Living Zone – Schedule 2, Low Density Residential Zone, Bushfire Management Overlay, Design & Development Overlay – Schedule 11, Erosion Management Overlay, Environmental Significance Overlay – Schedule 1-63, Land Subject to Inundation Overlay, Significant Landscape Overlay – Schedule 3 and Vegetation Protection Overlay – Schedule 3 of the *East Gippsland Planning Scheme.* The proposal is consistent with Planning Policy Framework and Local Policy and has been designed to complement the adjoining properties.

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

Crowther & Sadler Pty Ltd
April 2025

Attachment 5.2.1.6

WORKING CONDITIONS DOCUMENT

Application: **5.2025.105.1**
Proposal: **Three lot subdivision & creation of carriageway easement adjacent to a road in a Transport Zone 2**
Property Address: **705 Metung Road METUNG 3904**
Property Title **Lot 3 PS: 802735**

THE PERMIT ALLOWS:

A permit is required under the following clauses of the planning scheme:	
Planning Scheme Clause	**Matter for which a permit is required**
32.03-3 (LDRZ)	Subdivide Land
35.03-3 (RLZ)	Subdivide Land
42.01-2 (ESO)	Subdivide Land
43.02-3 (DDO)	Subdivide Land
44.04-3 (LSIO)	Subdivide Land
44.06-2 (BMO)	Subdivide Land
52.02	Creation of an easement
52.29.2	Subdivide land adjacent to Transport Zone 2

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. The subdivision as shown on the endorsed plan(s) must not be altered without the prior written consent of the Responsible Authority.

2. Before the issue of Statement of Compliance Agreement AL983190P must be ended on the current Lot 3 Volume 12011 Folio 896 to the satisfaction of the Responsible Authority.

3. Before a statement of compliance is issued, the owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to provide for the following:
   a) Lot 3 must not be further subdivided to create a new lot in the Rural Living Zone extent until such time as the land is rezoned from Rural Living 2 to Low Density Residential Zone or other residential zone.
   b) Development of a dwelling on Lots 1 and 2 must include the provision of a minimum 5,000 litre rainwater tank to capture rainwater from the dwelling, which must be used for:
      a. Toilet flushing, showering or laundry water supply;
      b. Contribution to static water supply for firefighting purposes; or
      c. Gardening.

   The owner must pay the costs of the preparing, lodging and registering the agreement and any subsequent amendment, removal or other dealing associated with the agreement. The agreement must be registered on the certificate of title for the land.

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

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

6. All new services to the subdivision must be placed underground in shared trenching. Design for the installation of services must meet the requirements of the relevant authorities and must be approved by those authorities to the satisfaction of the responsible authority.

7. Before the issue of the Statement of Compliance, each lot as shown on the endorsed plans must be drained to the satisfaction of the Responsible Authority.

8. Before the issue of Statement of Compliance, the Common Property driveway must be constructed a minimum 3.5m wide, to a minimum 100mm thickness layer of consolidated Size 20mm, Class 3 Crushed Rock or equivalent Gravel and be drained to the satisfaction of the Responsible Authority. The driveway is to have a passing lane constructed every one hundred metres, 6m wide and 20m long.

9. Prior to the commencement of any works associated with the subdivision or Certification of the Plan of Subdivision, a Waterway Management Plan (WMP) applying to proposed Lots 1, Lot 2, and a portion of Lot 3 (in the area of the carriageway must be endorsed in writing by the Responsible Authority. The WMP must include:
   a) Details of the existing environmental values;
   b) Details of any initial stabilisation and vegetation works;
   c) A landscape plan for revegetation of the waterway, including a species list and proposed density of the plantings. The vegetation must be representative of the Ecological Vegetation Class for the site; and
   d) A maintenance plan detailing the sequencing and periods of short, medium and long term actions, including inspections, and the parties responsible for each action.

10. Prior to the issue of a Statement of Compliance for the subdivision, the property owner(s) shall enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 ('the Act') and make application to the Registrar of Titles to have the Agreement registered on the title to the land under Section 181 of the Act. The owner(s) must pay all reasonable costs of the preparation, execution and registration of the Agreement. The Agreement will stipulate that:
    a. A Waterway Management Plan applies to Lot 1, Lot 2, and Lot 3 in the Plan of Subdivision; and
    b. The current and future owner(s) of Lot 1, Lot 2, and Lot 3 in the Plan of Subdivision must comply with all requirements of the Waterway Management Plan at all times.

Mandatory Bushfire Subdivision Condition

11. Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:
    - State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the East Gippsland Shire Planning Scheme.
    - Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.

Commented [RP1]: Conditions highlighted were changes made to response from EGCMA in relation to the previous application. EGCMA have been referred this application. The subdivision does not affect the LSIO areas for which EGCMA are recommending referral authority.

- State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

Country Fire Authority conditions

12. Before the Statement of Compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

    a) State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the East Gippsland Shire Planning Scheme.

    b) Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.

    c) State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

    The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

Endorsement of Bushfire Management Plans

13. The Bushfire Management Plans 21041-BMP-L 1 version 3 and 21041-BMP-L2 version 3, both dated 10/07/2025 and both prepared by Crowther and Sadler Pty Ltd, must be endorsed by the Responsible Authority, be included as an annexure to the section 173 agreement prepared to give effect to clause 44.06-5 of the Planning Scheme and must not be altered unless agreed to in writing by CFA and the Responsible Authority.

Additional matters to be set out in the Section 173 agreement

14. In addition to the requirements of Clause 44.06-5 of the Scheme, the section 173 Agreement prepared in accordance with that clause must also:

    a) Explicitly exclude Lot 3 from the following exemption under Clause 44.06-2 of the Scheme:

    "A building or works consistent with an agreement under section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-5".

AusNet Electricity Services Pty Ltd conditions

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

    The applicant must –

    Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.

    Enter into an agreement with AusNet Electricity Services pty Ltd for the rearrangement of the existing electricity supply system.

    Enter into an agreement with AusNet Electricity Services pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.

If required, provide easements satisfactory to AusNet Electricity Services pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.

Obtain for the use of AusNet Electricity Services pty Ltd any other easement required to service the lots.

Adjust the position of any existing AusNet Electricity Services pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.

Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.

Department of Transport conditions

16. No direct access to Metung Road is permitted for Lots 1 & 2.

17. The recommendations of the Geotechnical Risk Assessment Waiver Report provided by Simon Anderson Consultants Pty Ltd, Job No. 396902 dated 13 September 2019, are to be followed, as appropriate.

East Gippsland Water conditions

18. Extend water supply infrastructure to the satisfaction of East Gippsland Water. A duplicate watermain is required to front the development due to the major road reserve being wider than 30.0m (Water Association of Australia Clause 5.7 of WSA03)

19. Submit design, construction, commissioning and as constructed documentation on all proposed infrastructure, or alterations to existing infrastructure, for written approval by East Gippsland Water.

20. Pay applicable development planning charges.

21. Existing water meter (No. 77756), which serves the existing dwelling, is to remain within, or be relocated to, proposed Lot 3 and continue to serve the existing dwelling.

Time Limit condition

22. This permit will expire if any of the following circumstances applies:

    a. The plan of subdivision is not certified within two years.
    b. A Statement of Compliance is not issued within five years of the date of the plan of subdivision being certified.

    In accordance with section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Notes

1. For the purpose of the notice of decision to grant a planning permit, as the requirements of Clause 52.29-2 apply and the application is exempt from notice and review in relation to this permit requirement, the Department of Transport and Planning (DTP) referral response conditions will not be applied at this time. If a permit is granted following the notice of decision, the DTP conditions and note will be applied, and the table of what the permit allows will include reference to Clause 52.29-2 for alteration of access to a transport zone 2.

   Similarly, references to what the permit allows will include Subdivision in accordance with 44.01-5 (EMO)*, 44.04-3 (LSIO)*, 44.06-2 (BMO)*. Conditions imposed by East Gippsland CMA and CFA will similarly be included in a final permit, if one is granted.

2. All wastewater from the proposed development must be disposed of in accordance with the provisions of the Environment Protection Act 1970. A permit to install a septic tank system' is required from the Environmental Health unit of Council.

3. All works within 30 metres of a designated waterway require a Works on Waterways permit from the East Gippsland Catchment Management Authority, issued under the *Water Act 1989*. This includes (but is not limited to) construction of any recreational paths and crossings, construction of any vehicle access over a designated waterway, and installation of any water or sewer main within 30 metres of a designated waterway.

AusNet Electricity Services Pty Ltd notes

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

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

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

East Gippsland Water notes

7. Each lot is to be separately serviced by the water reticulation system. Subject to East Gippsland Water's requirements being met, relevant infrastructure will then become East Gippsland Water's to own, operate and maintain in perpetuity.

8. Design documentation to be submitted after certification application has been made.

9. Development planning charges apply where East Gippsland Water approve design, construction, commissioning and as constructed documentation (actual charge is based on the final cost of the works).

5.1.3 Planning Scheme Amendment C161egip - Update Lakes Entrance Northern Growth Area (Authorisation)

Authorised by General Manager Place and Community

Purpose

This report seeks Council's permission to request authorisation of Planning Scheme Amendment C161egip from the Minister for Planning and exhibit the amendment in accordance with section 16F of the *Planning and Environment Act 1987*.

Planning Scheme Amendment C161egip pertains to the Lakes Entrance Northern Growth Area (LENGA) and it seeks to update specific planning controls to better facilitate the development of this key growth area.

Key Points

In 2014, Planning Scheme Amendment C112 rezoned the land within the LENGA to General Residential Zone and applied a range of other planning controls to control development and to ensure coordinated development outcomes. This work was based upon the 2013 LENGA Outline Development Plan (ODP) and went through a full amendment process including exhibition and a planning panel hearing.

Since 2014, development has been slow and somewhat hampered by the complex planning controls that were applied. Furthermore, there have been substantial changes in the State Planning Policy context including the introduction of mandatory bushfire management provisions and waterway management requirements.

Council has undertaken a detailed 10-year review of the planning framework for LENGA – *Lakes Entrance Northern Growth Area: 10 Year Review – Key Issues and Options Paper, 2024* which is provided at **Attachment 1.** The 2024 Review determined that the LENGA continues to provide an important long-term housing supply for Lakes Entrance, but some key aspects of the current planning framework needed updating due to several challenges:

- The existing Development Contributions Plan (DCP), which was designed to fund infrastructure through developer contributions, is not feasible or financially viable. It would result in a significant shortfall over its 30-year lifespan.

- Infrastructure needs can be addressed more efficiently without the DCP, relying instead on simpler mechanisms where developers pay for scaled infrastructure during subdivision (consistent with elsewhere in the municipality).

- Changes in environmental policies, especially regarding bushfire requirements and waterway health and planning, require updates to the planning framework including recalculation of expected dwelling yields (to better manage expectations).

Following the review, Council prepared the *Lakes Entrance Northern Growth Area Background Report, 2026* and the *Lakes Entrance Northern Growth Area Strategic Framework Plan, 2026* (SFP) which can be found at **Attachment 2**. Both of these documents were also informed by the following supporting documents, which are provided at **Attachments 1 and 2**:

- *Lakes Entrance Northern Growth Area Revised Drainage Strategy, 2024.*
- *Lakes Entrance Northern Growth Area Land Capability Report, 2026.*
- *Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan Review and Addendum, 2025.*
- *Lakes Entrance Northern Growth Area Strategic Bushfire Assessment, 2025.*
- *Lakes Entrance Northern Growth Area Traffic and Movement Assessment, 2024.*

The background report determined that significant changes were needed to the current planning controls for LENGA and the SFP provides a revised development framework for the precinct.

As a result of the significant background work, Planning Scheme Amendment C161egip has been prepared and it proposes the following key changes to the Planning Scheme:

- **Removal of the Development Contributions Plan Overlay (DCPO)** – The DCP will be removed due to financial risks, development uncertainty and inefficiency in delivering infrastructure. Developers will now fund infrastructure directly during the subdivision process.

- **Amendment of the Development Plan Overlay (DPO)** – The DPO will be significantly amended to better align with the revised SFP and to provide simpler planning outcomes. This is because the current control has stifled development and added a layer of planning red tape that has not assisted in unlocking the development of the precinct.

- **Removal of the Native Vegetation Precinct Plan (NVPP)** – No vegetation has been removed under the current but dated NVPP over its original ten-year timeframe. Reliance on an NVPP over a very long development horizon means it will continually lack currency and require repetitive amendments to replace it. Council will instead rely on the requirements of Clause 52.17 of the Planning Scheme to address native vegetation removal at a time when development is ready to progress.

- **Updates to Clause 11 of the Planning Policy Framework** – Strengthen local planning policy specifically for LENGA.

- **Apply the Environmental Audit Overlay (EAO)** – There is one site where contamination is known and so it is necessary to apply the EAO to ensure that appropriate investigations are undertaken.

- **Insert the SFP into the Planning Scheme as a Background Document –** This will replace the current plan in the scheme and ensure that the principles of the precinct can be upheld in decision making over time.

The full suite of proposed Amendment documents are provided at **Attachment 3.**

Recommendation

That Council:

1. authorises the Chief Executive Officer or delegate to:

a) seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C161egip to the East Gippsland Planning Scheme in accordance with section 16F of the Planning and Environment Act 1987;

b) prepare Planning Scheme Amendment C161egip to the East Gippsland Planning Scheme, generally in accordance with the documentation provided at Attachment 3, subject to ministerial authorisation; and

c) place Planning Scheme Amendment C161egip on public exhibition in accordance with section 19 of the Planning and Environment Act 1987, subject to ministerial authorisation.

Strategic Alignment

The amendment builds upon the adopted Lakes Entrance Northern Growth Area Outline Development Plan.

This report has also been prepared and aligned with the following theme in the Council Plan 2025-2029:

Theme 2: Prosperity
Outcome – A well-functioning planning system that responds to our communities' needs

Consultation/Community Engagement/Impacts

All landowners within the growth area received written correspondence in October 2025 advising them of the amendment and inviting them to meet with Strategic Planning to discuss further. Over the remainder of 2025, we met with nine landowners and overall the feedback on the draft amendment was positive and we have worked with landowners on minor preliminary changes.

Additional landowner and community engagement will be undertaken as part of the formal exhibition of the amendment as outlined in the recommendations of this report and as required by the *Planning and Environment Act 1987*.

Opportunities and Risks

	Opportunities	**Risks**
Financial	Reduction in financial burden for landowners as the application requirements are reduced by the proposed amendment.	Council incurs a moderate cost in fees and staff resourcing when a Planning Scheme Amendment is undertaken.
Environmental	If the amendment proceeds, it will achieve improved environmental outcomes by managing development with bushfire risk and waterway management.	If the amendment does not proceed then there is a risk that development may occur that does not adequately deal with the known environmental constraints (bushfire, erosion, waterway management).
Social	The amendment will reduce planning red tape and approval costs which will encourage housing to be developed in this location.	If the current controls remain, then development in this location is difficult which ultimately impacts on housing stock and availability.
Operational	If the amendment proceeds, it will reduce planning red tape which reduces the pressure on Council's resources.	If the amendment does not proceed, the existing controls will remain in the planning scheme. The existing controls are complicated and present multiple approval layers which places a huge burden on landowners and on Council resources.

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

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.

Conflicts of Interest

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

Attachments

1. C161egip - Supporting Documents Combined [**5.1.3.1** - 233 pages]
2. C161egip - Background Reports Combined [**5.1.3.2** - 223 pages]
3. C161egip - Planning Scheme Amendment Documents Combined [**5.1.3.3** - 127 pages]

Lakes Entrance Northern Growth Area (LENGA)

10 Year Review - Key Issues and Options Paper

A review into the performance of the town planning framework for LENGA over the first 10 years since rezoning. It includes recommendations to improve its effectiveness to continue to support intended development outcomes in the housing growth area precinct.

Date Published: April 2024

Table of Contents

Executive Summary i

Overview of Key Issues and Recommended Actions iii

1. Purpose 1

2. Overview 2

2.1. Keeping plans up-to-date 3

3. About the 10-Year Review 5

3.1. What the Review does. 5

3.2. What this review doesn't do 5

3.3. Intentions for the Review? 5

3.4. Stakeholders engaged in this Review 5

3.5. Consultation 6

3.6. Structure of the Review 6

4. Background 7

4.1. Planning history of the LENGA 7

4.2. What did Amendment C112 allow? 8

5. Key issues 10

5.1. Introduction to Key Issues 10

6. Key Issue # 1 – Is the Outline Development Plan (ODP) still the right tool to guide development in the precinct? 12

6.1. Introduction 12

6.2. Discussion Points – Key Issue # 1 13

6.3. Findings and recommended actions to Key Issue # 1 13

7. Key Issue # 2: Refreshing and updating content in the Outline Development Plan 15

7.1. Introduction 15

7.2. Discussion Points 15

7.3. Findings and recommended actions to Key Issue # 2 18

8. Key Issue # 3: Housing supply, construction activity & strategic justification for a development contributions plan (DCP). 19

8.1. Introduction 19

8.2. Key Discussion Points *21*

8.3. Understanding the strategic basis for the LENGA and preparing a DCP? *23*

8.4. Housing land supply and growth projections are the key strategic basis used to inform the Development Contributions Plan *24*

8.5. Housing consumption in Lakes Entrance *25*

8.6. Future housing land supply & growth rates in Lakes Entrance *28*

8.7. Housing capacity *29*

8.8. Australian Bureau of Statistics (ABS) historical population growth data for Lakes Entrance urban centre *31*

8.9. Calculating the long-term housing supply in Lakes Entrance & the LENGA *33*

8.10. Projected dwelling construction. *34*

8.11. A DCP requires careful attention to growth projections. *35*

8.12. Is the DCP still viable? *37*

8.13. Findings and recommended actions to Key Issue # 3 *38*

9. Key Issue #4 Setting expectations for LENGA - growth challenges and infrastructure provision in regional Victoria. **40**

9.1. Introduction *40*

9.2. Growth in regional Victoria *40*

9.3. Establishing reasonable growth expectations for Lakes Entrance *41*

9.4. Findings and recommended actions to Key Issue #4 *42*

10. Key Issue #5: Drainage and the Development Contributions Plan **44**

10.1. Introduction and background context *44*

10.2. Findings and recommended actions to Key Issue #5 *45*

11. Key Issue #6: Did the LENGA precinct require a DCP for infrastructure funding & delivery? 46

11.1. Introduction *46*

11.2. Discussion Points *46*

11.3. Funding DCP drainage infrastructure *51*

11.4. Limitations of the DCP *53*

11.5. Alternatives to a DCP *53*

11.6. Findings and recommended actions for Key Issue #6 *54*

12. Key Issue #7: Community infrastructure **56**

12.1. Introduction *56*

12.2. Findings and recommended actions to Key Issue # 7 *58*

13. Key Issue #8 - Requirement for a Development Plan & Planning Permit Requirements **59**

13.1. Findings and recommended actions to Key Issue #8 *59*

14. Conclusions and next steps **60**

14.1. Next steps *61*

List of Figures

Figure 1 - Lakes Entrance Northern Growth Area - general locality plan 1
Figure 2 – Current Outline Development Plan. 2
Figure 3 - Regular review and monitoring, as detailed in the State Government's Planning Practice Note 90 - Planning for housing (October 2023). 4
Figure 3 - Extract of Amendment C112 Part 1 Planning Panel Report 2014 22
Figure 4 - Regional Development Contributions Toolkit – Understanding the development context. 23
Figure 5 Lakes Entrance 'urban centre' statistical area - as defined by the Australian Bureau of Statistics (ABS) 31
Figure 6 Potential housing construction activity to meet demand in Lakes Entrance statistical area 2021 to 2041, by .id (Informed Decisions), 2024 data. 34
Figure 7 - Extract from page 14 of the State Government's Development Contribution Guidelines, 2007. Note Council emphasis added. 36
Figure 8 - 2022 Stormy Waters Solutions precinct drainage strategy for the LENGA showing future required drainage assets. Extract from report. 47
Figure 9 - Community infrastructure projects included in the LENGA 2014 DCP. 56

List of Tables

Table 1 - Victorian Building Authority (VBA) - building permit data for new dwelling construction in Lakes Entrance 26
Table 2 - Housing capacity in East Gippsland Shire townships, as per Council's adopted Housing and Settlement Strategy (Dec 2023), by SGS Consultants. 29
Table 3 Projections of population growth for East Gippsland centres 2021 to 2041, by .id (Informed Decisions) 30
Table 4 Historic population growth for the Lakes Entrance 'urban centre' over 20 years, ABS historic data series. 32

Executive Summary

This is the ten-year review (the **Review**) of the Lakes Entrance Northern Growth Area (**LENGA**) residential growth precinct.

In August 2014, the Minister for Planning approved the Council's request to rezone 175 hectares of land for future residential development in the LENGA. With a capacity for up to 1021 dwellings, it represented the single biggest long-term housing land supply area for the township. It was expected that development of the LENGA precinct would take approximately 30 years. The rezoning was accompanied by a land use planning framework in the East Gippsland Planning Scheme to support development, including the ability to leverage developer contributions toward shared infrastructure, such as drainage or community facilities. This was achieved by applying a Development Contributions Plan (**DCP)** over the precinct.

The strategic intent for the LENGA continues to remain sound as it provides the township with an established long-term hosing supply. The land is zoned, has a clear plan in place in the 2014 Outline Development Pan (**ODP**) and is ready for development proposals to come forward when the market is ready.

It is required that plans and strategies are regularly reviewed to ensure that they can be implemented, remain fit-for-purpose and continue to be based on a sound strategic basis. Circumstances change and there is a reasonable expectation that the town planning framework should also adapt and keep pace with the conditions of the day.

In the ten years since rezoning, development activity has been much slower to occur in the LENGA than might have been originally anticipated (just 3.5% complete), or at least there is likely a perception as such.

This Review finds, through careful analysis of construction and population growth data, that growth in the Lakes Entrance township has actually occurred at a rate on par with historic trends, whereby stronger growth prior to 1990's (+2%) has long given way to more moderate incremental growth and housing demand over the last twenty years (0.98%). This trend is forecast to continue with growth projected to occur at just 0.69% over the next twenty years.

The LENGA precinct has provided a small share of new construction but one that can be evidenced as proportionate to overall construction activity in the township over the last 20 years. This reflects a competitive supply of land, spread across multiple fronts, including growth in Lake Bunga and Lake Tyers.

Understanding the growth context, this Review finds that there are no fundamental barriers that have prevented growth occurring in the LENGA. Expectations about the pace of growth and construction in the precinct now need to be readjusted. Development of the LENGA precinct can be expected to occur over a much longer period than the originally planned thirty-year horizon, certainly for the foreseeable future and in small stages.

Parallel to the above, infrastructure planning needs to be reset to reflect the scale and type of growth that can be reasonably expected. The development contributions model that was implemented to support the cost sharing of infrastructure between developers is overly complex, inflexible, and now poorly suited to the level of construction in Lakes Entrance. The DCP provides too many uncertainties, lack of alternatives and financial risks to both developers and

Council. The Review finds the DCP should be removed, reverting instead to more straightforward mechanisms already in the Planning Scheme to secure infrastructure via subdivision applications, as occurs in most other development settings in the municipality. With or without a DCP, it remains the case that the developer should pay for necessary infrastructure. Opportunities are also identified to recast community needs, infrastructure and growth thinking for Lakes Entrance as a whole-of-place approach to growth rather than being housing-led.

The Review acknowledges that the challenges of applying a DCP in a setting like Lakes Entrance are typical across Victoria and reason why they are not used widely in regional settings with low growth rates.

Finally, the Review also recommends that there are opportunities to refresh and simplify the overall planning framework (both strategic and statutory provisions) of the Planning Scheme. There is an opportunity to make it more legible and user friendly, for example, by removing instances of duplicating what applicants are expected to provide in support of development applications.

Overall, the review finds that the intent for the LENGA is sound and with a number of changes, the Planning Scheme can be updated to provide a more simplified, agile and efficient framework to guide development.

Before progressing further, this report will be used to engage with landowners and key stakeholders about next steps for the precinct.

A summary of the Key Issues identified by the review and the actions/ recommendations from the review is provided below:

Overview of Key Issues and Recommended Actions

This table provides a high-level summary of the key issues and recommended action(s) required to improve the overall operations of the land use planning framework that applies to the Lakes Entrance Northern Growth Area in the East Gippsland Planning Scheme.

Key Issue	Summary of Review findings	Recommended actions
Key Issue #1: Is the Outline Development Plan (ODP) still the right tool to guide development in the precinct?	The ODP remains a planning tool that provides a clear vision and intent for land use development.	• Retain the ODP. See also Key Issue #2 below.
Key Issue #2: Refreshing and updating content in the Outline Development Plan	The Outline Development Plan (ODP), the master plan for the LENGA precinct, should be updated to reflect current State policy, best practice and guidelines. This includes updating sections on bushfire, waterway, native vegetation, drainage and transport and movement. This will ensure the ODP continues to provide clear guidance and sets expectations for future development proposals.	• Refresh the Outline Development Plan Note: Opportunities exist to streamline the ODP and improve overall legibility.
Key Issue #3: Housing supply, construction activity & strategic justification for a development contributions plan (DCP).	• Construction activity in Lakes Entrance has occurred much slower than originally anticipated. • Growth assumptions in 2014 do not align with actual construction activity meaning infrastructure needs planning is no longer feasible or implementable under the development contributions plan (DCP) model. It is recommended that the DCP is removed and a more simplified approach to allow each subdivision to provide the infrastructure it requires. An updated ODP (Key Issues #2) can ensure infrastructure and	• Remove the Development Contributions Plan, Schedule 1 from the Planning Scheme at Clause 45.06. • Address infrastructure needs under a revised ODP. • Review planning permit application requirements to ensure subdivision applications address infrastructure needs (see also Key Issue #8). • Address requirements under the Planning and Environment Act 1987 to refund any DCP contributions already received.

Key Issue	Summary of Review findings	Recommended actions
	development is coordinated. • The DCP is no longer viable and provides a significant financial risk to Council and developers.	
Key Issue #4: Setting expectations for LENGA - growth challenges and infrastructure provision in regional Victoria.	Re-setting growth expectations and understanding that low to moderate growth in regional Victorian towns presents a different challenge for growth, which goes beyond housing land supply. Holistic planning for infrastructure within the township might be needed to meet the needs of future populations and help encourage growth as part of a coordinated place-based strategy that includes economic (incl. employment), health and well-being and infrastructure planning.	• Consider whole-of-Lakes Entrance place-based strategy to plan for growth and infrastructure. See also Key Issue # 7 (Community infrastructure)
Key Issue #5: Drainage and the Development Contributions Plan	See Key Issue #3. The DCP and drainage has a range of implementation challenges that were not foreseen in 2014. Greater flexibility is required to consider drainage solutions than the DCP provides. This is necessary given the multiple land ownerships, limited developer activity, timing and likely pace of development.	• Adopt the 2022 revised Stormy Waters drainage strategy as a 'preferred' drainage solution for the precinct & reference into revised ODP. • Remove the DCP (remove Schedule1 to Clause 45.06 of the Planning Scheme) – via formal planning scheme amendment. • Require stormwater drainage to be provided through subdivision applications (as would normally occur if DCP didn't apply) • Landowners should be encouraged to work toward a preferred shared drainage strategy wherever possible in the

Key Issue	Summary of Review findings	Recommended actions
		interest of efficiency & reducing loss of development land. • Adequate demonstration of satisfactory drainage strategy should be provided prior to determination of any subdivision given complexity of topography and drainage required.
Key Issue #6: Did the LENGA precinct require a DCP for infrastructure funding & delivery?	The scale and rate of development and the type of infrastructure actually required can be readily provided through more simple mechanisms already in the planning scheme.	See above (Key Issue # 3 & 5).
Key Issue #7: Community infrastructure	The growth of the precinct hasn't occurred as expected. The need for community infrastructure needs to be revisited more comprehensively for the Lakes Entrance township given overall changes to Council long-term Capital Works Planning. The DCP incorrectly attributed demand for new infrastructure in the township to be 100% attributable to the LENGA when it should have attributed a much smaller percentage to the majority of projects. The value-proposition of revised community infrastructure contributions is very limited based on growth rates. Infrastructure projects previously identified are no longer required in the township.	• See Key Issue # 3. • Remove the DCP. This will help to improve the overall viability of development. • Community infrastructure needs planning should be undertaken for the whole of the Lakes Entrance township as part of a place-based-plan for future growth but separate to the LENGA project. • Community infrastructure contributions can be revisited when appropriate planning is further developed. • Refund any Community Infrastructure Levies paid under the DCP.
Key Issue #8: Requirement for a Development Plan &	The Review finds there are opportunities to simplify the requirements of the planning scheme and to avoid	• Review if the DPO is still needed given the other controls on the land (GRZ and DDO).

Key Issue	Summary of Review findings	Recommended actions
Planning Permit Requirements	duplication of requirements – making the process of preparing development plans and planning permits less onerous, costly and confusing for applicants.	• In conjunction with the above, amendment of the DPO will reduce the requirement for proponents to submit the same information multiple times. This will improve the efficiency of the approvals process and reduce overall application costs.

1. Purpose

The purpose of this 10-Year Review: Key Issues and Options Paper (the **Review**) is to consider the operation and performance of the town planning framework within the East Gippsland Planning Scheme (**Planning Scheme**) as it applies to the Lakes Entrance Northern Growth Area (**LENGA**). It is also to identify , where necessary, recommended actions that may be required to ensure it remains up-to-date, reflective of current best practice and can be implemented efficiently and effectively. The LENGA precinct is shown in **Figure 1** below.

A key driver is to ensure the planning system is simplified, effective and responsive to local development conditions and continues to support the intended development outcomes.

The overall intent for the precinct as the long-term housing growth area for Lakes Entrance and the zoning of the land is considered sound and is not in question by this review.

The intent of this Review is to provide a strategic basis to inform engagement with landowners and stakeholders and to identify and support next steps for updating the Planning Scheme, as might be necessary.

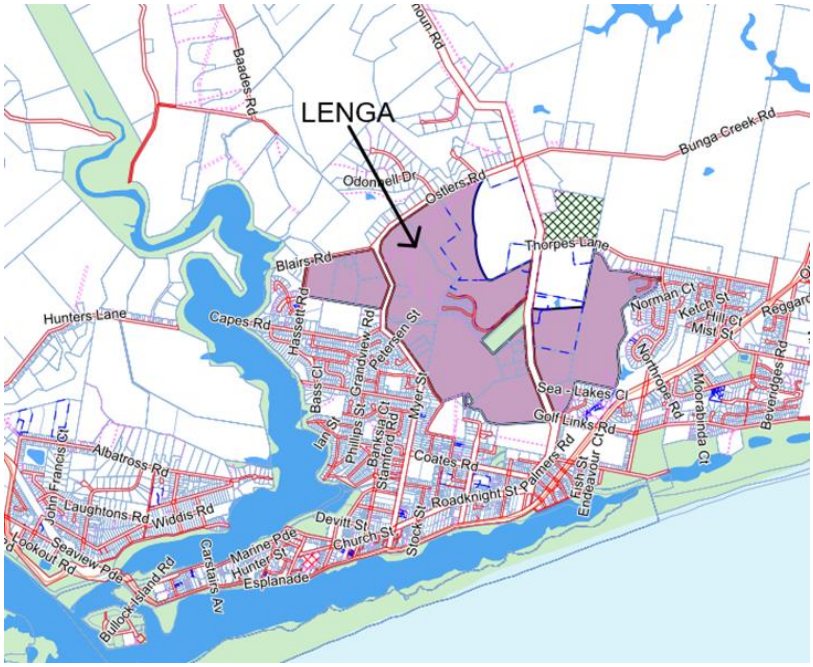


Figure 1 - Lakes Entrance Northern Growth Area - general locality plan

Date Published: April 2024

2. Overview

It is now 10 years since the LENGA was rezoned as the long-term housing growth area for the township. Sitting on the northern side of the existing urban area, 178 hectares of land was zoned for future residential use, of which 124 hectares of net developable residential land[1] was identified capacity for up to 1021 dwellings. Strategic planning for the precinct also identified open space corridors, a small activity centre for possible community and retail uses and local parks and linear trails. The vision and intent for the precinct was set out in the Outline Development Plan (**ODP**), 2014[2]. The LENGA precinct is shown in **Figure 2** below.

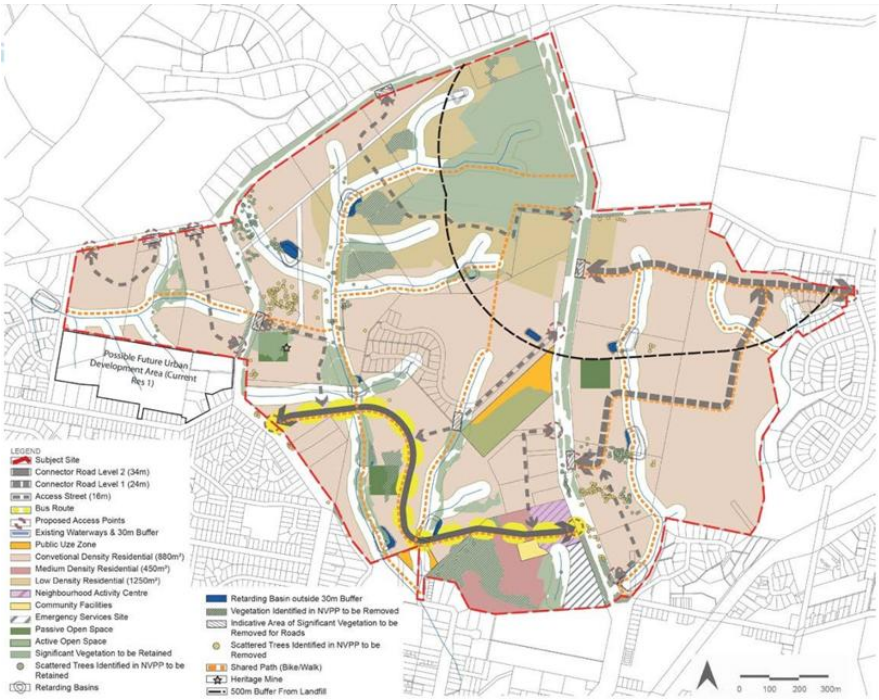


Figure 2 – Current Outline Development Plan.

The precinct has provided certainty about housing land supply for the township. At the same time, development has been much slower to follow the rezoning than might perhaps have been originally anticipated. Furthermore, changes in planning policy and controls, the introduction of the Bushfire Management Overlay and the Waterway Management requirements that have occurred since 2014 mean that the original assumptions about net developable area and dwelling capacity have been significantly reduced.

[1] Net developable area is the balance of land available to build dwellings, minus land that might contain protected vegetation, waterway corridors etc.
[2] Lakes Entrance Northern Growth Area Outline Development Plan, 2014 (by SMEC consultants).

The majority of new housing in Lakes Entrance continues to be provided outside of the precinct, which is explored in Key Issue #3 in this report at Section 8. This review examines in detail why this has been the case and what it means for the precinct in terms of re-evaluating and re-setting growth expectations.

Growth rates influence infrastructure needs, such as when it is needed and how it might be best delivered.

Consequently, this has necessitated a review of the Development Contributions Plan (**DCP**) that was implemented (into the Planning Scheme) to facilitate infrastructure provision cost sharing between landowners for the precinct.

State Planning Policy and guidance has continued to evolve considerably since the land use planning framework for the LENGA was introduced. An increased focus on climate change and resilience, biodiversity, water, bushfire planning and integrated transport in particular mean that best practice and planning objectives have changed, in turn influencing planning permit requirements.

Given this context and with the benefit of ten years of on-ground experience, Council now has the opportunity to review the performance of the land use framework and to identify possible changes to ensure that it continues to be fit-for-purpose, reflects the most up-to-date policy and guidance and aligns with development application requirements and approval pathways.

The Objectives of planning in Victoria continue to be relevant and the results of this review will ensure that future planning for the precinct will take into account all of the competing objectives and enable balanced decisions to be made in the best interests of existing and future communities. Objectives, amongst others, are:

> *'to provide for the fair, orderly, economic and sustainable use, and development of land;'*
>
> Objective of planning in Victoria under Section 4, 1 (a) the Planning and Environment Act 1987

2.1. Keeping plans up-to-date

The State Government requires that plans are regularly reviewed to ensure that they remain current and can be implemented, including structure plans and Development Contributions Plans (DCPs). The State Government's *Development Contributions Guidelines* (2007) state the following about reviewing a DCP:

> *A council also has a responsibility to monitor and review the DCP over time because some of the assumptions about development trends and the infrastructure needs may not be realised. Similarly, the DCP should be reviewed to reflect changes to the strategic planning framework for the municipality.*

It is now timely that such a review is undertaken of the LENGA and its planning framework, including the DCP. Ten years provides considerable insight into what is working and what isn't. It is evident from construction rates in the LENGA alone that the type of development activity that might have been anticipated has not occurred at anywhere near the rate required to support

the DCP. It is also necessary because there have been a number of changes to State Planning Policy over that period that need to be factored into future approvals processes, which are discussed in detail later.

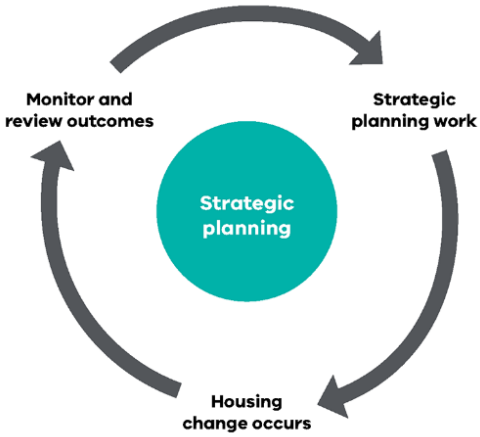


Figure 3 - Regular review and monitoring, as detailed in the State Government's Planning Practice Note 90 - Planning for housing (October 2023).

The purpose of this review, therefore; is to analyse the performance of the Outline Development Plan, the Development Plan Overlay (DPO) and the Development Contributions Plan against anticipated outcomes and to make recommendations about any changes that are required to ensure the most up-to-date, efficient and effective land use framework continues to be in place for all concerned.

3. About the 10-Year Review

This first stage of the 10-Year Review (the **Review**) has been prepared by Council officers with engagement of State Government Departments, agencies and authorities as well as service providers.

3.1. What the Review does.

This review is limited to the functional and administrative operation and implementation of the planning scheme framework that applies to the use and development of land in the LENGA precinct. This is to ask – are the tools and methods for delivering development still the correct ones?

The review will make findings and put forward recommended actions. These are not definitive and are not an adopted position of the Council. Instead, these will be used to inform consultation and, in turn, any future changes that may be necessary of the Planning Scheme and any decisions required of Council.

3.2. What this review doesn't do

This review does not and will not consider matters relating to the zone of the land or the general strategic direction for the LENGA precinct. These were tested by the Planning Panel that considered Amendment C112 in 2014 and found that the basis of providing land for future housing was sound. This established the intent for the land and no reason has been identified to reconsider this in 2024.

The Review has not been formally endorsed by Council at the current time. It is intended to inform future Council direction and should not be interpreted as representing an adopted or formal position of Council.

3.3. Intentions for the Review?

It is intended that the Review:

- Be transparent, open and honest and acknowledge any shortcomings.
- Consider the practical implementation of the Planning Scheme framework that was put in place to implement development in the LENGA precinct and evaluate how effective it has been and is likely to be into the future.
- Makes a series of high-level findings about the planning framework (positive or negative).
- Provides sufficient evidence and detail to support any findings or suggested next steps.
- Identify opportunities to amend, update and improve the overall effectiveness of the planning framework.
- Identifies any further work that might be necessary.
- Supports and informs engagement with landowners, developers and other stakeholders.
- Provides the strategic basis to support future work (as necessary and appropriate).

3.4. Stakeholders engaged in this Review

The following stakeholders have helped to inform the preparation of this Review:

- Department of Transport and Planning

- Department of Energy, Environment and Climate Change – Environment Business Unit
- East Gippsland Catchment Management Authority (EGCMA)
- East Gippsland Water
- CFA – Strategic Land Use Team
- Internal Council Departments (various)

3.5. Consultation

This review paper will be used to inform landowner and stakeholder consultation (seeking views and feedback) on the identified options. This will then be used to refine any proposed actions or create possible new ones, which in turn will guide the preparation of any updates to the land use planning framework of the East Gippsland Planning Scheme. It is intended that a summary of consultation feedback be provided.

Once feedback is collated, it is intended that Council will then progress a draft planning scheme amendment in 2026 that will be the subject of future public exhibition and possible independent planning panel review process.

3.6. Structure of the Review

The review provides the relevant background context in Section 4. There then follows an introduction to the 'Key Issues' that have been identified in Section 5, followed by a detailed introduction and analysis of eight (8) key issues that have been identified relating to the strategic intent, operational planning framework and opportunities to improve the overall efficiency of the development plan/ planning permit application process. Each of the key issues is addressed through Sections 6-13.

The findings of the report are summarised in Section 14.

It is acknowledged that some of the detail and information included in this report is complex and detailed. There are regular references to particular names and terms used in Planning Schemes, housing construction and demographic analysis. As much as possible, these are explained and references to source material are provided where this report has referred to or relied on third party sources. The level of information in this Review is often necessary because of the strategic implications of the issues identified by this report and the fact that this report will be relied on in the future as the basis for any planning scheme amendment, if that may result from the findings herein.

4. Background

4.1. Planning history of the LENGA

The LENGA has a long planning history dating back to the 1990's when parcels of land in the precinct were identified for possible future housing growth. The LENGA was identified in the 2007 *Lakes Entrance Urban Design Framework* as a future residential area.

Following many years of private rezoning requests for different parcels of land, consultation with landholders and various stakeholders, work commenced in 2010 develop a land use planning framework for what became known as the Lakes Entrance Northern Growth Area (**LENGA**), 178ha of land across 31 land parcels (as it was in 2014). The purpose for the LENGA was to provide a long-term housing growth area for the township.

The land was formally rezoned from the Rural Zone to the General Residential Zone and the land use planning framework implemented into the East Gippsland Planning Scheme when the State Government gazetted Amendment C112 (Part 1) on 7 August 2014 (**Amendment C112**). Included in the Amendment C112 process was formal public exhibition along with an independent Planning Panel hearing that considered all submissions. The Panel produced a final report that made recommendations to the Minister for Planning about the strategic merits and detail of Amendment C112, including the Outline Development Plan (see below) and Development Contributions Plan, amongst other matters.

Council adopted the recommendations of the independent Planning Panel and submitted the amendment for approval to the Minister for Planning, which occurred in August 2014.

The land use framework that was approved included, amongst others, the following key components:

- Rezoning of the land from Farming Zone 3 to General Residential Zone 1
- Introduction of the Development Plan Overlay (DPO) Schedule 8 at Clause 43.04 of the Planning Scheme
- Introduction of the Development Contributions Plan Overlay (DCPO) at Schedule 1 to Clause 45.06 of the Planning Scheme & Incorporation of the Development Contributions Plan.
- Incorporation of the Native Vegetation Precinct Plan - Vegetation Precinct Plan at Schedule to Clause 52.16 of the Planning Scheme.

A number of documents provide further guidance about the strategic intent and requirements of the above Planning Scheme components and are known as 'Background Documents'. These documents are not part of the Planning Scheme, carry no statutory weight and cannot be relied on directly from a decision-making perspective:

- Lakes Entrance Northern Growth Area Outline Development Plan, August 2014 - Outline Development Plan 2014
- Lakes Entrance Northern Growth Area Hydrology Plan, Water Technology, July 2012 Hydrology Plan
- Lakes Entrance Northern Growth Area Social Impact Assessment, August 2012 Social Impact Statement

4.2. What did Amendment C112 allow?

Once Amendment C112 was gazetted, it rezoned the land in the Farming Zone 3 to the General Residential Zone. This allowed development of the land to come forward generally in accordance with the ODP – that is predominantly for residential purposes, but with regard to the natural features, topography, views and other landscape characteristics that define the precinct.

For development of any land to occur, a Development Plan must first be approved by Council under the Development Plan Overlay Schedule 8 (Clause 43.01 Schedule 8[3]). A development plan could be for all of the land or an individual parcel. It must demonstrate how development would be generally in accordance with the requirements of the Planning Scheme and, in particular, it must demonstrate regard to a number of outcomes set out in the Outline Development Plan. The DPO has regard to the Outline Development Plan (see below for further information) and other reference documents.

Once a development plan is approved, an application for subdivision and/ or buildings and works consistent with the Development Plan can be lodged by a proponent for consideration and determination.

The Outline Development Plan (**ODP**) is a 'background document' to the planning scheme, as explained earlier in this section. It carries limited statutory weight although it has also been uplifted into the current Development Plan Overlay Schedule 8. It is effectively a high-order master plan for the precinct and provides guidance about the intended future outcomes in terms of land uses, waterway corridors, native vegetation, roads, connections, open space and other framing elements of the precinct. It is considered further in the Key Issues section (Key Issue # 1 – Is the Outline Development Plan (ODP) still the right tool to guide development in the precinct?)

A development contributions plan or DCP was applied at Clause 45.06. Schedule 1 (DCPO1)[4] and it is an 'incorporated document' that carries statutory weight for decision making. The DCP establishes developer and community infrastructure contributions levies toward shared infrastructure projects needed by the precinct. DCP levies are charged at subdivision stage and community infrastructure levies at building permit stage.

The DCP for the LENGA contains identified infrastructure projects, notably drainage and community infrastructure needed to support development of the precinct. A DCP is more typically applied in an area experiencing high rates of growth and requiring significant shared infrastructure projects. A DCP is an inflexible mechanism whereby once it is applied, it does not allow alternative infrastructure solutions to be identified[5]. High levels of construction activity are also important to raise financial contributions to ensure it remains workable. The growth conditions required to support a DCP have not materialised for the LENGA and is a key

[3] See: Development Plan Overlay Schedule 8 of the East Gippsland Planning Scheme

[4] See Development Contributions Plan Overlay Schedule 1 in the East Gippsland Planning Scheme

[5] Without formally amending the Planning Scheme, often an 18 month to 2-year process. This is why Councils are expected to review the performance of any DCP regularly to ensure they are fit for purpose.

implementation issue. The DCP forms a significant part of this review and is considered in extensive detail later in the Key Issues section.

5. Key issues

5.1. Introduction to Key Issues

The basis for the LENGA land use planning framework originates from the Outline Development Plan (**ODP**) – which established the context, site analysis and opportunities and constraints that informed the future direction of the precinct and informed the planning scheme policies, controls and requirements needed to implement it.

For this reason, this Review starts with the ODP and then considers the other key issues, most notably the lower than anticipated level of construction activity in the precinct and the relationship of growth rates to infrastructure planning. The following eight (8) Key Issues have been identified under key themes:

The Outline Development Plan

- **Key Issue #1:** – Is the Outline Development Plan (**ODP**) still the right tool to guide development in the precinct?

  Considers whether the ODP remains the appropriate tool to set a high-level vision for the precinct.

- **Key Issue #2:** Refreshing and updating content in the Outline Development Plan

  Considers the need to refresh and update the ODP to ensure it is up-to-date and reflective of best practice.

Construction rates and infrastructure planning

- **Key Issue #3:** Housing supply, construction activity & strategic justification for a development contributions plan (DCP).

  Identifies that construction activity in the LENGA precinct has not occurred as might have been anticipated and examines why this has been the case. Construction rates are typically the strategic basis for any growth area, so low construction activity poses a range of significant challenges for infrastructure planning, the Development Contributions Plan (DCP) and implementation of it.

Setting reasonable expectations for growth in Lakes Entrance

- **Key Issue #4:** Setting expectations for LENGA - growth challenges and infrastructure provision in regional Victoria.

  Are expectations for growth in the LENGA realistic in the context of regional growth and the role of infrastructure.

Implementing drainage and other infrastructure via the Development Contributions Plan

- **Key Issue #5**: Drainage and the Development Contributions Plan

  An important issue in the LENGA precinct given the sloping, challenging topography. How has drainage been addressed over the last 10 years? Does the current planning framework allow sufficient flexibility to overcome a number of implementation constraints that would enable development to occur?

- **Key Issue #6**: Did the LENGA precinct require a DCP for infrastructure funding & delivery?

  Considers whether the land use planning framework really needed the added complexity of a DCP, the ability to implement infrastructure under the DCP and what alternatives might exist, relative to the scale and type of development that might now be expected in the precinct, to identify and deliver infrastructure.

- **Key Issue #7**: Community infrastructure

  Reviews and updates the position in respect of community infrastructure needs and considers how infrastructure might be best identified and planned for within the Lakes Entrance township more holistically.

Improving the efficiency of the Planning Scheme

- **Key Issue #8:** Requirement for a Development Plan & Planning Permit Requirements

  Considers whether there are opportunities to improve the overall efficiency and effectiveness of the operation of the Development Plan and to avoid duplication in the requirements for applications under the Development Plan and planning permit process.

6. Key Issue # 1 – Is the Outline Development Plan (ODP) still the right tool to guide development in the precinct?

6.1. Introduction

The Outline Development Plan was prepared to provide guidance about the intended long-term development of land within the precinct. It included a site analysis that considered the range of constraints and opportunities present on the land that acknowledged, amongst other matters, slope and topography, native vegetation, waterways, landfill buffers, bushfire and drainage.

The ODP included a number of Principles and Objectives (at Section 3.1 and 3.2 respectively) and the illustrated Outline Development Plan itself at Section 4. While not being so specific in its wording, Section 4 (page 24) amounts to what can reasonably be considered the vision for the LENGA:

> *The Outline Development Plan provides the grounds to produce a diverse and sustainable neighbourhood. The plan aims to provide diverse housing types and tenures to cater for a range of socio-economic groups. The Outline Development Plan also acknowledges the varied motivations people have to live in Lakes Entrance, be that as a permanent resident, holiday maker or, increasingly, retiree. The variation in lot size and the allocation of land for certain uses has been considered for these varied lifestyles.*
>
> *The Outline Development Plan has been profoundly influenced by natural features, drainage and vegetation across the site. These elements create a striking natural setting with beautiful views thus offering excellent development opportunities for existing land holders. The ODP seeks to ensure that there is development equity for all land holders based on these constraints and opportunities.*
>
> *The design has been particularly careful in connecting with surrounding residential areas and internally. The provision of shared and linear paths takes full advantage of the unique landscape of Lakes Entrance. Paths are designed to meander throughout the neighbourhood to ensure high walkability and an active lifestyle.*
>
> *In regard to sustainability, a variety of housing density is encouraged through the growth area, with opportunities for medium density housing closer to shops, parks and community facilities. Low density options have been provided in order to enable integration with conservation areas. This design will promote a less car-dependent environment. Drainage, wetland and Water Sensitive Urban Design (WSUD) techniques in local streets will add to*

sustainability in terms of capture, use and treatment of stormwater. The integrity of the ecological systems are retained and enhanced, with particular emphasis on the wetland corridors.

Section 4 contains guidance about future housing density, land budgets and assessment guidelines for development plans.

Sections 5 to 12 provide additional guidance on a range of supporting matters, including the Neighbourhood Centre, Access and Mobility, Drainage Infrastructure, Environment, Open Space, Community Facilities, Services Provision and Infrastructure Provision and Maintenance Responsibilities.

6.2. Discussion Points – Key Issue # 1

6.2.1. ODP as a high-level guide for future development

Planning for any growth precinct in Victoria typically requires some form of framework, precinct or structure plan to provide clear guidance about how development is expected to occur to ensure fair and orderly planning.

It is considered that the ODP generally provides, in principle, a simple, easy to understand outline of the strategic intent for the precinct around a number of coordinating components such as the many waterways, road network, open space and neighborhood activity centre. Within this network, residential development would take advantage of the natural landscapes and deliver a mixture of housing typologies and densities in accordance with the broader requirements of the Planning Scheme.

It is considered that the ODP performs an important organizing tool for future planning to ensure that development proposals can be coordinated and work toward a shared outcome.

6.3. Findings and recommended actions to Key Issue # 1

The principle of the ODP or similar is well engrained as a valid planning tool to guide land use planning in Victoria. It provides a high-level plan that conveys the future vision for the precinct, including intended land uses, key connections and open space corridors. A plan of this nature is an essential planning tool and, in principle, the role of the ODP as a framework to guide development is not considered to be under question.

For the reasons outlined in the related Key Issue # 2 and elsewhere in this Review, it is recommended that:

1. It necessary to update and refresh some of the content of the ODP to ensure it is current and reflective of up-to-date policy, requirements, and guidelines.
2. Consider any substantive matters in the ODP that may need to be included into the Development Plan Overlay Schedule 8 at Clause 43.04 of the Planning Scheme to give sufficient statutory weight to them e.g., any design guidelines. See also Key Issue #8.
3. Consider renaming the ODP a 'Structure Plan' to improve consistency with Planning Scheme terminology.

7. Key Issue # 2: Refreshing and updating content in the Outline Development Plan

7.1. Introduction

Key Issue # 1 considers the principle of the ODP to be acceptable. A key issue that has been identified by the Review is the continued currency of certain aspects of the content of the ODP, which are identified and discussed in the following sections.

7.2. Discussion Points

7.2.1. Planning policy and planning permit application requirement changes

State Planning policy has continued to evolve since the 2014 ODP was finalised. There are instances where the ODP is outdated as follows:

Bushfire

A very clear example of this relates to bushfire at Section 2.7.5 of the ODP, noting that the Bushfire Management Overlay (BMO) and the key State Planning Policy at Clause 13.02[6] in all Victorian Planning Schemes has evolved quite considerably. In addition, Clause 53.02 (Bushfire Planning)[7] sets out Particular Provisions in relation to planning permit applications made under the Bushfire Management Overlay.

This Review identifies that the ODP, through the site analysis section, ought to cross-reference the correct overlays that apply to the land along with current State policy and application requirements. The ODP also includes references to a 2013 GHD Bushfire Study, however; it is highlighted that the study was never finalised or relied on for the reasons outlined in the Planning Panel Report of 2014. The Panel Report indicates that the study was not adopted by Council. Reference to the Study should be removed.

Changes to State planning at Clause 13.02 -1S make it clear that the protection of human life will be achieved by the following strategies:

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

It is considered highly relevant that the ODP adequately reflects the most relevant policy and requirements to provide clear guidance on this matter.

[6] In the case of State Planning Policy Clause 13.02 (Bushfire), it has undergone a number of revisions since it was introduced.
[7] See https://planning-schemes.app.planning.vic.gov.au/East%20Gippsland/ordinance/53.02

The *Design Guidelines Settlement Planning at the Bushfire Interface,* 9 July 2020[8], have been prepared by the State Government *to assist in the creation of responsive settlement planning outcomes that minimise the risk to people from bushfire and build better resilience within the community*. They provide a useful resource for Council planners and developers and, again, ought to be referenced by the ODP in an updated bushfire section given their role in guiding subdivision layout in BMO affected areas.

The State Government is also updating Planning Practice Note 64 (Local planning for bushfire protection) at the time of writing, which should be considered.

Council will undertake a specialist bushfire review of the ODP via a suitably qualified bushfire consultant to ensure consistency with State planning policy, objectives and requirements.

Native Vegetation

Section 2.7.2 (Native Vegetation) of the ODP does not reflect the most up-to-date State policy and guidelines related to Native Vegetation, including the process, procedure and requirements relating to the 'avoid, minimise or off-set' approach to native vegetation removal embedded into State policy requirements.

The Native Vegetation Precinct Plan (**NVPP**) that is incorporated into the Planning Scheme had a 10-year expiry that has passed.

Drainage and waterway considerations

Drainage is a complex challenge for the precinct. Steep undulating topography and declared waterway corridors present equal opportunity and challenge from an amenity and drainage challenge respectively.

Drainage and the DCP are currently intertwined and a detailed and extensive discussion of the background and implementation challenges presented by the current precinct-wide approach is contained at Key Issues #5 and #6 of this Review. Subject to the future resolution of the DCP and drainage solution, the ODP will need to be updated to reflect the most up-to-date drainage strategy/ requirements for the precinct.

In addition to stormwater management, the many declared waterways in the precinct have required further engagement with the East Gippsland Catchment Management Authority (EGCMA).

The EGCMA has responsibilities under the Water Act 1989 and the Catchment and Land Protection Act 1994 that are met via a range of programs guided by the Regional Catchment Strategy and supporting strategies and plans. In particular, it has responsibilities for licensing works on waterways and works on waterways permits – which is relevant to any drainage outcomes in the LENGA. State Planning Policy has recently been updated[9] at Clause 12.03 Water Bodies and Wetlands and Clause 12.03-1S - *River and riparian corridors, waterways, lakes, wetlands and billabongs*[10], which strengthens the policy framework around waterways.

[8] See https://www.planning.vic.gov.au/guides-and-resources/guides/all-guides/bushfire-policy
[9] Via Amendment VC201
[10] See https://planning-schemes.app.planning.vic.gov.au/East%20Gippsland/ordinance/12.03

In addition, Cause 14.02-1S – *Catchment Planning and Management*[11] (introduced in 2021) also reflects the most current expectations on waterways at a broader policy level that CMA's are expected to implement.

The EGCMA is in the process of finalising new Waterway Design Guidelines[12] that will be directly relevant to the treatment of the many waterway corridors in the LENGA precinct. Developers will need to be mindful of the outcomes required in relation to stormwater management, planting, linear trails and bushfire considerations (including setbacks) related to waterway design. There are likely to be reasonable development costs involved in waterway design and it is prudent and responsible that these are made clear early in the development planning process.

The ODP should be updated in accordance with the relevant guidance, strategies and approval requirements related to declared waterways and to make them visibly clear.

Transport and movement considerations

Council is preparing a full transport and movement assessment for the precinct. It will be made available as a background document to inform any required updates of the ODP and supporting text. The assessment will also be available to future developers as a basis for planning permit applications. It is not anticipated that this will identify significant issues

The ODP Plan and creating a connected and legible precinct.

A challenge for the ODP, given the fragmented land ownership that exists across the precinct and the lack of any staging or sequencing of development, has been to understand how each landholding will need to contribute toward delivering a connected and legible precinct. The current ODP and transport and movement approach generally aims to avoid a series of isolated and individual development parcels. Key to this is the street and open space network, which provides the framework within which development can occur.

Aspects such as sloping land, bushfire interfaces and drainage provide challenges for delivering the most equitable internal movement network between different land parcels. For this reason, it is considered that there is a level of detail missing in the ODP to enable planners and landowners to understand what consideration may need to be given to an adjoining future development site or interface areas to ensure development can equitably occur.

It is recommended that an illustrative revised ODP is prepared that includes an additional street layout (indicative only) to provide an example of how development might best respond to precinct conditions and enable, where needed, appropriate connectivity to adjoining land parcels. Such a plan would be a guide only and developers would be entitled to prepare suitable alternatives via Development Plans or Subdivision proposals, provided it can be demonstrated that appropriate regard has been given to adjoining land to ensure effective and equitable outcomes.

7.2.2. General updates, clarifications, corrections and tidy up of the ODP

More generally, it is considered that there are opportunities to streamline, simplify and provide greater clarity to the ODP document along with undertaking a number of administrative

[11] See https://planning-schemes.app.planning.vic.gov.au/East%20Gippsland/ordinance/14.02-1S

[12] Not yet published at the time of writing (April 2024).

changes. Examples include reference to the former Growth Area Authority 'Precinct Structure Planning Guidelines', whereby the authority has become the Victorian Planning Authority and the guidelines now superseded by the new *Precinct Structure Planning Guidelines: New Communities in Victoria,* October 2021[13]. There are various other State planning policies or requirements that ought to be cross-referenced by the LENGA planning framework for completeness.

There is also an opportunity to simplify the ODP using the State Government's '*Structure Planning Guidance for Rural and Regional Towns in Victoria' (2023)* to ensure it is focused and succinct.

7.3. Findings and recommended actions to Key Issue # 2

In summary of the above, it is recommended that:

1. The ODP should be refreshed and updated to correctly reflect current policy, guidance and requirements, including but not limited to:
    - Bushfire & interface requirements
    - Native Vegetation
    - Waterways
    - Stormwater
    - Transport and movement
2. Any refreshed ODP should include an updated overarching Plan 8 – Outline Development Plan, including more detailed street network layout guidance.
3. A review of the ODP from a bushfire planning policy and requirement is to be undertaken to ensure the land use planning framework reflects current best practice.
4. There is an opportunity to streamline and simplify the ODP to make it more user friendly and legible.
5. Council will prepare a transport and movement assessments to support the ODP updates.
6. Any substantive elements of a revised ODP, including a 'framework plan' or similar will need to be incorporated into the Planning Scheme to give them statutory weight. See Also Key Issue # 8.

[13] See https://vpa-web.s3.amazonaws.com/wp-content/uploads/2022/04/VPA-Precinct-Structure-Planning-Guidelines-New-Communities-In-Victoria-October-2021.pdf. Also the Victorian Planning Authority has also prepared the Guidance Note *'Applying the PSP Guidelines in regional areas'* – which is also relevant alongside the PSP Guidelines 2.0.

8. Key Issue # 3: Housing supply, construction activity & strategic justification for a development contributions plan (DCP).

8.1. Introduction

Amendment C112 rezoned 175 ha of land for residential housing growth to meet the future needs of the Lakes Entrance township. A future capacity of 1021 dwellings was anticipated. A 30-year Development Contributions Plan (**DCP**) was put in place as a financial tool in the East Gippsland Planning scheme to help share the cost of infrastructure between developers. Development contributions are inextricably linked to construction rates.

Ten years on from Amendment C112 and only 36 dwellings have been constructed in the LENGA precinct and just $130,000 collected in infrastructure contributions under the DCP with no monies spent. Progress has been much slower than could have been anticipated at the time of the rezoning – the DCP for example relies on an average of 34 dwellings per annum to be constructed in it to balance financially at year 30 and to fund infrastructure. What had led to this contrasting outcome?

The majority of housing supply in Lakes Entrance continues to be met outside the LENGA precinct at present.

There are a number of key reasons why it is important to review the rate of construction and housing supply in the LENGA, including:

- To understand and update Council's projections of housing demand and supply in the Lakes Entrance township and what factors are influencing it.
- To reset expectations about future growth that are realistic.
- To provide an accurate basis for future strategic planning decisions and to establish clear expectations.
- Construction rates/ growth rates are linked to demand/ need for infrastructure (service and community) and timing.
- Whether the DCP continues to be a viable/ legitimate planning tool for the LENGA because it relies on consistent high construction rates to provide necessary funding. Conversely, slower than anticipated growth provides uncertainty and doubt that a DCP can be implemented.

Councils in Victoria are expected to identify a fifteen-year housing supply in the Planning Scheme by State Planning Policy[14]. With just 36 dwellings out of the projected 1021 dwellings

[14] See Clause 11.02-1 of the State Planning Policy Framework contained in the East Gippsland Planning Scheme https://planning-schemes.app.planning.vic.gov.au/East%20Gippsland/ordinance/11.02-1S

constructed in ten years, such construction rates would appear to indicate that the LENGA will provide a much longer-term housing supply than originally projected.

Slower than anticipated construction activity is considered to be less problematic from a basic land supply perspective when compared to growth rates that are much higher than projected (as this requires additional land to meet unforeseen demand). In the case of Lakes Entrance, it means that there is likely to be an adequate supply of land for a much longer period than anticipated at the time work for the LENGA commenced in 2010. Lakes Entrance will adequately meet the State Government requirements for a 15-year housing supply.

Where construction rates and growth rates become critical for the LENGA is because of the binding application of the DCP and its reliance on consistent and high growth rates over its fixed 30-year horizon to share infrastructure costs. Current construction rates in the LENGA and the overall level of anticipated construction activity in Lakes Entrance indicate the DCP is not performing anywhere near expectations. This will result in a significant financial shortfall (significant risk to Council) and an inability to fund the infrastructure identified in the DCP.

A DCP is not critical or even necessary to the future successful development of the precinct, instead it was a tool, identified at a point in time, that might be able to facilitate infrastructure provision between multiple landowners but at no cost to Council. There are a number of shortfalls that have been identified since the DCP was introduced, including a lack of an implementation plan and landowner coordination that are discussed in later sections.

Council is progressing the 1300+ lot Paynesville Structure Plan implementation without the need for a DCP.

8.1.1. Amendment C112 introduced a Development Contributions Plan Overlay onto the land. What is a DCP?

A DCP is a financial mechanism in a Planning Scheme that enables cost sharing of development and community infrastructure between multiple landowners in a housing precinct. A Council prepares a DCP. In doing so, it takes on a legal and financial responsibility for the identification, costing and potential delivery of infrastructure to support development. The DCP enables Council to charge developers for their share of infrastructure needed in the precinct via legal agreements associated to planning permits[15]. A DCP is intended to be cost neutral to a Council – that is to say it is a developer pays system and contributions are charged at subdivision stage.

The LENGA DCP was the first and only DCP implemented in the Shire to date. Notably, no other growth area within the Shire has adopted a DCP and continue to use the more 'standard' provisions that exist within the scheme to require appropriate stormwater drainage, roads and open space to be provided.

The LENGA DCP was based upon anticipated growth over a fixed 30-year period. It identified a list of infrastructure that was needed across the precinct and apportioned the costs to different land areas according to demand. In 2012 dollars, the DCP amounted to a total infrastructure project cost of approximately $10.78 million, noting that with indexing, those costs increase year-on year. Residential development contribution rates for the precinct were established, and

[15] Via development contributions at subdivision stage under the Development Contributions Plan Overlay at Clause 45.06, Schedule 1 (DCPO1) of the East Gippsland Planning Scheme: DCPO1

average $85,574 per developable hectare across the precinct. This means that for every hectare developed for residential purposes – a developer is to contribute the required levy toward infrastructure or deliver the infrastructure and receive a credit or credits calculated based on the cost of the project minus the development contribution required.

The LENGA does not identify when infrastructure will be delivered or how. This is discussed further in the key discussion points below.

The following sections examine the critical relationship between housing land supply and the DCP.

8.2. Key Discussion Points

8.2.1. Strategic intent of the LENGA to provide land for future housing in Lakes Entrance

The overall strategic intent of Amendment C112 to identify and rezone land for housing is considered sound on the basis that it continues to provide a long-term identified housing land supply for the township.

Councils in Victoria are expected to identify a minimum of 15-years housing supply under State Government policy. As above – it satisfactorily meets this objective. While housing construction in the LENGA precinct might have been limited to date, it future proofs the town for the foreseeable future.

There is much to work through, and long timeframes involved, in discussions around climate change adaptation, including the impacts of sea level rise and other events impacting on our coastal towns, including Lakes Entrance. Notwithstanding, the LENGA provides some certainty and clarity about where new housing can be provided.

For the above reasons, it is considered that there is no need to reconsider the overall strategic intent of the LENGA and the provision of an identified long-term supply of housing. Consideration about a township growth strategy, that could better identify the role of LENGA, is considered by Key Issue #4.

8.2.2. Slow progress & strategic basis for the DCP

As detailed in the summary to this Key Issue, in the ten years since Amendment C112 was gazetted in August 2014, only 36 dwellings have been constructed within the LENGA precinct and a total of just $130,000 has been collected by the DCP toward infrastructure. No infrastructure has been delivered.

Any DCP is critically linked to construction rates to provide the necessary financial contributions to make it viable over the fixed horizon.

It is evident from the Amendment C112 Planning Panel Report[16] that there was some conjecture and uncertainty about projected growth rates in Lakes Entrance and how many years of housing supply was actually available.

[16] Panel Report East Gippsland Planning Scheme Amendment C112 Part 1Lakes Entrance Northern Growth Area, 7 February 2014. Note – the State Government has not made this report available on the Planning Scheme Amendments area of its website. The report is available on request from Council.

The Planning Panel itself made the following comment:

> As noted earlier in this report a number of submitters expressed the view that Council had overestimated the likely demand for land within the LENGA and that its decision not to include a staging plan in the LENGA ODP would result in inefficient and out of sequence ('leapfrogging') development. It was suggested that this created doubts regarding the practicality of the DCP and particularly the revenues that would be generated by the DCP and the timing of provision of the infrastructure and facilities contained in the DCP. In this context it was suggested that the alternative of imposing drainage infrastructure conditions on individual development approvals would provide greater flexibility given the uncertainty regarding the timing and sequencing of development within the LENGA.

Figure 4 - Extract of Amendment C112 Part 1 Planning Panel Report 2014

The following section re-examines the strategic justification and housing demand analysis for the Lakes Entrance to understand why development hasn't occurred to date and what this means for implementing the DCP.

8.3. Understanding the strategic basis for the LENGA and preparing a DCP?

Before deciding to use a DCP, the following are key considerations that a Council should typically understand, as summarised by the 2020 Regional DCP Toolkit - Development Contributions Information Manual[17]:

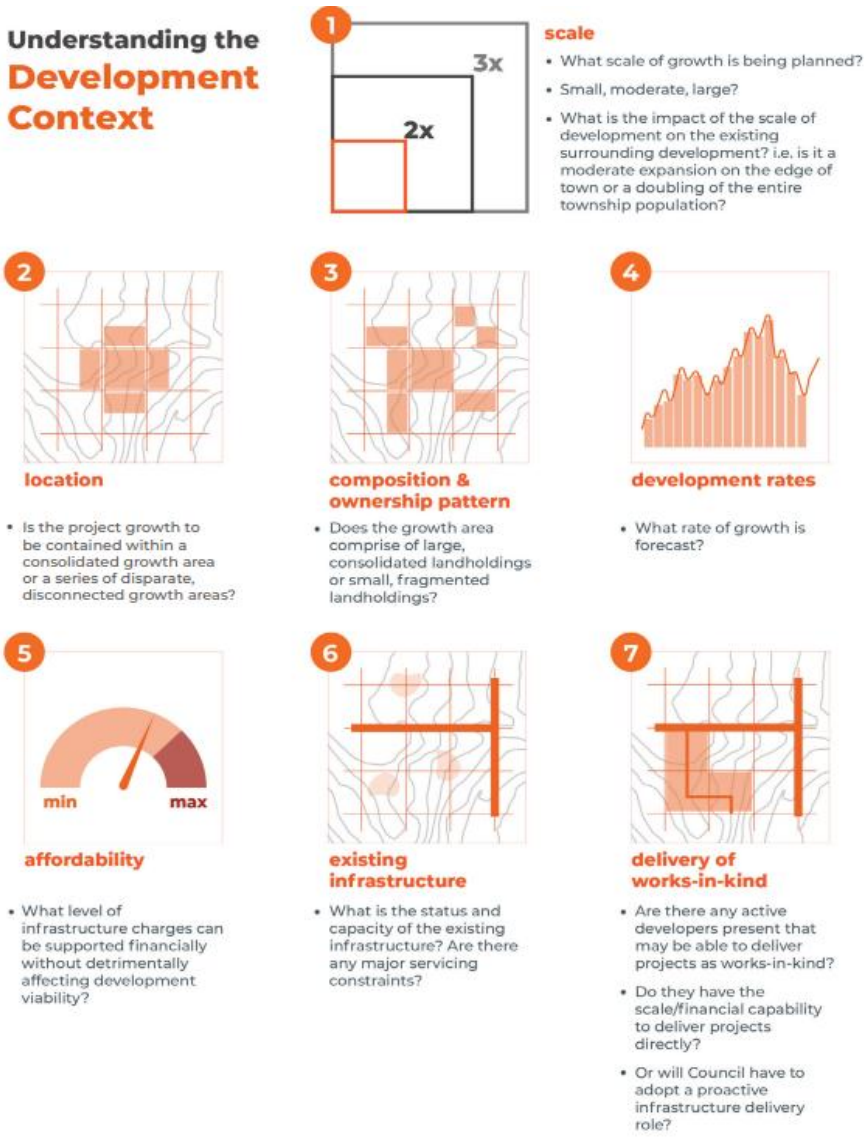


Figure 5 - Regional Development Contributions Toolkit – Understanding the development context.

[17] Prepared by consultant Mesh on behalf of a group of fifteen regional councils with Victorian Planning Authority Assistance - see https://vpa.vic.gov.au/regional-dcp-toolkit/

Point # 4 (*Growth Rates*) of the above is perhaps the most fundamental because this not only identifies how much housing is needed in any location per annum, but how much future land will be needed to meet that supply.

Growth rates are also key to informing financial calculations about how much any DCP can expect to levy over its lifetime and to identify its limits when considering how much infrastructure could be supported (point # 5).

The following section considers housing land supply and projected growth rates as the key strategic basis for the LENGA DCP and its future.

8.4. Housing land supply and growth projections are the key strategic basis used to inform the Development Contributions Plan

As introduced above, much of the strategic basis for a DCP and the area it should apply to relate to an understanding of housing need (based on past housing demand/ construction rates) and a projected need (using historical trends data). In basic terms – the area of land to be covered by a DCP should be directly sized to reflect the amount of housing construction that will occur over the DCP timeframe. Consistent and strong construction rates provide the optimum settings in terms of certainty to progress (a DCP) if significant shared infrastructure needs occur.

The comments from the 2014 Planning Panel Report (see Figure 4 - Extract of Amendment C112 Part 1 Planning Panel Report 2014) indicate that there was much conjecture around this matter at the time the DCP was prepared. No definitive position was put forward or agreed upon about the need for housing land and likely construction rates. There was also limited discussion presented in the work undertaken by consultants SMEC in either its 2011 Background Report or the 2014 Outline Development Plan as to how growth rates had been considered and future housing demand calculated.

The 2011 SMEC Background Report briefly found that:

> In relation to the existing urban area of Lakes Entrance, a substantial amount of Residential 1 Zoned land is currently available for development (516ha). This includes 361 vacant lots in 2009, with a further addition of 199 lots approved in 2010. Furthermore, this is further supplemented by 104ha of land included in the Low Density Residential Zone.

The above erroneously concludes that 516ha of residential 1 zoned land was available for development, when it is understood it referred to the total amount of Residential 1 zoned land in the urban township of Lakes Entrance at the time[18]. If the other figures of 361 vacant lots plus the 199 lots approved in 2010 are accurate, this alone amounted to a substantial supply of existing housing land for Lakes Entrance, as will be demonstrated in later sections of this report.

[18] Residential 1 Zone refers to the zone in the East Gippsland Planning Scheme at the time. Changes to the naming of zones updated this to the General Residential Zone (GRZ) in later years.

The 2011 SMEC Background Report considered land supply very briefly:

3.5 Land Demand

Between 2005 and 2009, the average number of new dwellings approved was 52 per annum, of which 43 were situated in the Residential 1 Zone. Over this same time period, there was a decline in building approvals from 74 in 2005 to 44 in 2009.

It is likely there was also some inaccuracies in the basic SMEC data above. The very limited construction activity in the LENGA DCP area is an indicator that projected housing land supply and construction rates have not aligned as expected. The following sections investigate housing construction and population growth to understand better why the above has occurred.

It firstly considers data related to actual construction and lot creation, as this is considered to paint a clear picture of on-ground need/ demand. There then follows consideration of Council's Housing and Settlement Strategy (adopted December 2023) and population growth data, which has more nuances associated to it in terms of interpreting and projecting how population growth has or will translate to on-ground housing demand/ construction.

8.5. Housing consumption in Lakes Entrance

This section analyses historical housing consumption within the township to identify, on average, how many new dwellings are constructed each year in Lakes Entrance in order to inform future land supply calculations. This will help to project the demand for land within the LENGA precinct, which is a key input into the financial review of the DCP's viability.

Data sources used:

- Building Permits - building permits issued for new dwellings (source: Victorian Building Authority VBA])
- Occupancy Certificate – occupancy certificate to illustrate the completion of new dwellings (Council data systems)
- Residential subdivision approvals – creation of new legally recognised GRZ1 lots (Council data systems)
- Vacant residential land analysis (Council GIS analysis)

Data notes:

1) There are discrepancies and inaccuracies identified in each of the data sources analysed below, meaning no single dataset can or should be relied on by itself.
2) In combination, they provide an ability to cross-reference each other to provide a good picture of the housing land supply and demand levels in Lakes Entrance.
3) Each dataset analysis provides an approximation of annual new dwelling construction rates rather than an exact figure but when compared to each other, they are used to illustrate a general level of consistency. It is not intended that they provide an exact or definitive figure.

8.5.1. Victorian Building Authority (VBA) - Building Permit Data

Official Victorian Building Authority (**VBA**) data reveals the following net new dwelling approvals in Lakes Entrance for the years 2009 to 2023:

Table 1 - Victorian Building Authority (VBA) - building permit data for new dwelling construction in Lakes Entrance

Year	New dwelling approvals (3909 postcode)
2009	31
2010	15
2011	24
2012	28
2013	21
2014	15
2015	17
2016	21
2017	17
2018	22
2019	16
2020	17
2021	14
2022	16
2023	22
Total/ Average	296/ 19.7

Data Notes for Table 1:

1) Period 2009-2023.
2) Qualification was identified by cost of project >$150,000 (ABS data indicates average cost of constructing a dwelling in 2007-08 in Victoria was $226,000 (ABS average dwelling construction cost changes in Australia 1987-88 to 2007-08)
3) Includes all of 3909 postcode area, which is greater than the Lakes Entrance township area.
4) Data shows net new dwelling construction and does not include knock-down and rebuild projects. The purpose of this analysis aims to identify average annual demand for new housing to inform future growth projections.

VBA data is not readily available pre-2009, however; it does provide a picture that prior to the rezoning of the LENGA in 2014, a total of 119 new dwellings or an average of 24 dwellings per annum were approved in the period 2009 to 2013. Overall, the figures demonstrate that there is an average of 20 (rounded) dwellings per annum being constructed in the whole Lakes Entrance township. The data also shows relative consistency in the levels of new dwelling approvals year-on-year between 2009 to 2023 (15 years) even allowing for events such as the rebound from the 2007-2008 global financial crisis or COVID. There are no significant peaks and troughs.

8.5.2. Occupancy Certificate Data

To further verify building permit data, an analysis of occupancy certificate[19] data for the Lakes Entrance urban township area has been undertaken based on the records available to Council. This indicates that between the period 2013 to 2023, a total of 205 occupancy certificates were issued, averaging 19 dwellings (rounded) completed per annum, which is reasonably approximate to the VBA data, allowing for the possibility that not all building permits were acted upon or completed.

8.5.3. Vacant Lot Analysis

Further analysis has also been undertaken of vacant lots in the Lakes Entrance urban township area using Council's GIS system. This indicates that there are a total of 407 vacant general residential zoned (**GRZ**) lots, amounting to 113ha of land potentially available for housing. If some simple assumptions are made about the future development capacity of this land, the 407 existing vacant lots could theoretically provide up to 791 residential lots/ dwellings[20].

Notwithstanding, the number of 407 vacant lots today can be analysed against the number of vacant lots at the time the DCP was prepared (361) and subdivision approvals since to identify annual lot consumption as a further test of housing land supply – see below.

8.5.4. Residential subdivision

A final source of data to inform housing demand and supply in Lakes Entrance is residential subdivision data and the creation of legally recognised GRZ lots.

The 2011 SMEC Background Report suggests that there were 361 vacant GRZ lots available in 2009[21]. As above, analysis of Council's GIS system in December 2023 indicates that there were 407 vacant lots available.

In the period 2009 to 2023 (15 years), records indicate that:

- 361 vacant residential lots in 2009 (per SMEC 2011 report)
- 407* vacant residential lots in 2024
- Since the beginning of 2009 there have been 417 GRZ1 residential lots created (lots registered rather than just approved by a subdivision permit).

[19] An occupancy certificate is provided as the final stage of dwelling construction to demonstrate that it meets all building code requirements. While a building permit may be approved (enabling works to commence), an occupancy certificate is confirmation of the completion of a dwelling.
[20] Based on a conservative development assumption that 70% of the113ha of the land will be available for development allowing for some encumbered land, roads etc. Of the balance a further conservative assumption of 10 dwellings per hectare is assumed to calculate potential urban capacity.
[21] It is unclear what data source was used by consultant SMEC.

- Total vacant serviced lots available in Lakes from 2009 to 2024 = 778 (vacant starting supply in 2009 + lots created since)
- Total lot consumption (total supply 778 – current vacant stock of 407) = 371 or average of 24.7 per annum

8.5.5. Average annual dwelling construction/ lot consumption for Lakes Entrance

Comparison of the above data sources indicates the following:

Data Source	Average annual lot/ dwelling
VBA annual average construction of new dwellings:	20 (rounded)
Occupancy certificate annual average:	19
Annual lot consumption:	25
Average	**21**

The average of the above indicates an approximate average lot/ dwelling consumption rate of 21 per annum for Lakes Entrance. The caveats to the data mean that each source should be considered an approximate rather than an exact figure. New dwelling construction data and lot creation data indicate an approximate alignment about the level of annual demand for housing lots/ new dwellings in Lakes Entrance around the 21 dwellings per annum level. The period of the data analysed is considered to be sufficient to provide confidence of an established pattern of activity that could be relied upon to inform future housing land supply needs.

When it is considered that the DCP requires an average of 34 dwellings to be constructed per year in the LENGA precinct alone, the fact that the construction rate for the whole of the township is well below this (on average), indicates the significant challenge to DCP implementation.

8.6. Future housing land supply & growth rates in Lakes Entrance

Council has recently adopted the *East Gippsland Shire Housing and Settlement Strategy (December 2023*). It is supported by the *East Gippsland Shire Housing & Settlement Strategy: Background Paper East Gippsland Shire Council October 2023 (**2023 SGS Background Paper**).*

The 2023 SGS Background Paper has identified housing capacity in Lakes Entrance for an estimated 2052 dwellings (see **Table 2** - Housing capacity in East Gippsland Shire townships, as per Council's adopted Housing and Settlement Strategy (Dec 2023), by SGS Consultants. This number is based on a number of inputs, including analysis of identified structure plan capacity, existing zoning and zone conditions, lot vacancy, future subdivision potential etc. The report acknowledges there are a number of limitations to the analysis and recognises that it is a theoretical capacity for strategic planning purposes only. No allowance can be made for actual capacity given a range of factors including landowner intent, site conditions etc.

The SGS approach within the Housing and Settlement Strategy assumes an average annual growth rate for the Shire of 1.39% over the period 2021 to 2041.

Council's own vacant lot analysis, as discussed in previous sections, indicates 407 current vacant GRZ lots outside of the LENGA precinct within the urbanised area of Lakes Entrance. Applying some very high-level assumptions about future development capacity of this land, this indicates a theoretical and untested capacity for approximately 791 dwellings. Alongside the 2014 identified total yield for the LENGA precinct of approximately 1010 dwellings, this indicates a possible supply of 1800+ dwellings.

Council acknowledge that its analysis is far more simplistic than that of SGS, however; for the purposes of testing estimated future housing capacity, it provides support to the conceptual capacity being in the order of 2000 dwellings in the township.

Table 2 - Housing capacity in East Gippsland Shire townships, as per Council's adopted Housing and Settlement Strategy (Dec 2023), by SGS Consultants.

District	Dwelling capacity	Capacity (ha)
Bairnsdale	4,250	2,306
Lakes Entrance	2,052	983
Paynesville	3,054	657
Orbost	500	223
Twin Rivers	858	1,202
Omeo	273	126
Metung	456	207
Lindenow	396	297
Other	519	930
Total	12,358	6,930

Source: SGS Economics & Planning, 2023

8.7. Housing capacity

There are different interpretations surrounding the number of years of projected housing supply available in Lakes Entrance. This is typical in demographic analysis where a number of sources, assumptions and scenarios may be applied. The following section considers the available data and inputs to identify how many years of housing is available in the Lakes Entrance township.

The 2023 SGS Background Report suggests that a dwelling capacity of 2052 would amount to 25 years of supply, recognising that while much of this was within the urban township area, it covers the broader Lakes Entrance statistical area. This assumes an average annual construction rate of 82 dwellings.

When compared to the lot consumption data based on actual construction/ development data sources that is available, there would appear to be a disconnect here between projected supply and historical demand trends. Lot consumption data, across different data sources indicates demand for new dwellings to be running at a much lower level, only 21 new dwellings per annum, meaning that the identified supply is likely to be much greater than 25 years.

As can be seen in the following section, there is an alternative scenario being projected for growth in Lakes Entrance. Different projected growth rates, a proxy for housing demand, can alter the projected years of housing supply.

8.7.1. Examining growth expectations for Lakes Entrance 2021 to 2041 (forecast)

Demographic experts .id - Informed Decisions (hereafter **ID**) provide detailed data and insights to Council on a range of key population, housing, economic and community matters[22].

Population growth forecasting for the broader Lakes Entrance statistical area by ID indicates that Lakes Entrance is expected to grow at just 0.69% over the period 2021 to 2041 in comparison to the overall growth rate for the Shire of 1.10%. (noting the higher 1.39% growth rate used by Council's adopted Housing and Settlement Strategy), Bairnsdale and Paynesville along with Twin Rivers are forecast to experience growth rates above the Shire average at 1.25%, 2.10% and 1.54% respectively.

Table 3 Projections of population growth for East Gippsland centres 2021 to 2041, by .id (Informed Decisions)

Population summary							
East Gippsland Shire	**Forecast year**					**Change between 2021 and 2041**	
Area	**2021**	**2026**	**2031**	**2036**	**2041**	**Total change**	**Avg. annual % change**
East Gippsland Shire	48,404	51,633	54,481	57,299	60,271	+11,867	+1.10
Bairnsdale	17,406	18,710	19,944	21,031	22,296	+4,890	+1.25
Bruthen - Buchan	1,518	1,536	1,552	1,569	1,609	+91	+0.29
Lakes Entrance	8,629	9,091	9,417	9,685	9,900	+1,271	+0.69
Lindenow	2,308	2,500	2,535	2,573	2,628	+320	+0.65
Mallacoota - Cann River	1,611	1,642	1,651	1,678	1,703	+93	+0.28
Metung	2,293	2,464	2,590	2,758	2,954	+661	+1.28
Omeo/Swifts Creek	1,278	1,245	1,226	1,212	1,210	-68	-0.27
Orbost	4,077	4,156	4,217	4,296	4,363	+287	+0.34
Paynesville	6,388	7,149	7,937	8,822	9,678	+3,290	+2.10
Twin Rivers	2,897	3,140	3,411	3,675	3,930	+1,033	+1.54

ID indicates that for the broader Lakes Entrance statistical area, a total of 660 dwellings is required between the period 2021 to 2041, an annual average of 33 dwellings per annum to meet the projected 0.69% growth rate. Allowing for a 25% proportion of this projected need to

[22] See https://profile.id.com.au/east-gippsland

be discounted for rural housing supply (given larger statistical area it projects to and current split of rural to residential living), the ID projected future dwelling need is 25 (rounded) - which approximately aligns with the historical lot consumption data analysed by Council in 8.5.5.

The growth rates projected by ID for Lakes Entrance are based on historical patterns of growth, construction activity and ABS census data. Forecasting, by its very nature, is not an exact science and cannot account for unforeseen circumstances or societal trends and change. COVID is a very real example of an impact to national, urban and regional growth patterns (at least temporarily) that cannot be factored into future projections at the time they are made.

8.8. Australian Bureau of Statistics (ABS) historical population growth data for Lakes Entrance urban centre

ABS historical census data indicates that growth in the Lakes Entrance 'Urban Centre' has been relatively modest over a 20-year period (2001 to 2021) as illustrated below. Population counts indicate that the Lakes Entrance township has grown by a total of 1024 people at an average of 51.2 per annum over this period. If the average household size of 2.2 persons[23] is applied to the ABS average of annual population growth in the Lakes Entrance urban centre (51.2 people per annum), this equates to a need for 23.2 new dwellings per annum to accommodate future growth at this scale.

This would tend to support the modest growth rates projected by ID for the broader statistical Lakes Entrance area over the next 20 years, recognising that it is projecting a continued slow-down of population growth even against the 20-year average.



Figure 6 Lakes Entrance 'urban centre' statistical area - as defined by the Australian Bureau of Statistics (ABS)

[23] 2.2. is the average household size in East Gippsland Shire (.id), as of 2024.

ABS data for the Lakes Entrance urban centre from each census between 2001 and 2021[24] reflects the pace of growth within the township as follows:

Table 4 Historic population growth for the Lakes Entrance 'urban centre' over 20 years, ABS historic data series.

Census year	Lakes Entrance Urban Centre Population	Population increase on previous census	% increase
2001	5503	N.A	N/A
2006	5549	46	0.83%
2011	5965	416	7.49%
2016	6071	106	1.7%
2021	6527	456	7.5%
Total change	+1024 (average +51.2 per annum)		18.6% or 0.93% per annum

The ABS historical data shows some strong fluctuations in growth rates between specific census periods. The ID projected annual growth rate of 0.69% for Lakes Entrance over the next twenty years should be tempered by the possibility of periods of greater growth. Forecasts will be updated throughout this period. Despite the periods of population flux, the ABS data provides a long-term historical average of population growth that accounts for cyclical periods of higher and lower population growth that can inform future housing supply needs.

It is noted that the 2011 census would have represented the most up-to-date data at the time the LENGA was being prepared. It shows a more consistent period of growth (83 people per annum, a theoretical housing demand of 38 dwellings). If this statistical period was considered in isolation, it would lead to different modelling of future housing need compared to the 2006 period for example (46 people over 5 years). The 20-year analysis provides a clear indication of the challenges for regional housing projection and the cycles of growth and decline that are experienced.

Historical growth prior to 2000 indicates that growth in the Lakes Entrance township ran at much higher rates. The Lakes Entrance Urban Design Framework (2007) indicates that in the fifteen years prior to 2000, growth in the township occurred at 2.0%. In the 20 years since, it is apparent that growth has declined significantly. No doubt, previous rates of growth were part of the reason that the LENGA was identified for future residential development, on the assumption that if growth continued at previous rates, the town would need options to expand.

It is also worth noting that despite the fluctuations in population growth, housing construction data, such as VBA new dwelling permits, has seen a more even spread of activity since 2009. Population growth doesn't necessarily convert to new dwelling demand as this data would perhaps suggest. Population increase can include families greater in size than the average 2.2-person household size, which would reduce the calculated dwelling need. Alternatively, new residents may be accommodated in existing vacant accommodation. The increase in the population aged 55 and over cohorts might be explained by people retiring into their second home/ holiday home for example. The 2007 Lakes Entrance Urban Design Framework for

[24] A period of 20 years was considered reasonable for the purposes of illustrating long-term trends in population growth for Lakes Entrance.

example, indicates that vacant dwelling rates ran at 22% in 2001, but by 2021, this had dropped to 14% (SGS), suggesting that existing properties have contributed housing options for population growth.

8.9. Calculating the long-term housing supply in Lakes Entrance & the LENGA

The ABS annual average population growth figures, translated to a dwelling demand of 23 dwellings, represents the most aggressive housing demand consumption rate of those identified by this Review. Using this figure as the highest growth rate that might need to be considered by a calculation of housing land needs, a supply of 2052 lots (per SGS) would give a theoretical total housing pipeline of approximately 89 years for Lakes Entrance.

The LENGA DCP applies to an area with an identified housing capacity for 1021 dwellings. If all other housing supply in the Lakes Entrance area was disregarded and it is assumed that LENGA supplied 100% of the 23 lots/ dwellings required in Lakes Entrance per annum, this capacity alone would represent a future supply of 44 years based on average lot consumption rates.

When the total housing land supply for the whole township is factored in, annual lot consumption/ dwelling construction within the LENGA would be assumed to be a proportion of the total supply for the township, as it is today. At 50% (because the LENGA DCP area contributes approximately 50% of the total housing supply) this aligns the build out period for the LENGA with the total number of years of housing supply in the township i.e., 89 years.

If annual construction rates in Lakes Entrance is assumed to run at 23 dwellings per annum, this means that a total of 230 dwellings would have been constructed in the township during the 10 years since land in the LENGA was rezoned (2014 to 2023). The 36 dwellings constructed in the LENGA DCP area equates to just 15% of the total constructed housing/ lot supply in that 10-year period.

It is of course difficult to project how construction activity will occur within the township into the future. It is likely that the percentage of housing constructed in the LENGA will increase as other housing land supplies are exhausted or if new developments come forward in the Precinct.

What is unlikely to change is the overall housing demand within the township, which has remained relatively static over the last 15 years if building permit data, for example, can be relied upon. Without being able to foreshadow a dramatic uptick[25] in housing demand, it essentially means that 44 years is likely to be the (unrealistic) minimum build out period (@ maximum average 23 dwellings per annum) for the LENGA but a more likely figure will be somewhere reasonably in excess of that given other housing supply. Either scenario will see construction activity occurring long after the 30-year time horizon of the DCP – meaning the DCP cannot capture the necessary contributions to enable it to balance/ fund infrastructure.

[25] .id data indicates that Lakes Entrance is predicted to grow at ### over the period 2021 to 2041.

8.10. Projected dwelling construction.

ID project that dwelling construction is forecast to follow the following pattern in Lakes Entrance over the period 2021 to 2041:

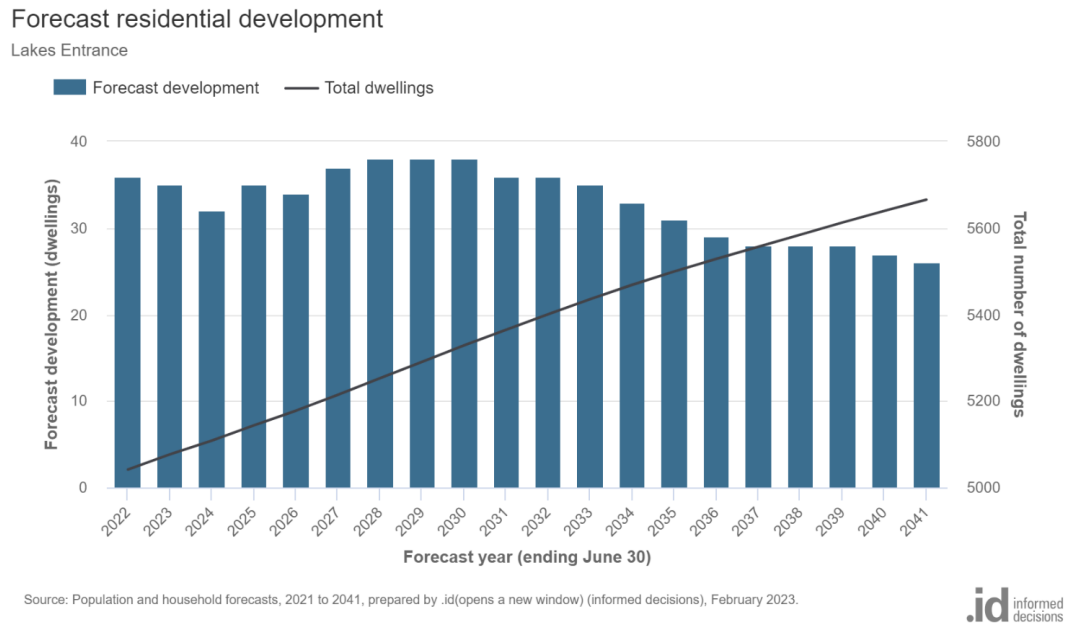


Figure 7 Potential housing construction activity to meet demand in Lakes Entrance statistical area 2021 to 2041, by .id (Informed Decisions), 2024 data.

The following assumptions are made by ID in respect of how the projected housing demand of 660 dwellings may be accommodated within the available housing areas in the Lakes Entrance area over that period. It is noted that it includes an allowance for a miscellaneous level of infill housing to occur in a multitude of locations to complete the balance:

- Lakes Entrance Northern Growth Area* - 82 dwellings (2017-2022)
- Merrangbaur Heights Estate* - 17 dwellings (2017-2023)
- Lake Bunga Court and surrounds - 16 dwellings (2017-2027)
- Cabarita Point - 16 dwellings (2017-2028)
- Stirling Drive South - 22 dwellings (2017-2032)
- Lakes View Estate - 26 dwellings (2017-2032)
- Oceans 99 - 90 dwellings (2017-2036)
- Sea Lakes Close and surrounds - 19 dwellings (2018-2027)
- 17-37 Golf Links Road - 21 dwellings (2018-2030)
- Lakeview 55 - 24 dwellings (2020-2035)
- Future potential residential supply - 74 dwellings (2023-2041)
- Small sites - 7 dwellings
- Moderate-high level of infill (15-25 dwellings per annum)

*Parts of the Merrangbauer Heights area sit within the LENGA precinct (as defined by the ODP, but outside of the DCP area.

The above recognises that land supply in Lakes Entrance comes from a multitude of sources, as evidenced by the quantum of housing land discussed earlier in this review. ID reasonably apportions the future housing need across different development areas and is a mathematical approach toward demonstrating how demand might be met. Actual construction activity will no doubt differ somewhat to the projected outcomes. It does, however; highlight the competitive housing land market in the township that will impact on the overall proportion of development (and rate of construction) that the LENGA may capture over the next twenty years. It provides no strategic support to continue the DCP given the disparity between required construction rates in the LENGA and the proportion of development activity it is likely to contain alongside other development sites.

Overall, Lakes Entrance has a competitive and varied pipeline of housing land available to it to meet future needs. This is not a condition that would support a DCP.

8.11. A DCP requires careful attention to growth projections.

It is reasonable to assume that population projections can expect to change. Historically in Victoria, actual growth versus projected has often differed. Council's adopted Housing and Settlement Strategy (2023), for example, has assumed optimistic growth rates (higher than present) on the basis that this provides sufficient flexibility from a housing land supply perspective to absorb a scenario where more land is needed that anticipated. This is considered to be a fair and reasonable approach that provides options to the housing market and factors in the range of challenges of bringing land to the market.

In a DCP scenario, however; it would be compromising to adopt a similarly optimistic (high) growth 'scenario' for a precinct where historical and current trends do not point to such outcomes. A DCP is a legally binding infrastructure funding model that carries substantial financial liability and risk. This requires care and accuracy (as much as possible) over the data and inputs that are used to inform a strategic case for or against a DCP.

If a DCP is built on false expectations of growth that do not eventuate, this could result in it:

a) Having an unrealistic time horizon
b) Identification of infrastructure that may not be needed;
c) Create false timing or expectations about when infrastructure may be needed and, critically,
d) Result in a DCP being unviable and unimplementable.

8.11.1. Aligning a DCP to construction timeframes

The State Government's 2007 Development Contribution Plan Guidelines (**DCP Guidelines**) are '*a guide for the appropriate and practical application of the development contributions system'*. It captures the situations where a DCP is likely to be effective. It has regard to high levels of urban growth and, in the final points, references 'rural' areas (read: regional) and clearly highlights concerns around the quantum of growth and unpredictable growth rates that may not merit a DCP:

When will a DCP be most effective?

Only new development can be charged a development contribution levy. This means that a DCP is likely to be most effective when applied to areas that will experience a high degree of change.

DCPs are likely to recover the greatest proportion of the cost of infrastructure provision in areas experiencing high levels of urban growth, such as greenfield sites on the fringe and large redevelopment sites within established urban areas.

A DCP can also be a suitable mechanism for obtaining contributions towards infrastructure in established urban areas that are experiencing dispersed new development. In this situation, a DCP will allow the council to collect a proportion of the cost of providing the infrastructure, but is unlikely to recover the whole cost.

In rural areas, the amount of new development and consequently the levies likely to be collected may not warrant the preparation of a DCP. A further difficulty for rural councils is that growth is often unpredictable in terms of timing and location. However, there may be specific circumstances in which a DCP may be suitable.

Figure 8 - Extract from page 14 of the State Government's Development Contribution Guidelines, 2007. Note Council emphasis added.

8.11.2. Housing supply uncertainty and the DCP

With regard to the DCP, the analysis of housing demand and supply in this review indicates that even the extensive 30-year timeframe for the current LENGA DCP is now highly optimistic. This is in the context that a DCP assumes a 100% precinct build out over the fixed horizon period to balance financially. What this Review finds is that with a minimum build out period of 44 years (but likely longer), the DCP was never likely to be financially sustainable or capable of collecting sufficient funds in a timely manner to deliver infrastructure. From day 1, the LENGA DCP needed to experience annual dwelling construction rates at 34 dwellings per annum to be viable and balance financially. Crucially, this would require dwelling construction to run at 114% of the 23 dwelling annual average for the whole township and assume no dwelling be built outside the LENGA precinct.

The total of 36 dwellings and $130,000 collected by the DCP in the first ten years provides clear evidence of the shortcomings of the housing demand/ supply context for the LENGA, including an acknowledgement that much of the housing supply in the Lakes Entrance township continues to be met outside of the Precinct.

The projected build out period for the LENGA is a significant challenge when evaluating its performance to date and whether it continues to be feasible. The DCP Guidelines provide the following guidance about the time horizon for a DCP:

DCPs must have a reasonable time horizon

A DCP must include a time horizon. This time horizon should not exceed 20 to 25 years. If the time horizon is not reasonable, new development in the early years will be paying for infrastructure that will not be delivered until many years later. This is inequitable and unreasonable.

The existing DCP, at 30 years, is already beyond the preferred horizons indicated in the guidelines. The housing supply analysis in this review indicates a much longer timeframe than thirty years for the full build out of available land within the LENGA precinct. This timeframe and that of the DCP do not align. Per the guidelines, this would make any DCP highly inequitable and unreasonable but also a substantial financial risk to developers and Council, which is discussed below.

A DCP can't just be extended – there needs to be a reasonable expectation that infrastructure will occur.

8.12. Is the DCP still viable?

A DCP is tied to construction rates and assumed cash-flow to fund infrastructure over its fixed horizon period. A DCP becomes fundamentally flawed if construction rates have not been calculated correctly or there is a significant downturn in construction activity. It also enforces a legal obligation on Council to deliver works within the fixed DCP period irrespective of construction activity.

With just 20 years remaining in the 30-year LENGA DCP, construction rates are at insufficient levels to support infrastructure funding. It is highlighted that not a single infrastructure project identified in the DCP has been delivered.

Where a DCP applies, slow growth and uncertain development rates also pose a possible challenge to the development industry – either in the general level of confidence of the DCP to deliver projects or as a financial risk to the developer when considering DCP infrastructure project as 'works in kind' (**WIK**)[26].

Where a developer might deliver a WIK DCP project and it costs more than the DCP levy it owes – a developer would then be owed a credit for the cost of works beyond its calculated contribution. It is normally repaid by Council when sufficient funds are available in the DCP account. A DCP with slow and uncertain construction rates can take a considerable and uncertain time to pool sufficient funds to repay any developer credits. This would most likely make a developer hesitant to take such a risk where repayment timeframes can have no guarantee (i.e., the 'unreasonable' test of the DCP guidelines). In this scenario, delivering infrastructure items through WIK processes might become a challenge, leaving Council to deliver or 'gap'[27] fund projects as the only alternative. To do so, Council would have to consider alternative funding sources, including debt funding to repay a developer early (to encourage works in kinds projects for example) – with the same risks of uncertainty surrounding repayment timeframes. The financial risks here, for all parties, are evident. WIK agreements also entail

[26] Works in kind is when a developer delivers an identified infrastructure project because it is timely and beneficial for them to do so and it then receives a credit against any DCP contribution.
[27] That is Council pay the difference between a developer's contribution and the cost of the DCP project.

significant administrative work from Council's perspective which is created by the need to closely account for funds against the DCP.

As discussed later in this report through section 11, the DCP was never constructed on the basis of Council funding works through loan funding. Such complexity would have entailed a detailed understanding of projected construction rates in order to inform any financial modelling and loan system.

Councils are also challenged by requirements for 10-year capital works and financial planning commitments under the new Local Government Act 2020. Legally, a DCP sits as a liability for Council, but also potentially requires some form of forward planning for capital works related to a DCP. This can become a challenging commitment when the need for infrastructure is so uncertain in a low growth or unpredictable DCP setting.

8.13. Findings and recommended actions to Key Issue # 3

Overall, Key Issue #3 finds that:

1. Growth within the LENGA has not progressed as might have been anticipated at the time planning work on the LENGA commenced in 2010.

2. Since 2000, growth rates in the Lakes Entrance township have reduced from over 2% to 0.98% and forecast to slow further to 0.69% over the period 2021 to 2041. It means that the pressure for housing land continues to decrease and the total years of supply in the township has, conversely, increased (as a result of reduced annual demand). The build out period for the LENGA will far exceed the original allowance of 30-years established by the development contributions plan.

3. There is a varied supply of housing land in Lakes Entrance that has continued to meet much of the housing needs of the township.

4. While development activity within the LENGA precinct has been limited, it is relative and proportionate to the overall levels of population growth, housing demand, housing supply and construction in Lakes Entrance over a twenty-year period.

5. There is no longer any strategic basis to implement a Development Contributions Plan for the LENGA based on low construction activity and housing demand and the growth conditions in Lakes Entrance evidenced by this Review. The forecast level of construction activity in the LENGA precinct means that the DCP will be unfeasible and unworkable because it will not be capable of raising sufficient funds for shared infrastructure over a fair and reasonable time horizon.

6. It is recommended the DCP is removed and infrastructure is provided via the following process, as it would elsewhere in the municipality:

    - The Outline Development Plan (ODP) should be updated to identify higher order infrastructure needs i.e. intersections, any road widenings, open space.

- Careful consideration in the drafting of any revised ODP can consider and identify the need for any shared infrastructure needed between landowners and the need for legal agreements to share costs between identified beneficiaries.
- Applications for subdivision will need to demonstrate how infrastructure is to be provided and when.

9. Key Issue #4 Setting expectations for LENGA - growth challenges and infrastructure provision in regional Victoria.

9.1. Introduction

Before considering what options might be available if the DCP is not able to be implemented for the LENGA, it is important to contextualise the general challenge facing many Victorian regional centres and future housing growth.

9.2. Growth in regional Victoria

Growth in regional Victoria has long had its own challenges, particularly around growth rates, development momentum and development and infrastructure financing and delivery. The DCP Guidelines, referenced earlier in this review, acknowledged these as far back as 2007.

Council's DCP consultant, SGS, has separately prepared a paper on behalf of the Municipal Association of Victoria (MAV) titled '*Shaping regional and rural Victoria: A discussion paper*', 21 December 2023. In it, it captures the challenges in regional Victoria of developing precincts such as the LENGA:

> ***Fragmentation and coordination challenges in regional greenfield development areas***
>
> *Many greenfield development areas in regional Victoria are hampered by a lack of scale and consistent development momentum. The issues that arise include:*
>
> - *Difficulties in sequencing land for release in a coordinated fashion, because some areas otherwise zoned and ready for development are being withheld (e.g. owners are not ready to sell or are content using the land for another use), or ownership is fragmented (including sometimes in restrictive rural and low-density residential zones) and coordination of owners is difficult*
> - *An inability to 'forward fund' development infrastructure which is critical to support efficient and development (e.g. smaller scale developers or landowners are unwilling to finance significant drainage or roadworks required to open a development front; or councils are unwilling to borrow or commit to Development Contribution Plans that imply financial obligations when receipts linked to future development may be uncertain or 'bumpy').*
>
> *The barrier of upfront infrastructure financing (and implications for development feasibility) is quite typical in small scale development areas across Victoria but can also be manifest in regional cities with significant new development fronts such as Geelong and Ballarat.*

> *It means that 'first mover' developers can be deterred from undertaking housing development which is otherwise required to meet housing needs. In some contexts councils themselves are undertaking small developments to fill the market gaps, recognising that there is unfulfilled demand for housing.*

The above relates to the actual on-ground experience during the first ten years of the LENGA precinct as evidenced by this review, notably lack of scale and development momentum in the precinct.

9.3. Establishing reasonable growth expectations for Lakes Entrance

At the current time, Lakes Entrance does not have an unfulfilled demand for housing, as shown in this review. Indeed, the evidence indicates that there is a plentiful supply of housing land in the system that provides adequate choice to the local housing market. Construction rates for new housing in the township are commensurate to population growth and instead of being considered low or slow, they are simply relative to what is required to meet local demand. Other centres, notably Bairnsdale, experience higher comparative growth rates due to the higher order nature of the settlement.

Growth rates do not indicate that there would be a need for Council or State Government to consider any interventions in the LENGA, such as providing infrastructure as a tool to catalyse development (this can also distort the market unfairly). Any perception of slow levels of construction activity in the LENGA being related to implementation challenges should be discounted because of two main factors, notably the relative demand for housing in Lakes Entrance in the first instance, of which the LENGA can expect to attract a portion but not all of the market (the DCP demands all of the market). It is also because the scale of the LENGA precinct is mismatched to any short to medium-term need, which might create the false sense of unfulfilled need or lack of 'consistent development momentum'. The evidence of the analysis in this Review indicates that development in the LENGA has probably occurred as expected in the context of local demand and supply data that has been analysed.

With this understanding, expectations of the need and demand for infrastructure provision in the LENGA precinct need to be re-set accordingly.

Demand for housing in the LENGA or Lakes Entrance will not be created by infrastructure. Housing demand has remained relatively static for a considerable period. It is instead a combination of factors that create housing demand, including business and employment growth, income levels, regional tourism growth and a broad range of supporting infrastructure, such as public transport, health care, education and community infrastructure. The 2014 *Gippsland Regional Growth Plan* State Government of Victoria)[28] indicates that the majority of housing growth in East Gippsland is expected to occur in Bairnsdale as the Shire's main commercial and administrative centre. It also acknowledges that regional housing demand will be greatest in the west (of Gippsland), closest to Melbourne, with more remote locations seeing slower more stable growth. Where growth is slower and stable, the emphasis is likely to centre more on meeting the changing demands of our population, including those of an increasingly ageing population. The Regional Growth Plan identifies that East Gippsland will have a higher

[28] See: link to Gippsland Regional Growth Plan 2014

proportion of people over 65 compared to the Victorian average. ABS data indicates that in 2022, the Lakes Entrance statistical area (SA2) had 51.3% of its residents within the working age population against an Australian average of 64.6%. This will place greater focus on also meeting better health care or social services along with housing diversity to meet the needs of the future population locally. More broadly, how to attract and retain younger people and families is a challenge faced by many regions.

Our health and wellbeing also requires careful consideration of where we live, which is part of a whole-of-place approach to ensure future communities and residents in settings such as LENGA are connected into the broader community, as highlighted by Council's Community Health and Wellbeing Plan (2021-2025)[29]:

> *Where we live has the potential to influence our quality of life and therefore our health and wellbeing. Access to natural and built environments like public transport, community and retail facilities, footpaths, nature parks and reserves play a significant role in either facilitating or impeding our ability to engage in health-promoting behaviours.al parts of Victoria.*

The LENGA has an opportunity to provide a wide range of future diverse housing options over a long period of time that can recognise and respond to demographic changes, such as an ageing population or the shift to single person households.

Re-setting expectations for the LENGA, including the pace of anticipated change, is the key to adapting the planning scheme framework to one that is more flexible and longer-term in its outlook. Infrastructure alone is not the driver to housing demand and only a more holistic plan for regional growth, health and wellbeing and investment will impact the overall attractiveness of Lakes Entrance as a growth centre over time.

9.4. Findings and recommended actions to Key Issue #4

Housing growth in Lakes Entrance is commensurate to local demand for housing. Housing growth will occur at a rate relative to the overall ability of the township to attract new residents and meet their needs. In the case of East Gippsland, other higher order centres are projected to see stronger growth rates commensurate with the range of services, employment and other facilities and attractions they provide. There is a sufficient supply of housing land in Lakes Entrance and there is no evidence of an unmet housing need that would require any Council intervention (e.g., infrastructure delivery).

Development within the LENGA precinct can be expected to occur in small, incremental development stages over a long period of time. Phases may occur more quickly than others in response to development conditions of the day, but overall growth will likely occur at a manageable rate. The planning framework needs to be mindful of this development context and to acknowledge the limitations this might apply to the scale and type of residential development that might come forward. Equally, Council will have the time to prepare integrated place-based strategies for the township that can better address aspects such as community infrastructure needs, health and wellbeing and coastal inundation.

[29] See "WELL PLACED FOR WELLBEING" PARTNERING FOR HEALTHIER AND MORE CONNECTED COMMUNITIES IN EAST GIPPSLAND 2021-2025 Health and Wellbeing Plan.

It is recommended that:

1. Separate to work on the LENGA, a future Lakes Entrance place-based strategy that identifies the future growth needs of the whole township be considered. This might include community infrastructure and open space, economic growth (jobs, commercial, employment land) and health and well-being, coastal inundation, resilience and future proofing, for example, which will target and drive longer term growth needs and planning for the township.

10. Key Issue #5: Drainage and the Development Contributions Plan

10.1. Introduction and background context

Urban development on the often steeply sloping topography of the LENGA precinct means that management of stormwater to prevent downstream impacts beyond the precinct is an important consideration.

A report titled '*Northern Growth Area - Lakes Entrance – Development Concept Plan Hydrology*', Water Technology Pty Ltd, R03, October 2013 (the **2013 WTS Strategy**) was prepared in conjunction with the ODP and established a drainage strategy for the site. It is a 'background document' to the Planning Scheme.

The Development Plan Overlay in the Planning Scheme requires all future development to have regard to the 2013 WTS Strategy.

The 2013 WTS Strategy detailed a drainage solution for the site that adopted a linear 'on-line' system of retarding basins, wetlands and sediment ponds to manage water along the declared waterway corridors in the precinct. This resulted in the identification of a total of 11 drainage infrastructure projects needed to implement the 2013 WTS Strategy.

The basic premise of the 2013 WTS Strategy was a 'regional' drainage strategy – meaning that a small number of drainage assets would provide a shared drainage solution to 31 properties. An opposite approach being that each development site could identify its own solution. The regional approach is considered to be more efficient because it reduces overall land take, construction costs and future maintenance.

The 2013 WTS Strategy directly informed the DCP – with the 11 drainage infrastructure projects being included into the DCP, based on concept design and costings.

In the period since the rezoning of land in 2014, reviews have been undertaken in respect of the drainage scheme, which resulted in a revised drainage strategy prepared by consultant Stormy Waters Solution, titled 'Lakes Entrance Northern Growth Area (LENGA) Revised Drainage Strategy', October 2022 (**2022 SWS Strategy**).

The reasons for reviewing the 2013 WTS Strategy were varied, including limits on the consideration of the flooding impact in Lakes Entrance township from a total catchment perspective; concerns identified by officers that the concept level of detail was insufficient and that assets needed to be designed and costed to site and that the strategy incorporated a number of features no longer supported by the Council (such as bioretention systems or large underground storage tanks).

The 2022 SWS Strategy adopted many of the principles and objectives of the 2013 WTS Strategy and sought to update it with a number of identified objectives that included, amongst others: a rationalisation of the number of drainage infrastructure projects needed; better identify project costs and design assets to site conditions.

The 2022 SWS drainage strategy identifies 9 drainage infrastructure projects (internal to the LENGA) and would supersede the 2013 WTS Strategy as the preferred drainage outcome for the LENGA precinct. It is noted that the Council has not adopted the 2022 SWS Strategy.

The 2022 SWS Strategy also identifies that the declared waterways in the ODP were not correctly mapped in 2014 due to errors in Government mapping. This will require some modifications to the ODP to correct it.

10.1.1. What is the preferred drainage strategy for the LENGA?

The extensive consideration of drainage in the precinct over the last ten years has evolved the drainage strategy to be efficient and reflective of current best practice. A regional drainage strategy would help to minimise the overall number of drainage infrastructure projects needed in the precinct.

This review recommends that the 2022 SWS Strategy be adopted as Council's preferred outcome for the reasons outlined above.

Notwithstanding, the 2013 WTS Strategy is still the adopted drainage strategy and the one included into the DCP for implementation. To update the DCP and replace the 2013 WTS Strategy with the 2022 SWS Strategy as a background document to the Planning Scheme would require a planning scheme amendment.

Before considering whether it is appropriate to update the drainage strategy and the DCP through a formal amendment (given the recommendations elsewhere in this report), Council acknowledges that due consideration needs to be given to implementation challenges and complexities of any shared drainage solution.

The basis for the DCP and implementation of the drainage strategy is considered separately at Key Issue #3 and #6 respectively in this Review.

10.2. Findings and recommended actions to Key Issue #5

It is recommended that:

2. The Stormy Waters be adopted as the preferred drainage strategy for the LENGA precinct to work toward as the most efficient and effective outcome; but

3. Recognise that the planning system needs to be sufficiently flexible to overcome implementation challenges that are outlined in the following Key Issue # 6.

11. Key Issue #6: Did the LENGA precinct require a DCP for infrastructure funding & delivery?

11.1. Introduction

The previous sections have analysed the strategic basis for a DCP, including consideration of future housing demand and construction rates that underpin its financial viability. It has found that the future projected growth context in the Lakes Entrance will not provide an appropriate time horizon to consider applying a DCP in the LENGA and it would be unable to deliver sufficient infrastructure funding.

A separate matter related to the DCP is whether infrastructure included in it could be implemented.

The LENGA precinct is the only housing growth area in East Gippsland where a DCP applies. Of Council's other growth precincts, such as the emerging Paynesville Structure Plan area and Bairnsdale, Council's largest growing centre, more simplified processes to identify and secure infrastructure through development planning and subdivision planning permit processes are being considered or used.

The Merrangbauer Heights development that aligns with the eastern boundary of the LENGA precinct has developed incrementally over a period of 37 years since its original master plan approval in 1987. No DCP was implemented, and each development stage is required to provide adequate internal roads, drainage and infrastructure.

Drainage and community infrastructure were the two main items included into the DCP. The following section identifies a range of implementation issues associated to drainage including land ownership, development interest and timing that indicate the DCP is not the right tool in this development setting for the projects it intended to deliver. The need for community infrastructure is also examined.

11.2. Discussion Points

The following are discussed through the next sub-sections of this report:

- Stormwater Drainage Implementation challenges
- Can or should the Council use the public acquisition overlay to provide land to implement the drainage strategy?
- Funding DCP drainage infrastructure

11.2.1. Stormwater Drainage Implementation Challenges

Stormwater drainage is typically delivered by land developers during subdivision. The Planning Scheme makes it a requirement under headline Clause 56.07 of the Planning Scheme[30] that any application for subdivision provide a stormwater management solution for approval. A developer typically delivers that solution as development occurs, often in stages.

[30] See: Clause 56.07 of the East Gippsland Planning Scheme

As the drainage authority for the LENGA, Council's role has been to address the broader challenge for the precinct and to identify what it considers to be the most efficient preferred approach (through the 2013 WTS Strategy or the updated 2022 SWS Strategy). The approach to drainage was discussed in detail at Section 10.

A key requirement for drainage is to ensure the overall impacts of future development do not have any adverse impacts upon the downstream areas outside of the precinct.

The introduction of a DCP and the inclusion of drainage infrastructure into it has made implementation a complex issue. This is because a DCP only contemplates a single solution that developers and Council are obligated to deliver. This makes it a very rigid approach and requires implementation certainty to be considered prior to applying the DCP.

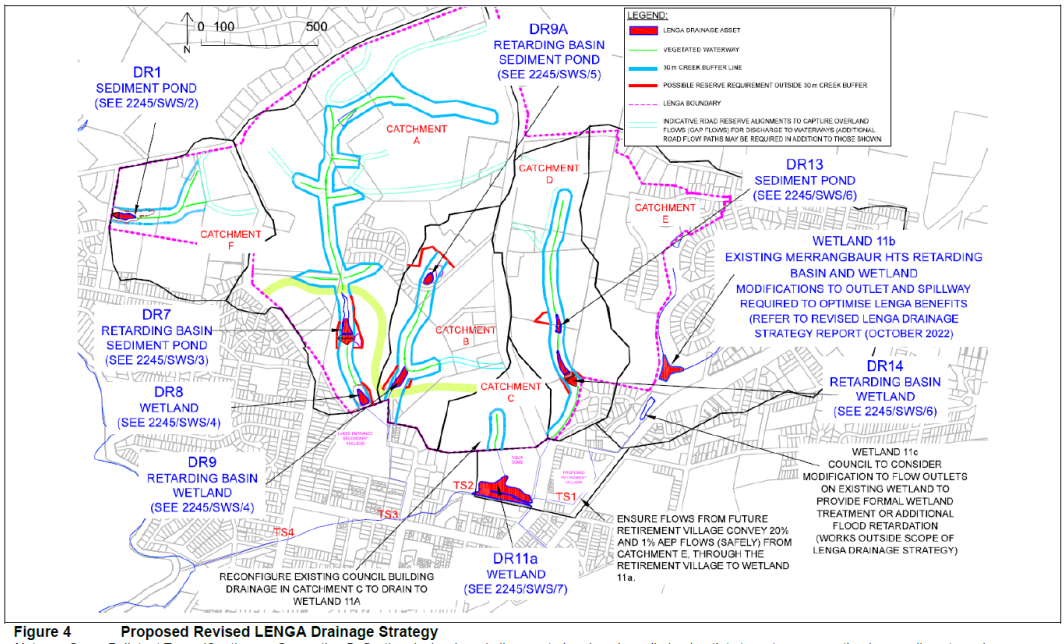


Figure 4 Proposed Revised LENGA Drainage Strategy

Note: Gross Pollutant Traps (Continuous Separation Deflection devices) or similar, are to be placed on all piped outlets to waterways, wetlands or sediment ponds . SWS Drawing 2245/SWS/1 to be referred to for more detail.

Figure 9 - 2022 Stormy Waters Solutions precinct drainage strategy for the LENGA showing future required drainage assets. Extract from report.

This review finds that the complexities of the DCP and implementing a drainage scheme were not fully understood in 2014 and has likely led to confusion all-around as to how drainage might be delivered, not least because:

1) There is no implementation plan in the DCP,
2) No indication of when or how infrastructure might be triggered or provided (including funding); and
3) No mechanism or detail about how land is made available for infrastructure when it is required.

In mitigation of the gaps that are identified, the LENGA DCP was prepared at a time when DCPs in a regional setting were rare. They continue to be so. The DCP is a model developed for metropolitan Melbourne's growth areas. DCPs in a metropolitan setting had never grappled with drainage because this matter was separately addressed by Melbourne Water, meaning that the implementation of drainage via the DCP approach was largely untested, particularly in 2011 when background work on Amendment C112 was commenced.

The complexity of drainage in regional DCPs has since seen regional precincts such as Shepparton North-East[31] (Greater Shepparton) and the Wonthaggi North Growth Area[32] (Bass Coast) endure long and arduous planning processes as a result of trying to rationalise drainage land and infrastructure needs. In the case of Wonthaggi it is likely to remain unresolved through its DCP owing to the complexities of land ownership and how infrastructure might be delivered and funded. This is discussed further in the following sections.

Under either the 2013 WTS Strategy or the revised 2022 SWS Strategy (See **Figure 9**), a shared drainage solution requires a number of possible conditions to be in place in order for any development to occur. This includes that either:

1) The drainage solution is already in place when development proposals come forward (that development can connect to); or
2) Any development proposal has access to or control over the land needed to provide the fixed drainage solution.
3) Land where drainage assets are located will come forward for development simultaneously.

There are significant complexities in terms of the interdependencies between landowners, development timing, incentive or lack of incentive to develop (e.g. limited local demand) and development fronts required to implement the 'shared' drainage solution.

As there are 31 land parcels and only 9 proposed drainage solutions – it is evident that many land parcels will be reliant on off-site downstream drainage solutions.

In the case of the LENGA, the bulk of development land is upstream of the proposed linear drainage assets. Conversely, many of the drainage assets in the LENGA are located on the more challenging parts of the precinct (steep slope for example) that are likely to prove harder to develop. This means that there may well be limited incentive to develop such land early (unless part of a consolidated development site) and bring forward drainage assets at a scale that would benefit other landowners upstream.

At DCP preparation stage, it is normally important that the implementation of shared infrastructure solutions is considered early and carefully. Projects should only be included into a DCP where they can reasonably be implemented at a time when they are required. This might typically involve consideration of where development will likely commence, evidence of agreements between landowners to deliver shared infrastructure outcomes or locating projects under the control of developers ready to develop and with the financial capacity to do so.

[31] See https://vpa.vic.gov.au/project/shepparton-north-east/
[32] See https://vpa.vic.gov.au/project/wonthaggi-north-east/

There has been no evidence of landowner coordination or land assembly within the precinct over the ten years since Amendment C112 was gazetted to suggest infrastructure related land ownership uncertainties might be resolved.

It is acknowledged that there are perfectly feasible variations or alternative drainage solutions available for the LENGA. The rigidity of the DCP (as a mechanism[33]), as discussed above, means drainage assets cannot be redistributed or other options contemplated. This can result in a state of paralysis where different landowner interests are not aligned to deliver the DCP solutions when they are needed.

Ordinarily, the most straight forward solution would be to adopt a flexible approach, that might allow interim and alternative solutions to occur as development fronts occur – such as redistributing assets to different sites, increasing the number of assets (but possibly reducing their scale to meet more specific development site needs) or enabling interim solutions to become part of the permanent solution.

This scenario is only possible if the DCP did not contain drainage projects – which would provide greater flexibility and options to implement alternatives incrementally.

Without a DCP, the preferred objective could reasonably remain to achieve the regional linear drainage approach advocated by the 2013 WTS or revised 2022 SWS Strategy. This would involve encouraging landowners to resolve land ownership issues. Recognising, however, that negotiation requires good faith and a shared interest – it also provides no guarantees.

For the above reasons, it is evident that the practical implementation of a fixed drainage strategy, via the imposition of the DCP mechanism is insufficiently flexible to overcome fragmented land ownership and development timing constraints. The DCP places too much emphasis on specific land and specific solutions unnecessarily and provides no alternative option.

It is recommended that drainage is removed from any DCP and developers asked to address drainage under the subdivision requirements of the planning scheme. Land consolidation and agreements between landowners is encouraged to achieve the most efficient drainage outcome.

Prior to progressing further, landowners should be engaged to seek their views on the question of drainage.

11.2.2. Can or should the Council use the public acquisition overlay to provide land to implement the drainage strategy?

The planning framework did not contemplate any scenario of Council intervention, such as public acquisition of land to provide land for drainage. This matter has most recently been addressed in the Wonthaggi North Growth Area Precinct Structure Plan in the Bass Coast Shire.

[33] Which is established by the requirements of the Planning and Environment Act 1987 (as amended).

When considering the use of the public acquisition overlay (PAO) as a planning tool to support the delivery of the proposed drainage strategy, the VPA Standing Advisory Committee[34], in its Final Report (August 2022,) contains the following discussion that provides a good summary of the significant challenges about resolving infrastructure timing and land issues and the use of the public acquisition overlay:

> *Council was of the view that developers would resolve the solutions through negotiation. It did not support the use of a PAO over any land at the present time, noting that a PAO could be applied if required but at a time when it had the funds to deal with the implications of triggering the obligation to pay compensation.*
>
> *The VPA agreed. It did not support the application of PAOs noting that they are not generally used to secure land for infrastructure that is funded via a DCP. The VPA submitted that the use of PAOs is not recommended because it may result in higher land values, affect Council's timing and cashflow management, and limit the flexibility in the design and delivery of drainage infrastructure items which has been an issue raised by many submitters throughout the Hearing.*

For the reasons above, the financial implications of a PAO make it an unworkable tool in a DCP setting and why it is typically avoided across Victorian DCPs. It is noted that the preferred approach of the Bass Coast Shire Council at Wothaggi North is that developers (and/ or landowners) resolve land related issues through negotiation. This is not to say that a Council doesn't have a key role in ongoing negotiations and pursuing preferred solutions at all times.

It is the inflexibility of the DCP that creates a focus on specific land being available for drainage in the LENGA because alternatives cannot be considered. With hindsight, this can be attributed to land ownership and the practicalities of implementation not being identified early in the strategic planning process prior to 2014 or being challenged robustly through the Planning Panel process.

In addition to the above, the use of the public acquisition overlay has a range of emotive connotations, not least that it compels an outcome on a landowner and should be considered carefully.

For the reasons above, the use of the PAO is not a recommended tool to implement drainage in the precinct as it would require a substantial financial commitment/ risk to Council. More flexible options to deliver drainage solutions in the LENGA precinct outside of the DCP solution would overcome the focus on specific land for drainage.

[34] See: Draft Bass Coast Planning Scheme Amendment C152basc – Referral 2 – Wonthaggi North East Precinct Structure Plan VPA Standing Advisory Committee Final Report, 22 August 2022

11.2.3. Other drainage implementation challenges – Catchment Management Advice on treating stormwater pollutants

The East Gippsland Catchment Management Authority (EGCMA) has confirmed that in order for the 2022 SWS Strategy to be implemented, it would require proposed Asset 11a, a wetland at the Aquadome (shown in **Figure 8**), to be in place prior to residential development in the LENGA precinct coming forward. The reason for this is because Asset 11a will provide precinct-wide best practice water sensitive urban design (WSUD) for stormwater pollutant treatment. If this asset is not in place (constructed and operational), it is likely that any development proposal coming forward in the LENGA will need to develop site specific drainage solutions to address best practice Water Sensitive Urban Design (WSUD) treatments to obtain necessary 'works in waterway' approvals from the EGCMA. The CMA will not allow water to discharge into a waterway untreated.

There is a formal commitment to design Asset 11a however funding for construction has not been confirmed at the time this report was prepared.

Council can use its best endeavors to investigate Asset 11a, but it must also recognise there is a significant amount of work and financial commitment that would be required to put it in place. Given the likelihood of this taking a number of years, this further supports the need for a drainage strategy that is flexible and allows development to contemplate alternative options should Asset 11a not occur.

11.3. Funding DCP drainage infrastructure

Separate from the land needed to deliver the drainage infrastructure, funding drainage works is also complicated by the 'regional' approach. Essentially, the rationalisation of drainage to a regional approach transferred the solution (catchment scale infrastructure) to a small number of property owners downstream in the precinct.

The development of the DCP for the LENGA was an honest attempt in 2014 to acknowledge that the regional drainage strategy approach required costs to be shared between all future beneficiaries.

A major challenge for any DCP is how works are then funded (implementation being a separate issue considered by this Review). There are only two possible scenarios:

1) Developers fund works (as works in kind) and receive credits to be repaid by the DCP if the works are more than the required DCP contribution.
2) Council, acting as the nominated Development Agency[35] in the DCP funds (and possibly constructs) the delivery of infrastructure – with a key question about when and how it does this in terms of availability of DCP funding.

Both of these scenarios entail financial risk on either party and this risk is increased if the timeframe for the DCP to recover sufficient funds from contributions is extensive. The timeframe is directly related to construction rates in the DCP – which this review has evidenced will likely be too slow for the DCP.

[35] Any DCP must nominate a 'Development Agency' who has the ultimate legal responsibility for delivering an infrastructure project by the end of the DCP period.

In the first scenario above – a developer would need to accept that repayment of any credits could be over an unspecified period, especially if construction rates are slow or slow further. It is unlikely that developers would want to put themselves in a position of only being paid when sufficient funds are returned to the DCP, especially if repayment time periods may extend over a considerable and undetermined number of years.

In the second scenario – the risk is borne by the Council and ultimately the ratepayer. Additional considerations of debt funding and interest on loans are also required when any Council contemplates forward funding[36] of infrastructure. Much like public acquisition wasn't contemplated for land assembly, no allowance for debt funding was incorporated into the approved DCP to enable Council to finance works ahead of receiving DCP funds.

The SGS report prepared for the Municipal Association Victoria (MAV), discussed in Section 9.2 refers to the financial challenges of delivering infrastructure in a regional setting. The LENGA DCP is an example not only of the lack of certainty about timing and scale, but the financial risk associated to funding any works, be it the developer or Council.

Many Council's in Victoria will not fund works until a DCP has accrued sufficient funds even in Melbourne's peri-urban growth areas[37]. Where construction is slow, as in the case of the LENGA, this can create significant uncertainty about when infrastructure might get delivered and undermine developer confidence in a precinct.

In both of the above scenarios, the majority of financial risk ultimately rests with the Council, given it has to repay any DCP credits by the end of the DCP period – irrespective of how much has been received in contributions.

The overall viability of a DCP for the LENGA is considered through the analysis in Section 8 and subsection 8.12 in particular. It concludes that very slow construction activity in the LENGA will result in insufficient funds to deliver infrastructure included in it over its lifetime. Council would carry a substantial liability to fund a large financial shortfall by the end of the 30-year DCP in 2044.

The DCP does not include any finance or funding costs. As discussed in the previous section, the use of the public acquisition was not contemplated by the LENGA DCP and there is no trigger to indicate when infrastructure is to be provided. In combination, this provides a clear indication that Council would not be taking it upon itself to deliver drainage works on behalf of developers.

It is these conditions that would represent valid concerns for developers who require certainty and control over outcomes to minimise their financial risk. Pertinently, such issues were raised in the 2014 Planning Panel Report, as previously highlighted in Figure 4 - Extract of Amendment C112 Part 1 Planning Panel Report 2014.

The Panel concluded that the financial consequences, which could be read as risk, would rest with Council and found generally that the DCP provided a '*reasonable and equitable basis for funding of infrastructure costs*':

[36] Forward funding involves using loans or other Council funding to pay for works before sufficient funds have been collected by the DCP.
[37] See for example Baw Baw Shire Policy: Development Contributions Plan Implementation Policy (Draft) Baw Baw Shire Council Version 1.5 Version 1.4 Reviewed by Maddocks 9 September 2019

> There is undoubtedly a good deal of uncertainty regarding the likely rate and staging of development within the LENGA. However should development proceed at a significantly slower rate than anticipated by Council the financial consequences will be borne mainly by the Council. On balance the Panel considers that the adoption of the DCP provides a reasonable and equitable basis for funding of infrastructure costs associated with the development of the LENGA.

With clear evidence of very slow construction rates in the LENGA precinct since the above statement was written, combined with the implementation challenges discussed herein – it is clear that the DCP is not a mechanism that can or will deliver drainage when it is needed by development.

11.4. Limitations of the DCP

The practical implementation challenges as well as lack of funding capacity for any DCP in the LENGA (result of lack of construction activity) combine to make it clear that the delivery of development infrastructure within the constraints of the current planning framework of the DCP is unworkable. These have been identified and discussed above.

The DCP did not embed any tools of intervention (land acquisition) or early funding/ delivery of developer works by Council – meaning that the only realistic way drainage infrastructure can be delivered would be via developers negotiating land agreements and constructing works. This outcome is, effectively, more akin to a normal land subdivision process anticipated by the Planning Scheme under the provisions of Clause 56 (*Residential Subdivision*) that requires applications bring forward a suitable stormwater drainage system.

If land developers were provided with the choice to pursue shared drainage solutions (given the likely mutual benefits) or site-specific solutions, there would be no practical need to apply the DCP. Landowners would be free to pursue the best solution required to bring forward development land in a timely manner, subject to demonstrating satisfactory outcomes pursuant to the current requirements of the planning scheme. If landowners are not in a position from a timing perspective or financially to collaborate, it is appropriate that the planning system provide sufficient flexibility so as not to stagnate development.

The scale and pace of growth in the LENGA is likely to give rise to smaller, incremental phased development. Proportionate solutions may be required that differ to the preferred ultimate drainage solution and actual outcomes that are not as efficient (if meeting all best practice requirements). Without sufficient certainty and funding capacity to deliver whole-of-precinct solutions up-front, it is considered that flexibility and agility is necessary in this development setting.

11.5. Alternatives to a DCP

As already highlighted, the LENGA DCP is the only one that has been applied in the Shire. Development elsewhere occurs without the need for this often complex and challenging planning tool.

With or without a DCP, it must be highlighted that it is development in either scenario that is expected to pay for necessary infrastructure. The DCP is simply one tool available where cost sharing of shared infrastructure is necessary between developers. As discussed in previous sections of this Review, a DCP becomes a complex and high- risk tool when construction activity does not occur as anticipated and landowner activity/ interest and coordination does not exist.

There are sufficient alternative options available to Council to guide development in the LENGA and ensure it satisfactorily provides basic infrastructure needs (as would a DCP). These can include special rate charge schemes also for drainage.

11.6. Findings and recommended actions for Key Issue #6

For the reasons outlined above, this review finds that the DCP applied to the LENGA is:

- Not financially viable or sustainable
- Has a significant number of implementation challenges, particularly related to drainage, that were never resolved prior to or post approval of Amendment C112.
- Not aligned to actual anticipated construction rates or growth in the Lakes Entrance township.
- A significant financial and legal risk associated to the long-term nature of anticipated construction activity and would not collect sufficient contributions over the specified DCP horizon and fail to meet the tests of equitability and reasonableness set out by the DCP Guidelines.
- Impose a legal obligation to build infrastructure that would likely not be needed.
- It is generally considered that the intent of the DCP was well-intentioned at the time it was applied in 2014.

The options available to secure infrastructure through the planning system include:

- **Outline Development Plan** – can play an important coordinating role by clearly indicating anticipated construction activity, indicative infrastructure needs (such as intersections, open space). Can also address waterway corridors, public open space expectations. An indictive precinct infrastructure list and expected design standards could be included in a revised ODP.
- **Development Plan** – can include requirements relating to infrastructure provision, costing and apportionment.
- **Planning permits** – must meet the infrastructure requirements already established by the Planning Scheme e.g., stormwater drainage, access, integrated water etc. Planning permits can also apply conditions requiring infrastructure design, construction and satisfactory completion and maintenance regimes.
- **Legal Agreements** – associated to planning permit requirements and can address design and delivery of infrastructure.
- **Public Open Space** contributions (5% of development cost or land area) required under any subdivision by Clause 53.01
- **Community infrastructure** – see separate consideration of this matter at Key Issue #7
- **The Infrastructure Design Manual (IDM)** – establishes standards for a range of works associated to residential subdivision – whereby design and physical works undertaken by residential subdivision must all be carried out to Council's satisfaction.

It is the recommendation of this Review that:

1. A revised and simplified planning framework for the LENGA would comprise:
   - The Outline Development Plan (to be refreshed) includes higher-order infrastructure needs/ standards.
   - Pursuant to the above, investigate any cost sharing mechanism or method that may need to be considered if any shared infrastructure projects are identified, such as a special rate charges scheme (drainage).

This would trigger the following in order that development can progress:

- Subdivision planning permit application; with
  - Possible legal agreements to deliver infrastructure works.

12. Key Issue #7: Community infrastructure

12.1. Introduction

As part of the monitoring and review of the DCP and its projects, the need, quantum and cost of community infrastructure included into it is another matter that has required review to determine if the $5m+ dollars of community infrastructure projects are still required. It is noted that none of the facilities, generally located outside of the precinct, have been constructed.

Informing Amendment C112 was a report titled '*Lakes Entrance Northern Growth Area Social Impact Assessment*', 2012 or **2012 SIA** was prepared outlining the future community infrastructure needs that would be generated by the LENGA development.

The 2012 SIA identified a list of projects, and these were included into the DCP. A total of 6 community infrastructure projects amounting to $3.29m dollars were identified. In addition, 2 further projects identified by the SIA (active open space reserve and construction of an early years hub) were included as development infrastructure projects at an estimated cost of $2.71m. The table of projects is replicated and included below:

DCP Item	Project Description	2012 DCP Cost (estimated only)
DI_OS_1	Construction of Active Open Space Reserve	$1,837,602
DI_CF_1	Construction of an Early Years Hub	$875,000
CI_OS_1	Construction of an Active Open Space Pavilion	$444,000
CI_CF_1	Multi-purpose Community Centre	$1,875,000
CI_CF_2	Library extension	$500,000
CI_CF_3	Aquadome extension	$150,000
CI_CF_4	Youth Centre	$75,000
CI_CF_5	Senior Citizens Centre	$250,000

Figure 10 - Community infrastructure projects included in the LENGA 2014 DCP.

The 2012 SIA was based on the premise that the Lakes Entrance population of 5548, because of the LENGA, would increase between 1650 to 2000 people by 2022-32[38].

The 2012 Social Impact acknowledges at Section 7.13 stated the following:

> *Given the uncertainty about the quantum of population increases and the time frame in which these will occur, it is difficult to assess the total infrastructure requirements for the new developments.*

The growth challenges have been discussed at length by this Review. There is no need here to discuss this further, except to say that while the town of Lakes Entrance has increased by approximately 1000 people since the SIA was completed, the LENGA DCP area has contributed just a small proportion.

[38] See for example Section 4.3 of the 2012 Social Impact Assessment.

This indicates that there is a need to undertake broader community infrastructure planning for the township and overall growth.

There is no complete set of community infrastructure need benchmarks/ thresholds used in Victoria for identifying community infrastructure needs, particularly in regional areas.

The 2012 SIA identifies a number of benchmarks for community infrastructure needs at Table 13, albeit it does not refer directly to the source. Many of the benchmarks are generally consistent with those used more broadly still in precinct planning and DCP preparation across Victoria[39].

Table 14 of the SIA indicated how any demand for community infrastructure by the LENGA could be met, including the proportion of need attributed to the precinct versus overall provision triggers. This table indicates that development in the LENGA would generate limited need, in its own right, for additional community infrastructure items, with passive park (benchmark >1000 people) being the only instance of a need 100% attributable to development in the LENGA.

Despite this, the 2014 DCP includes a list of 8 community infrastructure and active open space projects. Somewhat erroneously, despite the SIA indicating that only a portion of demand could be attributed to the LENGA, the DCP attributed 100% of the need and therefore cost in full for these new facilities to the LENGA. It is unclear why the DCP did so. Surprisingly, this error was not identified or questioned during the consideration of Amendment C112 either by submitters or the Planning Panel.

The Planning and Environment Act 1997 caps the amount that can be charged under the Community Infrastructure Levy (CIL), which at the time the DCP was prepared stood at $900 per dwelling. Effectively, this meant that against a liability to Council of $3.29m, Council could only recoup $918,900 against it (based on 2012 dollars).

The inclusion of these projects/facilities against the DCP created an obligation on Council to build the facility under the Planning and Environment Act 1987.

The projects have not been re-costed against contemporary construction costs, but it can reasonably be assumed that the current value of these projects will have risen significantly since the DCP was prepared. As an example, the early years hub included in the 2014 DCP had an estimated cost of $875,000. Recent examples of this type of facility in other projects in Victoria include the Drouin DCP early years hub (cost of $3.5m) and the West Moorabool Early Years Hub ($8.1m) and Altona at $6.9m – all of which would indicate the cost of this type of project to be significantly greater to progress today. It is likely that re-costing of all 8 of the SIA identified community infrastructure projects would create a further significant financial liability to Council, particularly if the apportionment to the LENGA was correctly revised (downward) and reflected in a DCP.

Council does not have a comprehensive community infrastructure plan for Lakes Entrance, but an internal audit reveals that the need for most projects identified by the DCP has changed. This reflects the uncertainty of future planning that the original SIA cautioned against.

[39] See for example the Community Infrastructure Needs Assessment for the Shepparton South PSP undertaken for the Victorian Planning Authority (VPA) in 2022 at pages 17-23: Shepparton South Community Infrastructure Needs Assessment 2022

The scale of demand created by the LENGA for community infrastructure in the township, given projected population growth, will be relatively small over the next 10-20 years, particularly when the correct apportionment of demand is applied to the precinct. The value proposition of apportioning any new infrastructure demand to the limited projected growth in the LENGA means there is little to no purpose continuing to pursue a financial community infrastructure levy at this time.

Given the DCP vulnerabilities identified by this review, notably construction rates, it is evident that the growth that might have been anticipated to underpin the LENGA and its need for a range of infrastructure has not manifested.

12.2. Findings and recommended actions to Key Issue # 7

The result of this is a list of community infrastructure projects that are not likely to be required and which are not on Council's 10-year Capital Works Plan. For this reason, they should be removed from the DCP (if it were to remain) as a minimum course of action.

Community infrastructure is vital to meet important social and health and wellbeing needs of existing and future residents, as discussed in Section 9.3. It should be an integral part of place-based planning for the whole Lakes Entrance township.

It is considered that:

1. A community infrastructure needs assessment/ plan[40] should be undertaken for the township as a whole to provide supporting evidence to investigate options for Council to seek contributions from new development toward community infrastructure. This should be done in conjunction with the recommended action at Key Issue #4.
2. As part of the removal of any DCP, Council will need to refund any Community Infrastructure Levy funds it has received to-date.

[40] See for example: Banyule City Council Community Infrastructure Plan (June 2023)

13. Key Issue #8 - Requirement for a Development Plan & Planning Permit Requirements

The current Planning Scheme framework that applies to the LENGA requires a development plan to be approved prior to any application for subdivision or development (with a small number of exceptions). This is established under the Development Plan Overlay at Schedule 8 (**DPO8**) to Clause 43.04.

It would appear that there is an opportunity to review the need for the DPO8 to avoid duplication of what is required in the planning scheme to consider the suitability of development proposals.

Requirements under Clause 56 (Residential Subdivision) of the Planning Scheme require a similar suite of plans such as a site context and context description plan under Clause 56.01-1 (Subdivision site and context description) and a subdivision layout plan under Clause 56.01-2. (Subdivision design response).

Furthermore, the Design and Development Overlay applies to the land and it seeks to control built form outcomes which has then been duplicated in the current DPO8.

13.1. Findings and recommended actions to Key Issue #8

It is recommended that:

1. The DPO8 be amended to remove duplication and better align it with the refreshed ODP.
2. Ensure that a refreshed Outline Development Plan (see Key Issue #2) is put into the scheme as a background or incorporated document.

14. Conclusions and next steps

Overall, this report finds the following:

Strategic Intent

1) The Strategic basis for the LENGA is sound – it provides a long-term supply of housing land for the Lakes Entrance Township.

2) The zone of the land in the precinct for residential use is also sound.

Strategic Plan – the Outline Development Plan

3) The use of the ODP as a document to guide future development remains sound; but

4) The Review finds there is a need to update the ODP to better reflect current State Planning Policy objectives, best practice, and guidelines to make it fit-for-purpose.

Strategic basis for applying a Development Contributions Plan

5) Housing demand and construction - the strategic basis for the quantum of land included into the LENGA and the application of the Development Contributions Plan - have not materialised and are significantly below the levels required to make the DCP viable and capable of implementation. The DCP represents a significant financial and legal risk to Council and developers.

6) A DCP is not suited to a regional township such as Lakes Entrance, where construction rates are low, inconsistent, and unlikely to provide a meaningful option to deliver infrastructure. The infrastructure needed by the scale of development likely to occur can be achieved by other means in the planning system.

Challenges of delivering infrastructure under a Development Contributions Plan

7) The application of the DCP did not adequately consider how infrastructure projects, notably drainage, might be implemented and failed to provide mechanisms that would provide certainty that the infrastructure could be provided when needed. Drainage infrastructure, in particular, can be provided by alternative means.

8) The application of the DCP prevents alternative infrastructure options being put forward – which fails to provide sufficient flexibility for the scale of growth that can be anticipated in the LENGA.

9) The DCP should be removed, and infrastructure can be identified and provided through the other Planning Scheme provisions that already apply to the site, subject to being updated. With or without a DCP, it is the developer's responsibility to pay for infrastructure that is required to support development.

Improving the efficiency of the planning scheme and reducing application requirements

10) The overall efficiency and legibility of the Planning Scheme that applies to the LENGA can be improved by streamlining and reducing duplication. This includes removing requirements for developers to provide the same piece of information more than once for the same development proposal. This will also reduce costly documentation requirements for applicants.

14.1. Next steps

The next steps are to engage with landowners and stakeholders with an interest in the LENGA precinct on the conclusions and recommendations contained in this report.

Feedback received will inform the preparation of a planning scheme amendment (PSA) to implement the changes that are needed to improve the planning framework that applies to the LENGA.

A number of background reports are underway and will be released publicly to support the preparation of the planning scheme amendment.

Further engagement will occur in respect of the revised planning framework that will include an updated Outline Development Plan (Key Issue #2).

Contact us

Telephone
Residents' Information Line: 1300 555 886 (business hours)
Citizen Service Centre: (03) 5153 9500 (business hours)
National Relay Service: 133 677

Post
East Gippsland Shire Council, PO Box 1618
Bairnsdale 3875 Australia
Fax (03) 5153 9576
Web www.eastgippsland.vic.gov.au
Email feedback@egipps.vic.gov.au

In person
Bairnsdale: 273 Main Street
Lakes Entrance: 18 Mechanics Street
Mallacoota: 70 Maurice Avenue
Omeo: 179 Day Avenue
Orbost: 1 Ruskin Street
Paynesville: 55 The Esplanade

Outreach Centres
Bendoc Outreach Centre -
18 Dowling Street
Buchan Resource Centre -
6 Centre Road
Cann River Community Centre -
Princes Highway

TERRALOGIC

STRATEGIC BUSHFIRE ASSESSMENT

Lakes Entrance Northern Growth Area (LENGA)

DRAFT V7
25 April 2025

TERRALOGIC

Contents

1. Introduction 4
2. Methodology 6
3. Planning history 8
4. Policy and regulatory framework 14
5. Consultation with agencies 24
6. Bushfire hazard assessment 25
7. Recommended bushfire mitigation measures 42
8. Conclusion 45
9. References 46

Appendix A – Current and historical state bushfire policy

TERRALOGIC

Disclaimer and conditions of use

This report has been made with careful consideration and with the best information available to Terralogic Pty Ltd at the time of writing. Before relying on information in this report, users should evaluate the accuracy, completeness and relevance of the information provided for their purposes. Terralogic Pty Ltd do not guarantee that it is without flaw or omission of any kind and therefore disclaim all liability for any error, loss or other consequence that may arise from you relying on any information in this report.

Requirements detailed in this document do not guarantee survival of the buildings or the occupants. The client is strongly encouraged to develop and practice a bushfire survival plan. Information and assistance including a template for a Bushfire Survival Plan is provided as part of the 'Fire Ready Kit' available through the CFA website at www.cfa.vic.gov.au or through your local CFA Regional office.

No component of this report is to be reproduced for any purpose without the prior written consent of Terralogic Pty Ltd. The copyright and intellectual property rights of Terralogic Pty Ltd extends to the data, ideas, methodologies, calculation procedures and conclusions presented in this report and must not be used without authorisation in writing from Terralogic Pty Ltd.

Acknowledgments

Council provided mapping information and generated mapping for the updated version of this report,.

Version control

Version	Date	Author	Client review
Draft 1	24 June 2024	G McMillan	N Reynolds / A Calthorpe
Draft 2	24 October 2024	G McMillan	N Reynolds / A Calthorpe
Draft 3	13 November 2024	G McMillan	N Reynolds / A Calthorpe
Draft 4	23 December 2024	G McMillan	N Reynolds / A Calthorpe
Draft 5	13 February 2025	G McMillan	N Reynolds / A Calthorpe
Draft 6	26 March 2025	G McMillan	A Calthorpe
Draft 7	25 April 2025	G McMillan	A Calthorpe

TERRALOGIC

1. Introduction

This report has been prepared on behalf of East Gippsland Shire Council (**Council or Shire**) to support a review of the planning controls in the Lakes Entrance Northern Growth Area (**LENGA or land**). There are several matters under review, including:

- LENGA Development Plan Overlay and Development Contributions Plan
- Individual Development Plan approval requests within the LENGA
- Adopted East Gippsland Housing and Settlement Strategy (December 2023) – which includes LENGA as the long-term housing growth area for the settlement

This assessment focused on the strategic and settlement scale bushfire considerations for the outline development plan layout for LENGA. The updated Strategic Framework Plan (**SFP** or **Framework Plan**) (also known as an outline development plan (**ODP**)) has been assessed against State bushfire policy at Clause 13.02-1S of the East Gippsland Planning Scheme (**Planning Scheme**), integrating previous strategic and statutory planning decisions and the broader settlement strategic for the Shire.

Key contextual considerations that have informed this assessment include:

- The land has already been rezoned for residential purposes and a Development Plan Overlay (**DPO8**) is already in place.
- Development plans have been approved under DPO8, as such development expectations have been established.
- At the time the land was rezoned, bushfire matters were considered, but under different policy settings. State bushfire policy at the time was less prescriptive and the Bushfire Management Overlay (**BMO**) did not apply to any part of the land.
- A Native Vegetation Precinct Plan (**NVPP**) was approved at the same time the land was rezoned. This plan[1] identified native vegetation that needed to be protected. It did not require any revegetation along waterway corridors at the time. The CFA was involved in the original rezoning of the land[2] and provided advice to the Panel that was considered and integrated. The Panel found that there was strategic justification for the rezoning, knowing that the land met the criteria for inclusion in the BMO.
- The SFP is proposed to replace the 2014 ODP in the Planning Scheme. DPO8 is proposed to be updated as part of that process.

[1] This plan expired, but was extended in 2024 following an amendment to the planning scheme
[2] Amendment C112 to the East Gippsland Planning Scheme

This report has been prepared in response to agency feedback, the relevant requirements in the Planning Scheme including the policy objectives at Clause 13.02-1S and relevant guidance from the Department of Transport and Planning (**DTP**).

Scope and purpose of this report

This report addresses the following matters:

- An assessment of bushfire hazard at the landscape scale.
- As assessment of relative bushfire risk of LENGA at a municipal wide scale.
- An assessment of bushfire hazard at the settlement or local scale (e.g. inside and within 150 metres of the LENGA).
- Description of likely fire behaviour that could impact on LENGA.
- An assessment of the proposed development plan changes against Clause 13.02-1S of the Planning Scheme, existing statutory control settings, relevant practice notes, DELWP guidance, including the *Settlement Planning at the Bushfire Interface* (July 2020) (**Bushfire Interface Guidelines**).
- Draft recommendations on bushfire protection measures that could be integrated into a revised Framework Plan to meet the relevant State policy. This includes recommendations on layout of future development, minimum construction standards and vegetation management considerations.

TERRALOGIC

2. Methodology

The following methodology was used to conduct this assessment:

- Review of the context
  - Review of the history of the planning scheme amendment process, including the draft bushfire assessment report prepared by GHD in 2013 (**GHD assessment**)[3] and the NVPP approved at the time.
  - Review the existing planning controls.
  - Review of development plan approvals issued under the existing controls
  - Review of proposed development plan submitted for approval
  - Review of East Gippsland Housing and Settlement Strategy (**Housing strategy**).

- Review of policy and regulatory framework:
  - Review of bushfire related requirements in the Planning Scheme, including the State policy objectives at Clause 13.02-1S (Bushfire Planning)
  - Review and comparison of existing State bushfire policy and policy in place at the time LENGA was rezoned
  - Review of relevant guidance published by the Department in relation to strategic bushfire assessments, including the Bushfire Interface Guidelines.
  - Review existing fire management plans, including regional plans.

- Completion of bushfire hazard assessments:
  - A desktop assessment of the bushfire hazard at the landscape scale was conducted, using aerial photography, including a review of hazards across the municipality
  - A desktop assessment of the bushfire hazard at the site scale was conducted using publicly available aerial photography and contour information, as well as general information gathered on the site inspection.
  - General site inspection[4] of the area to identify key features.

- Risk assessment and mitigation measures:
  - A review of alternative locations for settlement within the municipality from a bushfire risk perspective.
  - Bushfire risks associated with LENGA (baseline conditions) and the proposed ODP were identified and considered, based on policy consideration.

[3] This assessment was never finalised or adopted by Council
[4] This did not amount to a detailed site assessment of vegetation classification and slope under AS3959.

- Measures were recommended to mitigate the risks from bushfire to an acceptable level, including layout of future development, minimum construction standards and vegetation management considerations that could be integrated in the ODP.

- Conclusions recommendations:
  - Final conclusions were made in relation to the Framework Plan having regard to bushfire policy objectives at Clause 13.02-1S of the Planning Scheme and the Bushfire Interface Guidelines.

TERRALOGIC

3. Planning history

The LENGA has a long planning history and has been identified as one of the key growth areas within the Shire since around 2007. It was rezoned for residential purposes in 2014 and a development plan was applied to establish the framework for future development, including road networks, vegetation and public open space areas.

Chronology of key decisions

Key strategic planning directions have included:

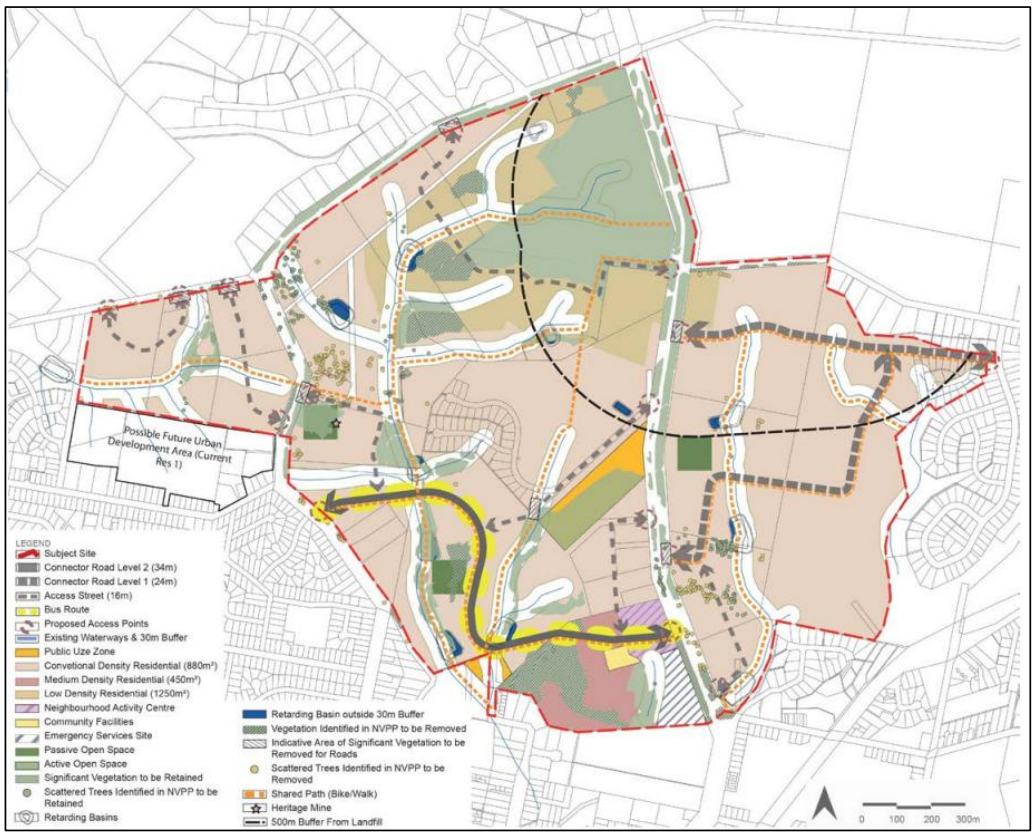
- **2007** – Land was identified in the Lakes Entrance Urban Design Framework as residential development area to 2020, this was reflected in local policies in the Planning Scheme.

- **November 2011** – State Planning policy Clause 13.05 Bushfire was introduced, replacing the previous policy relating to wildfire.

- **2013 – 2014** – Planning Scheme Amendment C112 (Part 1) was exhibited and considered by a planning panel. The amendment incorporated the outcomes of the outlined development plan into the Planning Scheme, more specifically it:
    - Rezoned the land from Farming Zone 3 to Residential Zone 1 (now General Residential Zone)
    - Introduced the DPO8 and policy references to implement an Outline Development Plan
    - Applied a Design and Development Overlay 13, Development Contributions Plan Overlay 1 and Environmental Audit Overlay on part of the site.
    - Introduced a NVPP at Clause 52.16 and removal of a Vegetation Protection Overlay 1 from part of the site
    - Introduced several incorporated documents, relevantly for this assessment:
        - Lakes Entrance Northern Growth Area Outline Development Plan 2012 (**2012 ODP**)
        - Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan 2012 (**NVPP**)

TERRALOGIC

Figure 1 – Extract from approved 2012 ODP



- **December 2017** – Bushfire Management Overlay was applied to the northern part of the growth area and adjustment were made to State bushfire policy Clause 13.05 (now Clause 13.02)

TERRALOGIC

Figure 2 – Extent of BMO before December 2017 and after December 2017

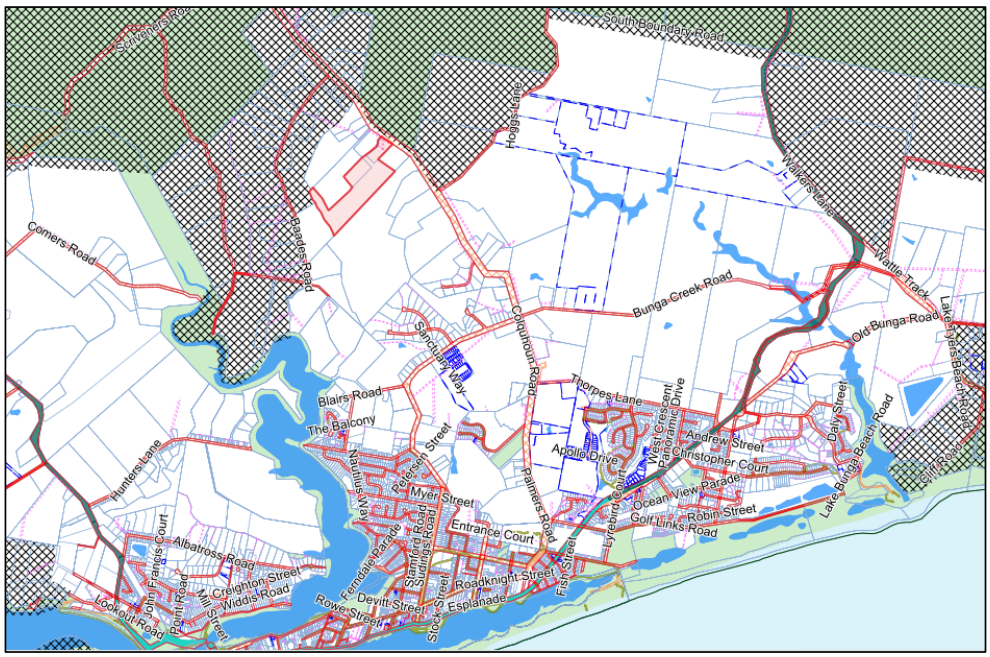
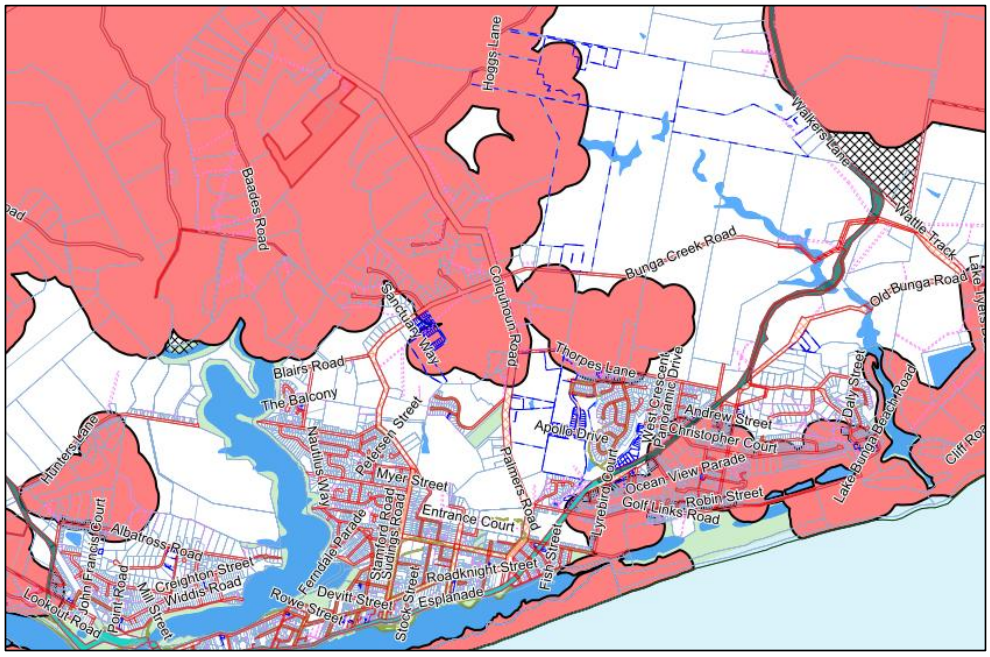


Figure 2 – Extent of BMO after December 2017

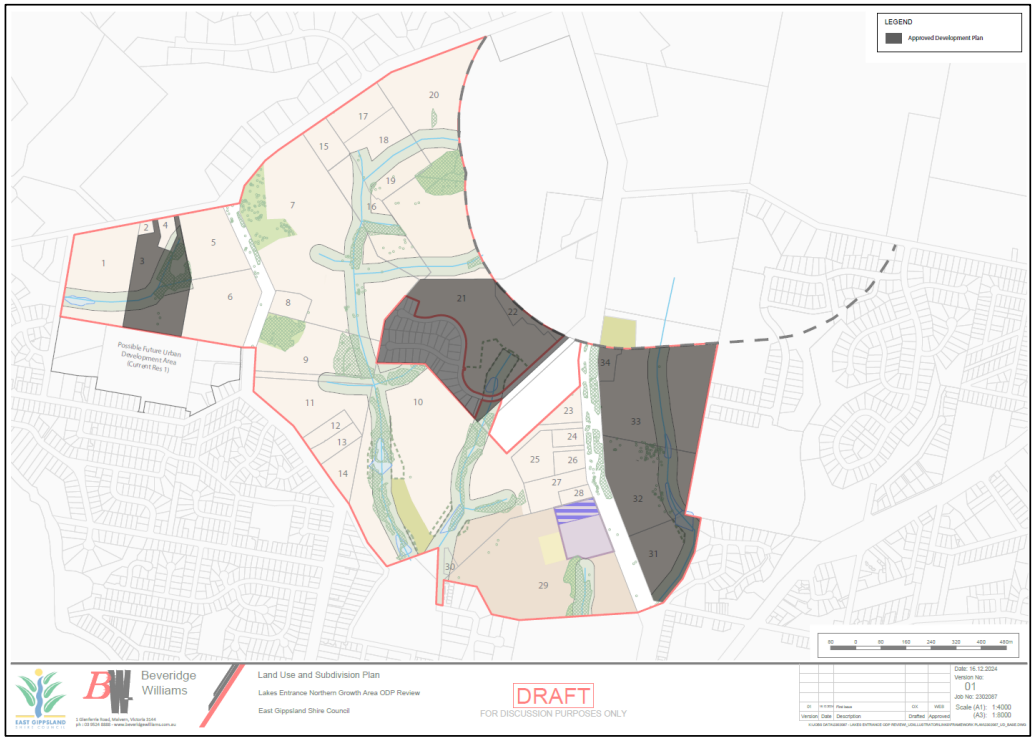


TERRALOGIC

- **2017 – 2018 –** Development plans were approved under the DPO8 for different sites with the growth area (in accordance with the 2012 ODP structure)

- **2023** – CMA introduced draft guidelines[5] for how waterways should be revegetation, this included some requirements that would increase bushfire fire. We note for the purpose of this assessment that these guidelines have no status in the Planning Scheme, however practically they do provide an indicative of the CMA's preferred waterway treatment. It is also noted that works on the waterway will be require approval from the CMA under other legislation.

Figure 4 – Location and layout of approved development plans and permits within LENGA (areas shaded grey on map)



- **2020** – Bushfire interface guidelines issued by the Department of Planning to inform structure planning processes, particularly in BPA areas. These guidelines are not

[5] https://wgcma.vic.gov.au/waterway-management-plan/

incorporated into the Planning Scheme, but they do illustrate some of the policy and strategies in State bushfire policy at Clause 13.02-1S.

C112 (Part 1) Panel report

Bushfire risk was a matter considered by the Panel at the time. Even though the BMO did not apply to the land, it met the mapping criteria in *Planning Advisory Note 46: Bushfire Management Overlay Mapping Methodology Criteria* (**PN46**) and the Panel dedicated a chapter to the issue.

The Panel acknowledged that the land was in the designated bushfire prone area (BPA) and would likely have the BMO introduced to a portion of the site. The Panel considered submissions from the CFA, the 2013 GHD bushfire assessment and expert evidence from Mr Hamish Allen on bushfire at the hearing.

Ultimately the Panel was satisfied that the strategic framework plan agreed between CFA and Council was acceptable from a bushfire perspective. The Panel also acknowledged the possible introduction of a BMO schedule, which would require further strategic planning work to finalise.

Evolution of bushfire policy

The State planning policy framework has referred to bushfire risk mitigation for many year. This policy has evolved over time, most especially after the royal commission into the Victorian bushfires in 2009 (Black Saturday). Appendix A includes extracts from historical and current State policy relating to bushfire.

Notably, bushfire policy was quite advanced at the time the land was rezoned of the LENGA for residential purpose. The policy at Clause 13.05 (now referenced at Clause 13.02) sought to increase the resilience of communities to bushfire. In 2017 the policy changed to be more prescriptive and identified that when undertaking settlement planning:

- *Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).*

- *Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reducing bushfire risk overall.*



These new provisions shifted the goal posts to a more conservative approach. Where under the previous provisions, some increase in risk could occur, now there should be 'no net increase in risk' when undertaking settlement planning.

To determine if there is a net increase in risk, we need to be cognisant of the baseline risk conditions. In this case, we are not starting from a 'no risk' baseline from a bushfire hazard perspective. Settlement planning work has already been completed and partially implemented in the LENGA. We therefore need to assess any changes to the DPO against Clause 13.02-1S on the basis of the strategic and statutory decisions already taken.

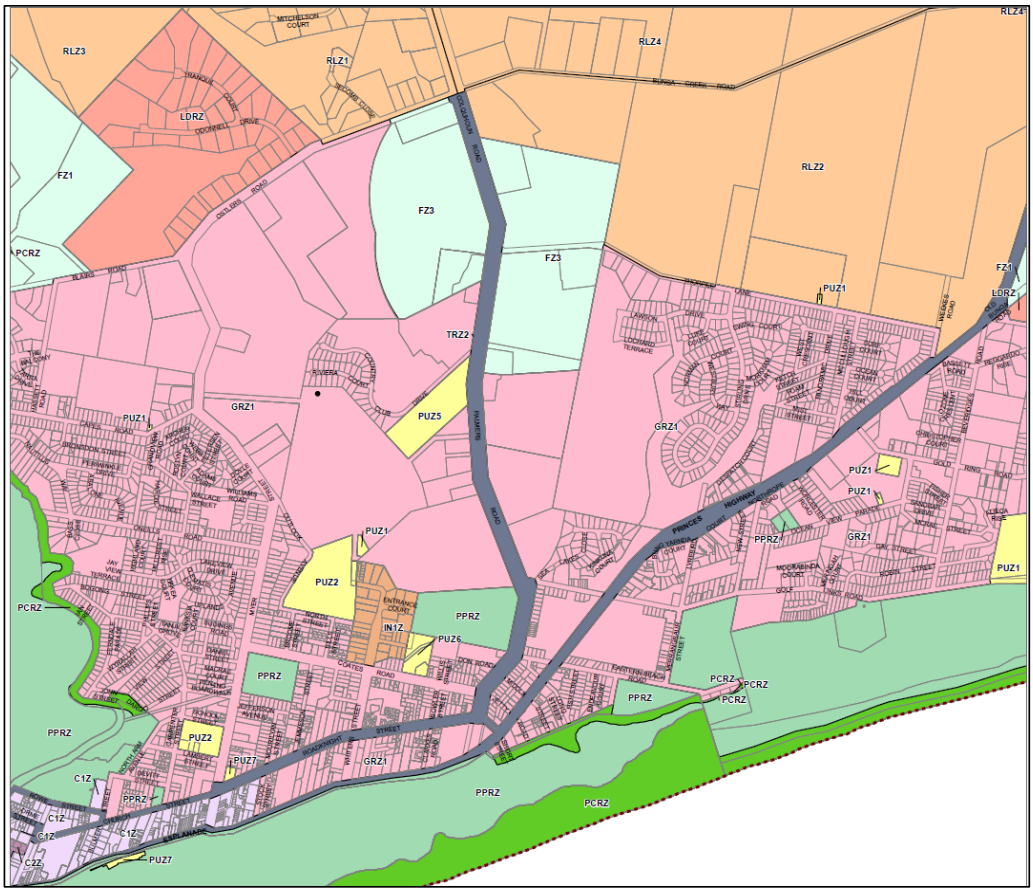
TERRALOGIC

4. Policy and regulatory framework

Zoning

The LENGA is primarily zoned General Residential Zone (**GRZ1**) and there is some land in the north-eastern part of the precinct that is Farming Zone (**FZ**).

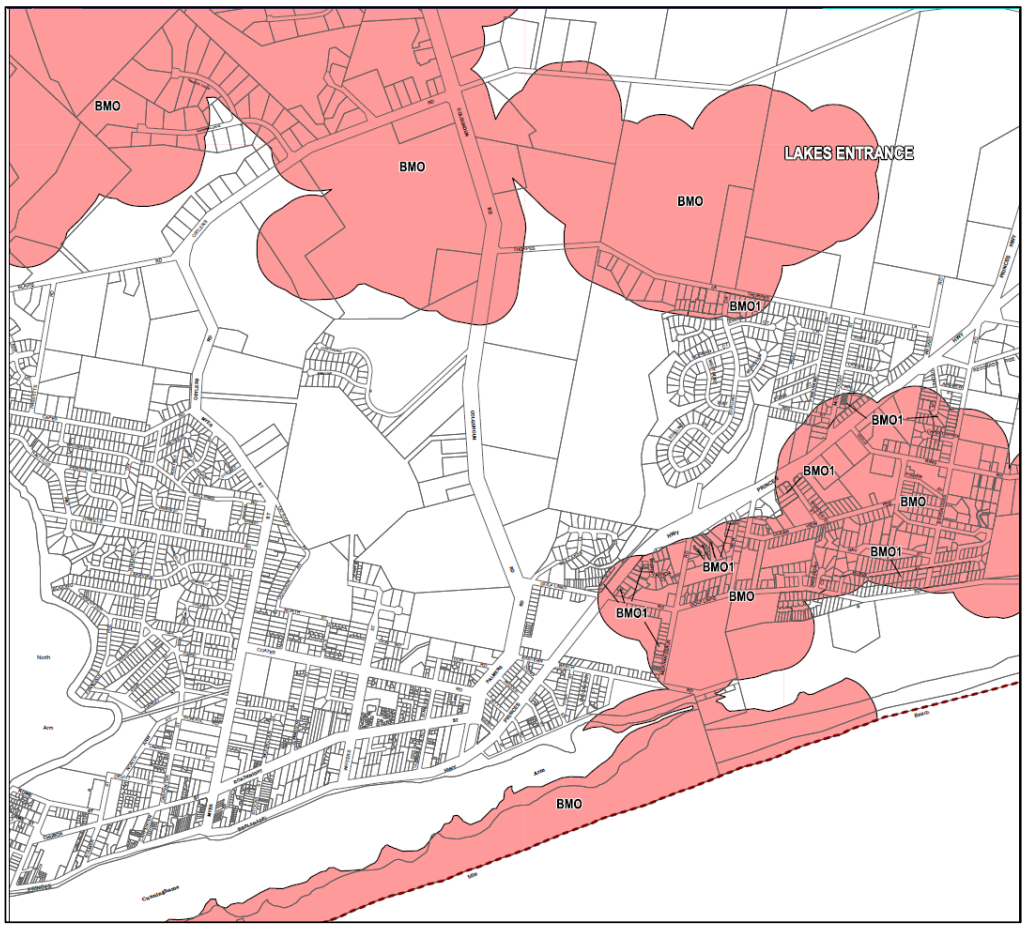
Figure 5 – Existing zoning controls



Overlay controls

Relevantly for this assessment, there are several overlay controls that affect the growth area. The Bushfire Management Overlay (**BMO**) affects part of the site, the Development Plan Overlay (**DPO8**) requires development to accord with the 2012 ODP and the Design and Development Overlay (**DDO13**) includes several design objectives seeking to revegetate drainage lines and steep slopes. It envisages development would be integrated into the natural landscape.

Figure 6 – Bushfire Management Overlay extent



TERRALOGIC

Figure 7 – Development Plan Overlay 8 extent

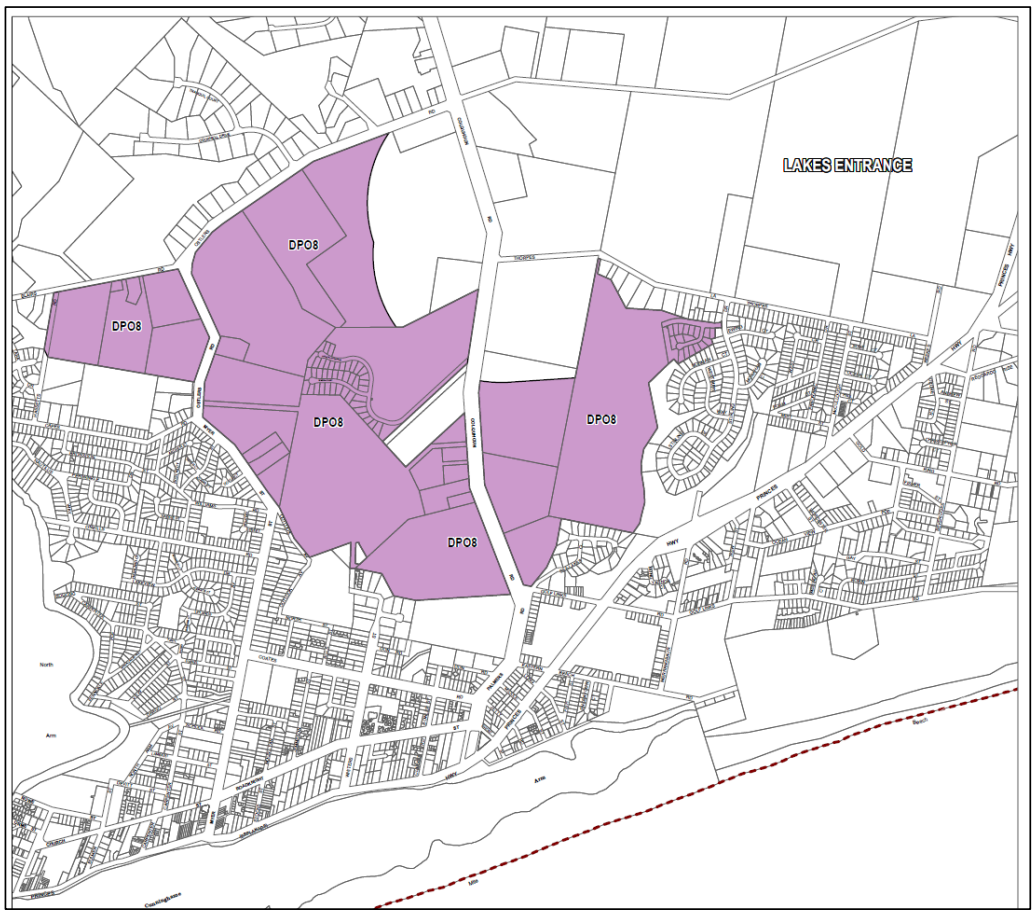
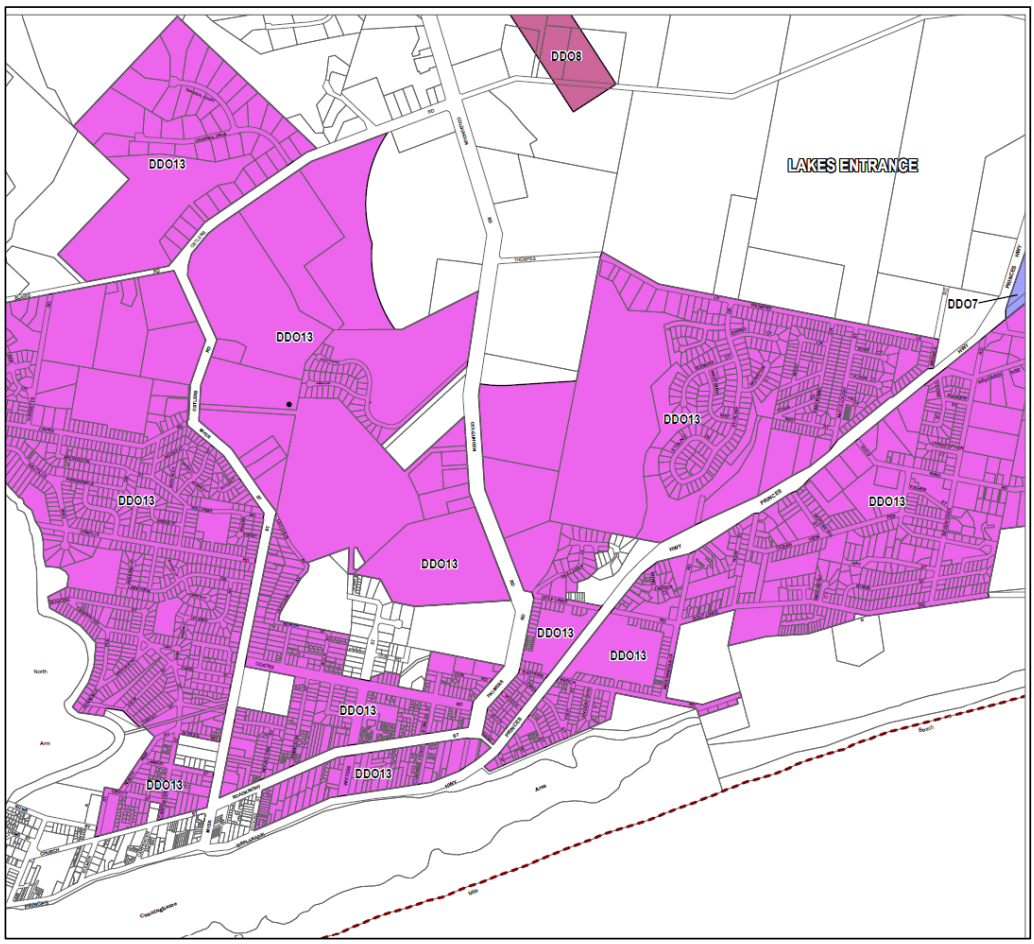


Figure 8 – Design and Development Overlay 13 extent



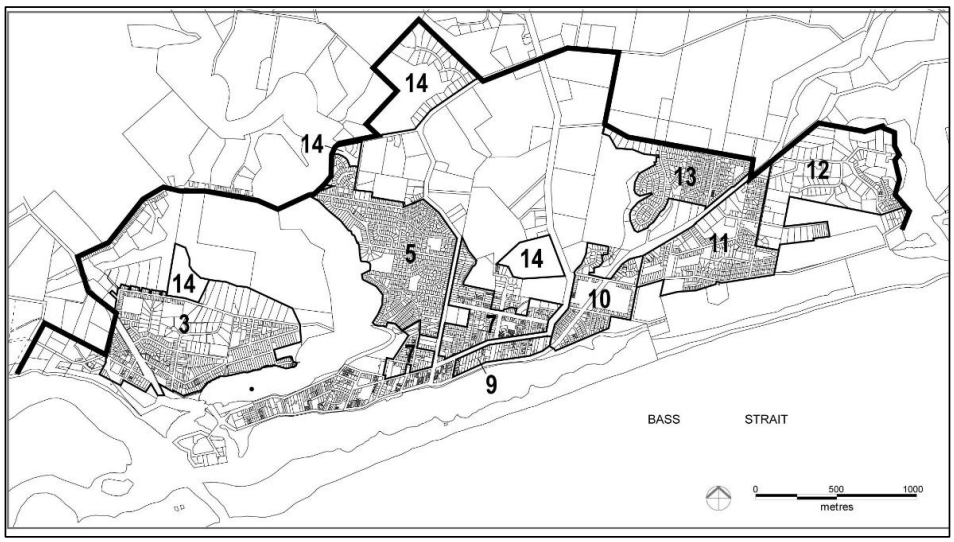
The DDO13 provisions set out the design intend for different precinct. It appears that the DDO13 intends for the LENGA to be part of precinct 14. In precinct 14 the following design objectives apply:

Future residential (area 14)

- *Whether development minimises visual and environmental impacts and is well integrated with the natural landscape.*
- *Whether the proposal facilitates the development of the precinct in discreet stages.*
- *Whether revegetation along drainage lines and on steep slopes is included in the proposal.*
- *Whether shared path connections to town are included in the proposal.*

TERRALOGIC

Figure 9 – Precinct map extracted from Design and Development Overlay 13

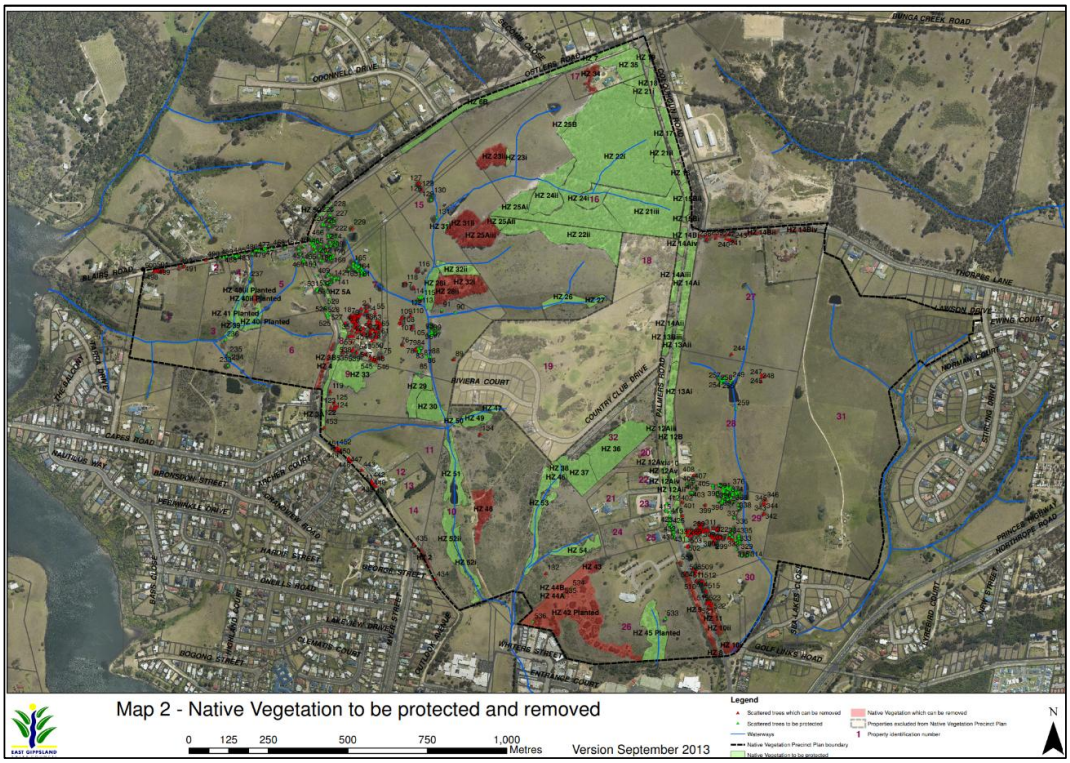


TERRALOGIC

Vegetation protection

Clause 52.16 incorporated the NVPP which identified which vegetation can be removed and which can be protected. The NVPP was extended in 2024 and it now expires in 2033. If there was no NVPP in place, a planning permit would be required under Clause 52.17 to remove any native vegetation.

Figure 10 – Extent of vegetation allowed to be removed (shown in red)



State bushfire policy

State planning policy at clause 13.02-1S of the Planning Scheme is relevant for the project, as it applies to projects within the designated BPA and the BMO. The objective of clause 13.02-1S is to:

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

In terms of settlement planning the policy seeks to:

- *Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).*

- *Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009) where human life can be better protected from the effects of bushfire.*

- *Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.*

- *Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reducing bushfire risk overall.*

In terms of policy guidelines, Clause 13.01-2S says that any applicable approved state, regional and municipal fire prevention plan could be considered relevant.

Clause 71.02-3 (Integrated decision making)

The provisions at clause 71.02-3 explains how bushfire risk is integrated with other policy objectives.

> *The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.*

Integrated bushfire hazard identification and mitigation

In Victoria the planning and building systems are integrated in how they deal with bushfire risk. The planning system is largely responsible for strategic decisions and decisions in areas with more significant bushfire hazard. The building system is largely responsible for decisions on sites with lower levels of bushfire hazard. Mapping tools under the planning and building systems are used to designate the level of bushfire hazard.

TERRALOGIC

Building system

In the building system, areas that are likely to be subject to bushfire are mapped in the designated Bushfire Prone Area (BPA) pursuant to Section 192A of the *Building Act 1993.* Areas designated as BPA areas that are exposed to lower levels of bushfire hazard – typically grassland environments and other bushfire prone areas where extreme bushfire behaviour is unlikely to be generated.

The BPA designation triggers a bushfire construction requirement under the National Construction Code 2016 (National Construction Code). A minimum construction standard of Bushfire Attack Level (BAL) – 12.5 applies in all parts the BPA.

Planning system

The planning system requires bushfire risk to be considered when developing land in the BPA and the BMO.

The BMO is a planning overlay control applied to areas that have the potential for more significant fire behaviour, such as a crown bushfire and extreme ember attack and radiant heat (DELWP 2017). These are the type of locations where the creation of new or expanded settlements should be avoided where possible and accordingly the mapping of the BMO has also used as an important input for the landscape scale bushfire assessment. We note in this instance the land was rezoned before the BMO mapping was updated.

Australian Standard AS.3959-2018

Australian Standard AS.3959-2018 – Construction of buildings in bushfire prone areas (2018) (**AS.3959**) is used to determine the level of bushfire attack on buildings and to determine the appropriate separation distances from vegetation and construction response in the building system.

The standard underpins both the building system and many aspects of the planning system. For example, State policy at Clause 13.02 refers to different radiant heat exposure thresholds as calculated under AS.3959.

As part of any assessment of bushfire behaviour there are assumptions made based on vegetation type, slope and assumptions about the weather conditions under AS.3959.

Vegetation classifications, slope and weather conditions

AS.3959 models the likely fire behaviour using the following parameters:

- Vegetation classification

- Slope
- Weather conditions

Vegetation (bushfire hazard) is classified under AS.3959 based on how it is likely to influence fire behaviour, taking into account the type and structure of the vegetation. The different vegetation classifications (listed broadly in order of descending fire severity) include:

- Forest
- Woodland
- Shrubland
- Scrub
- Mallee/Mulga
- Rainforest
- Grassland

Some vegetation is excluded from any assessment under AS.3959 on the basis that it is assumed to have a minimal influence on fire behaviour (i.e. it is considered 'low threat'). Excluded vegetation includes:

- Single areas of vegetation less than 1 hectare in area and not within 100 metres of other classifiable vegetation.
- Multiple areas of vegetation less than 0.25 hectares in area and not within 20 metres of the site or each other.
- Strips of vegetation less than 20 metres in width and not within 20 metres of the site or each other or other areas of classifiable vegetation.
- Non-vegetated areas including waterways, roads, footpaths, buildings or rock outcrops.
- Low threat vegetation including managed grassland, maintained lawns, golf courses and public reserves.

Guidance and practice notes

The following practice notes and guidance have been published in relation to bushfire risk assessment:

- *Planning Practice Note 64: Local and Regional Strategic Directions for Bushfire* (**PPN 64**)
- *Design Guidelines: Settlement Planning at the Bushfire Interface* (July 2020) (**Bushfire Interface Guidelines**)

- *Technical Guide Planning permit Applications Bushfire Management Overlay,* Victorian Government, September 2017 (**BMO Technical Guide**)
- *Landscaping for Bushfire: Garden Design and Plant Selection* (Version 3) (CFA, undated)[6] (**Landscaping for Bushfire guide**)

Bushfire Interface Guidelines

The guidelines apply to framework plans and settlement planning exercises such as this proposal.

The guidelines are used once the overall bushfire hazard is understood (as addressed in **section 5** of this report). There are three parts to the guidelines:

- Part 1 – Form and structure of settlements which considers:
  - Bushfire hazard in directing growth
  - Distribution of uses in the settlement
  - Lot sizes in settlement layout
  - Vegetated areas within a settlement.
- Part 2 – The settlement interface with the bushfire hazard
  - Apply the required development setback
  - Design the settlement interface
  - Access and egress
- Part 3 – Bushfire protection measures at the settlement scale which considers:
  - vegetation management
  - bushfire constructions standards
  - fences and other localised fuel sources

[6] file:///C:/Users/gabby/Downloads/CFA%20Landscaping%20for%20Bushfire%20(Version%203).pdf

TERRALOGIC

5. Consultation with agencies

The CFA and CMA were consulted in the preparation of this report. A joint site inspection was conducted on 30 May 2024 where agencies and Council were present to discuss the specific constraints and revegetation considerations for the revised ODP.

Beveridge Williams staff also met on site, as they are working through the revisions to the ODP with a particular interest on the practical consequences of any revisions.

In September 2024 Council provided the CMA and CFA[7] with updated materials to reflect discussions at the site meeting. This included updated constraints mapping, ranking of different treatments for different hazard classifications and indicative layout changes.

Key feedback from the CMA:

[Placeholder]

Key feedback from the CFA:

[Placeholder]

[7] Noting the informal role of the CMA and CFA in the strategic planning process

TERRALOGIC

6. Bushfire hazard assessment

A bushfire hazard assessment is a factual assessment of the bushfire hazard and the likely forms of bushfire attack.

The bushfire hazard assessment has been prepared in three parts:

a) Desktop review of factors affecting fire risk within the municipality, including a review of topography, vegetation and fire history (i.e. to consider the relative risks associated with the LENGA compared with other parts of the Shire).
b) Bushfire hazard landscape assessment of the wider area (e.g. within 20km of the LENGA).
c) A bushfire hazard site assessment which assesses the vegetation and slope within approximately 150 metres of the growth area.

All of these forms of hazard assessment take into account the different mechanisms of bushfire attack and how they might affect the revised ODP for LENGA.

Mechanisms of bushfire attack

As noted in DELWP's BMO Technical Guide there are up to five forms of bushfire attack that need to be taken into account when undertaking bushfire assessments. These are:

- ember attack
- radiant heat
- localised flame contact
- flame contact from the fire front
- extreme fire behaviour.

TERRALOGIC

a) Bushfire hazard in the broader municipal context

We have reviewed information relating to topography, ecological vegetation classifications, vegetation density and fire history to show the relative risk levels in Lakes Entrance compared with other parts of the Shire.

Council has recently undertaken a broader settlement review, identifying future settlement patterns. In December 2023 Council adopted the *East Gippsland Housing & Settlement Strategy* (**Settlement Strategy**). The Settlement Strategy includes a number of principles that influenced the plans for future settlement including:

> *Development in areas of environmental and landscape significance and at risk of natural hazards will be managed to preserve natural resources and to protect human life.*

The Settlement Strategy goes on to explain:

> *New housing will be directed to low-risk locations. The protection of human life from bushfire, flood or landslip and erosion will be Council's highest priority.*

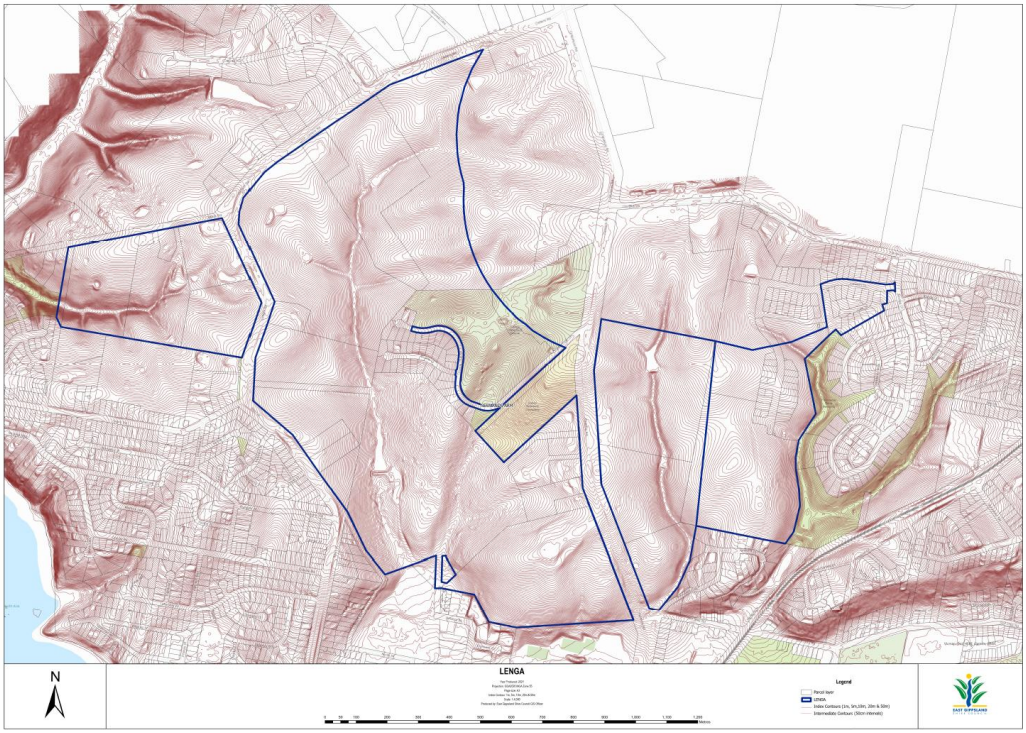
Lakes Entrance is identified as one of four service towns within the shire, and these are areas identified for incremental change. Rezoning of land for residential purposes will only be support in areas also identified for future residential development or in existing structure plan (e.g. LENGA).

There are many existing towns within the Shire that have been identified as constrained. This means that in the hierarchy of settlement, Lakes Entrance has been identified as an area of relatively lower risk (compared with many smaller towns and rural settlements where minimal growth only is proposed).

Topography and vegetation

Lakes Entrance is bounded by the ocean to the south and extensive forest to the north, under rugged terrain.

Figure 11 – Topography surrounding Lakes Entrance



To understand the relative risks, the slope information needs to be coupled with information about vegetation. Figure 12 shows the extent of vegetation around Lakes Entrance. There are significant tracts of forest vegetation to the north of Lakes Entrance, under steep topography. However. To the west of Lakes Entrance there are areas of more open farmland moving towards Bairnsdale.

TERRALOGIC

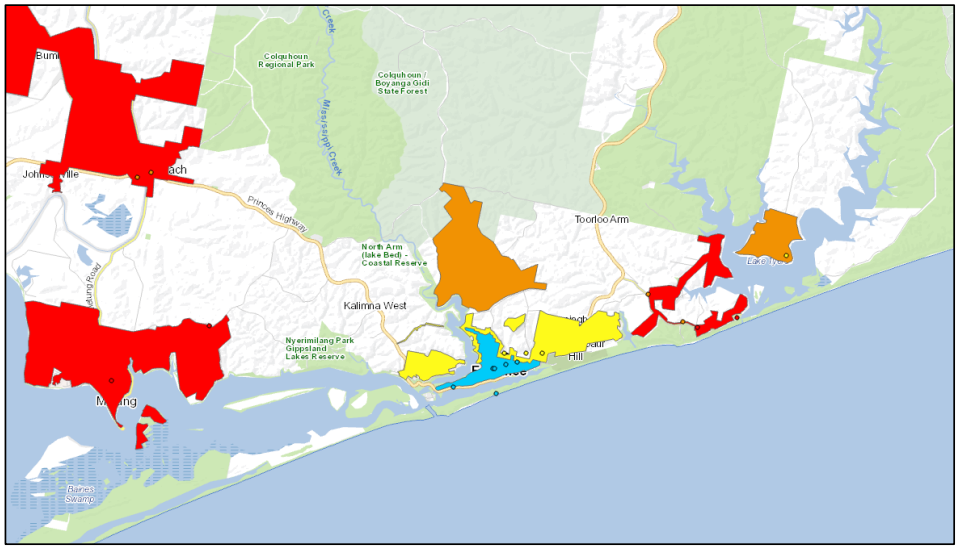
Figure 12 – Extent of vegetation



Victorian Fire Risk Register

The Victorian Fire Risk Register provides an assessment of the vulnerability of existing settlements to bushfire.

Figure 13 – Extract from Victorian Fire Risk Register



TERRALOGIC

Access

In the event of a bushfire there are limited safe access routes to the north, however there is access to the west towards Metung and Bairnsdale.

Fire history

The fire history for the Shire shows that fires tend to the be concentrated to the in the most densely forested and rugged areas in the Shire.

There is a long history of fires impacting the Shire, including:

- 2019/20 Black Summer Fires
- 2018 Cann River Fires
- 2017 Buchan/Cabbage Tree Fires
- 2014 Goongerah/Club Terrace Complex fire and Glenaladale/ Mt Ray fire
- 2013 Harrietville fires and Aberfeldy fires (adjoining municipalities but assisted re relief centres, works etc).
- 2011 – Tostaree Fire
- 2006/2007 – Great Divide Fire commenced on 1 December 2006 and continued for 69 days to containment. Another Fire burnt in the Boulder Creek area near Orbost during the same period.
- 2003 – Alpine Fires, Bogong Complex South 7 January to 26 March, on 26 January first impact on freehold land when fire entered township of Omeo. On 30 January again impacted on the township of Omeo and down to Bindi, Tongio and Swifts Creek.

Municipal Emergency Management Plan

The *Municipal Emergency Management Plan 2024* (**Municipal EMP**) was prepared by the Council. This plan provides more specific direction for the Shire around risk and management activities.

The plan identifies the risk from regional and localized fires as high. It is notable that a town like Lakes Entrance also experience the risk of flooding, particularly in the lower lying parts of the town.

TERRALOGIC

Bushfire Hazard Landscape Assessment (within 20km)

This part of the assessment focusses on the risks using the methodology set out in the BMO Technical Guide.

This growth area would be classified as 'Broader Landscape Type Three' according to the BMO Technical Guide. These are landscapes where:

- *The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site.*
- *Bushfire can approach from more than one aspect.*
- *The site is located in an area that is not managed in a minimum fuel condition.*
- *Access to an appropriate place that provides shelter from bushfire is not certain.*

Lakes Entrance is already subject to this risk. There is a high risk of a landscape scale fire developing to the north of the township, resulting in ember attack and direct flame contact and radiant heat in the parts of the settlement.

Bushfire attack scenarios – based on proposed conditions

The most likely forms of fire behaviour that could impact the growth area (and Lakes Entrance more generally) are:

- Ember attack, which could be extreme.
- Direct flame contact and radiant heat are expected in parts of the settlement that have a direct interface with unmanaged bushfire (e.g. mainly in the northern parts of the growth area).
- Embers igniting vegetation with the settlement creating localized flame contact and radiant heat (but likely to be to a lesser degree compared with parts of the settlement directly on the interface with unmanaged vegetation).
- Strong winds in circumstances where a landscape scale fire generates its own weather patterns.

A bushfire hazard landscape assessment plan is provided at **page 32** of this report.

Relative risk within the Shire

Figures 11 and 12 show the relative location of Lakes Entrance within the Shire. It is evident that the majority of the Shire is subject to the risk of bushfire. The more extreme fire behaviour is expected in the forested areas where there is rugged topography (i.e. most of the Shire).However, it is notably that the predominant wind direction is from the south and south-east (i.e. from the ocean). However, this is not to indicate that a fire in the forest to

the north of the settlement would not have an impact. It is expected that on days with a northerly wind ember attack, flame contact and radiant heat would be expected to impact on the settlement.

The relatively lower risk parts of the Shire is the more open farming land around Bairnsdale and some of the parts along the coast where there are established settlements. However, notably having a settlement on the coast is not 'low risk', as evidenced by the fires in Mallacoota, where there is limited access these areas can be just as risky as forested areas in the event of a fire.

Lakes Entrance is considered a lower risk part of the Shire on the basis that it has access towards Bairnsdale and the more open farmland areas to the west. There is also an established township and modified vegetation which will moderate fire behaviour within the settlement. However, as outlined above all forms of bushfire attack could be expected within Lakes Entrance, including the LENGA.

TERRALOGIC



Plan prepared on 21/10/2024

Bushfire Hazard Landscape Assessment

Lakes Entrance North Growth Area

- Subject site
- Main fire runs
- Secondary fire runs

TERRALOGIC

TERRALOGIC

b) Bushfire Hazard Site Assessment (within 150m)

State policy aims to ensure that new development can achieve a radiant heat exposure of less than 12/KW/sqm. This assessment uses the methodology in AS.3959 to determine what separation distance would be required to achieve this level of radiant heat exposure.

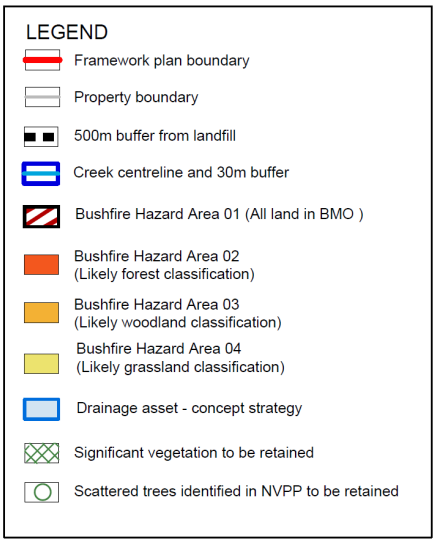
Methodology

Bushfire hazard within 150m of the growth areas were assessed based on desktop information, generally in accordance with sections 2.2.3 to 2.2.5 (Method 1) of *AS3959:2018 Construction of buildings in bushfire prone areas* (**AS.3959**).

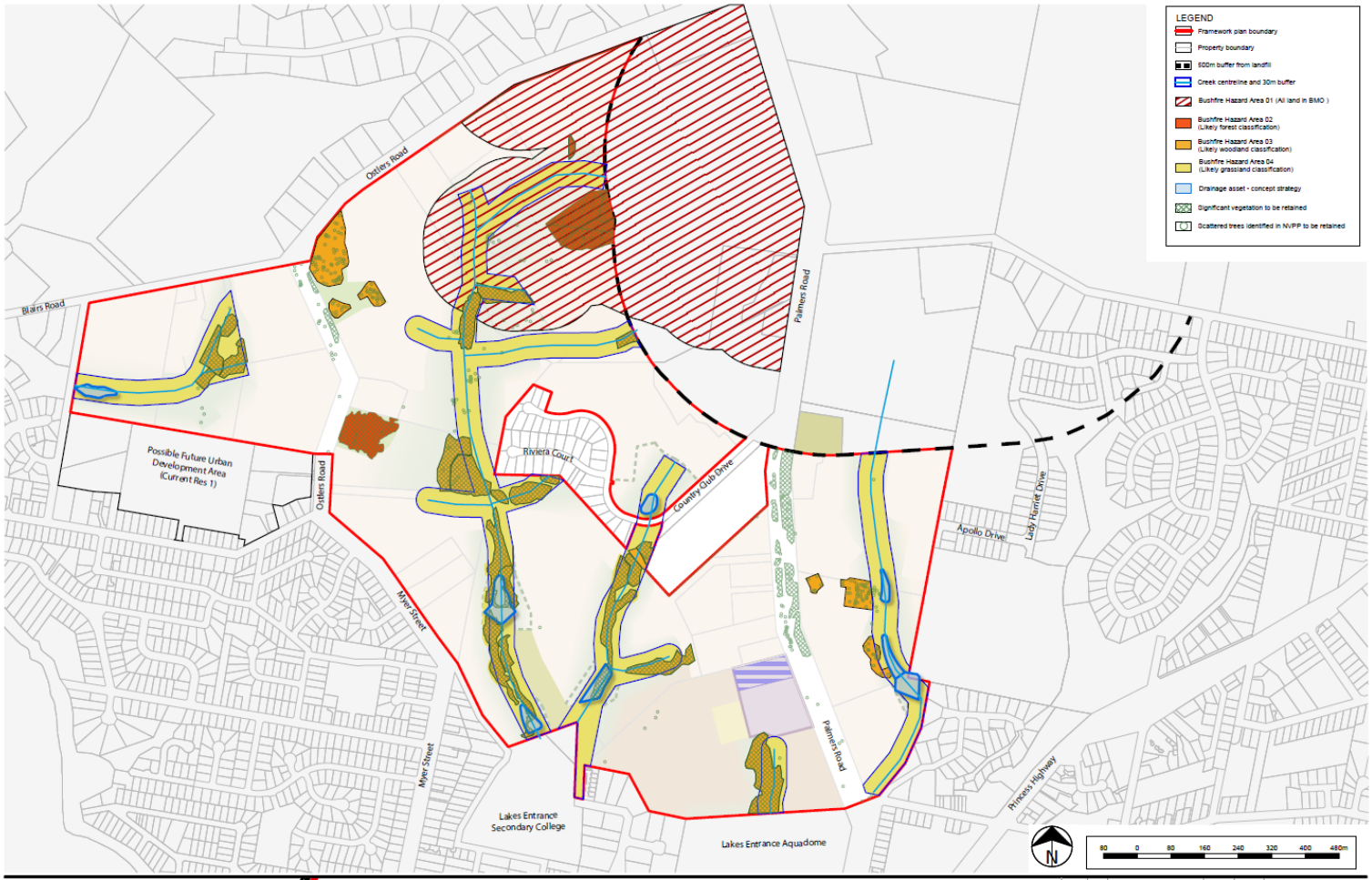
The site inspection was also conducted on 30 May 2024. However, the purpose of the site assessment was primarily to meet with the CMA and CFA to get a more general understanding of the area terrain, access and interfaces with surrounding land uses.

Desktop site assessment

The outcomes of the high level desktop assessment is shown on page 34 of this report. The map identifies the main areas of classified vegetation and applies as risk rating based on the level of risk across the site. More detailed site assessments will be required to determine the exact setback requirements from unmanaged vegetation, which will depend on the slope and specific vegetation classification. The map at page 34 provides an indication of the likely vegetation classification based on information currently available in the NVPP and the draft CMA guidelines. The legend to the map on page 34 is expanded below for clarity.



TERRALOGIC



Beveridge Williams

1 Glenferrie Road, Malvern, Victoria 3144
ph : 03 9524 8888 - www.beveridgewilliams.com.au

Bushfire Hazard Plan

Lakes Entrance Northern Growth Area ODP Review

East Gippsland Shire Council

DRAFT
FOR DISCUSSION PURPOSES ONLY

Version	Date	Description	Drafted	Approved
01	18.03.2025	First issue	CX	WEB
02	10.01.2025	Updated as per comments	CX	WEB
03	31.01.2025	Updated as per comments	CX	WEB
04	18.04.2025	Updated as per comments	CX	WEB
05	24.04.2025	Updated as per comments	WEB	WEB

Date: 24.04.2025
Version No: 05
Job No: 2302087
Scale (A1): 1:4000
(A3): 1:8000

K:\JOBS DATA\2302087 - LAKES ENTRANCE ODP REVIEW_UDL\ILLUSTRATOR\MAP\FRAMEWORK PLAN2302087_UD_BASE.DWG

34

Photo 1 – View south down waterway (from central part of site)



Photo 2 – View north up waterway (from central part of site)



Photo 3 – Example of woodland vegetation towards north east of site



Photo 4 – Patch of forest vegetation (adjacent to waterway in central part of site)



Photo 5 – View from south western edge of site looking north east



Photo 6 – View from south western edge of site looking south east



7. Risk assessment & Bushfire Interface Guidelines

State and local planning policy

State policy at Clause 13.02-1S and the BMO Technical Guide sets out the factors that influence bushfire risk and strategies for settlement planning.

Critically for the review of LENGA, it is noted that the land has already been rezoned and subject to development controls which allow residential development to progress in this area. When compared with the current controls, the revised controls will not increase bushfire risk. Instead, they will introduce more rigour for future structure planning processes by integrating more recent guidance on settlement planning to reduce bushfire risk.

The following section of this report includes a response to the relevant policy objectives.

Clause 13.01-2S

Settlement planning strategies	**Response**
• Directing population growth and development to low risk* locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under *AS 3959-2009Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2009). • Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under *AS 3959-2009Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2009) where human life can be better protected from the effects of bushfire. • Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development. • Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reducing bushfire risk overall. • Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction. • Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis. • Not approving any strategic planning document, local planning policy, or planning scheme	**Lower risk locations** LENGA is a location that has already been rezoned and planned for residential development. Lakes Entrance, while not low risk by Statewide standards, is low risk within the Shire. There is a significant amount of modified vegetation within the growth area. There are some areas containing existing forest and woodland vegetation, particularly to the north of the site and along some of the waterways. The balance of the growth area has been modified by farming and there are areas where development has been approved under various development plans already approved within the area (see Figure 4). **Access** There are existing roads around the perimeter of the growth area. There are also roads planned within the area which will provide access to lower risk areas **No net increase in risk** The area has already been identified for growth and has an existing approval in place. Given the most recent analysis (taking into account more recent bushfire and waterway management practices) identified that the development yield has been reduced, when compared with the 2012 ODP. This means 'on paper' there will be a net reduction in risk compared with the 2012 ODP and after the

amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under *AS 3959-2009 Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2009).	bushfire protection measures recommended in this assessment have been incorporated. **Alternative low risk locations** Municipal scale – the Settlement Strategy has created a hierarchy for growth across the Shire and there are limited options for growth within the Shire. However, Council is still required to ensure there is sufficient land available for growth. At the municipal scale, Council has identified Lakes Entrance as a location for incremental growth – focusing new growth within areas already rezoned or where there are structure plans in place (e.g. like LENGA). There are limited alternative sites at the municipal scale.

***What is considered a lower risk location?**

DTP provides advice on its website about what constitutes low risk locations (e.g. as per Strategy 2 in Clause 13.02-1S). These are locations that:

- will not be subject to large landscape-scale bushfires
- have safe areas, where people can safely move to and that provide protection from the harmful effects of flame contact and radiant heat
- have land that will receive radiant heat at lower levels
- can demonstrate that proposed bushfire protection measures can be adequately implemented. For example, vegetation can be managed on an ongoing basis
- can demonstrate that by applying bushfire protection measures, bushfire can be managed.

Bushfire Interface Guidelines

The Bushfire Interface Guidelines provide a structured process for assessment settlement plans, such as this proposal.

- Understanding the bushfire hazard
- Part 1 – Form and structure of settlements which considers:
- Part 2 – The settlement interface with the bushfire hazard
- Part 3 – Bushfire protection measures at the settlement scale which considers:
- Implementation

The following section in the report provides a response to Parts 1 -3 of the guidelines, with specific comments on the proposed ODP.

Understanding the threat - Bushfire hazard and likely fire behaviour

In **section 6** of this report the bushfire hazard and likely fire behaviour was assessed. It is anticipated that the most likely forms of fire behaviour that could generally impact the Project area include:

- Ember attack, which could be extreme.
- Direct flame contact and radiant heat are expected in parts of the settlement that have a direct interface with unmanaged bushfire (e.g. mainly in the northern parts of the settlement).
- Embers igniting vegetation with the settlement creating localized flame contact and radiant heat (but likely to be to a lesser degree compared with parts of the settlement directly on the interface with unmanaged vegetation).
- Strong winds in circumstances where a landscape scale fire generates its own weather patterns.

Part 1 – Form and structure of settlements

Guideline considerations	Response
• Settlement planning should direct growth to locations that are less exposed to a bushfire	As outlined above, the growth area has already been rezoned and a structure plan is already in place. This has been identified as an area where incremental growth is acceptable, subject to appropriate mitigation. There are areas identified in the NVPP where vegetation is proposed to be protected and waterways where new vegetation could be planted. This existing and planned vegetation needs to be considered in terms of its capacity to contribute to bushfire risk.
• The distribution of land uses in the settlement should consider bushfire risk. Vulnerable uses should be located away from interface areas and hazardous uses (that present an ignition risk) should be located away from interfaces and or where they are exposed to a north west of south west bushfire.	The growth area is proposed to be developed for residential purposes. However, if an aged care facility or more vulnerable use is proposed, this should be positioned in lower risk parts of the site where there is less classified vegetation and good road access (this will be the south-western parts of the site). Vulnerable uses should not be located in the northern parts of the site or where there is a direct interface with forested or woodland vegetation.
• Lot sizes should be considered in the context of their capacity to enable fuel sources (vegetation) in the landscape.	In the northern part of the site, less development should occur however the lot sizes need to be suitably sized to ensure they do not contribute to fuel sources.

• Vegetated areas within a settlement should be designed to minimise bushfire risk.	In discussions with the CMA and CFA, waterways within the growth area need to be carefully planned to reduce bushfire risk. There is minimal planting proposed (to reach an appropriate balance between waterway protection and not introducing a new fuel source). The indicative cross sections currently assume that there will usually be 30m on either side of the waterway centreline will be classified as grassland vegetation.

Part 2 – The settlement interface

<table>
<tr><th>Guidelines considerations</th><th>Response</th></tr>
<tr><td>• Apply the required setback

• Design the settlement interface to include low threat vegetation or a perimeter road

• Design of access and egress should allow people living close to the interface to move away easily</td><td>It is premature to determine the exact setback requirement for development in the LENGA however based on the desktop assessments completed to date it looks like there will be a range of setbacks required. The table below outlines several setback scenarios to achieve a radiant heat radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959.

<table>
<tr><th>Vegetation type</th><th>Slope</th><th>Setback</th></tr>
<tr><td>Grassland</td><td>Flat or upslope</td><td>19m</td></tr>
<tr><td>Grassland</td><td>0-5 degrees downslope</td><td>22m</td></tr>
<tr><td>Woodland</td><td>Flat or upslope</td><td>33m</td></tr>
<tr><td>Woodland</td><td>0-5 degrees downslope</td><td>41m</td></tr>
<tr><td>Forest</td><td>Flat or upslope</td><td>48m</td></tr>
<tr><td>Forest</td><td>0-5 degrees downslope</td><td>57m</td></tr>
</table>

The consequences of applying these setbacks have been considered by Beveridge Williams in developing plans for the growth area. It is accepted in some lower hazard areas or where there are significant site constraints that exposures of more than 12.5 kilowatts/square metre may occur – however where allowances are accepted by Council, exposures must not exceed 29 kilowatts/square metre.

Typical cross sections have been prepared which identify likely interfaces between vegetation and development. These cross sections needs to be applied based on the relative hazard level in that part of the site (see hazard map at page 34).

In most locations a perimeter road or pathway will be preferred to ensure there is a buffer provided. The indicative plan shows that access can be designed to provide a thoroughfare through the site, ensuring emergency vehicles can access the site.</td></tr>
</table>

Part 3 – Bushfire protection measures across a whole site

Guidelines considerations	Response
• Vegetation should be managed to a standard commensurate with the risk • Construction standards should be considered	Native vegetation has already been identified for protection in the NVPP. The waterways were originally not assumed to include native vegetation in the 2012 version of the ODP. However, the CMA released draft guidelines that indicated that additional planting would be required (compared to what was originally assumed). In those locations, Council have prepared and indicative cross section to show how these areas will be treated to minimize any new risk arising. The setbacks shown in the revised Framework Plan assumed that a BAL-12.5 should be the target for most new development.

• Fences and other localised fuels sources should be considered	Fencing detail will be resolved at a later stage in the process, however it is noted that post and wire or colorbond fences are preferred so as not to create an additional fuel source within the growth area.

8. Recommended bushfire mitigation measures

Based on the outcomes of the bushfire hazard assessment, risk assessment and policy it is recommended that the following measures be integrated into the revised Framework Plan and overlay schedules for LENGA. This will include updates to DPO schedule 8.

The controls should provide for the following:

Land use distribution

- Appropriate land use distribution should be provided within any new precinct, including:
    - Concentrate new development is lower hazard areas (e.g. areas adjacent to hazard area 4),
    - avoid positioning any vulnerable uses (e.g. hospitals, aged care facilities) or hazardous uses (e.g. petrol stations) on the interface with unmanaged vegetation or higher hazard area (e.g. hazard area 1 or hazard area 2).
- Lot sizes should be considered in the context of their capacity to enable fuel sources (vegetation) in the landscape. Lots should be designed so that they cannot carry additional fuel loads and are of a size where any required vegetation management is practical to implement.

Interface with bushfire hazard

- Perimeter roads should be provided where there is a direct interface with unmanaged vegetation existing forest or woodland, or where new conservation areas are proposed.

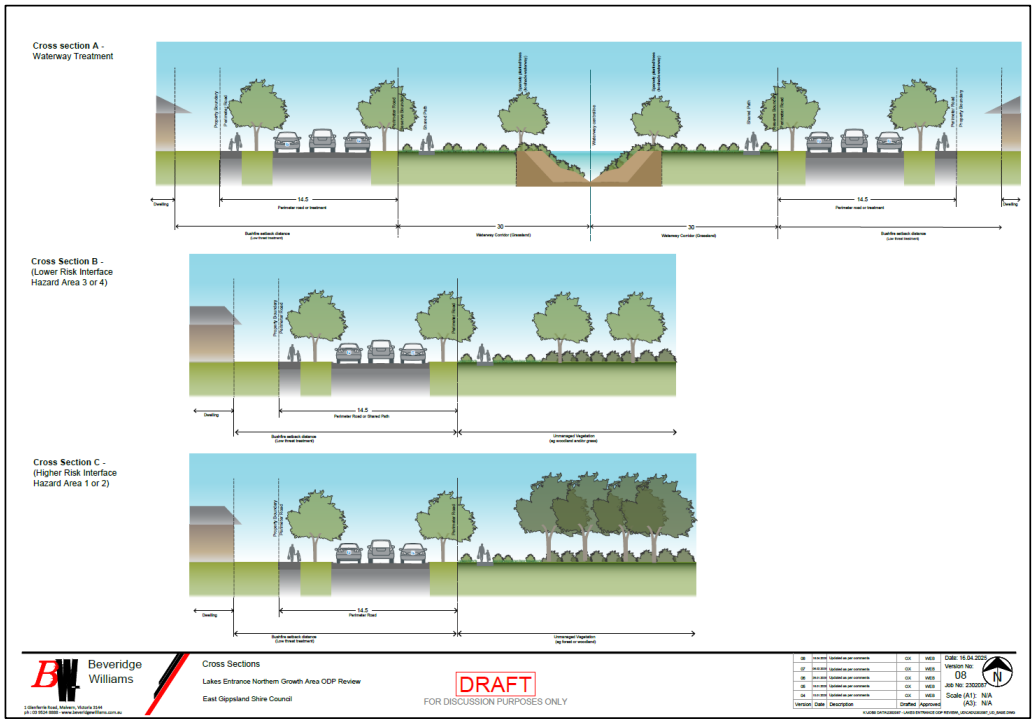
- Perimeter treatments (e.g. shared paths) could be provided where there is a direct interface with unmanaged waterway corridors or in lower risk parts of the site (e.g. hazard area 3 and 4)
- Appropriate setbacks should be provided to achieve a achieve a radiant heat radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959 for new dwellings, and possibly lower exposure for vulnerable uses.
    - The typical cross sections show the indicative arrangement and treatment for different interfaces to achieve an appropriate radiant heat exposure (ideally less than 12.5 kilowatts/square metre).
    - It is noted in some instances a higher radiant heat exposure (i.e. reduced setback) may be permitted where there are significant siting constraints or other factors that will reduce the bushfire risk. For example:
        - in lower hazard areas (areas 3 and 4) where a perimeter road is provided a reduced setback may be accepted

- in locations where there is a steeper slope, but a shorter fire run is likely due to existing development or natural features a reduced setback may be be accepted

The maximum radiant heat exposure that could be allowed in these instances is 29 kilowatts/square metre.

- Appropriate construction standards will need to be assessed at an appropriate time, however if the typical cross sections are applied in the different hazard areas, it is expected that the majority of dwellings would have an appropriate radiant heat exposure that is commensurate with the bushfire risks.

Typical cross section



Access and egress

- The design of access and egress should allow people living close to the interface to move away easily, including:
  - Connectivity between established areas (and key access routes) and new precinct, ensuring people can access lower threat areas (e.g. established suburbs).

Vegetation management

- Vegetated areas in the growth area should be designed to minimise bushfire risk where practicable (e.g. new open space areas and street planting designed to achieve a low threat standard under AS3959 or adopt the principles in CFA's Landscaping for Bushfire Guide).
  - The exceptions to this include:
    - new plantings in the waterways (which has been discussed in detail with the CMA). For water protection purpose is likely to be classified as 'grassland'.
    - Native vegetation that has been identified for retention (or as an offset) in the NVPP already in the Planning scheme.
- Any new vegetation, fencing structures or landscape should be managed to a standard commensurate with the bushfire risk. For example, brush fences should be avoided and colourbond or post and wire fences are preferred.

Staging and construction

- The following matters should be considered as they relate to the staging and construction phases of any new settlement in the growth area:

  - The staging of any new development should consider the risk at the interface. The staging should minimise direct exposure to an interface with unmanaged vegetation. Where there is a direct interface on the development front, 100m buffer should be managed in a low threat state during the construction phase. For example, grass should be short cropped and maintained during the declared fire danger period, shrubs should not be located under the canopy of trees, trees should not overhang or touch any elements of the building and the canopy of any trees should be separated by at least 5 metres.
  - Throughout the construction phase, access roads should be constructed in association with the relevant stage to allow safe access for early residents, construction workers and emergency service personnel.

9. Conclusion

The proposed changes to the existing controls in LENGA are consistent with State bushfire policy at Clause 13.02-1S.

LENGA is a location that has already been rezoned and planned for residential development. Lake Entrance, while not low risk by Statewide standards, is low risk within the Shire. There is a significant amount of modified vegetation within the growth area. There are some areas containing existing forest and woodland vegetation, particularly to the north of the site and along some of the waterways.

A Panel has already determined that the rezoning of the land of the land was strategically justified, in the knowledge that the land would be partly affected by the BMO.

The area has already been identified for growth and has an existing approval in place. Given the most recent analysis (taking into account more recent bushfire and waterway management practices) identified that the development yield has been reduced, when compared with the 2012 ODP. This means 'on paper' there will be a net reduction in risk compared with the 2012 ODP and after the bushfire protection measures recommended in this assessment have been incorporated.

Subject to the recommendations in **section 8** of this report, it is considered that the revised Framework Plan for LENGA can meet the policy objectives at Clause 13.02-1S and the Bushfire Interface Guidance published by the Department.

10. References

Advisory Note 46, Bushfire Management Overlay Mapping Methodology and Criteria, Victorian Government, August 2013

Design Guidelines: Settlement Planning at the Bushfire Interface, DELWP, July 2020

Landscaping for Bushfire: Garden Design and Plant Selection (Version 3), CFA, undated.

Planning Practice Note 64: Local and Regional Strategic Directions for Bushfire

Technical Guide Planning permit Applications Bushfire Management Overlay, Victorian Government, September 2017

Standards Australia 2018. Australian Standard AS.3959-2018 – Construction of buildings in bushfire prone areas (AS.3959-2018), Council of Australian Standards.

APPENDIX A

2007 State bushfire policy

13.05 Wildfire

20/09/2010
VC71

13.05-1 Wildfire risk

20/09/2010
VC71

Objective

To assist the minimisation of risk to life, property, the natural environment and community infrastructure from wildfire.

Strategies

Identify wildfire risk environments in planning schemes in consultation with relevant fire authorities.

Consider fire hazards in wildfire risk environments to avoid intensifying the risk of wildfire through inappropriately located or designed uses or developments.

Seek the advice of the relevant fire authority if compliance with the policy guidelines is not likely or additional measures are believed necessary.

Policy guidelines

Planning must consider as relevant:

- Any relevant *Municipal Fire Prevention Plan.*
- *Code of Practice for Fire Management on Public Land* (Department of Sustainability and Environment, Revision No. 1, February 2006).
- *Bushfire Prone Areas* (Building Control Commission and Country Fire Authority, 1995).
- Wildfire Intensity Maps prepared by the Country Fire Authority.

2011 State policy

13.05 Bushfire

18/11/2011
VC83

13.05-1 Bushfire planning strategies and principles

18/11/2011
VC83

Objective

To assist to strengthen community resilience to bushfire.

Strategies

Overarching strategies

Prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire.

Where appropriate, apply the precautionary principle to planning and decision-making when assessing the risk to life, property and community infrastructure from bushfire.

Bushfire hazard identification and risk assessment strategies

Apply the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.

Assess the risk to life, property and community infrastructure from bushfire at a regional, municipal and local scale.

Identify in planning schemes areas where the bushfire hazard requires that:

- Consideration needs to be given to the location, design and construction of new development and the implementation of bushfire protection measures.
- Development should not proceed unless the risk to life and property from bushfire can be reduced to an acceptable level.

Strategic and settlement planning strategies

Ensure that strategic and settlement planning assists with strengthening community resilience to bushfire.

Consult with the relevant fire authority early in the strategic and settlement plan making process and implement appropriate bushfire protection measures.

Ensure that planning to create or expand a settlement in an area at risk from bushfire:

- Addresses the risk at both the local and broader context.
- Reduces the risk to future residents, property and community infrastructure from bushfire to an acceptable level.

- Ensures any biodiversity and environmental objectives specified in the planning scheme are compatible with planned bushfire protection measures.
- Ensures the risk to existing residents, property and community infrastructure from bushfire will not increase as a result of future land use and development.
- Ensures future residents can readily implement and manage bushfire protection measures within their own properties.

Planning scheme implementation strategies

Specify in planning schemes the requirements and standards for assessing whether the risk to a proposed development from bushfire is acceptable and the conditions under which new development may be permitted.

Ensure that planning schemes, in particular the Municipal Strategic Statement, Local Planning Policies and zones applying to land, provide for use and development of land in a manner compatible with the risk from bushfire.

Ensure that planning schemes support bushfire management and prevention and emergency services actions and activities.

Ensure that planning schemes do not prevent the creation of required defendable space around existing development through the removal and management of vegetation.

Development control strategies

In areas identified in the planning scheme as being affected by the bushfire hazard, require a site-based assessment to be undertaken to identify appropriate bushfire protection measures for development that has the potential to put people, property or community infrastructure at risk from bushfire.

Only permit new development where:

- The risk to human life, property and community infrastructure from bushfire can be reduced to an acceptable level.
- Bushfire protection measures, including the siting, design and construction of buildings, vegetation management, water supply and access and egress can be readily implemented and managed within the property.
- The risk to existing residents, property and community infrastructure from bushfire is not increased.

When assessing a planning permit application for a single dwelling in an established urban or township residential area, consider the need for a localised response to the bushfire risk and consider any relevant existing or planned State or local bushfire management and prevention actions that may affect the level of on-site response needed.

Bushfire planning

Policy application

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

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

Objective

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

Strategies

Protection of human life

Give priority to the protection of human life by:

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

Bushfire hazard identification and assessment

Identify bushfire hazard and undertake appropriate risk assessment by:

- Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.
- Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the Building Act 1993 or regulations made under that Act.
- Applying the Bushfire Management Overlay to areas where the extent of vegetation can create an extreme bushfire hazard.
- Considering and assessing the bushfire hazard on the basis of:
    - Landscape conditions - meaning conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;
    - Local conditions - meaning conditions in the area within approximately 1 kilometre of a site;
    - Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and
    - The site for the development.

- Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.
- Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.
- Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.

Settlement planning

Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:

- Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).
- Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018) where human life can be better protected from the effects of bushfire.
- Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.
- Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reducing bushfire risk overall.
- Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction.
- Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.
- Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).

Areas of biodiversity conservation value

Ensure settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that are important areas of biodiversity.

Use and development control in a Bushfire Prone Area

In a bushfire prone area designated in accordance with regulations made under the Building Act 1993, bushfire risk should be considered when assessing planning applications for the following uses and development:

- Subdivisions of more than 10 lots.
- Accommodation.
- Child care centre.
- Education centre.
- Emergency services facility.
- Hospital.
- Indoor recreation facility.
- Major sports and recreation facility.
- Place of assembly.
- Any application for development that will result in people congregating in large numbers.

When assessing a planning permit application for the above uses and development:

- Consider the risk of bushfire to people, property and community infrastructure.
- Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.
- Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.

onemilegrid

Lakes Entrance North Growth Area

Traffic and Movement Assessment



230710TIA001C-F.docx

27 August 2024

onemile**grid**

ABN: 79 168 115 679

(03) 9939 8250
Wurundjeri Woiworung Country
56 Down Street
COLLINGWOOD, VIC 3066
www.onemilegrid.com.au

DOCUMENT INFORMATION

Prepared for	East Gippsland Shire Council		
File Name	230710TIA001C-F.docx	**Report Date**	27 August 2024
Prepared by	JMS	**Reviewed by**	JD

one*mile****grid*** *operates from Wurundjeri Woiworung Country of the Kulin nation. We acknowledge and extend our appreciation to the Wurundjeri People, the Traditional Owners of the land. We pay our respects to leaders and Elders past, present and emerging for they hold the memories, the traditions, the culture, and the hopes of all Wurundjeri Peoples.*

© One Mile Grid Pty Ltd. This document has been prepared by ***one****mile****grid*** *for the client as per the terms of engagement. It may not be modified or altered, copied, reproduced, sold or transferred in whole or in part in any format to any person other than by agreement.* ***one****mile****grid*** *does not assume responsibility or liability to any third party arising out of misuse of this document.*

CONTENTS

1	**INTRODUCTION**	**5**
2	**STUDY AREA CONTEXT**	**5**
2.1	**Location**	**5**
2.2	**Road Network**	**6**
2.2.1	Daily Traffic Surveys	8
2.2.2	Intersection Surveys	10
2.2.3	Intersection Capacity	12
2.3	**Crash History**	**12**
2.4	**Path Network**	**14**
2.5	**Public Transport**	**15**
3	**STRATEGIC CONTEXT**	**16**
3.1	**General**	**16**
3.2	**Outline Development Plan**	**16**
3.3	**Development Contributions Plan**	**18**
4	**DEVELOPMENT CONTEXT**	**19**
4.1	**General**	**19**
4.2	**Road Connections and Network**	**21**
5	**ROAD NETWORK CAPACITY**	**22**
5.1	**Traffic Generation Case Study**	**22**
5.2	**Study Area Traffic Generation**	**23**
5.3	**Traffic Distribution**	**23**
5.4	**Daily Traffic Volumes**	**23**
5.4.1	Capacity Assessment	24
5.5	**Peak Hour Traffic Volumes**	**24**
5.5.1	Turn Lane Warrants	24
5.5.2	Intersection Analysis	26
5.6	**East-West Collector Street Review**	**27**
6	**PATH INFRASTRUCTURE**	**29**
7	**DEVELOPMENT CONTRIBUTIONS**	**30**
7.1	**Background**	**30**
7.2	**Contribution Assessment**	**30**
7.3	**Connector Road Costing Assessment**	**31**
7.4	**Cost Sharing Review**	**32**
8	**CONCLUSIONS**	**34**

TABLES

Table 1	Road Network Characteristics	7
Table 2	Daily Traffic Volume Data	9
Table 3	SIDRA Intersection Parameters	12
Table 4	Crash Data	14
Table 5	Outline Development Plan – Intersection Requirements	18
Table 6	ODPR Neighbourhoods Yield	21
Table 7	Stirling Drive Case Study Calculations	22
Table 8	Traffic Generation	23
Table 9	Projected Daily Traffic Volumes	23
Table 10	Turn Lane Warrant Review	25
Table 11	Collector Street Construction Challenges	28
Table 12	Construction Cost Estimates – East-West Connector Street	31
Table 13	Cost Sharing Calculations	32
Table 14	DCP Benchmarks	32
Table 15	Development Contributions Comparison	32

Table 16 Colquhoun Road / Bunga Creek Road / Ostlers Road – Existing Conditions..... 46
Table 17 Palmers Road / Thorpes Lane – Existing Conditions..... 46
Table 18 Palmers Road / Golf Links Road – Existing Conditions..... 46
Table 19 Myer Street / Petersen Street – Existing Conditions..... 47

FIGURES

Figure 1 Study Area Location – Road Network..... 5
Figure 2 Study Area Location - Aerial..... 6
Figure 3 Road Network Speed Zones..... 8
Figure 4 Daily Traffic Volume Counts..... 9
Figure 5 Wednesday AM Peak Hour Turning Movements..... 10
Figure 6 Wednesday PM Peak Hour Turning Movements..... 11
Figure 7 Saturday Peak Hour Turning Movements..... 11
Figure 8 Crash Locations..... 13
Figure 9 Public Bus Routes..... 15
Figure 10 Outline Development Plan..... 17
Figure 11 DCP Location of Infrastructure Items..... 18
Figure 12 Draft Outline Development Plan Review..... 19
Figure 13 ODPR Neighbourhoods and Road Connections..... 20
Figure 14 Stirling Drive Case Study Area..... 22
Figure 15 Higher Order Turn Treatments..... 26
Figure 16 East-West Collector Street Properties..... 27
Figure 17 High Level Collector Street Grade Review..... 28
Figure 18 ODPR Path Infrastructure..... 29
Figure 19 Collector Street – Level 1 - Infrastructure Design Manual..... 31

APPENDICES

APPENDIX A TRAFFIC VOLUMES
APPENDIX B DETAILED SIDRA RESULTS
APPENDIX C CONSTRUCTION COSTS REVIEW

1 INTRODUCTION

onemile**grid** has been requested by East Gippsland Shire Council to undertake a Traffic and Movement Assessment for the delivery of the Lakes Entrance North Growth Area.

The purpose of this report is to establish the impacts of development within the growth area on existing transport infrastructure, identify the need for any mitigation works, and if necessary, establish a framework for development contributions to this transport infrastructure.

As part of this assessment the subject site has been inspected with due consideration of the development proposal, traffic data has been sourced and analysed, and relevant background information has been reviewed.

2 STUDY AREA CONTEXT

2.1 Location

The study area comprises the Lakes Entrance North Growth Area which is located to the north-east of the Lakes Entrance township. The study area is detailed in the road map within Figure 1 and also in the aerial image in Figure 2.

Figure 1 Study Area Location – Road Network



Figure 2 Study Area Location - Aerial



The study area is generally bound by Ostlers Road and Colquhoun Road to the north and then existing residential township areas to the east, south and west.

2.2 Road Network

The key arterial road network for Lakes Entrance includes Princes Highway which extends east-west through the town, connecting to Bairnsdale and beyond in the west, and Orbost and beyond in the east.

Specific to the study area, Palmers Road and Myer Street provide road connections to the town centre, while Thorpes Lane connects to Princes Highway to the east and Colquhoun Road through the state park in the north.

A summary of the cross-section and operating characteristic of each road within the study area is presented in Table 1 below. The road classifications are derived from the East Gippsland Shire Council Public Road Register.

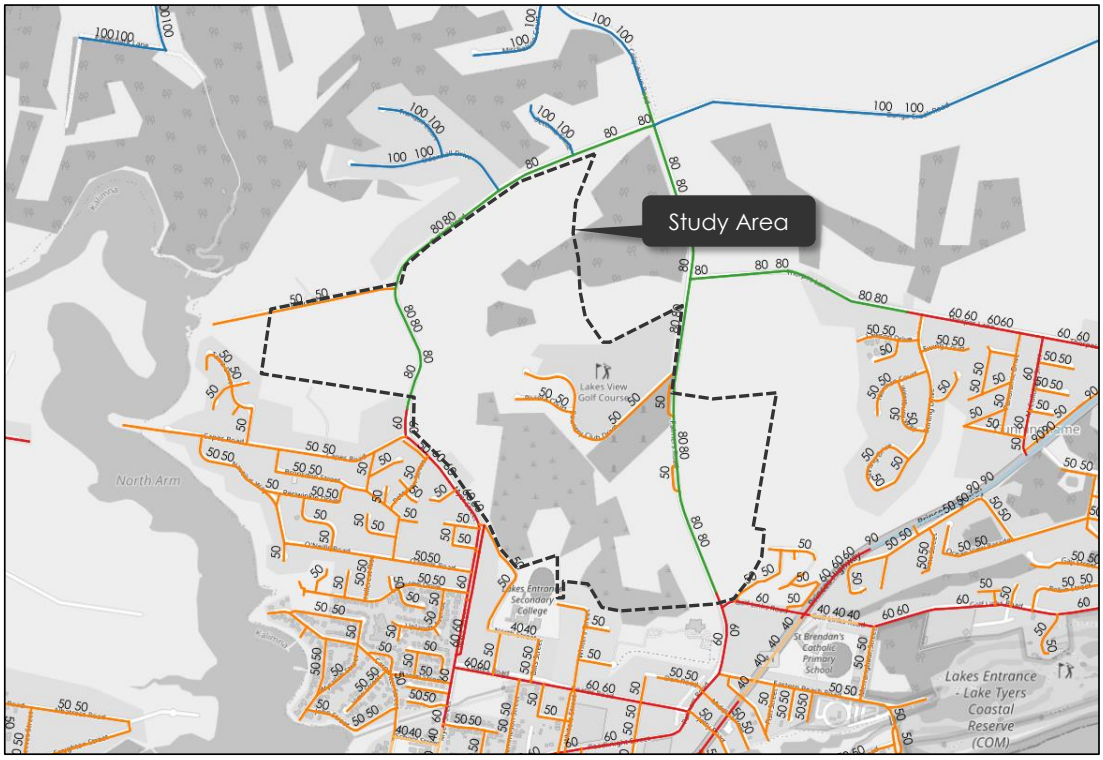
onemilegrid

Table 1 Road Network Characteristics

Road Name	Between	Classification	Alignment	Cross-Section	Reservation	Carriageway	Roadside	Indicative Capacity (vpd)	Footpath Provision	Bicycle Facilities	Car Parking	Speed Limit
Palmers Road	Golf Links Rd & Thorpes Ln	Urban Link (TRZ2)	N-S	Two-way / Two-lane	60m	8m	Shoulder	18,000	None	None	None	80 km/h
Country Club Drive	Palmers Rd & End	Urban Access	E-W	Two-way / Two-lane	16m	6m	Rollover kerb	3,000	One-side	None	Verge	50 km/h (default)
Thorpes Lane	Palmers Rd & Princes Hwy	Urban Collector	E-W	Two-way / Two-lane	20m	7m	Shoulder	7,000	None	None	None	80 km/h / 60 km/h
Colquhoun Road	Thorpes Ln & Ostlers Rd	Urban Collector (TRZ2)	N-S	Two-way / Two-lane	60m	8m	Shoulder	18,000	None	None	None	80 km/h
Colquhoun Road	Ostlers Rd & Hoggs Ln	Rural Collector (TRZ2)	N-S	Two-way / Two-lane	60m	8m	Shoulder	18,000	None	None	None	80 km/h
Ostlers Road	Colquhoun Rd & Capes Rd	Urban Collector	NE-SW	Two-way / Two-lane	40m	7m	Shoulder	7,000	None	None	None	80 km/h
Secomb Close	Ostlers Rd & End	Urban Access	N-S	Two-way / Two-lane	20m	6m	Shoulder	2,000	None	None	Verge	50 km/h (default)
Odonnell Drive	Ostlers Rd & End	Urban Access	E-W	Two-way / Two-lane	20m	6m	Shoulder	2,000	None	None	Verge	50 km/h (default)
Blairs Road	Ostlers Rd & End	Urban Access	E-W	Two-way / Two-lane	20m	6m	Shoulder	2,000	None	None	Verge	50 km/h (default)
Myer Street	Capes Rd & Williams Rd	Urban Link	N-S	Two-way / Two-lane	40m	7m	Shoulder	7,000	None	None	Verge	60 km/h
Petersen Street	Myer St & Grandview Rd	Urban Access	NE-SW	Two-way / Two-lane	15m	6m	Kerb	2,000	Yes	None	Kerbside	50 km/h (default)
Doyle Court	Myer St & End	Urban Access	NE-SW	Two-way / Two-lane	15m	6m	Rollover kerb	2,000	None	None	Verge	50 km/h (default)
Outlook Avenue	Myer St & Broom St	Rural Limited Access	EW-SE	Two-way / Gravel Lane	15m	3m	Shoulder	150	None	None	Verge	50 km/h (default)

Further to the above classifications, the speed limits within the study area are depicted in Figure 3. The speed zones have been derived from GIS data.

Figure 3 Road Network Speed Zones



2.2.1 Daily Traffic Surveys

In order to establish existing traffic conditions in the vicinity of the site, **one**mile**grid** commissioned a number of 24-hour, 7-day traffic surveys, from 15th November 2023. The surveys aimed to capture daily traffic data, speeds, vehicle classifications and any other relevant information on the local streets within the study area.

The locations of the tube counters are illustrated in Figure 4 below, with the surveyed weekday daily traffic volumes identified for each location. A summary of each traffic survey is provided in Table 2.

The data suggests that volumes are within the environmental capacity of each road.

Stirling Drive was included as part of the traffic volume counts to be utilised as a residential traffic generation case study.

onemilegrid

Figure 4 Daily Traffic Volume Counts



Table 2 Daily Traffic Volume Data

Road	Segment	Direction	Daily Traffic Volume (vpd)	Peak Traffic Volume (vpd)		85th %ile Speed (km/h)
				AM Peak	PM Peak	
Stirling Drive	South of Thorpes Lane	Northbound	534	68	41	46.8
		Southbound	536	26	57	45.8
		Combined	1,070	94	98	46.1
Thorpes Lane	East of Palmers Road	Westbound	905	110	73	71
		Eastbound	801	53	82	65.6
		Combined	1,706	163	155	68.3
Myer Street	North of Williams Road	Northbound	825	44	84	61.5
		Southbound	741	83	61	60
		Combined	1,566	127	145	60.8
Myer Street	Nort of Peterson Street	Northbound	713	38	73	66.4
		Southbound	634	74	53	55.2
		Combined	1,347	112	126	60.5
Ostlers Road	West of Colquhoun Road	Westbound	301	22	35	68.8
		Eastbound	336	29	32	71.1
		Combined	637	51	67	70
Palmers Road	North of Golf Links Road	Northbound	936	54	111	81.8
		Southbound	987	120	85	84
		Combined	1,923	174	196	82.9

2.2.2 Intersection Surveys

Peak hour turning movement counts have been commissioned by **one**mile**grid** at the following intersections on Wednesday 15th November 2023 and Saturday 18th November 2023:

- Palmers Road / Golf Links Road
- Palmers Road / Thorpes Lane
- Colquhoun Road / Bunga Creek Road / Ostlers Road
- Myer Street / Petersen Street

The combined peak hours were recorded at the following times:

- Wednesday AM: 8:15am-9:15am
- Wednesday PM: 3:15pm-4:15pm
- Saturday: 12:15pm-1:15pm

The peak hour traffic volumes for the respective intersections are detailed in Figure 5, Figure 6 and Figure 7, respectively.

Figure 5 Wednesday AM Peak Hour Turning Movements

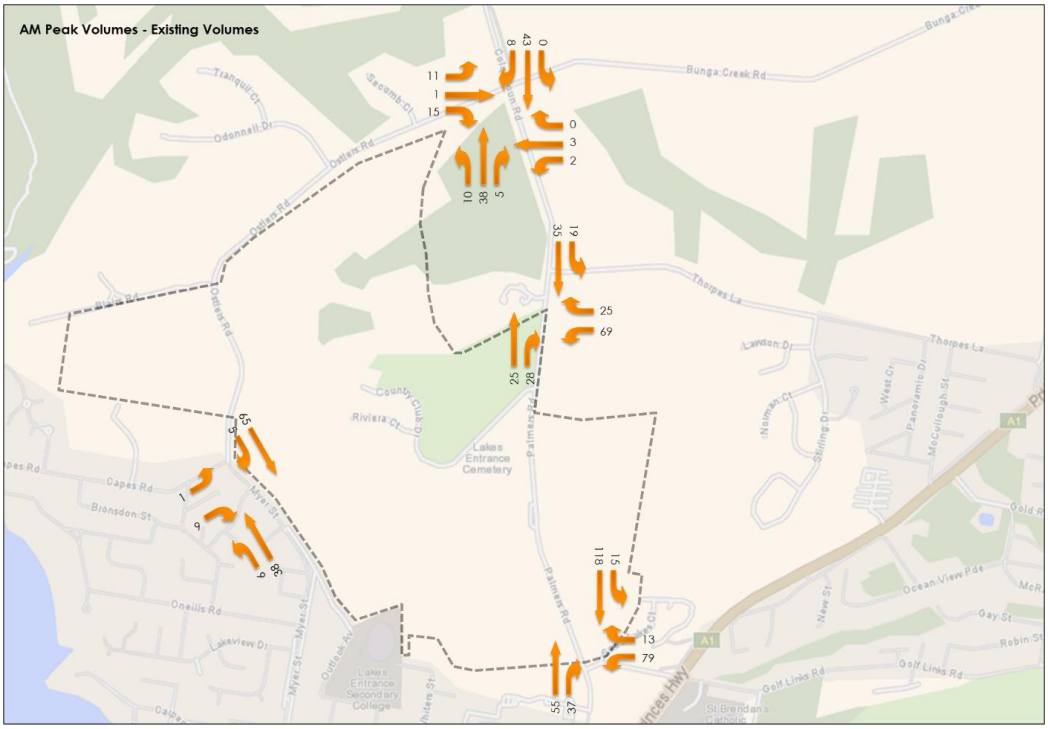


Figure 6 Wednesday PM Peak Hour Turning Movements

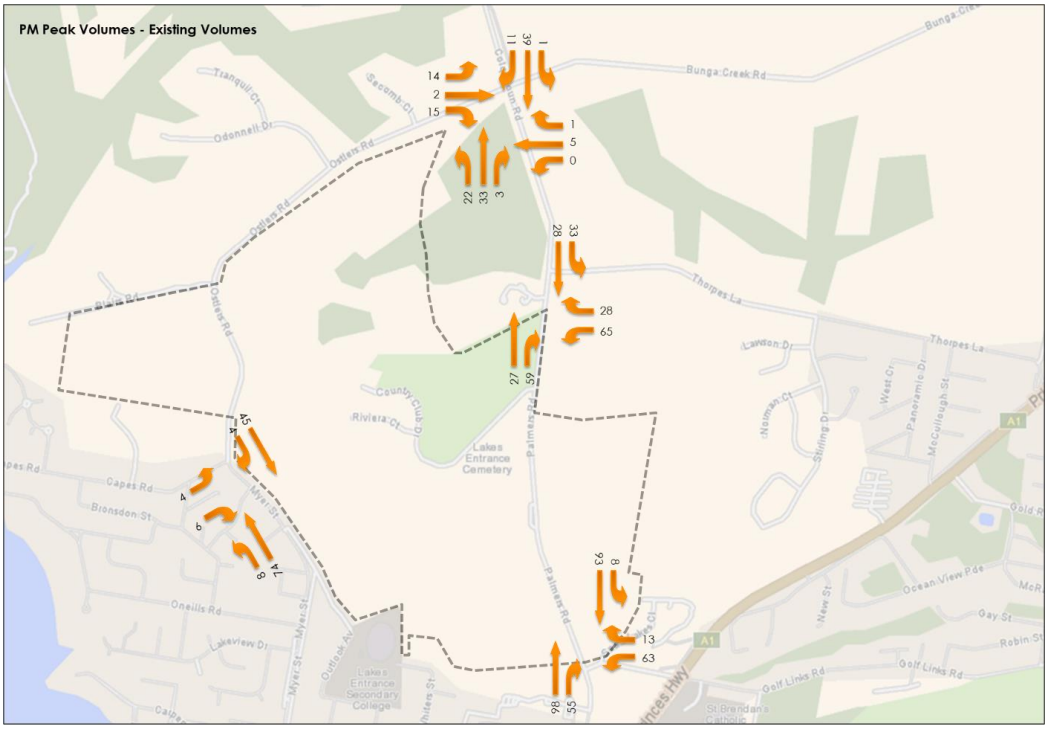
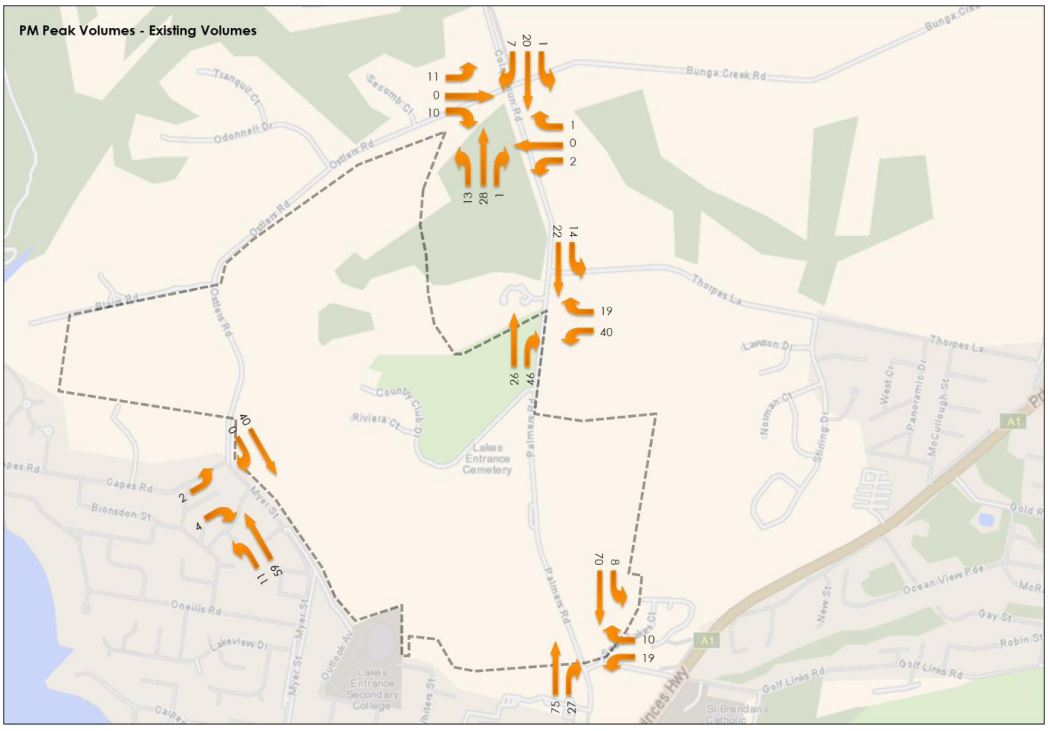


Figure 7 Saturday Peak Hour Turning Movements



2.2.3 Intersection Capacity

To assess the operation of the above intersections, the surveyed traffic volumes have been input into SIDRA Intersection, a traffic modelling software package.

The SIDRA Intersection software has been developed to provide information on the capacity of an intersection with regard to a number of parameters. Those parameters considered relevant are, Degree of Saturation (DoS), 95th Percentile Queue, and Average Delay, and Level of Service (LoS), as described in Table 3 below.

Table 3 SIDRA Intersection Parameters

Parameter	*Description*
Degree of Saturation (DoS)	The DoS represents the ratio of the traffic volume making a particular movement compared to the maximum capacity for that particular movement.
Average Delay (seconds)	Average delay is the time delay that can be expected for all vehicles undertaking a particular movement in seconds. This includes time taken to accelerate or decelerate, time taken to undertake the manoeuvre, and delay at a hold line or stop line.
95th Percentile (95%ile) Queue	95%ile queue represents the maximum queue length in metres that can be expected in 95% of observed queue lengths in the peak hour.
Level of Service (LoS)	A qualitative measure of sign-controlled intersection performance, based on the average delay experienced by a driver. A LoS of A, B, C or D suggests acceptable intersection performance. A LoS of E or F suggests mitigation measures or upgrades may be warranted.

The results of the analysis are provided in 0.

The existing conditions intersection analysis demonstrates that each of the intersections are operating under excellent conditions during all peak periods analysed, with minimal queues and delays experienced by motorists.

Each intersection has ample capacity for traffic volume growth.

2.3 Crash History

Crash history information for the study area and surrounds was obtained through the Department of Transport (VicRoads) CrashStats (the Victorian accident statistics and mapping program) for the latest available 5-year period. The severity of each incident is classified as either fatal, serious, or other, as described below:

- **Fatal:** At least one person was killed or died within 30 days of the crash
- **Serious Injury:** At least one person was injured and admitted to hospital and did not die within 30 days of the crash
- **Other Injury:** Those involved were injured and required medical treatment, such as, bruising, contusions, unconscious, pain, soreness, etc and were not admitted to hospital nor died within 30 days of the crash

It is acknowledged that the crash stats only include the incidents recorded by police and therefore may exclude minor incidents which were not reported.

Each of the recorded incidents is shown below in Figure 8 and detailed in Table 4.

Figure 8 Crash Locations

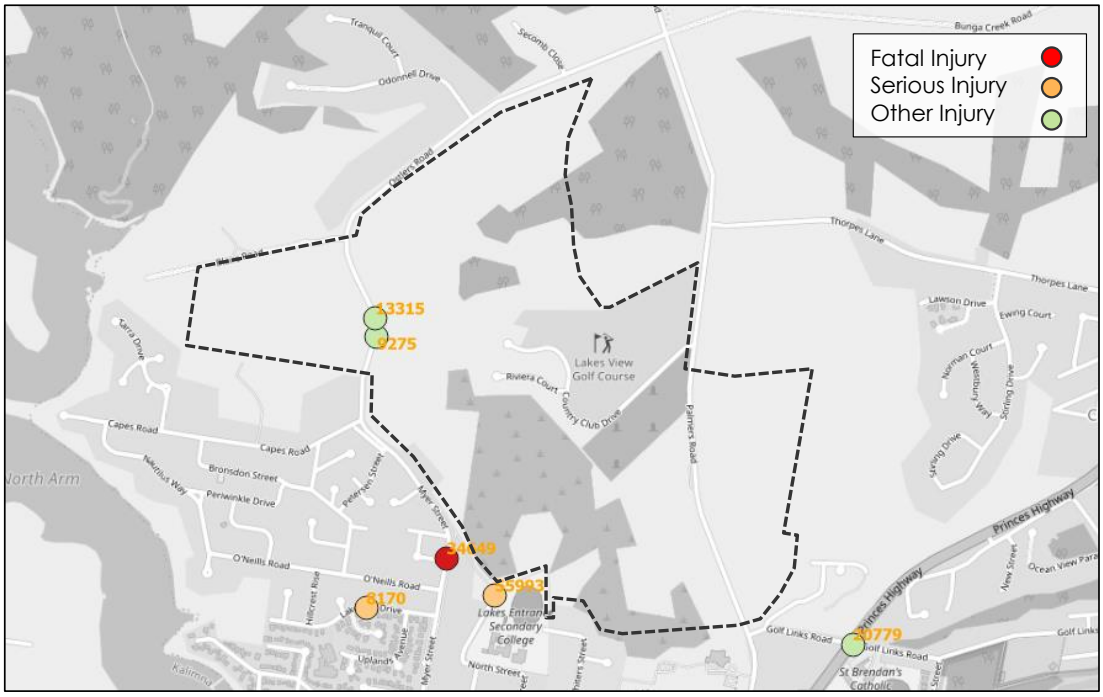


Table 4 Crash Data

ID	Location	Severity	Accident Type/DCA Code	Date/Time
13315	Ostlers Road	Other Injury	Vehicle overturned / Off carriageway on left bend	Friday 18/01/2019 – 6pm
9275	Ostlers Road	Other Injury	Collision with a fixed object / Left off carriageway into object/parked vehicle	Thursday 20/09/2018 – 2:30pm
34649	Myer Street (south of study area)	Fatal Injury	Struck pedestrian / Pedestrian walking against traffic	Saturday 8/08/2020 – 1:40pm
55993	Outlook Avenue	Serious Injury	Vehicle overturned (no collision) / Off carriageway on right bend	Sunday 13/03/2022 – 8am
20779	Princes Highway / Golf Links Road (south-east of study area)	Other Injury	Collision with vehicle / Cross traffic	Wednesday 14/08/2019 – 3:10pm

The crash data did not indicate a trend for crashes at a specific location or type.

The fatal accident was recorded to the south of the study area, on a section of Myer Street which does not include a footpath on either side of the road.

2.4 Path Network

The existing path network surrounding and within the study area is generally very limited, with most roads providing no footpaths.

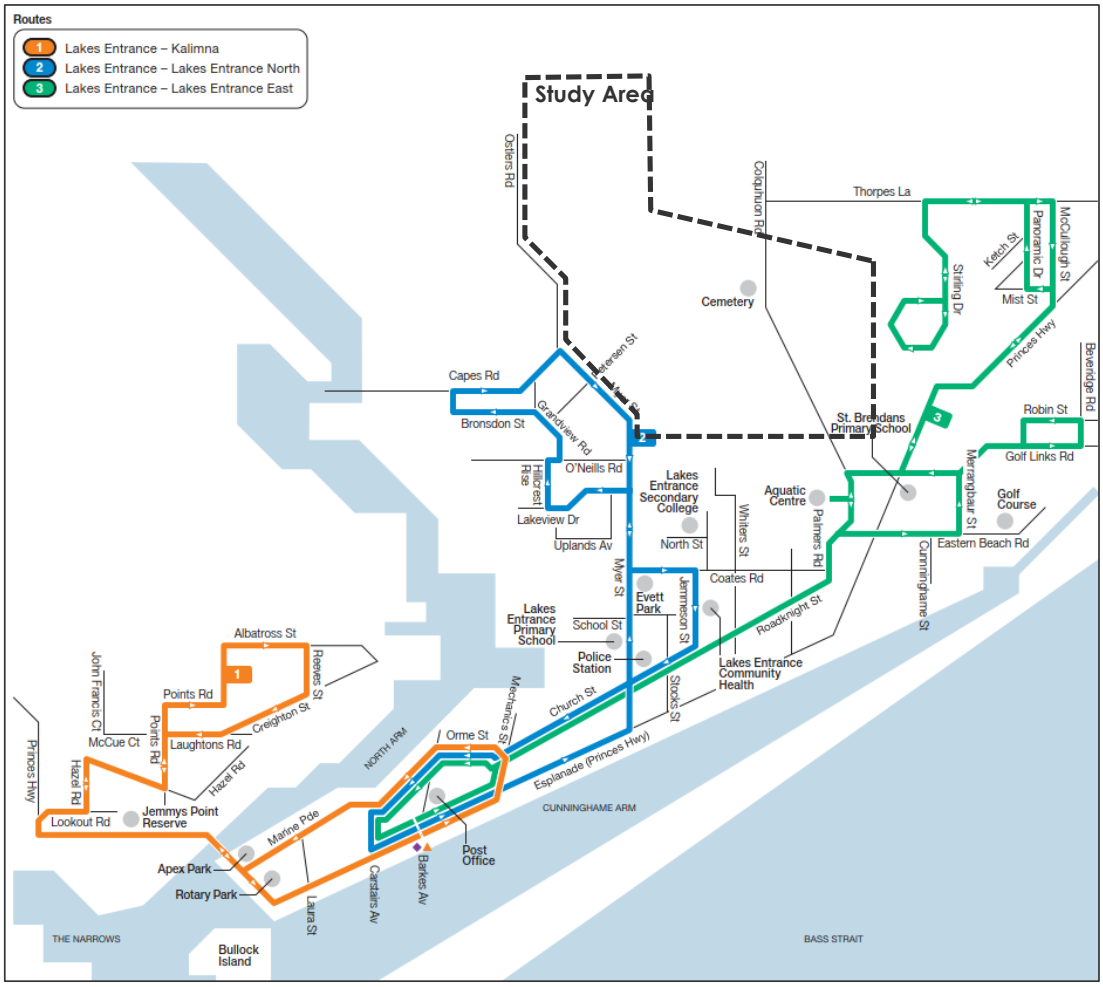
Country Club Drive includes footpaths along lot frontages.

The recently constructed streets within the estate to the east of the study area have included paths within the road reserve.

2.5 Public Transport

Lakes Entrance is currently serviced via 3 local bus routes and the Vline coach service via Bairnsdale. The full local bus routes and connection to the Vline coach terminal are shown in Figure 9.

Figure 9 Public Bus Routes



The 2 bus routes in proximity to the study area include the 2-Lakes Entrance-Lakes Entrance North service which operates along Myer Street to the south-west and the 3-Lakes Entrance-Lakes Entrance East service which operates along Palmers Road and Stirling Drive to the east. Both of these bus routes operate 4 services per day.

3 STRATEGIC CONTEXT

3.1 General

There are a number of documents incorporated into the Planning Scheme for LENGA including:

- Outline Development Plan
- Hydrology Plan
- Native Vegetation Precinct Plan
- Social Impact Assessment
- Development Contributions Plan

3.2 Outline Development Plan

The Outline Development Plan (ODP) was prepared by Smec in October 2013. The ODP defined a long term vision for land use in the study area for the next 30-40 years.

The ODP included a summary for a Transport and Traffic Impact Assessment Report, as referenced below:

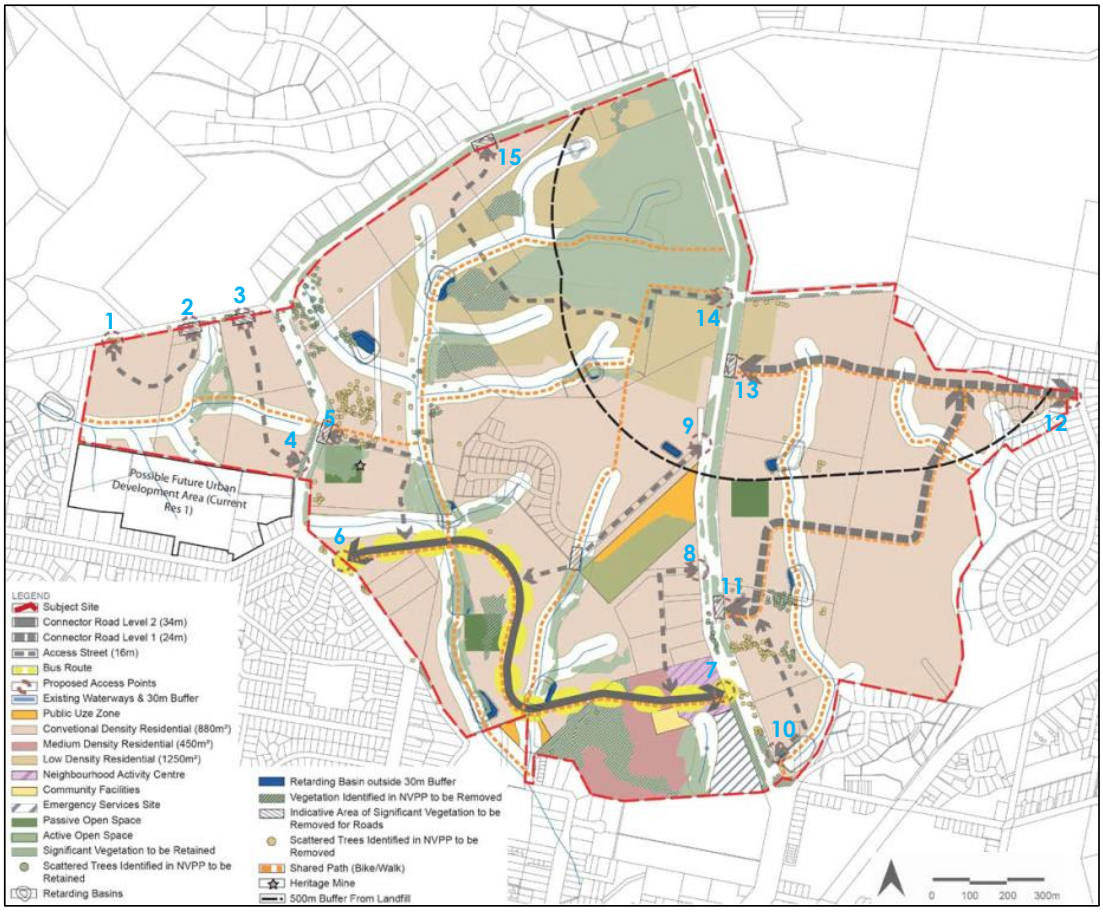
The LENGA is currently serviced by Palmers Road and Ostlers Road which run south to north through the precinct from the Lakes Entrance township. Palmers Road is situated to the east of the LENGA and is an Urban Collector Road. The existing Palmers Road reserve can accommodate increased traffic flow generated by the LENGA. Intersections along Palmers Road need to be established in appropriate locations to provide access to the LENGA.

As Lakes Entrance continues to develop and respond to changing environmental issues, Palmers Road may be upgraded to form a second northern access between Lakes Entrance Township and the Princes

Ostlers Road is located in the western portion of the LENGA and is an Urban Collector Road. The existing road reserve is capable of accommodating increased traffic generated by development of the LENGA. Intersections along Ostlers Road need to be established to provide internal access to the LENGA.

The resultant ODP is shown in Figure 10.

Figure 10 Outline Development Plan



Specific to the road network, the ODP included the following:

- An east-west 34m wide Connector Road Level 2 between Myer Street and Palmers Road, in the southern portion. This connector road is shown with an 'S shape' and incorporates two waterway crossings;
- Provision for 2 x 24m wide Connector Road Level 1 connections to the neighbourhood to the east;
- Minimal details on the access street network proposed within the various estates, however shows various connections to the external road network; and
- A shared path network which predominantly follows the waterway and connector road networks.

The ODP nominated 14 proposed vehicular access points which are shown in Figure 10 and referenced intersection requirements as detailed in Table 5.

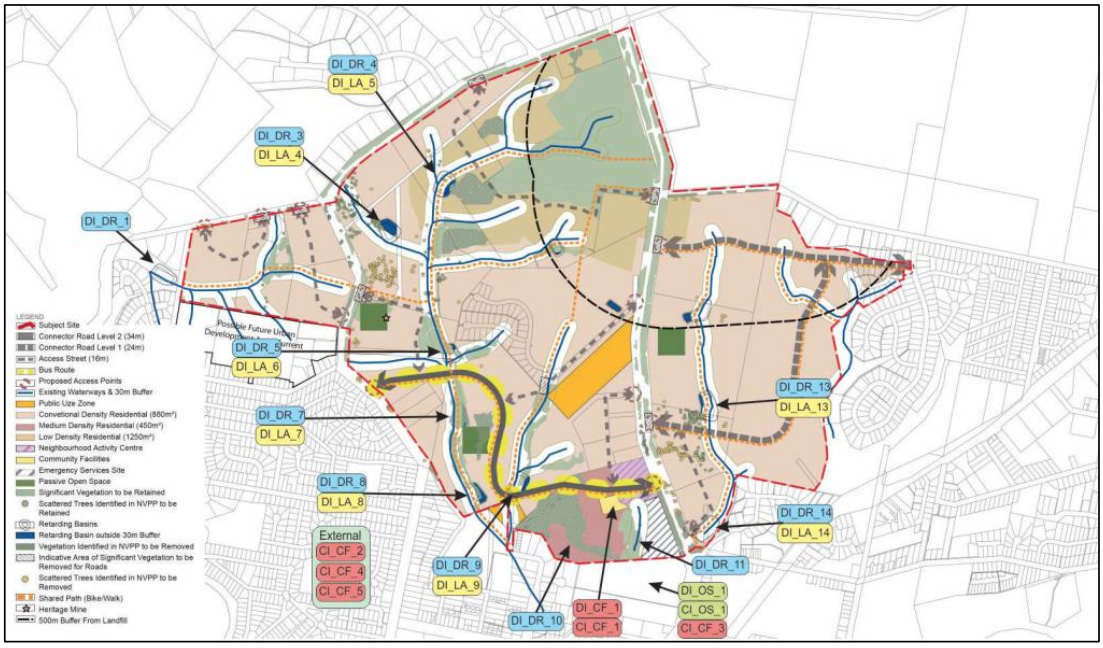
Table 5 Outline Development Plan – Intersection Requirements

Major Road	Turn Treatment	Major Road	Turn Treatment
Access Point 1: (Blairs Road)	Basic Left	**Access Point 8:** (Colquhoun Road)	Auxiliary Left (Short)
	Basic Right		Channelised Right (Short)
Access Point 2: (Blairs Road)	Basic Left	**Access Point 9:** (Colquhoun Road)	Auxiliary Left
	Basic Right		Channelised Right
Access Point 3: (Blairs Road)	Basic Left	**Access Point 10:** (Colquhoun Road)	Auxiliary Left (Short)
	Basic Right		Channelised Right
Access Point 4: (Ostlers Road)	Basic Left	**Access Point 11:** (Colquhoun Road)	Basic Left
	Basic Right		Channelised Right
Access Point 5: (Ostlers Road)	Basic Left	**Access Point 12:** (Colquhoun Road)	Auxiliary Left (Short)
	Channelised Right (Short)		Channelised Right
Access Point 6: (Ostlers Road)	Basic Left	**Access Point 13:** (Colquhoun Road)	Auxiliary Left (Short)
	Channelised Right		Channelised Right (Short)
Access Point 7: (Colquhoun Road)	Auxiliary Left	**Access Point 14:** (Ostlers Road)	Basic Left
	Channelised Right		Basic Right

3.3 Development Contributions Plan

A Development Contributions Plan (DCP) was previously prepared in 2014 for LENGA to cover community infrastructure. The projects involved drainage and community infrastructure, with no road or intersection specific works nominated. The location of infrastructure items is shown in Figure 11.

Figure 11 DCP Location of Infrastructure Items



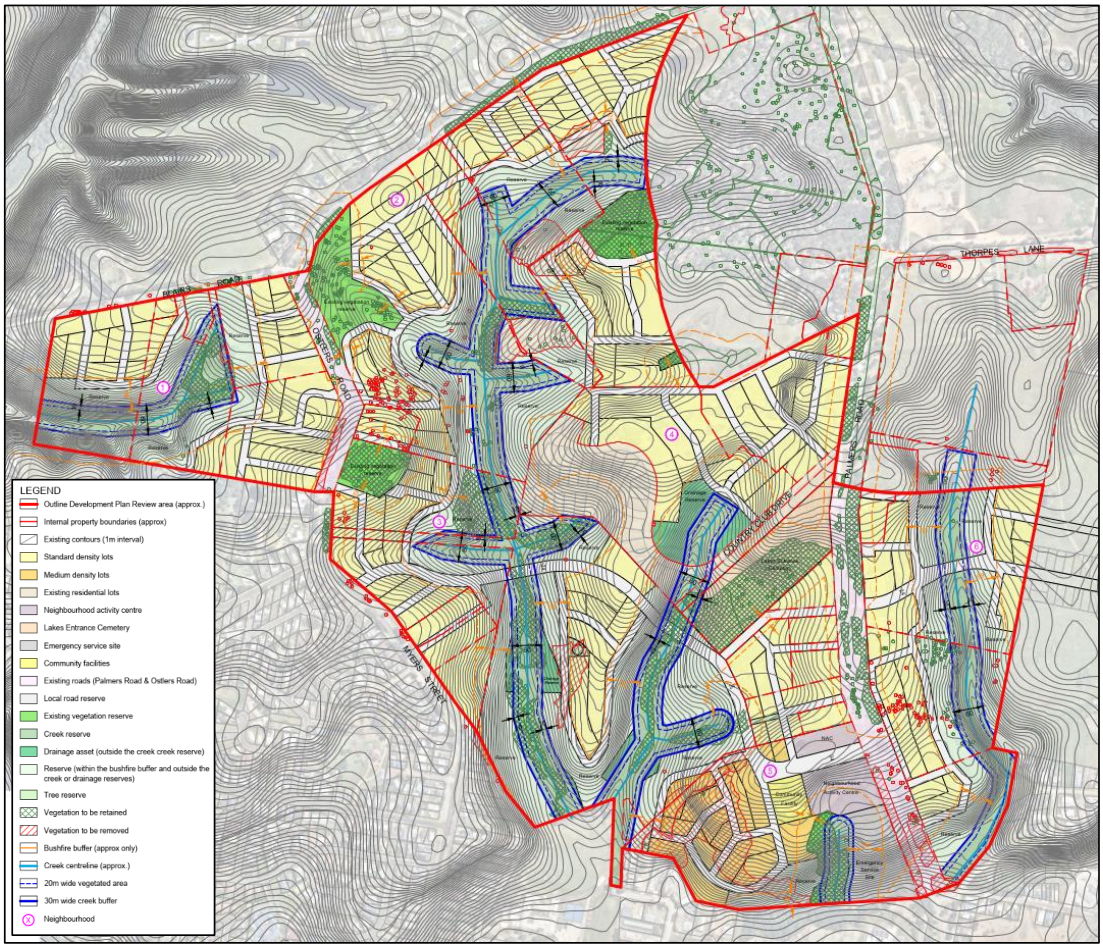
4 DEVELOPMENT CONTEXT

4.1 General

Council engaged consultant Beveridge Williams to test the land capacity of the original ODP, through the preparation of an Outline Development Plan Review (ODPR). This was because a number of assumptions around bushfire interfaces including waterway, slope and bushfire setbacks, interface road considerations and native vegetation interfaces were not part of the planning policy requirements at the time the original ODP was prepared in 2014. Beveridge Williams has prepared an indicative street layout and development cell plan to better understand the likely build out of the precinct in a way that could best address a number of the known constraints and policy requirements. The plan is used for modelling purposes only to identify likely housing yield and to assist in understanding future traffic movements and traffic volumes. This plan does not represent an adopted plan for Council or indicate the final form of future subdivision developments.

The ODPR estimates a total lot yield of 765 lots, including 652 standard density lots and 113 medium density lots. The draft ODPR is shown in Figure 12.

Figure 12 Draft Outline Development Plan Review



To assist with the analysis of the road network, the ODPR has been broken down into 6 respective neighbourhoods, which have been determined based on their connections to the surrounding road network. The neighbourhoods and connections to the road network are shown in Figure 13 and then the respective neighbourhood yields detailed in Table 6.

Figure 13 ODPR Neighbourhoods and Road Connections

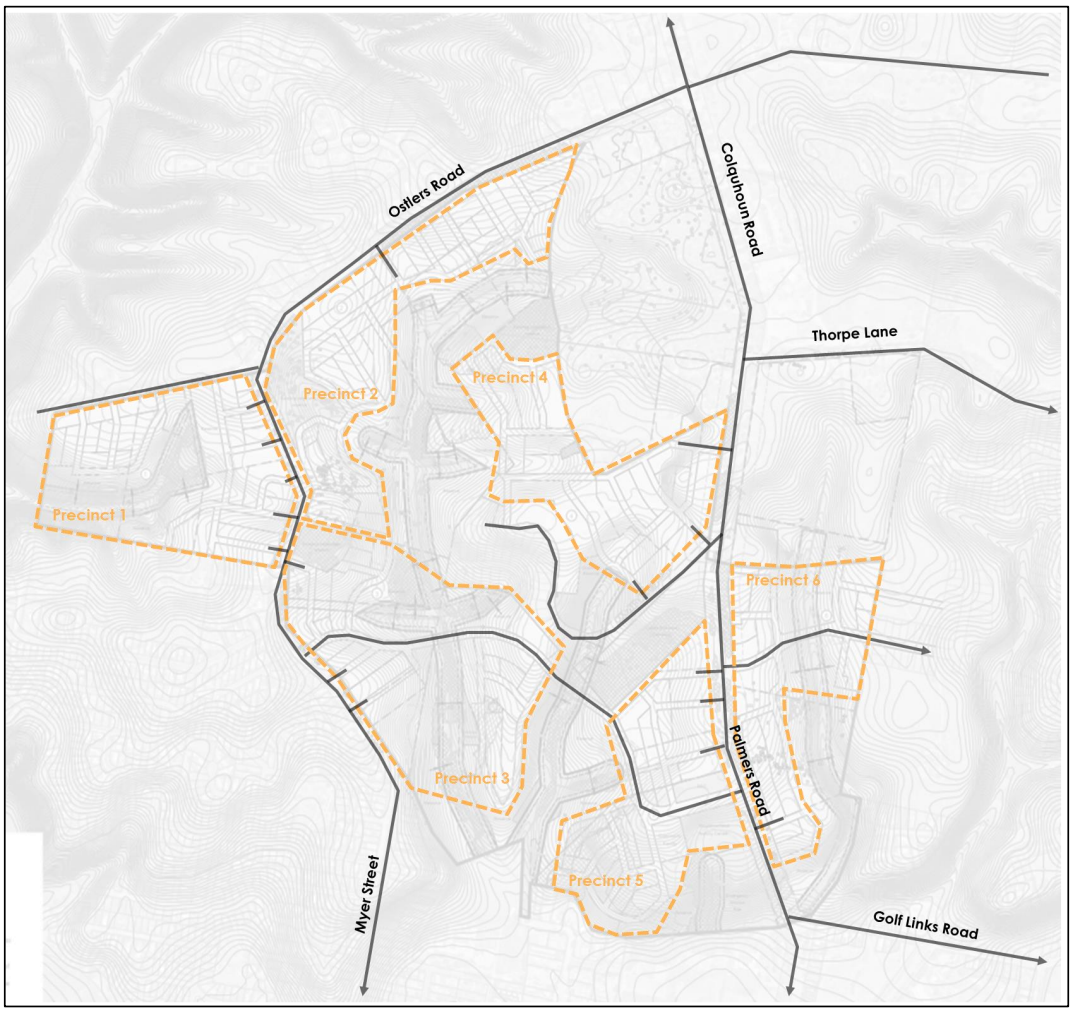


Table 6 ODPR Neighbourhoods Yield

Neighbourhood	Residential Lot Yield	Other Development	Road Access
Precinct 1	100		Multiple street connections to Ostlers Road to the east
Precinct 2	149		Single street connection to Ostlers Road to the north-west
Precinct 3	121		Multiple street connections to Ostlers Road to the west and via the east-west connector
Precinct 4	166		Connections to Country Club Drive and Palmers Road
Precinct 5	171	Neighbourhood activity centres and community facility	Multiple street connections to Palmers Road to the east and via the east-west connector
Precinct 6	58		Street connections to Palmers Road and to the east via adjacent estate

4.2 Road Connections and Network

The delivery of LENGA will utilise key road connections via:

- Palmers Road to the south and south-west;
- Myer Street to the south and south-west;
- Golf Links Road to the east;
- Thorpes Lane to the east; and
- Colquhoun Road to the north.

The internal road network will generally comprise access streets, whilst also retaining the east-west connector street that was nominated in the original LENGA. The necessity for the east-west connector street has been reviewed as part of the following assessment.

5 ROAD NETWORK CAPACITY

5.1 Traffic Generation Case Study

In order to determine a suitable traffic generation rate to adopt for housing in the Lakes Entrance North area, a tube counter was installed at a specific location on Stirling Drive which recorded all of the vehicle movements to a residential neighbourhood. The tube counter location and residential lots included within the study area are shown in Figure 14.

Figure 14 Stirling Drive Case Study Area



Utilising the tube count data presented in Table 2, the traffic generation calculations are presented in Table 7.

Table 7 Stirling Drive Case Study Calculations

	Residential Lots	Surveyed Volume	Lot Generation Rate
Weekday Daily Volumes	166	1,070	6.45
AM Peak Hour - Inbound		26	0.16
AM Peak Hour - Outbound		68	0.41
PM Peak Hour - Inbound		57	0.34
PM Peak Hour - Outbound		41	0.25
Saturday Peak Hour - Inbound		40	0.24
Saturday Peak Hour - Outbound		40	0.24

The surveyed traffic generation rates are similar to traffic generation studies previously undertaken in the area. Acknowledging the survey results and the rates adopted within the previous traffic assessments undertaken for LENGA, a daily traffic generation rate of 7 movements per day and peak hour traffic generation rate of 0.7 movements per hour will be adopted.

5.2 Study Area Traffic Generation

Using the above traffic generation rates, the traffic volumes have been calculated for the overall study area and respective precincts within Table 8.

Table 8 Traffic Generation

Neighbourhood	Residential Lot Yield	Daily Generation	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
			In	Out	In	Out	In	Out
Precinct 1	100	700	21	49	70	42	24	24
Precinct 2	149	1044	31	73	104	63	36	36
Precinct 3	121	848	25	59	84	51	29	29
Precinct 4	166	1162	35	81	116	70	40	40
Precinct 5	171	1198	36	84	120	72	41	41
Precinct 6	58	406	12	28	40	24	14	14
Total	**765**	**5358**	**160**	**374**	**534**	**322**	**184**	**184**

5.3 Traffic Distribution

Having reviewed the road connections and key external destinations, the following traffic distribution has been adopted for the traffic model:

- Central Lakes Entrance and Princes Highway (east) – 85%
- Princes Highway (west) – 10%
- Colquhoun Road (north) – 5%

This overall distribution is consistent with previous traffic studies.

5.4 Daily Traffic Volumes

A traffic model has been prepared to superimpose the projected weekday daily traffic volumes to the key existing and proposed roads within the study area. The projected daily traffic volumes are detailed in Table 9.

Table 9 Projected Daily Traffic Volumes

Road	Segment	Existing Volume	Additional Traffic	Future Volume
Thorpes Lane	East of Palmers Road	1,706	300	2,006
Myer Street	North of Williams Road	1,566	2,220	3,786
Myer Street	Nort of Peterson Street	1,347	1,668	3,015
Ostlers Road	West of Colquhoun Road	637	184	821
Palmers Road	North of Golf Links Road	1,923	3,134	5,057
E/W Connector	West of Palmers Road	-	1,408	1,408

5.4.1 Capacity Assessment

The existing roads detailed above are classified as either urban link or urban collector roads, and all comprise a single traffic lane in each direction, gravel shoulders and no observed demand for street parking.

While some of these roads are designated as urban roads within Council's public road register, their configuration within the study area is more akin to that of a rural collector. The Infrastructure Design Manual provides guidance for target maximum daily volumes for Rural Living Collector Roads and Low Density Residential Collector Roads of 6,000 vehicles per day. A Rural Collector Road is just indicated for target volumes over 150 vehicles per day. Notwithstanding, all the future traffic volumes projected above in Table 9 (less than 6,000) indicate that all the referenced roads are within the target maximum volumes for a Rural Living Collector Road and Low-Density Residential Collector Road.

Reference to Table 6 above also indicates that each of the respective neighbourhoods are projected to generate up to 1,200 daily vehicle movements. This level of traffic is just over the target maximum capacity for a Rural Living Access Road (1,000 vehicles per day according to the Infrastructure Design Manual). With all of the neighbourhoods, except for neighbourhood 2, including multiple street connections to the surrounding connector road network, it is therefore acknowledged that each of the street connections will remain within the target range for an access street.

Furthermore, the projected daily traffic volumes for the surrounding key existing roads are still within the target range for a Rural Living Collector Road and therefore do not warrant upgrades on a traffic capacity basis.

Upgrades may however be warranted on the basis of urbanisation to incorporate formalised drainage and pedestrian or cyclist facilities.

5.5 Peak Hour Traffic Volumes

Utilising the precinct traffic generation and distributions above, a traffic model has been prepared to predict peak hour turning movements at the key existing and proposed intersections. The generated volumes and future traffic volumes are presented in Appendix A.

The following assessment gives consideration to the need for intersection upgrades on a safety basis (through assessment of the warrants for turn lanes), and on a capacity basis.

5.5.1 Turn Lane Warrants

Guidance is provided within the Austroads Guide to Traffic Management Part 6: Intersections, Interchanges and Crossings relating to the design of new intersections and specific turn lane treatments. These warrants effectively balance the additional construction cost of higher-order treatments against the reduction in estimated crash costs, by providing turn lane facilities of increasing length and protection for increasing traffic volumes.

Treatments can range from "simple" treatments that offer no widening at all, "basic" treatments that offer widening of the shoulder to allow overtaking, and "channelised" treatments that offer dedicated turning and deceleration lanes.

Channelised treatments are generally considered to provide considerable safety improvements over basic or simple arrangements.

A review of the peak turning movements at the proposed intersections has been undertaken with the Austroads turn lane warrants utilised as a guide. The results of the warrant review are detailed in Table 10.

Table 10 Turn Lane Warrant Review

Intersection	*Speed Limit*	*Turn Treatments*
Myer Street / New Collector	60 km/h	Basic Right Basic Left
Palmers Road / New Collector	80 km/h	Short Channelised Right Short Auxiliary Left
Palmers Road / Eastern Collector	80 km/h	Short Channelised Right Basic Left
Palmers Road / Country Club Drive	80 km/h	Basic Right Basic Left
Palmers Road / Thorpe Lane	80 km/h	Basic Right Basic Left
Ostlers Road / Precinct 2 Access	80 km/h	Basic Right Basic Left

The lower order intersections (not described above) are projected to carry less traffic than those presented in Table 10 and therefore meet the warrants for basic turn treatments (the lowest order of treatment).

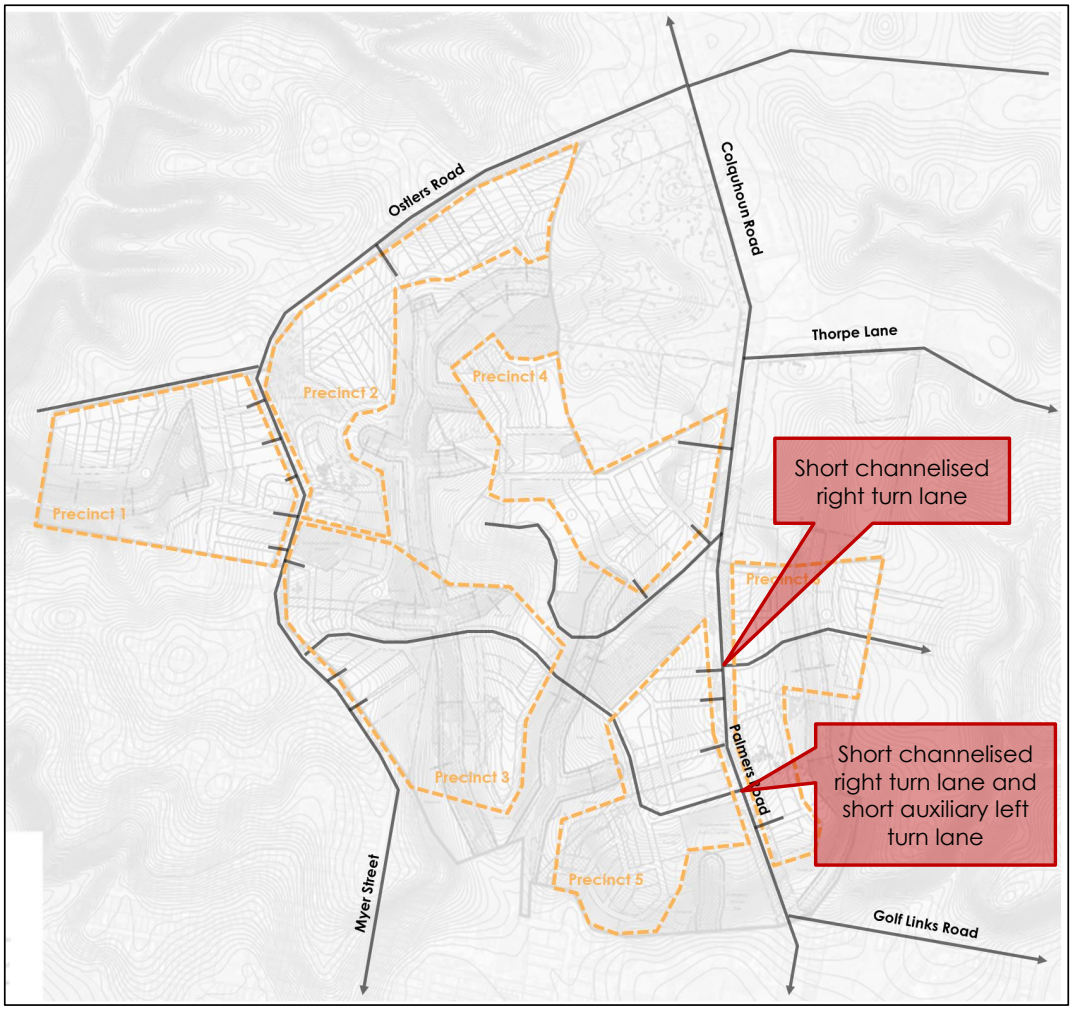
Commentary within the associated Austroads Guide to Traffic Management Part 6 does however note that these warrants are based on the construction of intersections on new roads (i.e., greenfield sites), and are not strictly applicable for the construction of new intersections on existing roads, where construction costs of these treatments may be higher (due for example to existing infrastructure or challenging topography), and are not intended for direct application for property accesses and driveways. They are also not directly applicable to assessments for existing intersections (such as the intersections between Palmers Road / Country Club Drive and Palmers Road / Thorpes Lane), but can be used as a guide in these instances.

The turn lane warrants are also highly dependent on the vehicle speeds, or signed speed limit, on the main road. If the speed limit on Palmers Road were to be reduced to 60 km/h then all of the reviewed intersections would meet the warrants for only the basic turn treatments, the lowest order treatments specified. Notwithstanding, the 80km/h speed limit on this section of Palmers Road is considered suitable based on the level of development anticipated through the ODPR and the assumption of no direct lot access to Palmers Road. Reference to the Department of Transport and Planning (DTP) Speed Zoning Technical Guidelines identifies that an 80km/h speed limit is appropriate for 'undivided roads on the urban / rural fringe' or 'roads through small rural settlements (hamlets)', whereas a 60km/h speed limit is appropriate for 'most undivided arterial roads in built-up (urban and rural) areas'.

The basic rural turn treatments involve localised widening of the road at the respective T-intersections. The suitability for the road widening will need to be considered on a case-by-case basis, noting the impacts to vegetation and the context of the area. With the subject roads being within the extended township boundary, drivers will be aware that vehicles may be turning at local intersections and the need for the road widening for passing is reduced.

In light of the preceding, the turn lane warrant review identifies higher order turn treatments to be provided for the two proposed Collector Street intersections. The locations for higher order treatments are shown in Figure 15.

Figure 15 Higher Order Turn Treatments



5.5.2 Intersection Analysis

To assess the capacity of the intersections within the study area, the key intersections have been assessed, or re-assessed, using SIDRA. The results of the future conditions intersection analysis are presented in 0.

The future conditions intersection analysis demonstrates that the intersections are expected to operate within capacity, and vehicle delays and queues are minimal. As such, no upgrades are warranted on the basis of capacity.

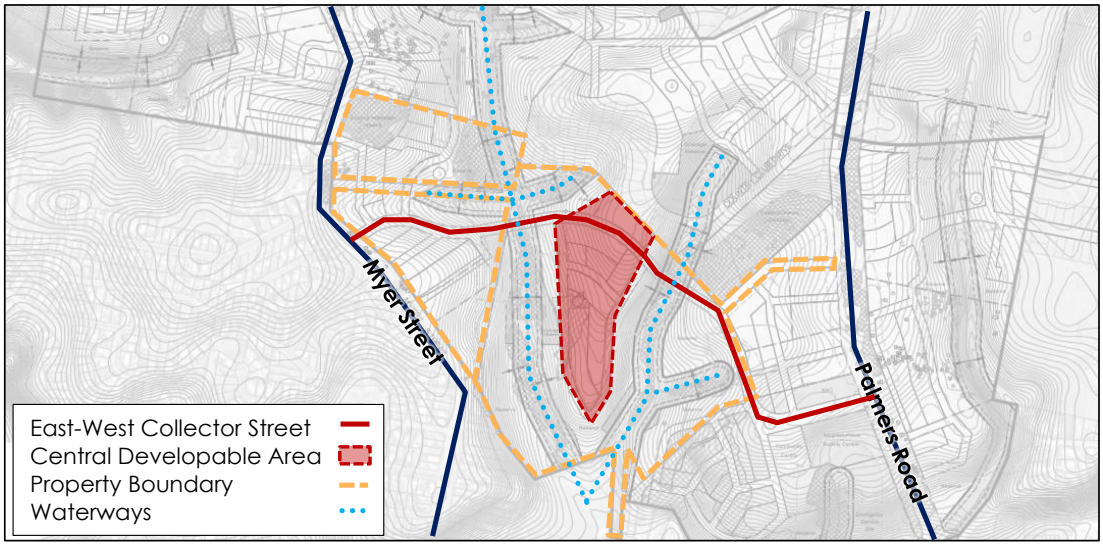
5.6 East-West Collector Street Review

The original Development Plan included an east-west Collector Street, linking Myer Street in the west and Palmers Road in the east. This Collector Street was designated as a 34m Connector Road and a Bus Route.

Through the analysis undertaken by **one**mile**grid**, including testing of the presence or absence of this link on network performance, we have determined that the east-west Collector Street is not required to facilitate the traffic volumes of the proposed neighbourhoods. Without this link, there is sufficient connectivity and capacity via local street connections to Myer Street and Palmers Road to accommodate all development-generated traffic.

There is a property in the centre of the potential east-west Collector Street which would significantly benefit from the delivery of the east-west Collector Street and the nominated water crossings. It includes a portion of developable area in the centre, as indicated in Figure 16, which would otherwise have no direct road frontage, and be difficult to construct a connecting road to either Palmers Road or Myer Street. This is due to both the water crossing and the significant topography of the land.

Figure 16 East-West Collector Street Properties



There are however other positive impacts associated with the potential east-west Collector Street, including:

- Enhanced inter neighbourhood connectivity, for vehicles, cyclists and pedestrians;
- Provision for a potential bus route; and
- Improved access routes for the activity centres and emergency services site.

With regards to the potential public transport route, it is however noted that a bus route could be established within the surrounding the circulating roads (Palmers Road and Myer Street) which could offer a route within 400m walking distance to the residential precincts. In that case, a bus route through the east-west Collector Street may not be necessary.

The delivery of this Collector Street will involve a number of challenges associated with the steep topography and the multiple waterway crossings. The benefits of the road connection will need to be considered against the associated costs and challenges associated with this road delivery, predominantly around the gradient of the land.

The design challenges are summarised in Table 11 below.

Table 11 Collector Street Construction Challenges

Challenge	Summary
Road Grade for Buses	The Infrastructure Design Manual (IDM) provides guidance on the recommended maximum longitudinal grades for roads where kerb and channel are to be installed. The IDM recommends a desirable maximum grade of 10% (1:10) and an absolute maximum grade of 20% (1:5). The Engineering Design and Construction Manual provides further guidance on recommended vertical road grades, it suggests that bus routes shall be no greater than 10% (1:10). The grades for the potential Collector Street have been reviewed at a high level (noting the approximate alignment) in Figure 17, which show a number of locations where the existing land has grades in excess of the recommended maximum grade of 10%, with some exceeding 15%. The potential use of this road as a bus capable route would require considerable fill / bridging at the waterways to design for a maximum grade of 10%.
Road Grade for Shared Path	The general principle for path design is that they should be as flat as possible, with Austroads Guide to Road Design Part 6A: Paths for Walking and Cycling recommending a maximum grade of 5% and providing short flatter sections at regular intervals. This guide does also acknowledge that steeper grades (10-15%) may be required however these should have proportional shorter lengths. The grade review undertaken in Figure 17 demonstrates that there will be challenges associated with delivering a shared path along this alignment with suitable grades.
Road Grades for Intersections	The location of intersections should avoid steep gradients to assist with driver sight lines and traction/overturning. There are a number of local street intersections with the potential Collector Street which are located on steep gradients that will require considerable cut/fill for construction.

Figure 17 High Level Collector Street Grade Review



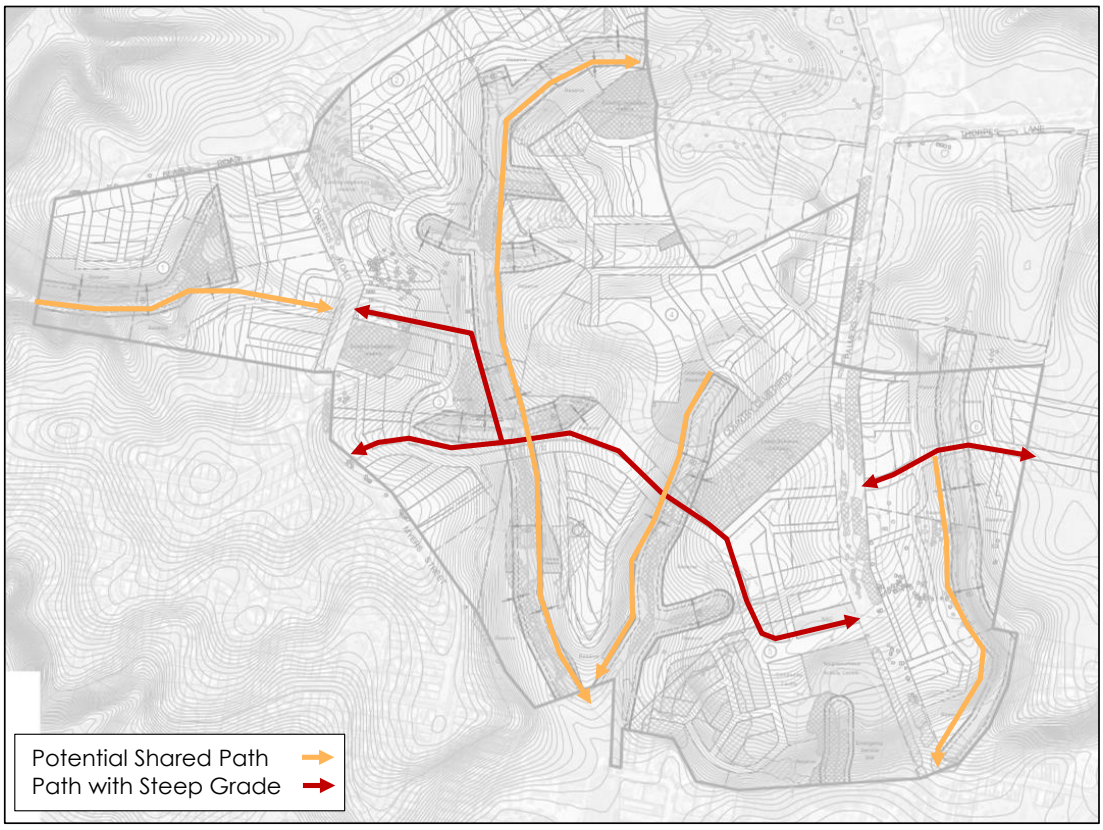
6 PATH INFRASTRUCTURE

The delivery of a path network would typically comprise footpaths along the street network and shared paths within key routes, potentially along reserves. As detailed previously, the existing path network in this area of Lakes Entrance is generally mixed, with older established streets including no footpaths and some of the newer streets including footpaths or one footpath on one side of the road.

The approved Outline Development Plan included a network of shared paths which aligned with the collector street network and waterways.

With consideration to the connecting path networks and the other infrastructure within the study area, the following shared path network has been considered, as shown in Figure 18.

Figure 18 ODPR Path Infrastructure



The actual design and location of paths will be subject to detailed review of the respective development areas. Ideally, the paths will be constructed with grades of no more than 5% (1:20).

The gradient assessment undertaken in Figure 17 identified steep grades along the potential east-west Collector Street which will make it challenging to provide a compliant shared path, reducing its attractiveness to many prospective path users. The paths along the edge of the waterways are logical as they will generally have shallower grades and less obstructions with driveways.

It is recommended that pedestrian paths be established along all new streets.

7 DEVELOPMENT CONTRIBUTIONS

7.1 Background

The above analysis provides a summary of transport infrastructure to support the LENGA development, but offers no context for who is responsible for delivering it.

The principles of establishing contributions towards communally used infrastructure were established at the Administrative Appeals Tribunal of Victoria (Eddie Barron Constructions Pty Ltd v Shire of Pakenham (1991)) and are summarised below:

1) **Need** – The need created by the development and the measures, to satisfy the need must be adequately identified

2) **Equity** – The payment or levy must be a fair and reasonable apportionment of the cost of implementing the need satisfaction measures

3) **Accountability** – The responsible authority should implement procedures to ensure that the money collected cannot be used for any purpose other than that for which it was levied and which clearly show how, when and where the money collected is spent

4) **Nexus** – There must be a reasonable nexus between the development and the need satisfaction measures

7.2 Contribution Assessment

The analysis above indicates a clear ***need*** for infrastructure improvements at intersections throughout the precinct on a safety basis, as the turn lane warrants indicate upgrades to key intersections are required. The need for the east-west connector road is not established on the basis of traffic capacity.

The potential Collector Street extending between Palmers Road and Myer Street would have benefits for neighbourhood connectivity, and other less tangible benefits as a potential bus route, though the need for the Collector Street is not substantially proven based on our analysis. As detailed in Section 5.6 there are considerable challenges associated with the existing gradient of the land to deliver a Collector Street which has suitable grades to implement a bus route.

An established methodology for calculating an ***equitable*** contribution towards infrastructure upgrades is based on the relative contribution of each development towards future traffic volumes through an intersection. This ensures that any single developer or 'agent of change' is not unreasonably imposed the entire costs of mitigating measures because (for example) they are the last to develop. This process recognises the relative contribution of each party, including existing traffic volumes.

In terms of ***accountability***, it is envisioned that there will be a legal arrangement whereby any contributions must be directed towards intersection improvements. This is beyond the scope of our review.

The generally accepted tests of ***nexus*** are that:

1) The condition must fairly and reasonably relate to the proposed development

2) The condition must reasonably be directed to the achievement of a planning objective or at least have that effect

The majority of infrastructure requirements will benefit individual (or small groups of) landholders who may develop sites for residential purposes gaining access from these intersections directly, rather than benefit the entire LENGA. As such, it can be argued that there is limited nexus between projects servicing northern parts of the area, and landholders in the south as development in one area cannot be directly linked to degradation in performance in another. As such, we are of the

view that infrastructure requirement for intersection upgrades identified above are unlikely to be suitable to include within a LENGA DCP.

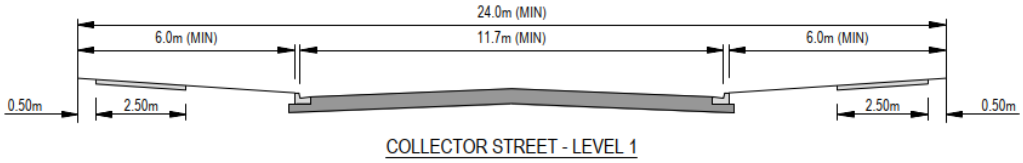
Local roads and intersection upgrades are likely better imposed as permit conditions, with any negotiations for contributions undertaken directly between landholders.

The potential east-west connector road is the one item which has been deemed to provide benefit to multiple landholders, however not the full ODP precinct. This road may be difficult or prohibitively costly for individual landholders to deliver. If this road is deemed necessary for the inter neighbourhood connectivity benefits, then a cost sharing mechanism may be suitable for consideration where the costs are shared between landholders who are afforded direct access to this road.

7.3 Connector Road Costing Assessment

onemile**grid** have engaged Dalton Consulting Engineers to undertake a review of the delivery of the potential east-west connector street and provide a high-level estimate on the costs associated with the delivery of this road. The costings review included allowance for the road construction, waterway crossings, sewer reticulation and water reticulation. Allowance was made for the road to be constructed with a cross section that is consistent with the Infrastructure Design Manual as an urban Collector Street – Level 1, as shown in Figure 19.

Figure 19 Collector Street – Level 1 - Infrastructure Design Manual



The construction cost estimates provided by Dalton Consulting Engineers are summarised in Table 12.

Table 12 Construction Cost Estimates – East-West Connector Street

Component	*Amount*
Road Construction	$10,700,000
Waterway Crossing – Proposed Culverts	$8,000,000
Sewer Reticulation	$500,000
Water Reticulation	$100,000
Contingencies (10%)	$2,000,000
Total	**$21,300,000**

Dalton Consulting Engineers acknowledge that the costings review is an estimate only and that they cannot accept liability arising from the use of this review. The detailed costings review summary is provided as Appendix C.

7.4 Cost Sharing Review

A review of the potential cost sharing mechanisms has been undertaken. The rates established in Table 13 consider the potential for sharing costs associated with the Connector Street between all the residential land within the ODPR and then just between the residential land within Precincts 3 and 5 (which will receive direct benefit with the delivery of this road).

Table 13 Cost Sharing Calculations

Analysis Method	*Area/Number*	*Cost*
	Whole ODPR Area	
Dwelling Area	90.55 Ha*	$235,219 per hectare
Lots	765 lots	$27,843 per lot
	Precincts 3 and 5	
Dwelling Area	27.73 Ha*	$1,014,982 per hectare
Lots	292 lots	$72,945 per lot

** Note - Net Development Area*

A benchmark assessment has been undertaken against other Development Contribution Plans within Table 14, indicating that the subject cost sharing calculations for the LENGA Connector Street are significant, and considerably higher that other comparable DCPs.

Table 14 DCP Benchmarks

DCP	*Road Infrastructure Contribution*	*Year Published*
Wonthaggi NE	$74,447	2024
Shep SE	$88,247	2024
Shep NE	$28,147	2019
Diggers Rest	$95,922	2017
Lara West	$34,603	2014

Reference is also made to the previous Development Contributions Plan that was prepared for LENGA. It detailed total infrastructure capital costs of $10,782,402 and a developable area of 126 hectares. These infrastructure costs equate to a cost sharing of $85,574.60 per hectare.

The previous Development Contributions Plan was prepared in 2012 and allowance should be made for inflation to bring it in line with current calculations. An estimated annual construction inflation rate of 3.5% has been applied over a 12 year period, which results in an estimated construction cost inflation multiplier from 2012 to 2024 of 1.51. Application of this multiplier to the previous DCP cost share equates in $129,217.65 per hectare.

A summary of the potential additional costs to deliver the east-west Connector Street is provided in Table 15.

Table 15 Development Contributions Comparison

Component	*Price per Hectare*
Original Development Plan (Indexed to 2024)	$129,218
Additional Costs to Deliver Connector Street (assume costs shared between all developable areas)	$235,219
Net Increase	+ 182%
Total Development Contribution	**$364,436**

The calculations undertaken and summary provided in Table 15 identify that the inclusion of the Connector Street into the Development Contribution Plan for the entire ODPR area would result in a 182% increase in the costs per hectare. The indicative Development Contribution would be $364,436 per hectare.

We note that these calculations are indicative only to provide an idea on the net increase in costs. There may be some level of overlap associated with drainage works accounted for within the road construction. Similarly there may be other updates to the Development Contributions to be sought from the ODPR.

Notwithstanding, the net increase in the Development Contribution is considered to be very substantial. Given the limited benefit, and/or need, for the east-west Connector Street, it is **one**mile**grid**'s opinion that the delivery of this road and its inclusion within Development Contributions will not be viable.

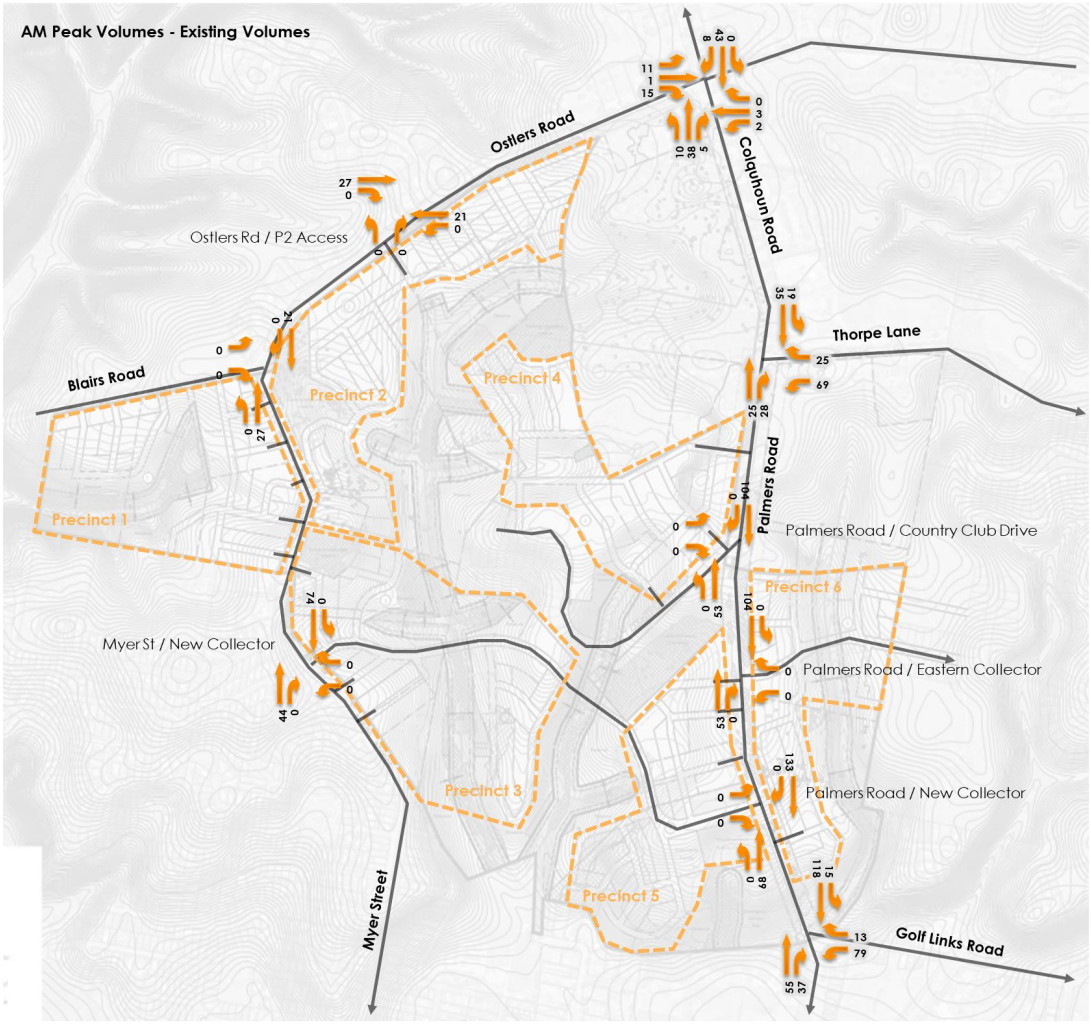
8 CONCLUSIONS

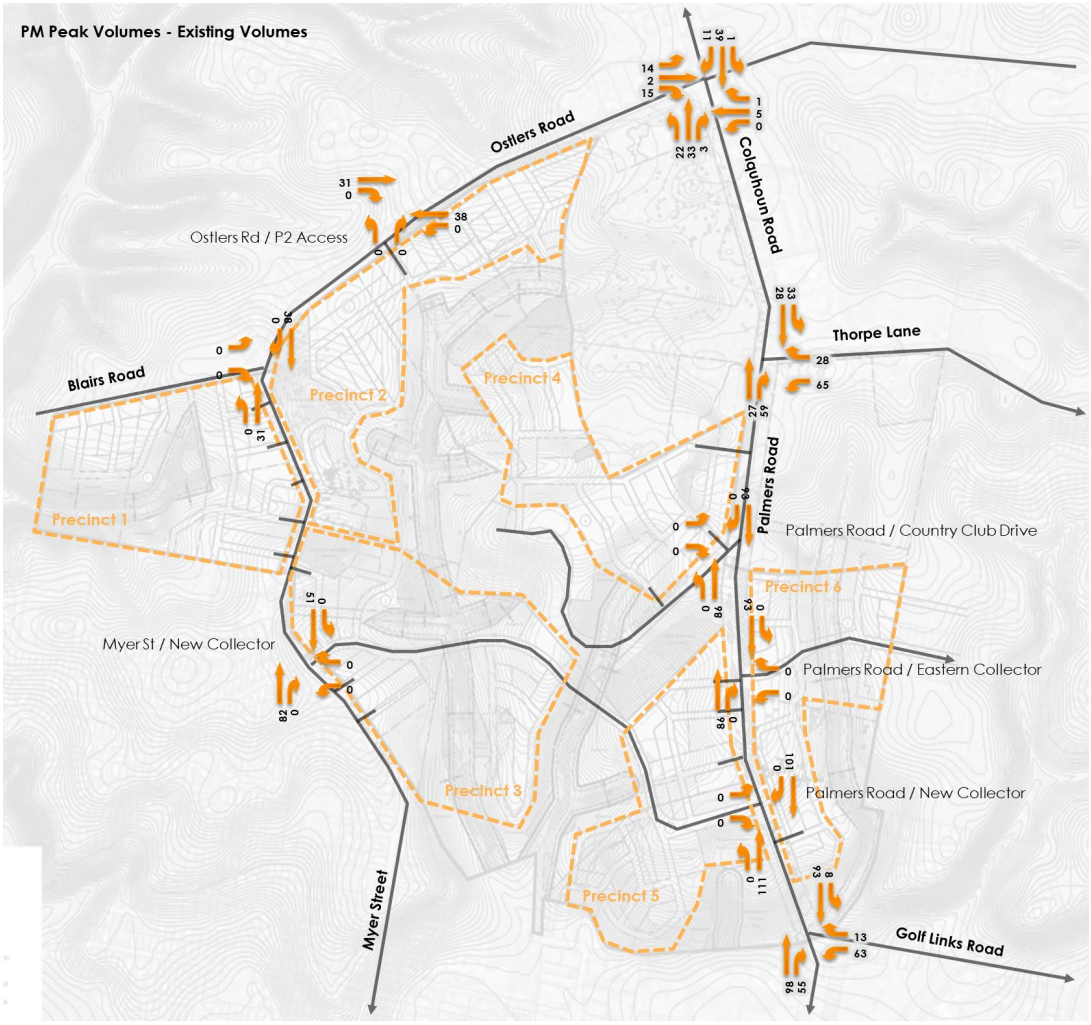
A review has been undertaken of the Outline Development Plan (ODP) for the Lakes Entrance Growth Area (LENGA). The review includes an assessment of the surrounding and interconnecting road network.

Considering the analysis presented above, it is concluded that:

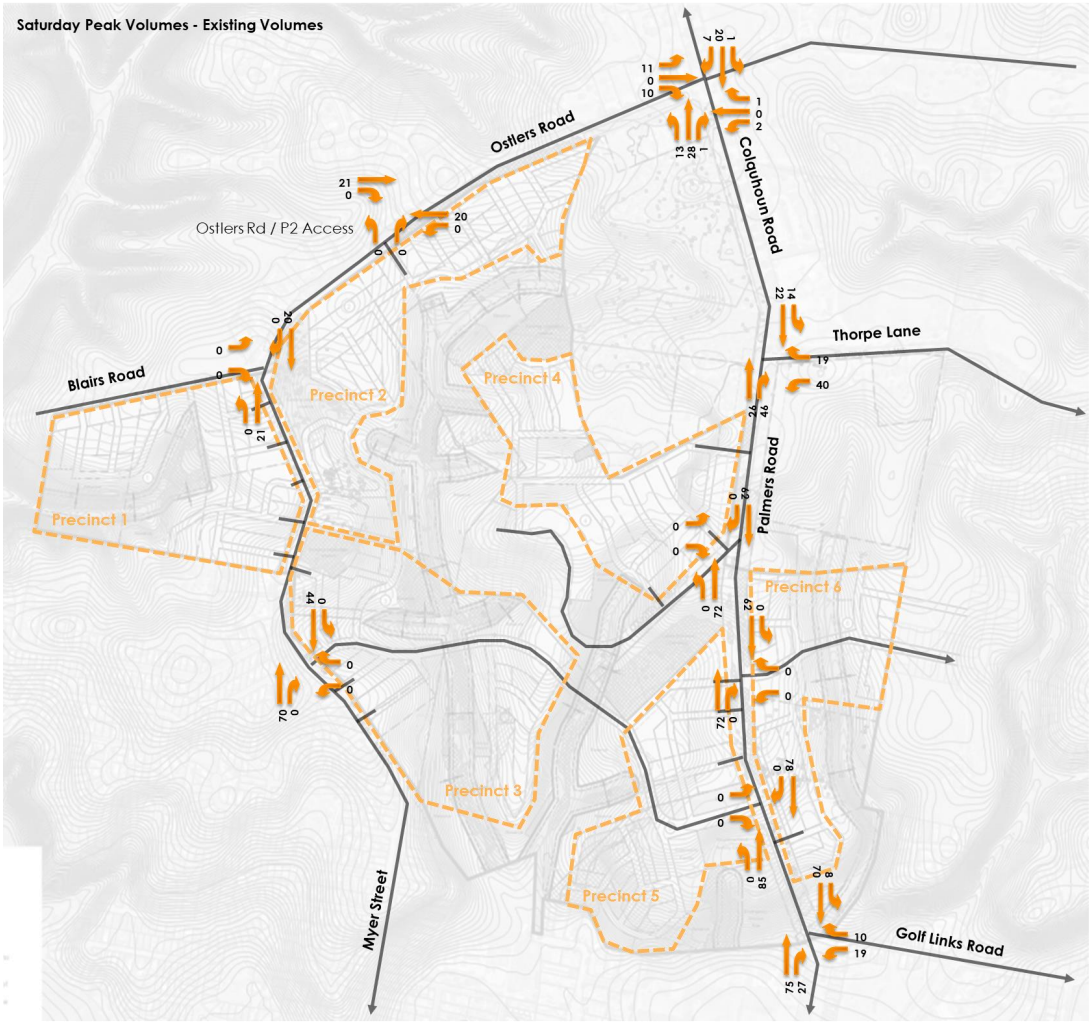
- The extent of the ODP has been advised to facilitate in the order of 765 residential lots and is in turn anticipated to generate in the order of 5,358 daily vehicle movements;
- The projected daily traffic volumes for the existing surrounding roads are considered to have suitable capacity to accommodate the daily movements;
- The delivery of Access Streets within the ODP is projected to provide suitable internal road capacity;
- The turn lane warrant review for the new access intersections has determined that basic intersections are warranted, with the exception of the two collector street intersections with Palmers Road;
- The intersection analysis has further demonstrated that the proposed and existing intersections have suitable capacity to accommodate the projected peak hour traffic movements;
- The potential east-west Collector Street through the southern portion of the ODP has been determined to not be necessary to facilitate traffic volumes, with the following positives and negatives for consideration:
  - *Positives*
  - Enhanced inter neighbourhood connectivity, for vehicles, cyclists and pedestrians;
  - Provision for a potential bus route; and
  - Improved access routes for the activity centres and emergency services site.
  - *Negatives*
  - Difficult and expensive to construct due to the steep land topography and waterway crossings.
- The costing review undertaken for the east-west Connector Street indicates a net increase of 182% to the previous Development Contribution. This net increase is considered to make the inclusion of this road not viable.

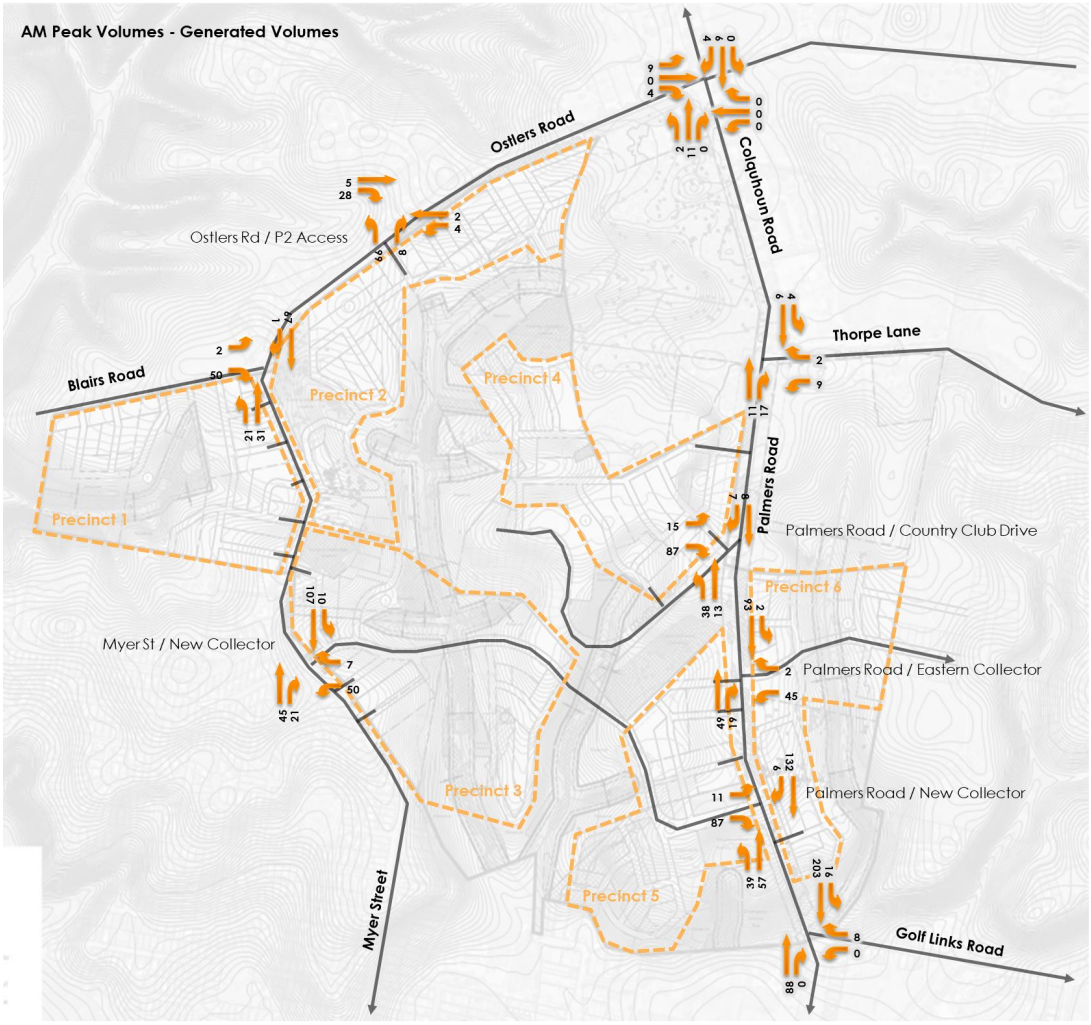
Appendix A Traffic Volumes

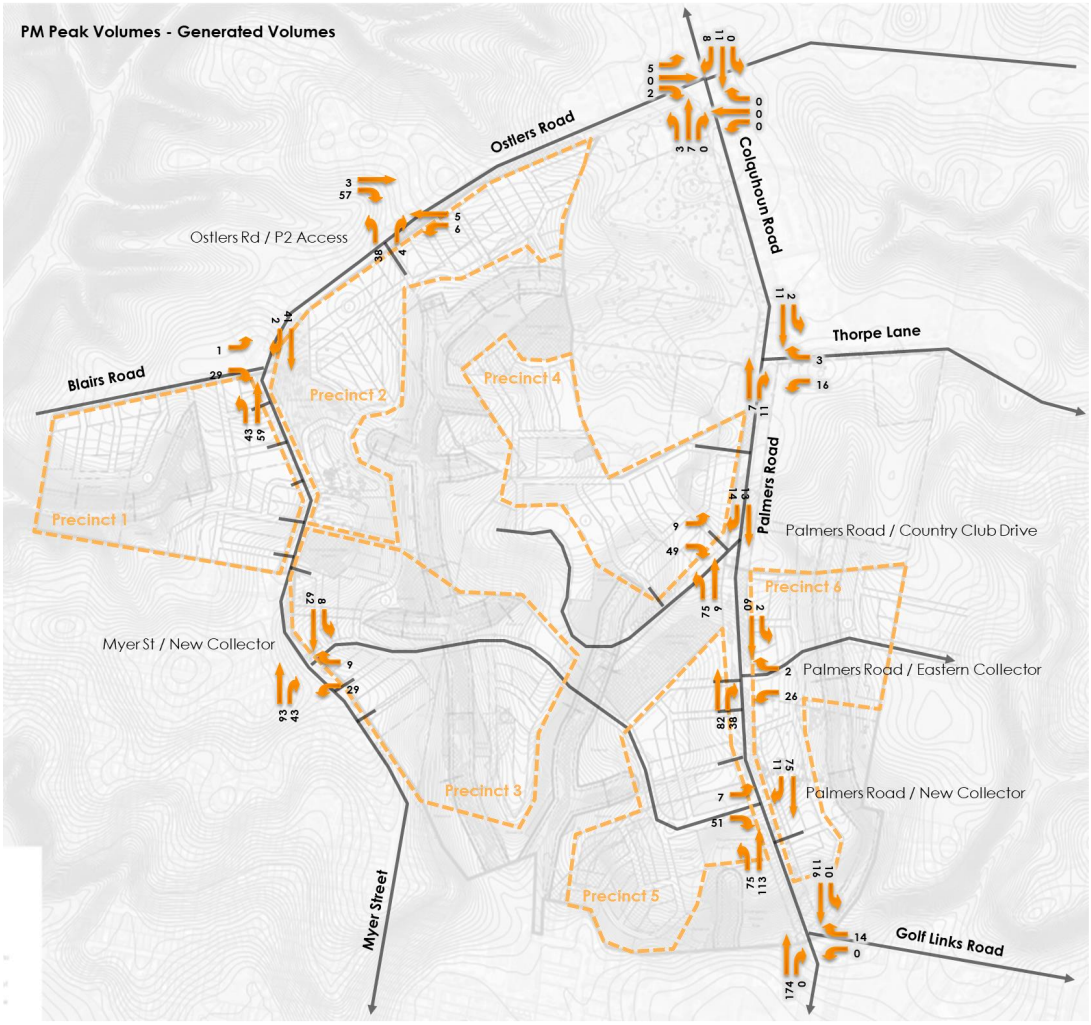

AM Peak Volumes - Existing Volumes
Ostlers Road
Colquhoun Road
Ostlers Rd / P2 Access
Thorpe Lane
Blairs Road
Precinct 2
Precinct 4
Precinct 1
Palmers Road
Palmers Road / Country Club Drive
Precinct 6
Myer St / New Collector
Palmers Road / Eastern Collector
Precinct 3
Palmers Road / New Collector
Precinct 5
Myer Street
Golf Links Road


PM Peak Volumes - Existing Volumes
Ostlers Road
Colquhoun Road
Ostlers Rd / P2 Access
Thorpe Lane
Blairs Road
Precinct 2
Precinct 4
Palmers Road
Precinct 1
Palmers Road / Country Club Drive
Precinct 6
Myer St / New Collector
Palmers Road / Eastern Collector
Palmers Road / New Collector
Precinct 3
Precinct 5
Myer Street
Golf Links Road

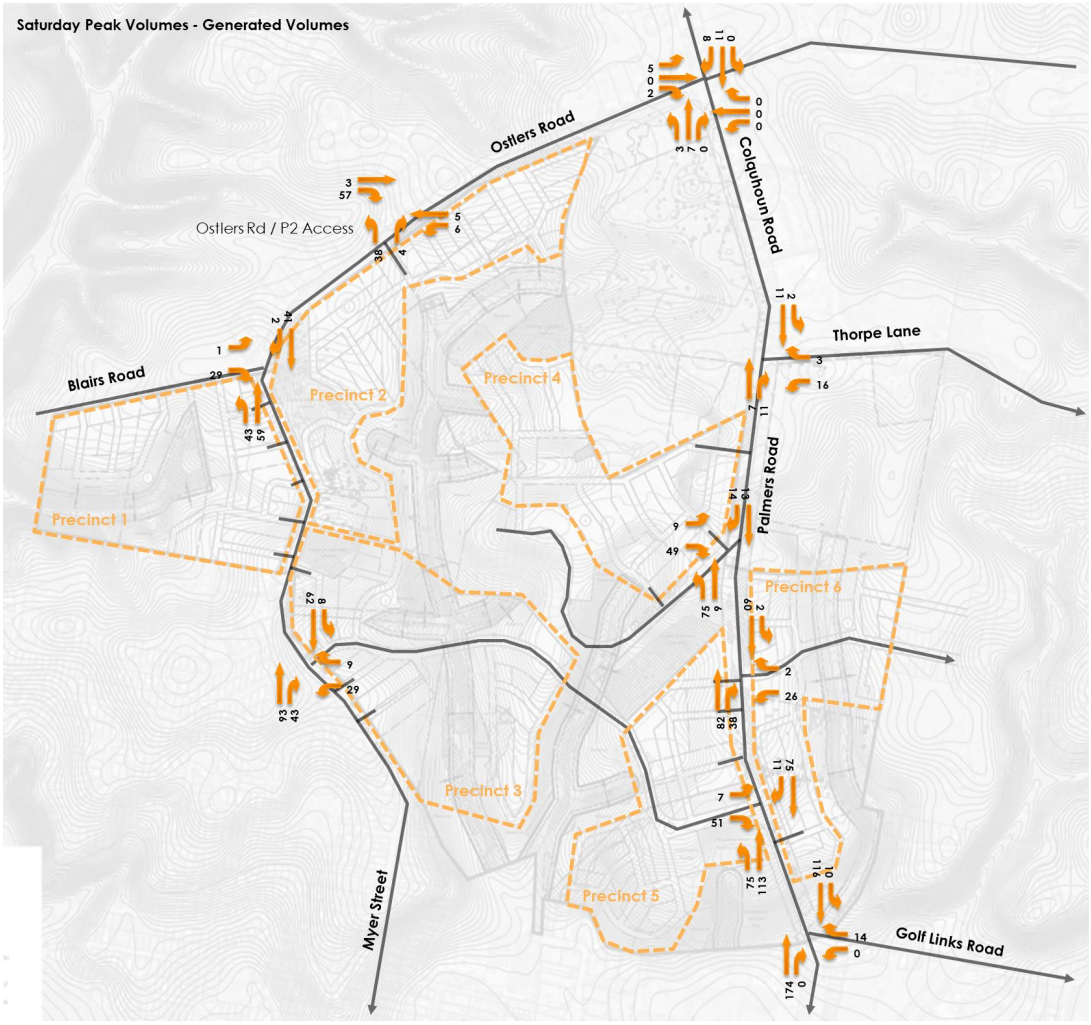
onemilegrid



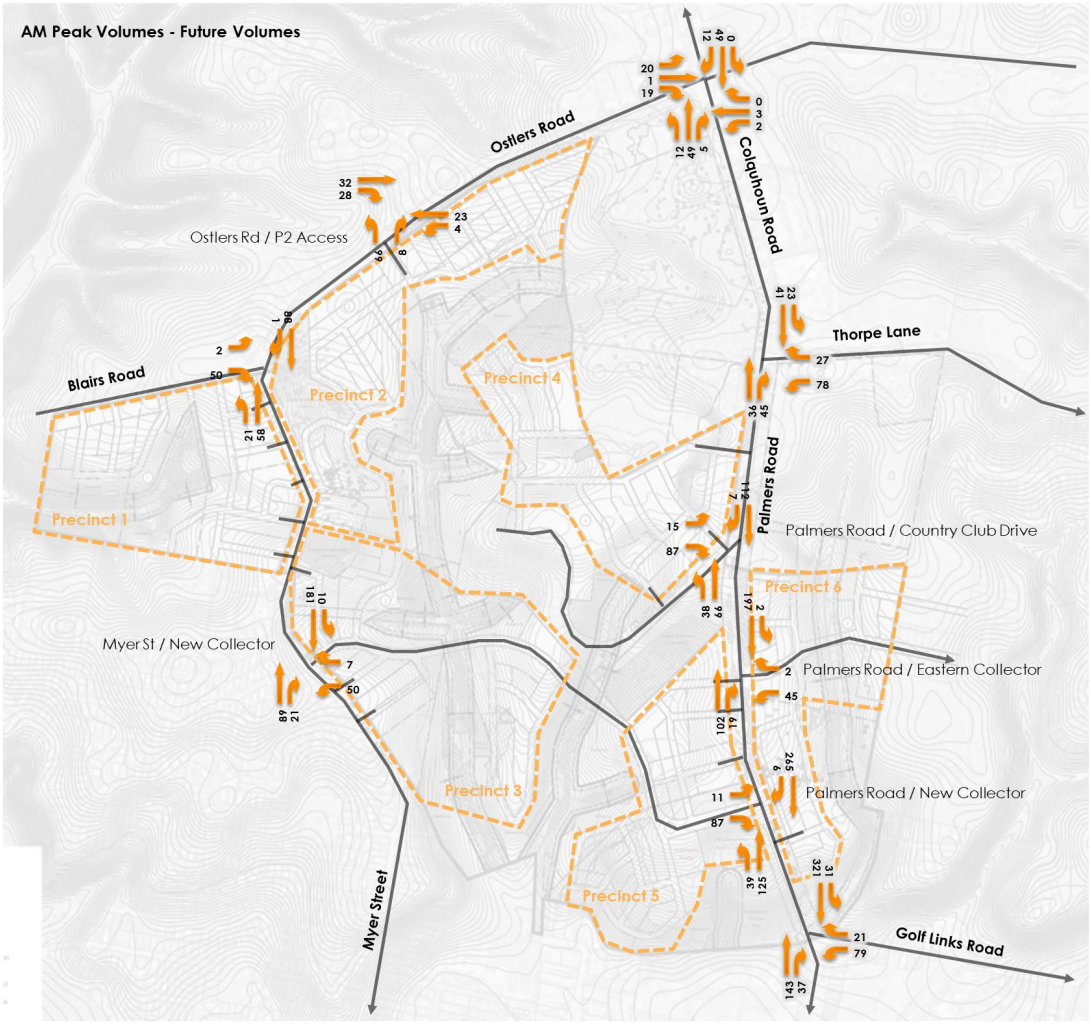

AM Peak Volumes - Generated Volumes
Ostlers Road
Colquhoun Road
Ostlers Rd / P2 Access
Thorpe Lane
Blairs Road
Precinct 2
Precinct 4
Palmers Road
Precinct 1
Palmers Road / Country Club Drive
Precinct 6
Myer St / New Collector
Palmers Road / Eastern Collector
Precinct 3
Palmers Road / New Collector
Myer Street
Precinct 5
Golf Links Road


PM Peak Volumes - Generated Volumes
Ostlers Road
Colquhoun Road
Ostlers Rd / P2 Access
Thorpe Lane
Blairs Road
Precinct 2
Precinct 4
Palmers Road
Precinct 1
Palmers Road / Country Club Drive
Precinct 6
Myer St / New Collector
Palmers Road / Eastern Collector
Precinct 3
Palmers Road / New Collector
Myer Street
Precinct 5
Golf Links Road

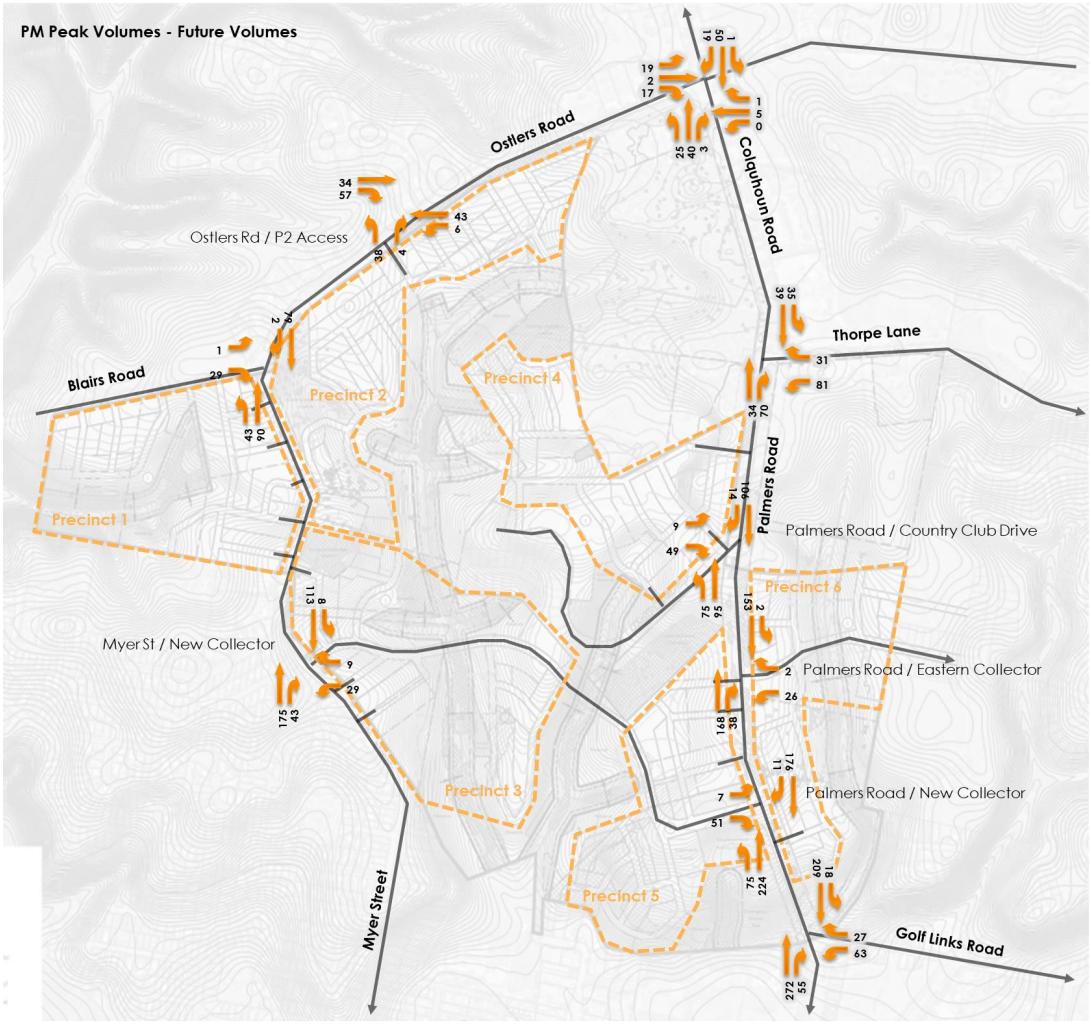
onemilegrid



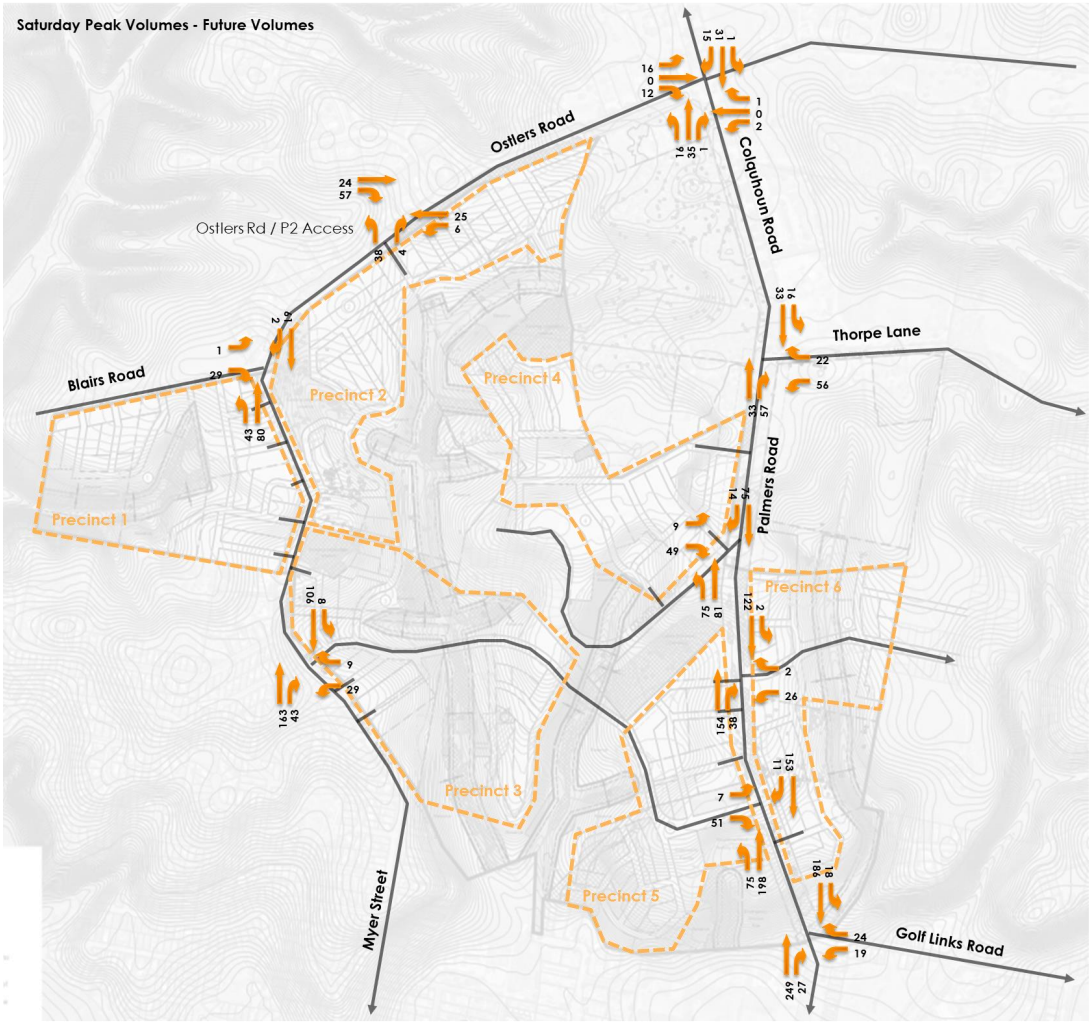
onemilegrid



onemilegrid



onemilegrid



onemilegrid

Appendix B Detailed SIDRA Results

Table 16 Colquhoun Road / Bunga Creek Road / Ostlers Road – Existing Conditions

Approach	DoS	Avg. Delay (sec)	Queue (m)	Level of Service
AM Peak				
Colquhoun Road (South)	0.03	1.6	0.3	A
Bunga Creek Road (East)	0.005	5.2	0.1	A
Colquhoun Road (North)	0.029	1	0.4	A
Ostlers Road (West)	0.024	5.8	0.6	A
PM Peak				
Colquhoun Road (South)	0.033	2.4	0.2	A
Bunga Creek Road (East)	0.006	4.9	0.2	A
Colquhoun Road (North)	0.029	1.4	0.5	A
Ostlers Road (West)	0.027	5.8	0.7	A
Saturday Peak				
Colquhoun Road (South)	0.024	1.9	0.1	A
Bunga Creek Road (East)	0.003	5.4	0.1	A
Colquhoun Road (North)	0.016	1.6	0.3	A
Ostlers Road (West)	0.018	5.7	0.5	A

Table 17 Palmers Road / Thorpes Lane – Existing Conditions

Approach	DoS	Avg. Delay (sec)	Queue (m)	Level of Service
AM Peak				
Palmers Road (South)	0.032	3.1	1	A
Thorpes Lane (East)	0.046	5.7	1.4	A
Palmers Road (North)	0.03	2	0	A
PM Peak				
Palmers Road (South)	0.052	4	1.7	A
Thorpes Lane (East)	0.044	5.8	1.3	A
Palmers Road (North)	0.035	3	0	A
Saturday Peak				
Palmers Road (South)	0.043	3.6	1.4	A
Thorpes Lane (East)	0.027	5.7	0.8	A
Palmers Road (North)	0.02	2.2	0	A

Table 18 Palmers Road / Golf Links Road – Existing Conditions

Approach	DoS	Avg. Delay (sec)	Queue (m)	Level of Service
AM Peak				
Palmers Road (South)	0.056	2.5	1.5	A
Golf Links Road (East)	0.071	6	2	A
Palmers Road (North)	0.074	0.6	0	A
PM Peak				
Palmers Road (South)	0.091	2.2	2.4	A
Golf Links Road (East)	0.059	6	1.6	A
Palmers Road (North)	0.056	0.5	0	A
Saturday Peak				

Approach	DoS	Avg. Delay (sec)	Queue (m)	Level of Service
Palmers Road (South)	0.059	1.6	1.2	A
Golf Links Road (East)	0.023	5.9	0.6	A
Palmers Road (North)	0.043	0.6	0	A

Table 19 Myer Street / Petersen Street – Existing Conditions

Approach	DoS	Avg. Delay (sec)	Queue (m)	Level of Service
AM Peak				
Myer Street (South)	0.024	0.8	0	A
Myer Street (North)	0.039	0.4	0.2	A
Petersen Street (West)	0.009	5.8	0.2	A
PM Peak				
Myer Street (South)	0.045	0.6	0	A
Myer Street (North)	0.027	0.5	0.2	A
Petersen Street (West)	0.008	5.9	0.2	A
Saturday Peak				
Myer Street (South)	0.039	0.9	0	A
Myer Street (North)	0.023	0.1	0	A
Petersen Street (West)	0.005	5.8	0.1	A

onemilegrid

Appendix C Construction Costs Review

EAST GIPPSLAND SHIRE COUNCIL
PROPOSED DEVELOPMENT PLAN
LAKES ENTRANCE NORTH GROWTH AREA
24.0m COLLECTOR STREET
HIGH LEVEL CONSTRUCTION COST ESTIMATE

DALTON CONSULTING ENGINEERS

Client: East Gippsland Shire Council

Date: 7 Aug 2024
DCE Ref: 24067

Description		Amount	Notes
CONSTRUCTION COSTS			
Road Construction			1
Site Works and Preliminaries	$	500,000	2
Earthworks, *(ballpark figure only)*	$	2,400,000	3
Pavement and Concrete Works	$	4,600,000	4
Drainage	$	1,400,000	5
Incidental Works	$	300,000	6
Electrical and NBN, *(ballpark figure only)*	$	1,000,000	7
Other Road Allowances			
Minor Intersections for Future Local Street Connections	$	500,000	8
SUB TOTAL	$	10,700,000	
Waterway Crossing - Proposed Culverts			
Western Culvert Crossing, *(ballpark figure only)*	$	5,800,000	9
Eastern Culvert Crossing, *(ballpark figure only)*	$	2,200,000	9
SUB TOTAL	$	8,000,000	
Sewer Reticulation			10
Modification of Existing Sewer Infrastructure, *(ballpark figure only)*	$	500,000	11
Water Reticulation			12
Relocation of Existing Main *(ballpark figure only)*	$	100,000	13
Contingencies (10%)	$	2,000,000	14
TOTAL CONSTRUCTION COSTS	**$**	**21,300,000**	

DALTON CONSULTING ENGINEERS

NOTE:-

(a) The above estimate is prepared from preliminary quantities using current construction rates and without firm offers from Public Utility Authorities.

Whilst every effort has been taken to ensure accuracy, Dalton Consulting Engineers Pty Ltd cannot accept liability arising from the use thereof.

(b) No allowance has been made for inflation which may occur after the date of this estimate.

(c) Other Items to be considered:-

*** GST**
*** Purchase Price of Land;**
*** Council sealing fees;**
*** Public Open Space requirements;**
*** Growth Areas Infrastructure Contribution (GAIC);**
*** Financing Council maintenance bonds;**
*** Interest on borrowed capital;**
*** Legal and duty on purchase;**
*** Legal costs general and sales;**
*** Land tax and rates;**
*** Other sundry costs.**

(d) Project Specific Notes;
Reference Plan - Beveridge Williams "Outline Development Plan Review" (Ref: 2302087)

1 - Based off a 24.0m Collector Street designed in accordance with IDM, no allowance for landscaping costs
2 - Allowances include traffic management and site establishment
3 - Earthworks are ball park only, allowances include site stripping and tree removal
- No allowance for retaining walls
4 - Pavement depth assumed 750mm (incl. 150mm construction layer) for Connector Street
- Allowance for soft subgrade remediation at 30% capping volume
- Allowance for 2.5m concrete footpath on both side of road reserve
- Assume B2 kerb
5 - Drainage pipe estimated 130% of total road length
- Drainage pits assumed located on both side of road and 70m spacing
- Allowance included for subsurface drains behind all kerb, incidental works (modifying or removing existing drainage infrastructure) and asset recording
6 - Incidental works allowances include line marking, TGSI's, PSM's, signs and bus shelters
7 - Allowance for new electrical and telecommunication infrastructure only. To be confirmed by electrical engineer.
- No allowance for electrical or telecommunication relocation works. To be confirmed by electrical engineer.
8 - Allowance for ten minor intersections for future local street connections
- No allowance for signalised intersections
9 - Waterway crossing assumes 24.0m connector road over culverts and no allowance for bridge structures
- Assumes western crossing will span 15.0m to cross the existing waterway and eastern crossing will be smaller.
- Assumes western crossing will require additional costs associated with managing existing flows and bypass/control measures
- Culvert sizing is subject to waterway assessment and detail design
10 - Assume no sewer reticulation main in collector street. To be confirmed with the water authority
11 - Allowance for modification of existing sewer, i.e. adjusting maintenance structure lids to finished surface levels or diverting sewer main alignment
12 - Assume no water reticulation main in collector street as no existing main on Palmers Road to connect into. To be confirmed with the water authority
13 - Allowance for relocation of a small section of existing water main from Myer St to Riviera Court into new connector street
14 - Contingencies allowed at 10%.

Dalton Consulting Engineers Pty Ltd

Prepared by:	Reviewed by:
AN 2891107	AN 944308
MICHAEL HUYNH	THAVE THAVENDRAN
PROJECT MANAGER	SENIOR PROJECT MANAGER

PRACTICAL ECOLOGY
ecological restoration & consulting

Lakes Entrance Northern Growth Plan Native Vegetation Precinct Plan Review

March 2025

Lakes Entrance Northern Growth Plan Native Vegetation Precinct Plan Review

March 2025

Report by Julian Drummond

PRACTICAL ECOLOGY Pty Ltd

CAN: 082 911 377 ABN: 88 082 911 377
PO Box 228 Preston VIC 3072
(2B Stott Street Preston Vic 3072)
P: 9484 1555 F: 9484 9133
www.practicalecology.com.au

Prepared for:	East Gippsland Shire Council	PE project number:	EAS 3791
Contact:	Anthony Calthorpe Growth Areas Coordinator PO Box 1618, Bairnsdale, VIC, 3875 Phone: 0438 275 950 Email: AnthonyC@egipps.vic.gov.au	PE file location:	R:\East Gippsland\East_Gippsland_Shire_Lakes_Entrance_NVPP_Review_2024

Version	Date	Author	Reviewer	Notes
0.0	11/12/2024	Julian Drummond	Lincoln Kern	Draft for internal review
0.1	20/12/2024	Julian Drummond	Anthony Calthorpe Michelle Savona	Draft for client review
0.2	21/02/2025	Julian Drummond	Anthony Calthorpe	Updated in response to client comments
1.0	05/03/2025	Julian Drummond		Final for submission

© Copyright Unless otherwise agreed in writing, this report is the intellectual property of Practical Ecology Pty Ltd. It is designed to be used exclusively by the person or organisation that commissioned it. Permission must be sought prior to reproduction of any portion of this document, and every effort made to ensure proper referencing of this document.

Contents

1.	INTRODUCTION	5
1.1	Growth Area Overview	6
1.2	Scope and aims	7
2.	NATIVE VEGETATION PRECINCT PLAN	9
2.1	Summary of existing report	9
2.2	Comments and Concerns	10
3.	EXISTING AND PROPOSED DEVELOPMENT PLANS	13
3.1	Outline Development Plan	13
3.1.1	Summary of existing report	13
3.1.2	Ecology-focussed Comments and Concerns	16
3.2	Strategic Framework Plan	18
3.2.1	Summary of existing report	18
3.2.2	Ecology-focussed Comments and Concerns	19
4.	ADDITIONAL DOCUMENTS AND LEGISLATION	23
4.1	Lakes Entrance Urban Design Framework	23
4.1.1	Summary of existing report	23
4.1.2	Ecology-focussed comments and concerns	24
4.2	Lakes Entrance Northern Growth Area Social Impact Assessment	24
4.2.1	Summary of existing report	25
4.2.2	Ecology-focussed comments and concerns	26
4.3	Northern Growth Area – Lakes Entrance Development Concept Plan Hydrology	26
4.3.1	Summary of existing report	26
4.3.2	Ecology-focussed comments and concerns	28
4.4	Lakes Entrance Northern Growth Area Development Contributions Plan	29
4.4.1	Summary of existing report	29
4.4.2	Ecology-focussed comments and concerns	30
4.5	Amendment C112	30
4.5.1	Summary of existing report	30
4.5.2	Ecology-focussed comments and concerns	32
4.6	Relevant legislation and policy	33
4.6.1	Environment Protection and Biodiversity Conservation Act 1999	33
4.6.2	Flora and Fauna Guarantee Act 1988	34
4.6.3	Planning and Environment Act 1987	35
5.	CONCLUSIONS AND RECOMMENDATIONS	43
6.	REFERENCES	49

APPENDIX 1.	DEVELOPMENT PLAN OBJECTIVES	50
APPENDIX 2.	MAPS	52

TABLES

Table 1. Opportunities and constraints from the Outline Development Plan 14

Table 2. Relevant requirements and guidelines from the Strategic Framework Plan and associated commentary 20

Table 3. Zoning present within the LENGA 37

Table 4. Overlays present within the LENGA 39

Table 5. Pros and Cons of retaining the existing NVPP 44

FIGURES

Figure 1. Current zoning in the LENGA 7
Figure 2. Outline development plan 16
Figure 3. Catchment areas within the LENGA 27
Figure 4. Likely flood conditions – current site conditions 28
Figure 5. Likely flood conditions – fully developed LENGA 28

MAPS

Map 1. Growth Area 53
Map 2. Native Vegetation Precinct Plan 54

1. INTRODUCTION

The Lakes Entrance Northern Growth Plan was established in 2014 by the *East Gippsland Shire Council* through Amendment C112 of the East Gippsland Planning Scheme. This amendment was designed to facilitate and implement the outcomes of the Lakes Entrance Northern Growth Area (LENGA) Outline Development Plan (ODP) which was developed by *SMEC Urban Pty Ltd* to facilitate long-term residential expansion within an area of open farmland to the north of the Township of Lakes Entrance (East Gippsland Shire Council 2014; SMEC Urban Pty Ltd 2013).

This amendment resulted in the following changes being implemented within the LENGA:

- The rezoning of a significant portion of this area from Farming Zone – Schedule 3 (FZ3) to General Residential Zone – Schedule 1 (GRZ1) and Public Use Zone – Education (PUZ2),
- The placement of a Development Contributions Plan Overlay – Schedule 1 (DCPO1), Design and Development Overlay – Schedule 13 (DDO), and Development Plan Overlay – Schedule 8 (DPO8) to implement the ODP developed by *SMEC Urban Pty Ltd*,
- The revision/placement of the Environmental Audit Overlay (EAO) to account for a 500m buffer required around an adjacent landfill to the north-east of the LENGA,
- The removal of the Vegetation Protection Overlay – Schedule 1 (VPO1) from the road reserves to the north and east of the LENGA,
- Establishment of the LENGA Native Vegetation Precinct Plan (NVPP) through *Clause 52.16 Native Vegetation Precinct Plan* of the East Gippsland Planning Scheme, and
- Insertion of a new schedule to Clause 81.01 to introduce new incorporated documents; These being the:
    - Lakes Entrance Northern Growth Area Outline Development Plan, August 2012;
    - Lakes Entrance Northern Growth Area Hydrology Plan, July 2012;
    - Lakes Entrance Northern Growth Area Social Impact Assessment, August 2012; and
    - Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan, November, 2012.

The LENGA was designed to accommodate projected growth within the Township of Lakes Entrance over the next 30-40 years. However, while it has been more than 10 years since the LENGA was established, the amount of development undertaken has been minimal.

Given the slow pace of development across the LENGA to date, East Gippsland Shire Council (Council) is currently undertaking a review of planning matters as they relate the Study Area. This includes an updated Strategic Framework Plan that has already been drafted. As part of this overall process, Practical Ecology was commissioned to review the NVPP and the associated documents to determine whether the existing plan is still fit for purpose given the time since it was prepared, and what updates, if any, are required in the context of the long-range (80+years) pace of development expected for the site.

It is also noted here that *Terralogic Pty Ltd* are providing an updated Bushfire Risk Assessment for the LENGA. As discussed below, preliminary discussions have indicated that the existing zoning and land usage proposed within the ODP will not need to be changed. The current review of the NVPP does not therefore need to account for potential changes in land use to meet bushfire risk related requirements of the site. The key focus of this review therefore remains on whether a new NVPP is required or if the existing NVPP can be utilised for future planning within the LENGA in the context of anticipated long-range growth projections.

1.1 Growth Area Overview

An overview of the boundaries of the LENGA is presented on Map 1. Individual properties across the LENGA are also shown on this map, and referenced as required as part of this current review.

The overall LENGA covers approximately 245 ha on the north-eastern side of the Lakes Entrance township. At the time it was established, the LENGA was comprised of 32 properties, with these all included within the ODP except for Properties 18 and 19 which were already rezoned for residential usage and were excluded. The majority of properties contain open pasture with scattered patches of forested terrain. The majority of properties also only contain a single dwelling and associated infrastructure (former or current farmland).

Properties 16, 17, 18, 26, and 32 contain the most forested terrain and there are steep gullies and waterways scattered across the LENGA along with a few farm dams. There are a limited number of roads within the LENGA as a result of the larger farmland properties with the major ones being Palmers Road which runs through the eastern half of the LENGA, Blairs Road, Ostlers Road, Colquhoun Road, and Thorpes Lane which run along the northern boundary, and Ostlers Road which also runs through the western side of the LENGA.

As a result of Amendment C112, the current zoning across the majority of the LENGA is GRZ1 except for some smaller areas of PUZ2 and some retained FZ3 (see Figure 1 for an overview). The overlays currently present (as a result of Amendment C122 or otherwise) include:

- the Bushfire Management Overlay (BMO) around the forested areas on Property 16 and extending into the LENGA from similar forested areas to the north,
- the DCPO1 covering the majority of the LENGA aside from the FZ3 properties,
- the DDO13 covering the majority of the LENGA aside from the FZ3 properties,
- the DPO8 covering the majority of the LENGA aside from the FZ3 properties,
- the EAO covering an area on the north-eastern side of the LENGA,
- the Erosion Management Overlay (EMO) around the onsite gullies and waterways, and
- the VPO1 has been retained on a small area within Properties 16 and 18.



Figure 1. Current zoning in the LENGA

1.2 Scope and aims

As part of this review, multiple documents developed as part of ODP were considered. The main focus is on the NVPP document itself which was developed by the *East Gippsland Shire Council* in 2013 (East Gippsland Shire Council 2013). The ODP was also considered however as it outlines the extent of the other works which need to be considered to determine whether the retention and loss of native habitat proposed in the NVPP is viable. These documents are considered in Sections 2 and 3 respectively but several other documents are also being considered in Section 4. These include:

- the Lakes Entrance Urban Design Framework developed by the *East Gippsland Shire Council* in 2007 (Meinhardt Infrastructure & Environment 2007),
- the Lakes Entrance Northern Growth Area Social Impact Assessment developed by the *East Gippsland Shire Council* in 2012 (East Gippsland Shire Council 2012),
- the Northern Growth Area – Lakes Entrance Development Concept Plan Hydrology developed by *Water Technology Pty Ltd* in 2012 (Water Technology 2012),
- the Lakes Entrance Northern Growth Area Development Contributions Plan developed by the *East Gippsland Shire Council* in 2014 (Urban Enterprise 2014), and
- documents associated with Amendment C112 including the panel hearing and report.

In addition to these documents, the following pieces of legislation were considered to account for any updates with the state and federal planning over the last 10 years. These include:

- the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act),
- the *Flora and Fauna Guarantee Act 1988* (the FFG Act),
- the Planning and Environment Act 1987 including details on:
  - *Clause 52.16 Native Vegetation Precinct Plan*,
  - *Clause 52.17 Native Vegetation*,
  - *Clause 13.02-1S Bushfire Planning*,

  - The zoning and overlays present within the LENGA, and
- available guides and other resources regarding the creation of similar plans

With consideration of the existing NVPP, along with the range of other documents and legislative instruments considered as part of this review, the overall aim of this current review is on answering the following key questions:

1. What has changed within the LENGA based on updated aerial review of the Growth Area?
2. What are the implications of the updated bushfire risk assessment and setback requirements, if any, on retained native vegetation identified in the current NVPP?
3. Is the current NVPP fit for purpose 10 years on?
4. Can/should the NVPP continue to be applied, particularly given the long-range forecast of expected development across the LENGA (80+years)?
5. How should offsets as the NVPP be managed given this long-term projected development timeframe?
6. Are there any options/alternatives to account for the slower pace of development and the need for future updates?

2. NATIVE VEGETATION PRECINCT PLAN

The following section contain a summary of the current NVPP prepared for the LENGA, a review of the findings, and discussion of things which should be considered in future.

2.1 Summary of existing report

The NVPP was developed by the *East Gippsland Shire Council* in 2013 (East Gippsland Shire Council 2013) following the development of a Biodiversity Assessment Report (BAR) developed by *East Gippsland Shire Council* and the *Department of Primary Industries* (DEPI) in 2012. This document can be considered a summary of this original BAR since only the main findings have been included as vegetation protection objectives to be achieved within the NVPP. These objectives include:

- Conservation of 15 ha of high quality, native vegetation in the north-east corner of the precinct
- Conservation of 3.5 ha of selected stands of Coast Grey Box *Eucalyptus bosistoana*
- Protection of native vegetation within waterway corridors, and revegetate when consistent with maintaining an acceptable level of bushfire risk
- Protection of native vegetation on roadsides significant for habitat and ecological connectivity
- Consolidation of ecological connectivity by linking a large area of high quality, native vegetation with waterway corridors, smaller significant vegetation patches, stands of scattered trees and roadside vegetation
- Minimisation of degradation and fragmentation of native vegetation within protected habitat zones, conservation areas, roadside vegetation or waterway corridors
- Maintenance of nectar production and hollow formation through preferential retention and protection of large trees, and
- Removal understorey vegetation for bushfire risk management in selected areas only.

An overview of the habitat observed within the LENGA (patches of habitat and scattered trees) and their removal/retention status within the current NVPP is provided on Map 2. This information has been summarised and provided in the 2012 NVPP as habitat patches or scattered trees.

In addition to the information summaries, the NVPP also contains a detailed description of how retained vegetation needs to be protected up to and following the development of the LENGA. The largest patch to be retained is within Property 16. This patch is to be retained for conservation purposes noting that this property retained its FZ3 zoning due to the proximity to an adjacent landfill which is also the source of the EAO on the northern side of the LENGA.

Coast Grey Box *Eucalyptus bosistoana* and Gippsland Red-gum *Eucalyptus tereticornis* ssp. *mediana* were also identified in the NVPP as present within the LENGA. Coast Grey Box is listed as Endangered under the FFG Act and Gippsland Red-gum forms part of a nationally threatened community under EPBC Act, (Gippsland Red Gum Grassy Woodland. Measures are placed here to ensure these trees are retained and protected prior to and following development.

Vegetation removal is predominantly 100% loss with the 2012 assessment showing only General Habitat Units (GHUs) being required for the offsets. Scattered trees not recorded within the NVPP are flagged as not being considered within the plan as they were deemed to be low conservation significance or not qualifying under the 2012 requirements of Clause 52.17 at the time. The report also states that retained native vegetation can be considered for removal for road works, drainage works, and/or when approved by the East Gippsland CMA (the circumstances under which this removal occurs are not made clear). A permit will still need to be sought under Clause 52.16 however.

As stated previously, the offset requirements for the habitat approved for removal are provided in the summary table as per the 2012 BAR. In addition to these requirements, a list of conditions is provided regarding native vegetation removal and the associated land management. This list is thorough and covers validity period, earthworks, revegetation, drainage, zoology, and construction management.

The final items mentioned include the exclusion of Properties 18 and 19 and the additional protection measures being provided for vegetation within 30m of the onsite waterways. This has been mentioned specifically as it includes planted and non-indigenous species. Overall, the information provided is thorough but limited as this document is designed to serve as a summary of the previous BAR and the majority of the information present consists of habitat and scattered tree information from across the LENGA as tables.

2.2 Comments and Concerns

The NVPP report is considered to be a serviceable summary of the observed conditions and the conditions under which habitat is to be retained or removed. The majority of the potential issues can be addressed by the fact that it is a summary report and additional information about some of the items mentioned are either present in the 2012 BAR or are detailed on other documents. With this in mind, questions and concerns following the review of this document are provided below:

- Considering the amount of time since the previous assessment, there is a risk that the habitat zones and scattered tree extent, condition and locations is not reflective of current conditions. Since it was prepared, this means that there are likely to have been changes to the habitat hectare scores of habitat zones (or native vegetation patches) and some scattered trees may have indeed become patches where regeneration has occurred between them. It is also possible that some scattered trees may have fallen due to natural causes, and trees not previously documented are now present and representative of scattered trees.

  The regulatory system governing native vegetation removal has also been updated twice since the NVPP was developed (in 2013 and 2017). While the overall assessment methods of vegetation have not materially changed, the way in which impacts and offsets are determined has been.

  This being said, any new clearing required or clearing required due to updated conditions can potentially be addressed under the current Clause 52.16 and references to the current *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017a) within it. In this way, the strategic retain and remove provisions at a high level in the current NVPP can still be retained with any new native vegetation observed on site still requiring a permit under Clause 52.16.

An updated assessment could however assist in determining whether conditions have changed significantly and identify if additional areas should be selected for retention or removal. This is particularly relevant given the current pressure bushfire risk requirements may put on the site when it comes to additional native vegetation loss. Even if not updated however, any new clearing of previously unidentified native vegetation in the NVPP can still be addressed under the standard 'Avoid and Minimize' requirements of Clause 52.16. Whether or not this is suitable as a long-term part of the strategy to manage native vegetation across the LENGA should however be a point of discussion with the *Department of the Environment, Energy, and Climate Action* (DEECA).

- The potential use of the habitat in Property 16 as an offset for native vegetation losses is mentioned in the NVPP, but no further elaboration is provided. Having an offset reserve in the immediate landscape will provide added assurance that the native vegetation across Property 16 will be retained and managed in perpetuity if it is a defined offset.

  While this is the case, the lack of information provided indicates that this option was not considered significantly outside of the 2012 BAR, which can be attributed to the fact that offsets cannot be acquired here as part of the NVPP, and landowners are responsible for securing them.

  It is also noted that current offset related documents by DEECA state that offsets cannot be within 150m of residences. Therefore using this property for this purpose may not be an option under current legislation so alternative sources need to be arranged. Given the offsets required under the NVPP and their type, sourcing offsets from providers with offset sites in the surrounding landscape should not be an issue (provided conversion of offsets from 2002 Net Gain policy to current requirements is possible, which appears it is, as discussed below).

- The protection of vegetation within waterways is mentioned multiple times in the context of the stormwater drainage activities being considered within them (as detailed in the accompanying reports provided alongside Amendment C112). While more information is provided elsewhere regarding the proposed usage of these areas, the implications in the NVPP need to be accounted for since the creation of reserves on existing drainage lines and new stormwater management infrastructure will likely result in a fundamental change in the habitat present. Depending on the extent of the change, this can be considered a loss so the NVPP needs to account for this or clearly plan for and demonstrate that the habitat in these areas won't be impacted by changes in hydrology or actual construction works. Having a clear plan for the management of these drainage lines would assist in confirming this.

- Rare and threatened species/communities are only briefly addressed with the mention of Coast Grey Gum and the Gippsland River-gum as part of the NVPP. As the NVPP is aimed at addressing native vegetation retention and removal in general under the requirements of Clause 52.16 it can only be assumed that the selection of areas for such retention and removal has taken into consideration the presence of these species. Other specific planning and approvals for impacts to these species, based on their listing status under the FFG Act and EPBC Act, will therefore be required separately to any planning requirements that may be applicable under Clause 52.16 and the NVPP. It is therefore recommended that Council consider whether planning requirements for future development need to include provisions for making clear the responsibility for ecological matters that sit outside the NVPP, such as triggers for approvals under the FFG Act and EPBC Act.

- The conditions provided for the gazettal of the NVPP do not include fuel management. The potential for limited management within some patches where fuels need to be controlled is briefly mentioned regarding Property 16 but should also be included as an overall condition as retained habitat within parkland or on private properties can potentially result in reduced losses if trees can be retained or additional losses within retained habitat. However, it can be difficult to retain habitat in perpetuity in fuel managed zones and the default policy from DEECA states that defendable space must generally be considered a 100% loss of vegetation. Having said that it may be worth considering zones where trees can be retained even if fuel management requirements modify the shrub layer and ground storey. This additional clearing can potentially be addressed through individual applications under Clause 52.16 as with the changed conditions as detailed above. Whether or not this is an acceptable option will need to be left to DEECA.

Overall, the report provides an excellent summary of the conditions which need to be met to address Clause 52.16 across the LENGA (further consideration of whether the assessment is suitable is provided in Section 4.6). The majority of the existing concerns can be addressed through an updated ecological assessment to confirm the onsite conditions, or by relying on future applications for additional clearing under Clause 52.16. The reasons for the additional clearing would be in regards to fuel and stormwater management so they can be seen as acceptable as long as the 'Avoid and Minimise' requirements of Clause 52.16 are fully addressed. Whether this is acceptable will need to be considered by DEECA however.

The main items which would need to be addressed outside of general updates to address the amount of time which has passed include the concerns about the waterway management (whether the proposed works will be enhancing or replacing habitat) and the implications of fuel management on retained habitat. The updated Bushfire Risk Assessment being undertaken by *Terralogic Pty Ltd* should address fuel management concerns but an updated plan should also account for the other items to be considered viable.

3. EXISTING AND PROPOSED DEVELOPMENT PLANS

As part of the original Amendment, the Outline Development Plan (ODP) was developed by *SMEC Urban Pty Ltd* in October 2013 to facilitate long-term residential expansion within the LENGA and provide a framework for the settlement being considered in this area. This document guided the creation of the NVPP and multiple other documents which were created through Amendment C112 so it will also be reviewed by this assessment.

The recent updates have resulted in a draft Strategic Framework Plan (SFP) being developed by the *East Gippsland Shire Council* in 2024 ('Lakes Entrance Northern Growth Area – Strategic Framework Plan – Consultation Draft', East Gippsland Shire Council (2024)). This document is designed to replace the existing ODP and is currently waiting for input regarding the NVPP and ecological management within the LENGA.

The original ODP will be considered first so any concerns regarding the original NVPP and its suitability can be outlined and the updated SFP is being considered after this to determine whether the concerns from the original have been addressed and/or whether additional items need to be accounted for. These summaries are provided in the sections below.

3.1 Outline Development Plan

The Outline Development Plan (ODP) developed by *SMEC Urban Pty Ltd* in October 2013 was and remains the current adopted master plan for the LENGA and provided details of the management/development being considered in this area and how it would be facilitated. A summary and review of this document focusing on the ecological components is provided below.

3.1.1 Summary of existing report

The ODP was commissioned by the *East Gippsland Shire Council* following multiple applications to rezone and properties within the LENGA for residential use. In order to establish this plan, multiple site assessments were undertaken to account for the following items:

- **Utilities and services**: this assessment covered water, sewerage, electricity, gas, and the internet and concluded that all services were present but that upgrades and new infrastructure would be required for all of them to accommodate the LENGA
- **Native Vegetation**: this provided a similar summary to the NVPP based on the 2012 BAR. No additional or new information was presented aside from mention of a number of rare of threatened species of flora and fauna that occur within the LENGA
- **Heritage**: this assessment located four areas of Cultural Heritage Sensitivity within the LENGA and an Aboriginal Cultural Heritage Place Survey and Cultural Heritage Management Plan has been completed for this area as a result
- **Environmental Significance Overlay**: this assessment reviewed the ESO which was previously within the LENGA and determined that a response would be required for it for future subdivisions
- **Bushfire hazard and risk**: this assessment considered the previous Bushfire Risk Assessment undertaken by *GHD* for the LENGA in August 2013 (GHD 2013)

- **Erosion Management Overlay**: the EMO was assessed by *Ethos NRM* regarding potential changes within the LENGA. It was not clear at the time whether changes to the EMO would impact the LENGA but steps were put in place by *Ethos NRM* to support any changes.
- **Surface Water management strategies**: this assessment was undertaken by *Water Technology* and determined that there were three catchment areas within the LENGA. Considering the need for stormwater drainage, these catchments needed to be reflected in future subdivision applications and the catchments needed to be modified accordingly. The assessment on the hydrology of the area is considered further in Section 4.3.
- **Transport and traffic impact assessment**: this assessment determined that additional upgrades would be required along Palmers Road and Ostlers Road to accommodate increased traffic levels from the proposed expansion.
- **Contaminated land**: in addition to the former landfill to the north-east, several oil and gas bores, wells, and shafts were identified across the LENGA which required further assessment. Only the landfill required special attention with the installation of the EAO.

Based on these site assessments, multiple opportunities and constraints were determined. A summary of these points is provided in Table 1. A list of objectives covering community design, housing diversity, movement network, open space and environment were also provided established by the State Government's Growth Area Authority (GAA) and Clause 56 of the Victoria Planning Provisions. These objectives are provided in Appendix 1.

Table 1. Opportunities and constraints from the Outline Development Plan

Opportunities	Constraints
- An integrated wetland system could be provided which would account for flood storage and stormwater drainage. - Provide a modern residential area for new residents and existing residents from the surrounding township. - Create larger lots and public open spaces to account for the bushfire risk - Improve connections within Lakes Entrance through walking/bike trails and new/upgraded road networks.	- The habitat present has a high conservation value which needs to be appropriately considered. - Retaining the higher value conservation habitat will result in an increased bushfire risk for new residents. - The bushfire risk overall is high enough to create a significant concern for existing/new residents. - The ecological buffer required around the waterways will require significant design and maintenance. - The steeper terrain will limit the amount of development area and create issues in regards to required earthworks and connecting utilities. - The existing residential areas on Properties 18 and 19 will need to be integrated into the layout.

The outline development plan for the LENGA (see Figure 2) was designed to account for all of these objectives and account for the opportunities and constraints. This plan included 74% of the available land within the LENGA for development with the potential for 1,545 new dwellings. Residential lots were divided into medium, conventional, and low density which result in average lot sizes of between 450-1,250m^2. The low density lots were located around the BMO areas to the north with more conventional lots in the centre and medium density on the southern side.

A Neighbourhood Activity Centre (NAC) was proposed for the southern side of the LENGA along Palmers Road to provide community and shopping necessities along with businesses. The road network was designed to rely heavily on Palmers and Ostlers Road but multiple connections were also proposed in addition to road networks within proposed subdivisions. There are also to be a significant number of walking and cycling trails along watercourses.

Stormwater drainage through the existing catchments is a significant issue raised throughout the ODP. The existing waterways are being utilised and the habitat is being retained and protected to facilitate this. This includes a 30m ecological buffer on each side of the waterway being established around each waterway under the Water Act 1999 and using existing retarding basins outside of this 30m area (farm dams and similar) to create wetland habitats consistent with Water Sensitive Urban Design (WSUD) principles.

Environmental and bushfire concerns are only briefly mentioned in the ODP as they are covered in separate reports. It is stated however that these matters are to be seriously considered as part of future subdivisions through their design and placement of key features. It appears that the majority of habitat proposed for removal is to be within private land while retained patches will be through public reserves and similar services.

Open space within the LENGA is divided into active open space which includes areas specifically set aside for recreation purposes and passive open space for other purposes which includes habitat conservation and natural systems. Based on this, there are three larger conservation reserves within the LENGA for conservation purposes in addition to open space around road reserves and the drainage reserves.

The active open spaces include proposed community facilities including a multi-purpose community facility, parks/playgrounds, an activity centre, an emergency services location, and multiple sports ovals/pavilions. The shared walking/cycle paths alongside the drainage lines are also considered to be active open space and all of these areas need to meet set standards before they're transferred to Council (these conditions are kept separate from the conservation areas which do not have their requirements listed here).

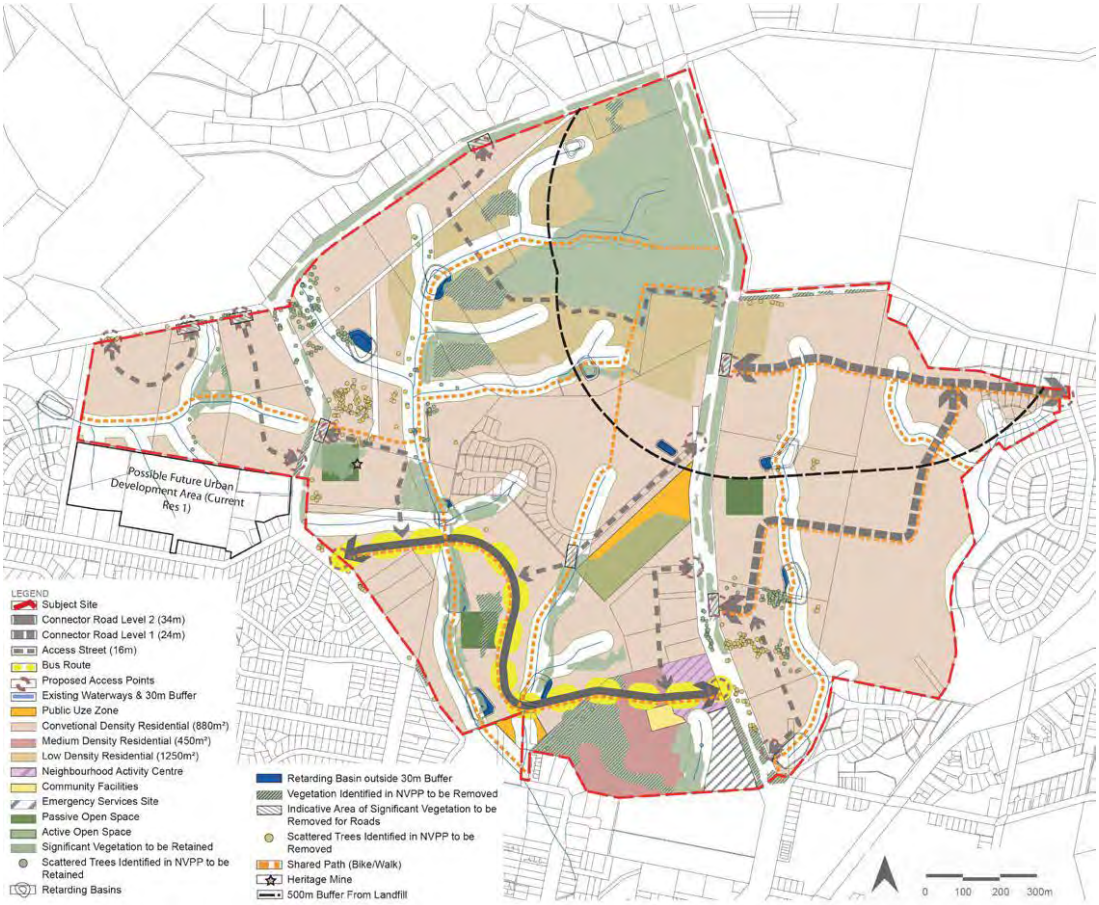


Figure 2. Outline development plan

Source: Plan 8 – Outline Development Plan, SMEC Urban Pty Ltd (2013)

3.1.2 Ecology-focussed Comments and Concerns

The OPD contains a thorough summary of the potential layout for the LENGA and the items which need to be addressed before development on this scale can proceed. As with the NVPP, some of the concerns raised are the result of this document being a summary from other reports although the fact that the issues were not summarised here is a concern if they're not considered relevant enough to mention. It also worth noting that this review will only review concerns raised regarding the NVPP and other potential ecological issues.

A summary of the questions and concerns raised during this review is provided below:

- A number of rare or threatened species, in addition to Coast Grey Box, are mentioned in the ODP. It is assumed that the presence of such species filtered through into the retain and remove provisions in the NVPP, however additional approvals for the removal of FFG Act and/or EPBC Act matters such as Coast Grey Box or relevant EPBC Act communities may be required in the future, with these approval requirements sitting outside of the NVPP itself. Clarity is recommended around the stakeholders responsible for such approvals at the point in time when plans for individual developments are being further progressed.

It is assumed that such approvals are borne by individual development despite the NVPP setting up overall plans for removal and retention of native vegetation and associated habitat. It is recommended however that clarity on this point is sought by Council, and it may be pertinent to update relevant documents in a manner that puts the onus clearly on those developing the site should this been deemed most appropriate following further consideration of this point.

- The summary of the bushfire risk assessment includes the potential for a convection driven fire or pyro-cumulus event approaching from the north-west as established by the Bushfire Risk Assessment undertaken by GHD. The potential for this is being covered by the updated Bushfire Risk Assessment being undertaken by *Terralogic Pty Ltd* (especially considering the extreme conditions required to generate this type of bushfire will need to be reviewed and confirmed) but it does warrant additional concern for the amount of vegetation which can be retained within the LENGA.
- The largest concern is the extent of the plans being considered for the waterways (this is examined further in Section 4.3). The ODP does emphasize the fact that habitat is being protected in these waterways and will be enhanced through the creation of these drainage reserves and wetland areas. The NVPP reflects this with habitat and planted vegetation within 30m of the waterways being retained and/or protected. This includes Areas of Swamp Scrub (EVC 53) and potentially Warm Temperate Rainforest (EVC 32). The concern there lies around whether native vegetation currently marked as retained will need to be considered lost to accommodate infrastructure requirements.

  While there are provisions in Clause 52.16 to allow for removal of native vegetation even in areas marked as retained provided the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017a), the original strategic approach to native vegegation management that was approved is based on this being retained.

  The consideration of possible losses of existing native vegetation along waterways due to changed water regimes and required drainage infrastructure is expected to be a complicated process involving hydrology and ecology and relating the issues to likely design outcomes. A key question is how detailed this process needs to be in the strategic planning process versus counting on working out the details through each planning permit.

  There needs to be enough analysis in the strategic planning process to be confident that proposed works by individual development will not result in the incremental loss of remnant vegetation in drainage lines through approval of planning permits under Clause 52.16 to remove native vegetation currently marked as retained. A dedicated management plan to account for this, or other mechanisms detailed through planning requirements for the LENGA, is therefore highly recommended.
- A minor concern with the proposed road layout is the number of crossings over the waterways and whether this can be avoided. There are ecological impacts and potential constraints for WSUD from waterway crossings but such infrastructure is also costly.
- Details have not been provided on how conservation areas will be managed and the bushfire and environmental sections are relatively limited. Similarly to the potential losses from the drainage reserves and considering how the surrounding area will be altered, consideration has to be given regarding how these areas are being retained and how the changes will impact them in the long-term.

Patches retained within conservation reserves will still have to address fragmentation and the introduction of new selection pressures (more people, changed water drainage, new predators, etc.) and retained habitat in active open space will be subject to fuel management so some areas may need to be considered lost or partially lost in the NVPP to account for long term impacts. For example, it would be useful to integrate active open space and patches of native vegetation managed for conservation management because firebreaks within reserves can be multiple use and ensure greater safety of nearby residential development.

Further review of the drainage management plans and other documents can potentially provide clarity on whether these factors need to be accounted for under the NVPP. The existing terrain within the LENGA is managed farmland so it is already heavily disturbed so the long-term benefits of the drainage reserve habitat and the conservation zones can make up for any initial losses but these losses still need to be accounted for if present.

3.2 Strategic Framework Plan

The draft Strategic Framework Plan (SFP) was developed by the *East Gippsland Shire Council* in 2024 ('Lakes Entrance Northern Growth Area – Strategic Framework Plan – Consultation Draft', East Gippsland Shire Council (2024)) to replace the existing ODP and is currently waiting for input regarding the NVPP and ecological management within the LENGA. A summary and review of this document to determine whether initial concerns from the ODP have been addressed and/or what additional items are required is provided below.

3.2.1 Summary of existing report

The SFP was prepared by Council to provide a more flexible framework to facilitate development of the LENGA over the next 15 years (noting that multiple updates to the planning framework will likely be required over the overall 80-year development horizon). This is designed to be a simplification of the original ODP which provides strategic support and justification for the planning controls being applied within the LENGA so future developments can both meet the expectations for residential and urban growth within the LENGA while also provide more freedoms in terms of design and land usage. This framework covers the same area as the previous ODP but excludes the terrain within the EAO.

The objectives and requirements of this plan are/will be contained within Schedule 8 of the DPO. The following precinct objectives have been established through this plan:

1. **Land Use and Subdivision** – To create a series of connected, diverse and sustainable residential neighbourhoods that encourage housing choice, diversity and affordability for all with a priority focus on liability, enhancing community connection and reducing social isolation.
2. **Transport & Movement** – Establish a safe, legible movement framework incorporating roads, footpaths, and trails to connect the precinct to surrounding areas, prioritising active transport.
3. **Open Space & Recreation** – Create an accessible network of open spaces and linear parks that support active and healthy lifestyles and community engagement while preserving and enhancing natural features.

4. **Landscape, Natural Environment & Bushfire Resilience** – Integrate natural features and bushfire risk management into design, ensuring development sits harmoniously within the natural landscape setting of the precinct respects the environment and enhances biodiversity.
5. **Built Form & Character** – Promote distinctive housing styles and diverse streetscapes that reflect the coastal character of Lakes Entrance and ensure positive interfaces with existing neighbourhoods and external road frontages.

These objectives have been linked to a set of outcomes which, in turn, lead onto a set of requirements and guidelines. These make up the bulk of the document and are too extensive to list here but the guidelines which relate or can relate back to the NVPP and ecological management across the LENGA as a whole are focussed on in the section below.

3.2.2 Ecology-focussed Comments and Concerns

As stated above, there is an extensive list of requirements and guidelines within the SFP which form the bulk of the document and cannot be listed here. Those relevant to the NVPP and environmental management across the LENGA as a whole however have been singled out and commentary is provided in Table 2 below.

The NVPP is not directly referenced by this document at this stage (pending this current review). However, in terms of the ecological concerns raised from the original ODP, the potential changes in the retain/remove status of native vegetation as a result of the creation of drainage reserves is not addressed. There are guidelines ensuring revegetation is appropriate to the EVC present which covers these concerns to an extent, but it needs to be established that some existing habitat will be replaced as a result of these developments and there will be pressure to remove retained vegetation.

Bushfire concerns are also brought up and the overall bushfire risk appears to have been accounted for since requirements and guidelines state that Clause 13.02-1S needs to be addressed (indicating that it can be addressed since no rezoning has been proposed). There are multiple guidelines regarding the appropriate management of retained habitat within public space which addresses previous concerns regarding assurance that retained habitat can be protected despite changes in the surrounding land usage. This will need to balance the bushfire safety requirements but, overall, concerns regarding balancing bushfire safety requirements and ecological management have been accounted for.

Requirement 5 has been left blank as Council are awaiting input from Practical Ecology regarding the NVPP. Considering the fact that this document addresses several concerns brought up regarding the NVPP and the ODP, the number of changes to be incorporated has been reduced significantly and Requirement 5, and some additional Guidelines, can address the remaining concerns. Additional documents have been reviewed in Section 4 as per the project scope but the responses to the initial aims and recommendations for these items is provided in Section 5.

Table 2. Relevant requirements and guidelines from the Strategic Framework Plan and associated commentary

Requirement/Guideline	Content	Commentary
R3	*Development should provide a flora and fauna assessment of the development plan area and demonstrate how the findings have been addressed.*	This links back to the NVPP in terms of habitat which is included in it and habitat which is not and needs to be addressed under Clause 52.17 if it is to be removed. It can also be linked to potential listed species under the EPBC and FFG Acts. The requirement is relatively vague which works for this level of assessment and encourages all ecological aspects to be addressed.
R4	*Developments should identify significant vegetation to be protected and retained in the public and/or private realm.*	This also links back to the NVPP in terms of the habitat which is listed for retention. As stated previously, additional clearing is expected beyond the NVPP due to waterway and fuel management so there will be additional emphasis on how the habitat is being retained and in what form. This should address the 'Avoid and Minimise' requirements but should also factor in long-term retention and whether management is required to avoid secondary impacts. Retaining habitat within private land will be difficult to enforce and may not be feasible in general residential properties so it is recommended that habitat is retained in public spaces.
R6	*The design of waterway open space corridors, to be done in conjunction with the landscape concept plan and preparation of an integrated stormwater management plan, must:* • *Include a buffer zone of 30m each side of waterways in accordance with the Water Act 1989 under which identifies the 100-year flood study extent must be set aside for ecological purposes* • *The buffer must include a core riparian zone extending to 10 metres on both sides of the waterway which includes riparian vegetation consistent with the relevant Ecological Vegetation Class for the location,* • *The remainder of the buffer must include a second outer zone consisting of ground covers, sedges and grasses consistent with the relevant Ecological Vegetation Class for the location.*	This links back to the previously discussed issues regarding the changes to habitat within the drainage reserve as a result of the stormwater drainage. If the existing EVC can be maintained as a more permanent waterway/wetland then this requirement should be sufficient but, if the previously listed EVC is likely be removed as a result of the restoration works then this needs to be accounted for under Clause 52.16 or 52.17. This can be linked back to R3 or R4 but should also be addressed here since it needs to be confirmed whether an existing EVC is being enhanced or replaced.

Requirement/Guideline	Content	Commentary
R8	*Development will be required to be set back from assessed permanent hazards for a distance no less than that required to ensure exposure is less than 12.5kw of radiant heat.*	This links back to R3 and R4 since fuel management within the LENGA will likely be the main source of removal outside of the NVPP while retained/protected patches will either need to meet strict guidelines regarding size, placement, and management before it can be guaranteed whether they can be retained. This can potentially be addressed through an additional requirement or expanded versions of R3 and R4.
G25	*Passive or low impact recreational activities should be located closest to retained native vegetation or habitat, with active or higher impact activities to be located further away. Strategic revegetation or restoration should link and develop retained native vegetation or habitat areas with emphasis on enhancing corridors along and around waterways and wetlands.*	These guidelines address previously raised concerns regarding the long-term retention of habitat with the changed land usage of the surrounding areas and responding to it in detail can assist in meeting the 'Avoid and Minimise' requirements for future applications.
G26	*Any development or public infrastructure to be located abutting or adjacent to retained biodiversity must be designed and located in a manner that avoids or minimises the potential for future biodiversity degradation*	
G27	*Any landscaping adjacent to retained native vegetation should be complementary to conservation objectives and should use indigenous planting where appropriate.*	
G29	*Constructed/modified wetlands and waterways should be revegetated with indigenous native vegetation based on the species composition of the relevant Ecological Vegetation Class (EVC) and should be complementary to any specific biodiversity management objectives but consistent with maintaining the low-threat bushfire hazard classification*	This guideline links back to the potential replacement of EVC's as a result of the stormwater drainage. It is still valid and relevant but needs to account for the EVC which will be likely be present as opposed to what is currently modelled/present within an area.

Requirement/Guideline	Content	Commentary
G34	*Vegetated areas in the new settlement areas should be designed to minimise bushfire risk where practicable (e.g. new open space areas and street planting designed to achieve a low threat standard under Australian Standard AS3959 [Construction of buildings in bushfire prone areas] or adopt the principles in CFA's Landscaping for Bushfire Guide).* *The exceptions to this include:* • *New plantings in the waterways (likely classified as lower threat grassland) required to create healthy waterways and all as agreed with the Catchment Management Authority.* • *Native vegetation that has been identified for retention (or as an offset) in the NVPP already in the planning scheme.* *In these instances appropriate setback treatments will be required.* *Development setbacks from classifiable vegetation on sloping terrain are as follows (as extracted from AS3959):*	This links back to the potential impacts of fuel management on the NVPP and the requirements around retained habitat within the LENGA. The exemptions listed here provide additional protection which is excellent but it will place additional emphasis on the retain/remove status when determining what habitat can be feasibly retained.
R15	*A development plan should include a stormwater and drainage plan prepared by a suitably qualified person that is generally in accordance with Figure 1 that:* • *Is informed by the 'Lakes Entrance Northern Growth Area (LENGA) Revised Drainage Strategy, Version 2 (Stormy Waters Solutions, April 2024).* • *Minimises the number of future drainage infrastructure projects, such as wetlands and retarding basins, to reduce the maintenance burden on the drainage authority.* • *Any drainage strategy must demonstrate how it can contribute to the most efficient overall drainage solution for the sub-catchment.* • *Incorporation of drainage authority and catchment management authority requirements where works involve a designated waterway.*	While this is addressed in G29 and the environmental/landscape requirements and guidelines in general, the ecological management will need to form part of the initial development plan for the stormwater drains. The main reason for this is that vegetation plays a significant role in preventing erosion and ensuring the water quality is not impacted and this links back to the ecological requirements and the bushfire requirements for the subdivision. Having these requirements determined and established as early as possible is therefore essential to ensure the development can proceed smoothly.

4. ADDITIONAL DOCUMENTS AND LEGISLATION

In addition to the native vegetation losses being reviewed in the NVPP and the overall layout of the proposed development from the ODP, multiple other reports were developed to facilitate the LENGA and several pieces of relevant legislation were developed through Amendment C112 or are associated with the NVPP. The bulk of this assessment focused on the proposed impacts and the developments being proposed which created so a briefer review of the remaining documents is provided below.

4.1 Lakes Entrance Urban Design Framework

The Lakes Entrance Urban Design Framework (LEUDF) was developed by *Meinhardt Infrastructure & Environment Pty Ltd*, following engagement from *East Gippsland Shire Council* and *Wellington Shire Council*, to provide future strategic guidance for the development of urban areas within Lakes Entrance (Meinhardt Infrastructure & Environment 2007). This document was one of the earlier pieces of work which examined the potential for expansion in the Township of Lakes Entrance which carried on into the LENGA.

This report was developed in 2007 and focused on the entire township so it is not as relevant to this assessment as other documents which focus on the LENGA and the potential impacts but a review and summary is considered below as it relates to the NVPP.

4.1.1 Summary of existing report

The LEUDF was developed as part of the Coastal Towns Design Framework with similar assessments being provided for towns within East Gippsland and Wellington Shire. The report provides a detailed overview of the existing township including regional influences, details on the township including a description, it's current role within the surrounding landscape, population profile, natural resources, and cultural heritage values.

The natural resources description was primarily focused on environmental values. This was focused on the entire township but did provide more specific details regarding rare and threatened species which may be present. A vegetation quality plan was also created which divided the habitat quality in High, Existing Modified, and Low. This plan was unfortunately not present in the report but it did state that higher quality habitat was confined to drainage lines outside of developed areas and that the majority of the habitat was modified.

The report also reviews the existing planning and development context with the Victorian Coastal Strategy being the overarching policy guiding development within the township. This policy factors in environmental management as both a unique resource and a source of tourism. The potential for climate change and sea level rise is also considered alongside the East Gippsland Planning Scheme and a summary of previous strategic planning documents created for the region. There are also some details regarding previous expansions which show that areas parallel to the coast have been the most popular historically.

Community consultation was also undertaken as part of this assessment. Preserving the environment was considered to be a key issue and a priority improvement but the highest value items for the community were fishing and boating, proximity to bushland and waterways, and clean beaches. This links back to the growth expansion observed with local residents wanting homes in areas where the coastal areas and the inland bushland are both accessible.

The Urban Design Framework was based on this review of the existing features, policy, previous growth, and public opinion. A significant number of objectives and options are put forward which have contributed to the expansion within the existing township over the last 25 years including the creation and implementation of Schedule 13 of the DPO (see Table 4 for additional information). There were also multiple appendices which provided additional information on the items which were summarised in this report.

4.1.2 Ecology-focussed comments and concerns

Since this plan was created in 2007 and was focused on the existing township as opposed to potential expansions to the north, there are only a few items which can be considered in the context of the existing NVPP and the ODP. The report is focused on the existing township which, at the time, was restricted to a narrower band between the shoreline and the adjacent bushland. Surveys and reviews of current growth indicated that there was not much interest in spreading further inland as residents preferred to spread out along the coast.

The fact that this report was done in 2007 is a clear indicator that the overall strategy needs to be updated to account for bushfire risk and climate change. Updated studies were done to account for Amendment C112 but this does provide some information as to why development within the LENGA has been limited and whether or not this is still appropriate needs to be considered. This can reflect on how the NVPP and overall planning should approach development in this area though.

While having each property address Clause 52.17 individually (and thus dissolving the NVPP) is an option, having the NVPP in place ensures that the patches of existing remnant vegetation across the site remains a key mechanism in ensure the ecological values are retained and protected in the longer term. While the question remains about how often the NVPP should be revised considering the long-range forecast for growth across the LENGA, the current provisions will still ensure that the significant patches of native vegetation present at this point in time are retained and protected.

Allowing individual properties to apply for permits to remove native vegetation via Clause 52.17 – without the NVPP – is likely to mean that the strategic measures available to manage ecological values across the LENGA holistically will be reduced.

4.2 Lakes Entrance Northern Growth Area Social Impact Assessment

The LENGA Social Impact Assessment (SIA) was developed following a number to establish appropriate baseline information from which to define a series of recommendations by which the future development of the proposed residential land can be guided (East Gippsland Shire Council 2012). While this document was developed as part of Amendment C112, it will only be briefly reviewed in the context of updating the NVPP and commenting on ecological features.

4.2.1 Summary of existing report

The SIA is defined as "the processes of analysing, monitoring and managing the intended and unintended social consequences, both positive and negative, of planned interventions (policies, programs, plans, projects) and any social change processes invoked by those interventions. Its primary purpose is to bring about a more sustainable and equitable biophysical and human environment" (IAIA 2010). This assessment therefore aimed to determine the potential impact of the proposed expansion within the LENGA.

This assessment reviewed multiple aspects of the surrounding community with environmental concerns being one of these aspects. The main concerns were the potential impacts of rising sea levels which was a point raised in the LEUDF and the need for sustainable growth. The assessment does point out that the social impact of climate change was not quantified at the time of the study but indicated that there was concern regarding the potential impact on businesses and tourism from rising sea levels.

The report outlines existing information from the LENGA and also provides a summary of the conditions within the township as a whole including population statistics, socio-economic models, housing, family structure, employment, and a summary of the local industry. Assumptions were also made regarding the expansion provided by the LENGA, assuming 750-900 lots (a population increase of 1,650-2,000), an increase in the number of permanent residents as opposed to tourists, and an increased number of dwelling applications.

Community consultation was undertaken regarding the proposed expansion and multiple key issues were raised. These were primarily in regards to infrastructure and services and economic development but the natural environment was a major concern. Issues raised include the concerns regarding fuel management and the need to retain higher value bushland despite this, concerns about drainage and flooding and concerns about living closer to the landfill.

The assessment of the possible impacts was considered across the population and in the context of the factors which contribute to well-functioning communities, namely community infrastructure and services, community functioning, economic development, and natural environment. Concerns were also raised about the 'age gap' in the population with most young adults choosing to leave and the remainder consisting of young families and retirees.

Multiple issues were raised from each of the factors listed above. The highlighted impacts to the natural environment from the proposed development included the following:

- Open space would require development of a high-quality designated area for active participation of both new residence occupiers and the broader community;
- Residents indicated that the planning for the new developments needs to incorporate improved East-West connectivity and safe cycling and pedestrian links through the proposed developments, linking the developments with the rest of the town;
- The proposed land area has high value, complex vegetation. Planning for the development of the area needs to take account of these, as wells as any implications of the pending bushfire regulations; and

- Drainage issues are complex due to topography and there are issues around flooding and water retention systems and flows into the Eastern Creek Drainage System.

Based on these and the other aspects considered within this study, a detailed overview of the required facilities was provided with the need for high quality open space being the main output from natural environments. These recommendations were later factored into Amendment C112.

4.2.2 Ecology-focussed comments and concerns

The issues laid out from the SIA do show that the public has a good understanding of the issues present in the LENGA including the need to balance fuel management and native vegetation/habitat retention and the importance of habitat in drainage lines. There is not much however which links back to the NVPP aside from the potential impacts of climate change and the desire to retain the seaside characteristics of the township and not just build another housing development.

As detailed previously, the distance from the shoreline can be attributed to the lack of growth observed in the LENGA but the increased risk of floods and sea level rise may create a slow change or even surge in people acquiring property on higher ground. This can be seen as a reason to maintain and regularly update the NVPP to be ready for this and/or to hold off on a full update until interest increases. Monitoring the conditions within the LENGA will be required regardless so maintaining the plan may be preferable.

4.3 Northern Growth Area – Lakes Entrance Development Concept Plan Hydrology

The Lakes Entrance Development Concept Plan Hydrology (CPH) was developed by *Water Technology* to assist with the Environment focus area, specifically the hydrological aspects relevant for the LENGA (Water Technology 2012). Specific investigations were undertaken into the Protection of Waterways, Water Sensitive Design and to a lesser degree Drainage Infrastructure. While this document was developed as part of Amendment C112, it will only be briefly reviewed in the context of updating the NVPP and commenting on ecological features.

4.3.1 Summary of existing report

An initial investigation was undertaken in 2011 and expanded upon in 2012 to cover the entire LENGA once it was confirmed that the Development Contributions Plan (DCP) would encompass the entire area. It has been confirmed it is Council's intention to remove the DCP so the creation of drainage reserves will need to be accounted for by the landowner/developer. The detailed examination of the LENGA included hydrological modelling, reviewing water quality requirements, determining storage volumes, reviewing flood potential, and consideration of the impact and benefits of the proposed development.

This assessment identified fourteen catchment areas within the LENGA (see Figure 3) with the majority of the drainage leading south into the towns major stormwater collection channel (Eastern Creek) and on into the Gippsland Lakes system although some of the catchments went directly into this system. Observations of these catchments found that:

- Catchments 1 and 2 form a minor plateau on the northern side before steeply dropping to where the creek lines meet to the south. This catchment moves directly east to the Gippsland Lakes system.
- Catchments 3, 6, and 6-11 follow two clear drainage paths which run the length of the LENGA and form deep gullies with steep slopes. The catchment surrounding these drainage lines was relatively level.
- Catchments 4 and 5 move through the move vegetated properties to the north and have much gentler slopes than the areas observed to the south.
- Catchments 12-14 are similar to Catchments 3, 6, and 6-11 in that they have a single deep gully running the length of the catchment with more level pasture on either side. There were also more farm dams in this area along the drainage line.

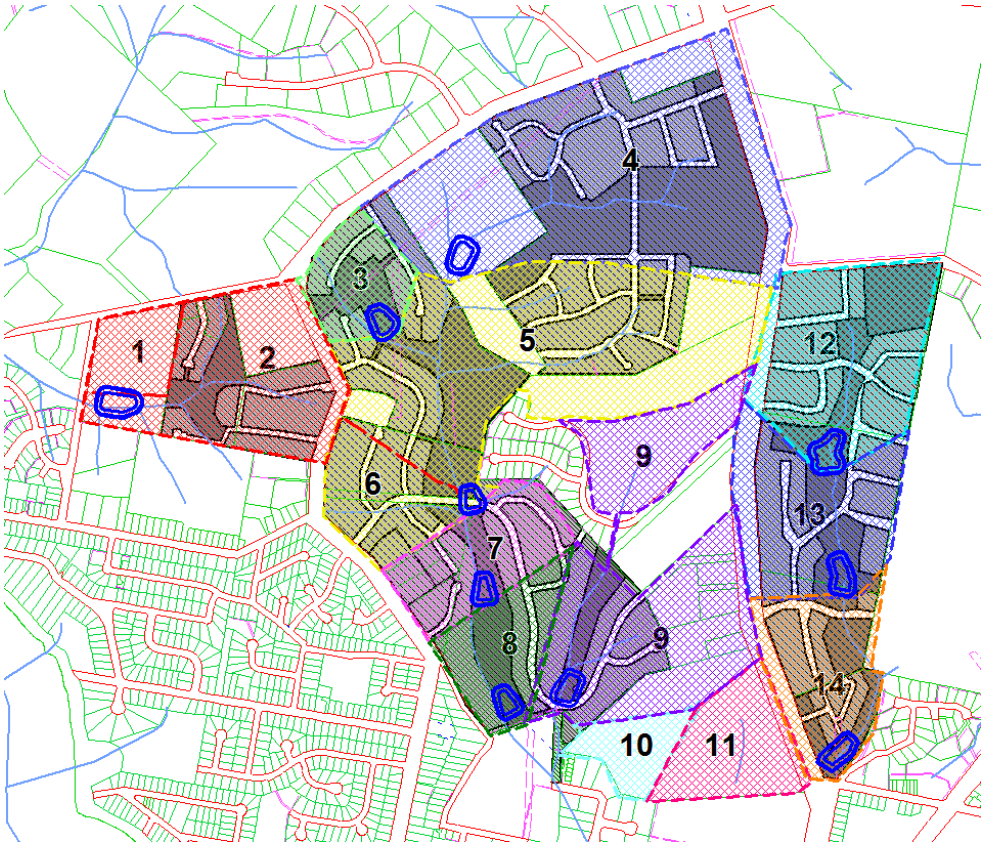


Figure 3. Catchment areas within the LENGA

Source: Figure 2-2 Waterway features, internal catchment boundaries and available lot layouts within DCP (background image Vic. State Govt. Planning Maps online 2011), Water Technology (2012)

This assessment also noted that the terrain present did not allow for significant modification of the drainage lines to increase flow or storage capacity without extensive and costly earthworks so future management needed to be satisfied with the current topography. A model was run to determine the potential hydrological conditions based on the extent of the surrounding development. The results of these models were not provided in layman's terms but, since Amendment C112 approved the ODP, it is assumed that the drainage is available for the fully developed LENGA.

Water quality, stormwater drainage and stormwater reuse are also examined as part of this assessment. The higher ground within the LENGA meant it was not at risk of flooding but the potential for flooding further along Eastern Creek within the township was considered to account for the potential development. Flood modelling was undertaken which indicated that the fully developed site (with all mitigation works) would not create significantly more flooding during a 1-in-100-year flood event (see Figure 4 and Figure 5). This indicates that the works required within the LENGA are necessary.



Figure 4. Likely flood conditions – current site conditions

Source: Figure 7-3 Existing Conditions maximum water depth plot, Water Technology (2012)



Figure 5. Likely flood conditions – fully developed LENGA

Source: Figure 7-4 Developed Conditions (NGA source mitigation work) maximum water depth plot, Water Technology (2012)

4.3.2 Ecology-focussed comments and concerns

While this report was not developed for the general public (with a lack of definite outcomes from the modelling and a significant amount of technical jargon), it is clear that works are required within the drainage lines to the extent that they've been costed into the DCP. The works are taking full advantage of the existing gullies and are not changing the catchments although retarding basins and wetland drainage reserves are required to facilitate the development while also ensuring no secondary impacts to the surrounding township.

This report (both the content and the recommendations for further assessments) does not comment on the habitat or vegetation requirements within the drainage reserves and whether this will impact the water quality, erosion, or flooding. This is essential for both the NVPP and for the bushfire requirements if a minimum amount of vegetation is required within the drainage lines. The cost of establishing wetlands is accounted for but this is not examined further.

Having a dedicated plan for the drainage reserves, integrating likely drainage infrastructure and existing native vegetation, is therefore essential as part of the LENGA. As with the NVPP and the bushfire safety requirement, having a single response for the entire LENGA which can be implemented in stages will ensure that there are no development delays between different stages. Examples of this would be later developments that may need to be made up for insufficient works done by previous developments or whether later developments need to account for new requirements (legislation, climate change, etc.).

The SFP includes Requirements and Guidelines for wastewater management and drainage reserves which can serve as an alternative to a single plan for the entire LENGA. A revised drainage strategy has also been prepared to better account for the topography present '(Lakes Entrance Northern Growth Area (LENGA) – Revised Drainage Strategy – Version 2', Stormy Water Solutions (2024)) although this report is still considered the current one.

It has been noted that both this strategy and the previous one were not considered feasible due to the scale (the most recent strategy is considered a best-case scenario). Also, since the DCP is to be dissolved, establishing these systems will be the responsibility of the landowner or developer. It is therefore essential that the SFP provide a many Requirements and Guidelines as possible to ensure each section is self-contained and will meet the standards of the adjacent sections when they're established. The current SFP contains a considerable amount of material already to ensure this and additional recommendations for this are provided below.

4.4 Lakes Entrance Northern Growth Area Development Contributions Plan

The Lakes Entrance Northern Growth Area Development Contributions Plan (DCP) was developed to support the funding of shared infrastructure within the LENGA (Urban Enterprise 2014). While this document was developed as part of Amendment C112, it will only be briefly reviewed in the context of updating the NVPP and commenting on ecological features.

4.4.1 Summary of existing report

This assessment was linked directly to the SIA, and later the CPH, which identified a significant amount of public infrastructure which would need to be installed in addition to the residential areas being proposed. Under the DPCO1, levies are collected from the developers to fund this infrastructure as part of the planning application (other funding sources are also factored into this with the full infrastructure only being provided if funding is provided from multiple sources).

The report provides a summary of the LENGA, the drainage requirements from the CPH, and the legislative framework. The cost apportionment methodology is also detailed where the nexus methodology creates 'Demand Units' which consist of a ha equals one unit of development infrastructure (drainage, powerlines, conservation areas, open spaces, etc.) and a single dwelling equals one unit of community infrastructure. Community infrastructure is addressed through Council rates from future landowners while development infrastructure needs to be addressed by the developer during the subdivision.

These Demand Units were used to determine the cost of the levies based on the cost of the infrastructure. The remainder of the report details the costs, payment methods, implementation strategies, and other options which can be used to collect levies or make arrangements to facilitate the infrastructure. The bulk of the report contains appendices with detailed accounting breakdowns of these costs which are summarised in the main report.

4.4.2 Ecology-focussed comments and concerns

Council is proposing to remove the DCP from the LENGA precinct because it is not viable and cannot be implemented. Development infrastructure, notably drainage, will be delivered as developer works. This assessment does not significantly link back to the NVPP as any conservation areas would be transferred to Council regardless. As stated previously, the previous plans for the drainage reserves were not considered to be feasible so the DCP was not adequately equipped at the time. This is a moot point considering it will be removed and standards to which conservation areas and drainage reserves are to be developed to will be dependent on the SFP and subsequent documents.

4.5 Amendment C112

Once of the associated documents (many of which are considered in the sections above) were compiled, East Gippsland Shire Council undertook a public panel to compile this information and consider the ODP. A panel report was developed from this and used to implement the outcomes of this amendment (East Gippsland Shire Council 2014). Details of this report are provided below.

4.5.1 Summary of existing report

This report summarises the goals of the amendment which are detailed in Section 1 along with background information on the LENGA and the previous applications which triggered the ODP. Based on the history of the LENGA and the previous submissions, the panel considered the following items as part of the amendment:

- Planning context;
- Biodiversity assessment;
- Bushfire risk;
- Landfill and transfer station;
- Development contributions;
- Infrastructure servicing; and
- The proposed planning instruments.

The review of the planning context included many of the items discussed in Section 4.6. It concluded that the LENGA would benefit the adjacent town centre, is predominantly unaffected by environmental constraints which is considered to be accurate if the NVPP is a viable document, is a logical expansion of the town considering the lack of space to the east and west along the shoreline and is reasonable economic to service.

The biodiversity assessment section summarised the BAR document which was used to develop the NVPP and included additional information not summarised in this document including the fact the targeted surveys were undertaken for Masked Owls *Tyto novaehollandiae* which are Critically Endangered under the FFG Act, Green and Golden Bell Frog *Litoria aurea* which are Vulnerable under the EPBC Act, and the Growling Grass Frog *Litoria raniformis* which is Vulnerable under the EPBC and FFG Acts. None of these species were observed within the LENGA and their presence needs to be addressed through individual applications as these acts are not covered under Clause 52.16.

The conclusions made from this summary were carried over into the NVPP (see Section 2.1). Expert witness testimony from Mr. John Miller questioned the classification of Lowland Forest (EVC 16) of high conservation status from medium conservation status as this was based on the potential owl habitat which targeted surveys confirmed was not currently present. Arguments were also put forth regarding the 15-ha conservation target of the NVPP as it had no basis although the option of reducing it was not supported. The decision to keep the EAO area as FZ3 was put forth as part of this statement as well and was supported.

Following this discussion, the following recommendation was made in regards to the NVPP; 'Amend the Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan September 2013 to include in Section 8 a provision that the native vegetation provisions of the Farming Zone continue to apply for the 500m area from the Lakes Entrance Landfill until such time as this area is rezoned.' This does create options for future rezoning and use of this habitat as an offset as mentioned in the NVPP although this is not elaborated on further.

Bushfire risk was considered through the previous Bushfire Risk Assessment report prepared by GHD. The report noted that discussions with the CFA were ongoing and that bushfire risk was a viable concern for the entire LENGA and not just the areas covered by the BMO. It did note though that, while the GHD report was a useful background document, it should not be included as a reference document since 'the scope and methodology of the report do not adequately address the strategic planning considerations for the proposed amendment.'

Mr Hamish Allan was brought in as an expert witness and broadly agreed with the GHD report that development was appropriate with the appropriate bushfire safety measures such as larger lots adjacent to hazards which could incorporate setbacks. This section concluded that a schedule to the BMO was not required but should be considered in future. The report does not expand on the measures required but notes that bushfire planning and responses will be incorporated into the revised strategic framework.

The landfill and transfer service were a major issue as assessment show that the landfill is producing a large amount of methane gas and that this will likely continue after the proposed closure in 2017. The conclusion of this discussion was that the EAO would remain at present but may be replaced with an Environmental Significance Overlay (ESO) to restrict the amount of activity which may occur.

The DCP was considered by the panel and concerns were raised regarding the levies required for lower density lots which would require setbacks and additional management for bushfire safety. Similarly, the costs of the drainage infrastructure were discussed since less infrastructure would be required around the larger properties. These comments were accounted for by the panel and a review was requested. Concerns were also raised regarding the revegetation of drainage line and the following items were to be incorporated into the DPO8 as a result:

- The proposed DPO8 updated to include the requirement that a buffer zone of 30 metres on each side must be set aside for ecological purposes unless otherwise agreed by the *East Gippsland Catchment Management Authority* (EGCMA);
- The buffer must include a core riparian zone extending to 10 metres on both sides of the waterway which includes riparian vegetation consistent with the relevant Ecological Vegetation Class for the location.

- The remainder of the buffer must include a second outer zone consisting of ground covers, sedges and grasses consistent with the relevant Ecological Vegetation Class for the location.

4.5.2 Ecology-focussed comments and concerns

The additional information on rare and threatened fauna species which was not mentioned in the NVPP since targeted species surveys are not required for approvals under Clauses 52.16 or 52.17. A responsible authority cannot require targeted species surveys to be undertaken to address biodiversity considerations under these clauses. Targeted species surveys may be a requirement under other state or federal legislation and this information can however be useful when preparing an NVPP. Targeted species surveys may also be undertaken voluntarily and this information can be included in the development of an NVPP.

Addressing the potential presence of these species does need to be addressed but this needs to be undertaken through individual applications. The current assessment showed that these species were not likely to be present so the actions taken are appropriate but the fact that additional surveying was undertaken should be mentioned in the NVPP to address any remaining concerns from future developers, indicate that care regarding this habitat should be accounted for, and/or flag this as a potential issues for updates.

The discussions surrounding the conservation zone in Property 16 were extensive within the panel report including the potential further restrictions which may need to be placed through an ESO replacing the existing EAO and the fact that the size of the retained habitat patch has no basis but the argument to reduce it was rejected. The potential use of this area as an offset was referenced in the NVPP but has not been brought up again in any other documents. Considering the requirements under *Permitted clearing of native vegetation: Biodiversity assessment guidelines* (DEPI 2013), this option is really feasible and should probably not be considered further.

Bushfire risk is considered as a significant factor in the development proposed within the LENGA but the panel appears to move this onto the back burner for future discussion. The updated Bushfire Risk Assessment being prepared by *Terralogic Pty Ltd* should address this but the implications for how much vegetation can be retained and the amount of revegetation which can be undertaken should have been addressed as part of this.

The revegetation requirements for the drainage reserves are detailed in the required updates to DPO8 but whether or not this is viable with the bushfire protection requirements will need to be considered as the GHD report indicated that that vegetated gullies would create unacceptable hazards (GHD 2013). The costs of this revegetation and the plans surrounding it should also be incorporated into the DCP considering that these works are noted as significant in the NVPP (this links more to other documents focused on the required vegetation but these will be referenced here as part of the listed retention and/or future protected areas).

4.6 Relevant legislation and policy

Considering that Amendment C112 created or applied several overlays to the LENGA along with changing the zoning, these pieces of legislation need to be reviewed if the validity of the NVPP is to be addressed. The EPBC Act, FFG Act and additional items under the Planning and Environment Act 1987 will also be reviewed here under the same reasoning.

4.6.1 Environment Protection and Biodiversity Conservation Act 1999

The EPBC Act is the Australian Government's central piece of environmental legislation. It provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places defined in the Act as MNES. There are nine matters of national environmental significance to which the EPBC Act applies, these are:

- World heritage sites
- National heritage places
- Wetlands of international importance (often called 'Ramsar' wetlands after the international treaty under which such wetlands are listed)
- Nationally threatened species and ecological communities
- Migratory species
- Commonwealth marine areas
- Nuclear actions
- The Great Barrier Reef Marine Park
- a water resource, in relation to coal seam gas development and large coal mining development.

If a project is likely to have a significant impact on one of the nine matters of national environmental significance, the action or proposal must be referred to the Commonwealth DoEE. This 'referral' is, then released for public comment. A '*significant impact is defined under the EPBC Act as an impact that is important, notable, or of consequence, having regard to its context or intensity'* (DoE 2013).

Under the EPBC Act, actions that are likely to have a significant impact upon MNES require approval from the environment minister to undertake those actions. An action includes any project, development, undertaking, activity or series of activities.

Relevance to precinct plan

The only EPBC Act listed species mentioned in the NVPP is Gippsland Red-gum, which can form a listed community known as 'Gippsland Red Gum Grassy Woodland'. No other species are listed in the NVPP but other documents list multiple listed species which are listed and are known within the region. The Green and Golden Bell Frog and Growling Grass Frog had targeted surveys undertaken for them so habitat is present even if none were observed. A review of the recent records will likely result in similar surveys and potentially more species considering the amount of time that has passed.

While it appears that the areas of retained native vegetation in the NVPP have accounted for the presence of EPBC Act listed species known at the time, and sought to retain such areas where possible, proposals to impact matters of national environmental significance as a result of future development mean that additional approvals may be required. This applies to any impacts to native vegetation within patches marked as retained in the NVPP or otherwise, regardless of whether the NVPP marks these as retained or not. Such matters sit outside of Clause 52.16 and the NVPP such that commonwealth approvals may be required by future development regardless of strategic planning at a Council level set up for the LENGA.

It is recommended that Council make clear in any updates to documents associated with the LENGA where the responsibility for planning and approvals on ecological matters related to the EPBC Act lies. It is assumed that this will be with individual developers over time, however it is suggested that this is made clear given that current planning will provide a pathway to future growth across the LENGA.

4.6.2 Flora and Fauna Guarantee Act 1988

The FFG Act was legislated to ensure the continued survival of all Victorian species of flora and fauna and all Victorian communities of plants and animals. The FFG Act provides a number of ways to help achieve its objectives including:

- listing of threatened taxa, communities of flora or fauna and potentially threatening processes, and creation of Action Statements and Management Plans for all listed taxa communities of flora or fauna and processes
- declaration of a Critical Habitat if the habitat is critical for the survival of a species or a community of flora or fauna, if listed as Critical Habitat, the Minister for Environment may then make an Interim Conservation Order (ICO) to conserve the Critical Habitat (NB: no Critical Habitat has been declared in the State)
- protection of flora and fauna through listing offences such as penalties relating to not following an ICO and taking, trading in, keeping, moving or processing protected flora without a licence. (NB: this does not apply to taking protected flora from private land (other than land which is part of the critical habitat for the flora) except for taking tree-ferns, grasstrees or sphagnum moss for the purpose of sale.
- DEECA are the referral authority for matters under the FFG Act.

Relevance to precinct plan

As with the EPBC Act, listed flora and fauna species and communities need to be addressed under this Act however such approvals are separate to those required under Clause 52.16. The NVPP mentions the Coast Grey Box which is listed as Endangered under the FFG Act and measures are included in the NVPP to retain these trees. No other species are listed in the NVPP but other documents list multiple species including the Masked Owl, Green and Golden Bell Frog, and Growling Grass Frog. The NVPP does not need to include these assessments as detailed above so, while these items do need to be addressed, they will need to be considered through individual planning applications.

4.6.3 Planning and Environment Act 1987

The *Planning and Environment Act 1987* establishes the framework for planning the use, development and protection of land in Victoria in the present and long-term interests of all Victorians. This includes providing the structure for and administering the implementation of Planning Schemes in each municipality through the Victorian Planning Provisions (VPPs). Planning Schemes are legal instruments outlining provisions for land use, development and protection. They are constructed and sourced from the VPPs. The following section considers relevant sections of the Planning Scheme.

The zoning and overlays present within the LENGA are covered by this act along with several clauses which address the creation of an NVPP, native vegetation removal and bushfire safety. These are addressed in the sections below:

Clause 13.02-1S Bushfire Planning

Clause 13.02-1S is designed to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. This objective is addressed through several strategies which include:

- Protection of human life,
- Bushfire hazard identification and assessment,
- Settlement planning,
- Areas of biodiversity conservation value,
- Use and development control in a Bushfire Prone Area, and
- Policy guidelines and documents.

This policy is being addressed through the updated Bushfire Risk Assessment being undertaken by *Terralogic Pty Ltd* and the updates will need to be accounted for in the NVPP. This will mainly be focused on the amount of fuel management required within public space and the waterways and whether some patches can be retained for conservation or in their current condition. The full implications of this will be provided in the updated Bushfire Risk Assessment and will need to be factored into the updated NVPP.

Clause 52.16 Native Vegetation Precinct Plan

This clause is designed to provide for the protection, management and removal of native vegetation through the use of a NVPP incorporated into this scheme and to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is to be achieved by applying the three-step approach of avoid, minimise and offset in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017). This clause forms the basis for the existing NVPP. Details on the potential updates based on existing information are provided in Section 1.1.

Clause 52.17 Native Vegetation

Under Clause 52.17 a permit is required to remove, destroy or lop native vegetation on sites greater than 0.4 hectares. Clause 52.17 requires a planning permit to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the schedule to Clause 52.16.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.

As detailed previously, any additional clearing outside of the NVPP will need to address this Clause in its entirety. The main question is whether an updated NVPP should address these areas or if an application under this Clause and Clause 52.16 is acceptable.

Zoning

There are three zonings within the LENGA; GRZ1, PUZ2, and the previously present FZ3. Details on these zonings and any potential issues are provided in Table 3. As mentioned above, the ODP should be revised to account for the updates required to the NVPP and the updated Bushfire Risk Assessment. This should also include some revisions to the zoning (more the conditions as opposed to the locations) as it will allow for a more streamlined approach.

Table 3. Zoning present within the LENGA

Zoning	Summary	Potential issues
General Residential Zone – Schedule 1	General Residential Zone is designed: – 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. Schedule 1 does not have any additional requirements listed for this zoning.	The only concerns that can be raised about the zoning are whether the updated bushfire risk assessment will permit development at the same densities and whether the requirements outlined in the OPD are being carried across into the zoning since no additional requirements are listed in the schedule and the development plan is not referenced.
Public Use Zone – Education	Public Use Zone – Education is designed: – To recognise public land use for public utility and community services and facilities. – To provide for associated uses that are consistent with the intent of the public land reservation or purpose.	This zoning covers an existing school on the southern side of the LENGA and should not create any issues.

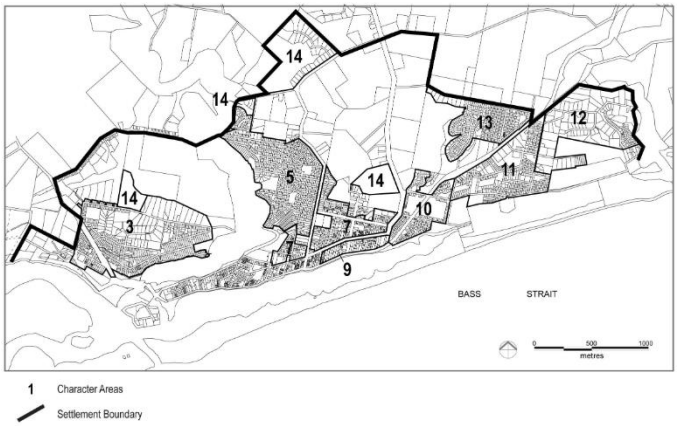
Zoning	Summary	Potential issues
Farming Zone – Schedule 3	Farming Zone is designed: - To provide for the use of land for agriculture. - To encourage the retention of productive agricultural land. - To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture. - To encourage the retention of employment and population to support rural communities. - To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision. - To provide for the use and development of land for the specific purposes identified in a schedule to this zone. Schedule 3 of this zone provides additional requirements for subdivisions, building sizes, and setback requirements.	These areas of the LENGA kept their FZ3 zoning since the vegetation present was always going to be retained so no residential development was going to occur. The surrounding residential zoning will need to address the bushfire safety requirements to account for this vegetation but this can be addressed through setbacks and design requirements in the residential areas.

Overlays

There are seven overlays which apply to the LENGA; the BMO, DCPO1, DDO13, DPO8, EAO, EMO, and VPO1. Details on the remaining overlays and any potential issues are provided in Table 4. As mentioned above, the ODP should be revised to account for the updates required to the NVPP and the updated Bushfire Risk Assessment. This should also include some revisions to the overlays (more the conditions as opposed to the locations) as it will allow for a more streamlined approach.

Table 4. Overlays present within the LENGA

Overlays	Summary	Potential issues
Bushfire Management Overlay	The Bushfire Management Overlay is designed: - To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire. - To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented. - To ensure development is only permitted where the risk to life and property from bushfire can be acceptably reduced.	This overlay applies to the northern side of the LENGA but the presence of a Bushfire Prone Area across the entire LENGA means that bushfire safety needs to be considered for all future settlements. As stated previously, the main concern here is whether the previously retained vegetation can remain or whether additional fuel management is required and some additional losses will be generated. The updated Bushfire Risk Assessment being undertaken by *Terralogic Pty Ltd* will provide the full extent of the implications and the NVPP will need to be updated to reflect these changes.
Development Contributions Plan Overlay – Schedule 1	The Development Contributions Plan Overlay is designed to identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence. Schedule 1 of this overlay was implemented through Amendment C112 for the LENGA and provides the levies which need to be paid by prospective developers to place new infrastructure within the LENGA.	It has been confirmed that the DCP for the LENGA is being dissolved so this overlay will likely be removed.

Overlays	Summary	Potential issues
Design & Development Overlay – Schedule 13	The Design and Development Overlay is designed to identify areas which are affected by specific requirements relating to the design and built form of new development. Schedule 13 of this overlay was updated through Amendment C112 for the LENGA and provides character areas as per the LEUDF as shown below (Meinhardt Infrastructure & Environment 2007). The LENGA is considered part of Area 14. The schedule provides a summary requirements of the ODP along with requirement and decision guidelines which apply to all new or existing residential areas within it. 	Potential issues with the LEUDF are provided in Section 4.1 but, as with the DCPO1, this overlay should not impact the NVPP but it will be impacted based on the changes made to potential clearing and the results of the updated Bushfire Risk Assessment which may impact the amount of management required, the overall design and the drainage reserves.

Overlays	Summary	Potential issues
Development Plan Overlay – Schedule 8	The Development Plan Overlay is designed: - 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 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 8 specifically refers to the LENGA and provides specific details on how the ODP will be addressed.	The Requirements and Guidelines of the SFP are being brought in to replace those of the ODP within this schedule. Further details on this are provided in Section 3.2.
Environmental Audit Overlay	The Environmental Audit Overlay is designed to ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.	This overlay was applied through Amendment C112 to account for the landfill to the north-east and the land within it has been removed from the most recent version of the LENGA so it does not need to be addressed any further.
Erosion Management Overlay	The Erosion Management Overlay is designed to protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development. There is a schedule to this overlay for the management of geotechnical hazards which has the following objectives: - To ensure that applications for the development of land subject to high or very high geotechnical hazard are accompanied by expert geotechnical risk assessments. - To ensure that development is designed and carried out in accordance with the recommendations of expert geotechnical risk assessments. - To ensure that development does not increase the risk of geotechnical hazard to life or property. - To encourage the rehabilitation of land affected by geotechnical hazard.	This overlay can potentially impact the NVPP as it pertains to the amount of revegetation and works which can proceed in the drainage reserves. As stated previously, the works being undertaken in these reserves can create higher quality habitat but a change in the habitat type means the previous habitat has to be considered as lost. If the amount of work or revegetation required also needs to account for erosion protection then the amount of removal required can increase. The amount of vegetation which is permitted/required in the drainage reserve also impacts the bushfire assessment so additional fuel management may be required elsewhere.

Overlays	Summary	Potential issues
Vegetation Protection Overlay – Schedule 1	The Vegetation Protection Overlay is designed: - To protect areas of significant vegetation. - To ensure that development minimises loss of vegetation. - To preserve existing trees and other vegetation. - To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance. - To maintain and enhance habitat and habitat corridors for indigenous fauna. - To encourage the regeneration of native vegetation. Schedule 1 of this overlay refers to the Tambo-Bairnsdale Roadside Vegetation Protection Network which is designed to protect significant habitat along road reserves to reduce fragmentation and create aesthetic value.	This overlay was previously present across the majority of the LENGA but was removed as part of Amendment C112. The smaller section at the northern end still present should not impact the NVPP as it is adjacent to vegetation which is being retained so it should only be a factor if additional bushfire management is required in these areas.

5. CONCLUSIONS AND RECOMMENDATIONS

Based on the review of the relevant documents associated with this NVPP, the initial questions at the beginning of this assessment can be answered:

1. **What has changed within the LENGA based on updated aerial review of the Growth Area?**

   Based on an aerial review of the previously mapped habitat, it does not appear that conditions have changed significantly although there do appear to be additional trees aside from those previously recorded in the NVPP. Considering the amount of time since the original assessment, many juvenile trees have likely aged enough to be considered under Clause 52.17. Also, the larger patches of scattered trees on the north-western side the LENGA could easily be considered a habitat zone due to recent growth although this cannot be confirmed from aerial images.

   Technically, any additional native vegetation that has appeared across the LENGA since the NVPP was prepared still requires a permit under Clause 52.16. Therefore, the question is whether the long-term development projections mean that the NVPP should not be updated or if it should be used to provide strategic direction for the retention/removal of native vegetation? An alternative option may be to highlight this in other documents being prepared in relation to the site without updating the current NVPP, and make clear that the avoid and minimise principles of Clause 52.16 will be thoroughly considered when planning permission is sought and native vegetation not mapped in the NVPP is present. This will need to be coupled with mechanisms to make clear to future developers than an assessment of native vegetation condition and habitat values is required as part of any future development proposal.

2. **What are the implications of the updated bushfire risk assessment and setback requirements, if any, on retained native vegetation identified in the current NVPP?**

   The updated bushfire risk assessment is referenced in the draft SFP and, while higher risk areas have been identified, the requirements of the SFP state that the requirements of Clause 13.02-1S will need to be met which indicate that it has been confirmed that they can be met. The exclusion of the EAO areas from the LENGA means the highest risk vegetation within Property 16 is more separated from the proposed residential areas which reduces the risk significantly and the fact that waterways are to be vegetated as per the requirements and guidelines of the SFP indicates that any concerns regarding these fuel sources has been addressed.

   The main implications for retained vegetation within the NVPP is the state in which it can be retained and what individual assessments will classify certain habitat patches as. Assessments at this scale are not designed to account for the specific requirements of individual vegetation patches so, while a retained patch of vegetation can be considered lower risk from a landscape perspective, the implications at the subdivision stage may be very different. Developments may be hindered by larger patches of retained trees which require a significant setback or management so the required number of lots can be obtained so some patches which have been retained under the NVPP will likely need to address Clause 52.17.

3. Is the current NVPP fit for purpose 10 years on?

There are multiple conflicting arguments as to whether the current NVPP is fit for purpose. These have been summarised in Table 5 below.

Table 5. Pros and Cons of retaining the existing NVPP

Pros	Cons
- Aerial images indicate that the placement of native habitat across the LENGA has not changed significantly so the NVPP results will still be predominantly accurate. - Preliminary assessments indicate that there are no Specific offsets within the LENGA so offsets can still be easily secured under Clauses 52.16 and 52.17. - The exclusion of the EAO areas from the LENGA means that the only habitat remaining is lower quality habitat within managed paddocks so any additional clearing required under Clause 52.17 can be easily addressed. - The SFP provides protection guidelines for habitat retained within public land (details regarding placement of retained habitat and the conditions of the surrounding areas) so there is assurance that habitat originally retained within the NVPP will not be impacted in the long-term. - Ecological management is being proposed for the stormwater drainage areas so, while there will be losses if the EVC is changed by the management, conditions will be improved in these areas overall so the losses can be justified under Clause 52.17. - The SFP can/does provide assurance that all properties are maintained to the same standard so there will be assurance that retained habitat and new habitat within the waterways will be managed appropriately and will not suffer from the secondary impacts in the wider landscape (introduction of weeds, fragmentation, etc.). - There have been no larger scale events which would significantly alter the habitat present (no bushfires, significant floods, etc.).	- While the location of habitat patches may not have changed, internal changes such as Scattered Trees now being considered Habitat Zones or juvenile trees now being considered Scattered or Canopy Trees will need to be accounted for. Also, new habitat may have appeared which is not clear from aerial images and this will need to be addressed. - The assessment systems under Clause 52.17 have been updated twice since this NVPP was established so the scores given to the Habitat Zones are less applicable. - The habitat loss for fuel management and waterway management were not included in the original NVPP and this may result in unacceptably high losses under Clause 52.17. - The lack of development over the last 15 years indicates that the LENGA will not be fully developed for a long time (a fact confirmed in the SFP) so the results from the original NVPP will become more outdated and less accurate. Considering the fact that Climate Change has been identified as a factor in multiple assessments, the amount of time which has passed has to be factored in.

Overall, three options have been considered in this review around the NVPP. These were to either:

1. retain the existing NVPP with individual applications addressing Clause 52.16 permit requirements for any additional clearing

2. create an updated NVPP based on current site conditions, or
3. dissolve the NVPP and have individual developers address Clause 52.17 individually.

The recent preparation of the new SFP to update the 2013 ODP provides assurance that it may be possible to continue to use the current NVPP as an anchor point around the retain and remove status of native vegetation across the LENGA. This approach takes into consideration the overall lower quality habitat across the LENGA, with the NVPP already working to capture the main patches of native vegetation to be retained as it now stands.

The primary concern is whether DEECA will accept the existing NVPP as a strategic approach to native vegetation at this point. The assurances listed above means the retain/remove information in it can still be considered valid even with waterway and fuel management but the amount of time which has passed since the original assessment is a cause for concern as a Flora and Fauna Assessment which will be required for all new development applications may result in significantly different results than those listed in the NVPP. This could mean that much more native vegetation than initially anticipated may present itself in the years to development proceeding.

While this is the case, including assurance in the SFP to appropriately document and consider any new native vegetation that is observed over time, while keeping the current NVPP as a strategic framework, may be considered a viable option. It is recommended that Council seek input from DEECA on these points, to determine if the SFP inclusions around native vegetation are acceptable without a formal update to the NVPP at this point in time.

4. **Can/should the NVPP continue to be applied, particularly given the long-range forecast of expected development across the LENGA (80+years)?**

As stated above, the current NVPP as it now stands does continue to provide a strategic approach to managing native vegetation across the LENGA especially given the minimal changes observed as part of aerial photo interpretation.

The only remaining concern is whether the results from the original NVPP will remain relevant over time in terms of measuring the quality of native vegetation, especially for that which removed. Any applications should be expected to include an ecological assessment that highlights the current ecological conditions for both any new native vegetation not documented in the current NVPP and for any vegetation previously marked as retained that is being proposed for removal due to unavoidable circumstances. In this way, the offsets required will be based on current condition of the vegetation at the point of application. While not updating the NVPP will mean that those patches marked as to be removed can be done so without a permit, is required to ensure patch boundaries are the same as anything other than what is already mapped will require a Clause 52.16 planning permit.

As NVPP's are designed to address ecological losses and retention over a long period (up to 10 years) some changes in the scores from updated assessments are expected. However considering the 80+ year timeframe for full development of the LENGA, the changes in the assessment procedures, and the potential impacts from Climate Change or significant ecological events (bushfire, flooding, etc.), means that an update to the NVPP is likely to be required at some point in the future.

Creating a new NVPP with the current legislation and the updated retention and loss information from this assessment is an option but given the pace of development, it is difficult to know the increments at which this should occur. Periodical assessments of 10 years for example could assist in ensuring that the current NVPP was reflective of site conditions over time, but this could however also trigger the need for more significant work by Council (with potentially no major change to vegetation to be retained to meet development goals overall). These options need to be discussed with DEECA so Council can be aware of any concerns and be ready for changes as they're needed. This way, resources can be set aside and used when needed as opposed to a major change being required with minimal warning and no preparation.

Maintaining the current NVPP with the protection measures of the SFP should be a feasible option to present to DEECA at this point. Council should also present a list of triggers under which an updated assessment is undertaken and, if needed, a new NVPP created. These triggers should be discussed with DEECA but can include; a periodical ecological assessment every 10-15 year, a major ecological event such as a bushfire or significant impacts from Climate Change, or an ecological assessment showing significant enough changes to the habitat that Clause 52.17 has to be applied to the entire proposal.

5. **How should offsets as the NVPP be managed given this long-term projected development timeframe?**

   The original NVPP provided offsets under the Pre-2013 'gain-scoring' system. If the NVPP is updated, the current systems will be utilised and, since the preliminary assessments is based on a simplified system with no species-specific offsets, the general type of offsets required should be easily secured. If the existing NVPP and the Pre-2013 systems are still used, DEECA do have procedures in place to convert old offset credits so offset brokers can sell Pre-2013 offset by converting them to the current requirements ('Native Vegetation Credit Register - Pricing native vegetation credits' DEWLP (2018)). This should be applicable for the existing NVPP and will allow offsets to be secured under the previous gain scores.

6. **Are there any options/alternatives to account for the slower pace of development and the need for future updates?**

   Of the three options presented above, consideration should be given to retaining the original NVPP with an update to the SFP providing clarity to future developers on application requirements and other permit and approval triggers, including those related to the FFG Act and EPBC Act for example. The only option which can potentially address the long timeframe would be to dissolve the NVPP entirely and rely on Clause 52.17 and the SFP. This does present a risk to a strategic approach to retention and removal of native vegetation however, and whether or not this should be considered will be left to Council and DEECA.

As stated above, there were several concerns raised from the review of the NVPP and the associated documents. The recent inclusion of the SFP addressed a significant number of these concerns but there are items which still need to be accounted for in this plan and other plans to ensure ecological values across the LENGA can be addressed in perpetuity. These recommendations are as follows:

- DEECA will need to be consulted regarding the current NVPP and the decision as to whether it is still fit for purpose, a new NVPP is required, or if it will need to be dissolved will be left to them. The recommended option for retaining the current NVPP will be to stress the inclusion of the SFP which will provide protection for retained habitat and ensure any additional clearing for waterway management and fuel management can meet the 'Avoid and Minimise' requirements of Clause 52.17. A recommended compromise for keeping the current NVPP is that triggers will be placed to determine whether an ecological assessment is required to confirm whether the results are still valid is undertaken and, if conditions have changed significantly, the NVPP is updated or dissolved. These triggers can include, but not be limited to:
    - a 10-15-year timeline has been reached (the lifespan of a standard NVPP),
    - a significant ecological event has occurred (bushfire, significant changes in the ecological conditions from Climate Change, etc.), or
    - an ecological assessment for a subdivision indicates that conditions have changed enough that most of the losses within the property needs to be accounted for under Clause 52.17.
- The SFP needs to stress that ecological assessments will be required despite the presence of the NVPP if it is retained. A common assumption among developers is that the NVPP addresses all of the ecological requirements and the SFP can back up this assumption since protection measures are provided for retained habitat. In addition to areas outside of the NVPP which will need to be addressed under Clause 52.17, ecological assessments will need to address the following:
    - The likelihood occurrence (where the likelihood is moderate to high) of rare and threatened species and communities listed under the FFG and/or EPBC Acts. Details can be provided as to why some species have not been considered further such as the results of the targeted surveys but the potential presence and status of these species/communities should be included since the potential retention of their habitat or ecologically responsible land management of the area will be a major factor in future applications regardless of whether the NVPP approves habitat for removal.
    - Details regarding the extent of revegetation/restoration works such as the works being proposed within drainage lines. While these detailed may not impact every property, the information provided can have serious implications on the land management which will be required to avoid secondary impacts and ensure that restoration goals are met.
    - Details on secondary impacts and how they can be avoided since retained habitat can only be considered as such if its long-term survival and quality can be assured. This will also have implications regarding erosion around drainage lines during and following construction.
    - Details regarding offset options should be provided. This is expanded on further in the points below but ensuring that an offset reserve has either been confirmed to be available or has been set aside for this NVPP is essential.

- The SFP is considered to be fit for purpose based on this review. The recommendations section awaiting Practical Ecology input will need to reference the situation with the NVPP once a decision has been made with DEECA regarding its future. Additional recommendations for the Requirements and Guidelines are detailed in Table 2 and are summarised below:
    - Waterway management as detailed in Requirement 6 and Guideline 29 needs to account for whether existing habitat is being altered as a result of the drainage reserve. Requirements 3 and 4 are general which works at this scale since all of the impacts (within and outside of the NVPP) need to be accounted for but Requirement 6 should provide some details on whether additional ecological management is required since the works may be replacing an existing EVC which is more extensive than enhancing the existing one.
    - Fuel management should be addressed in Requirement 8. It is addressed in later Guidelines but this requirement should acknowledge that some habitat retention may not be feasible if larger patches of retained habitat have to be managed to reduce their risk. The general scope of Requirements 3 and 4 assist with this but the potential for additional removal should be addressed here as well. The summary in Guideline 34 is excellent and should potentially be moved up as a requirement.
    - The requirements listed in Requirement 15 should include the EVC and revegetation requirements since these are important for erosion, water quality and flood control.
- The slower development present within the LENGA can potentially be addressed through the listed triggers detailed above but the only way to completely address the longer timeframes expected here would be to dissolve the NVPP and focus on the SFP and Clause 52.17 to address ecological losses and retention. This will mean the SFP will need to be much more detailed and retain/loss information from the original NVPP may need to be factored into the SFP in some form to ensure some retention occurs but this may mean less long-term maintenance or questions of whether the system is still applicable.

6. REFERENCES

DELWP (2017) *Guidelines for the removal, destruction or lopping of native vegetation*. Department of Environment, Land, Water and Planning, Government of Victoria.

DEPI (2013) *Permitted clearing of native vegetation: Biodiversity assessment guidelines* Department of Environment and Primary Industries, Government of Victoria, Melbourne.

DEWLP (2018) *Native Vegetation Credit Register – Pricing native vegetation credits*. Department of Environment, L., Water and Planning, Government of Victoria, Department of Environment, Land, Water and Planning, Government of Victoria, Melbourne.

East Gippsland Shire Council (2012) *Lakes Entrance Northern Growth Area Social Impact Assessment*. Council, E. G. S., **East Gippsland Shire Council**, Bairnsdale.

East Gippsland Shire Council (2013) *Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan – Amendment C112 to the East Gippsland Planning Scheme*. Council, E. G. S., **East Gippsland Shire Council**, Bairnsdale.

East Gippsland Shire Council (2014) *Planning and Environment Act 1987 Panel Report – East Gippsland Planning Scheme Amendment C112 Part 1 – Lakes Entrance Northern Growth Area*. Council, E. G. S., East Gippsland Shire Council, Bairnsdale.

East Gippsland Shire Council (2024) *Lakes Entrance Northern Growth Area – Strategic Framework Plan – Consultation Draft*. East Gippsland Shire Council, East Gippsland Shire Council,, Bairnsdale, Victoria.

GHD (2013) *East Gippsland Shire Council Lakes Entrance Northern Growth Area Bushfire Study*. Council, E. G. S., East Gippsland Shire Council, Melbourne.

IAIA (2010) *Social Impact Assessment – Overview and History*. International Association for Impact Assessment. Accessed 10th December via: https://www.iaia.org/wiki-details.php?ID=23#:~:text=Definition,processes%20invoked%20by%20those%20interventions.

Meinhardt Infrastructure & Environment (2007) *Lakes Entrance Urban Design Framework – Coastal Towns Design Framework*. East Gippsland Shire Council, Wellington Shire Council & Department of Sustaiability and Environment, East Gippsland Shire Council, Bairnsdale.

SMEC Urban Pty Ltd (2013) *Lakes Entrance Northern Growth Area Outline Development Plan*. Council, E. G. S., East Gippsland Shire Council, Melbourne.

Stormy Water Solutions (2024) *Lakes Entrance Northern Growth Area (LENGA) – Revised Drainage Strategy – Version 2*. Council, E. G. S., East Gippsland Shire Council, Melbourne.

Urban Enterprise (2014) *Lakes Entrance Northern Growth Area Development Contributions Plan*. Council, E. G. S., East Gippsland Shire Council, Bairnsdale.

Water Technology (2012) *Northern Growth Area – Lakes Entrance Development Concept Plan Hydrology*. Water Technology, East Gippsland Shire Council, SMEC Urban, Melbourne.

Appendix 1. Development Plan Objectives

The following Development Plan Objectives are listed as per Section 3.2 of the ODP developed by *SMEC Urban Pty Ltd* in 2013 (SMEC Urban Pty Ltd 2013):

Community Design Objectives

To establish a sense of place and community

- Design neighbourhoods to be safe and compact, making it easy to walk or cycle to shops, local jobs, schools, community facilities and public transport stops;
- Promote healthy lifestyles and strong diverse communities through well designed public spaces and community facilities;
- Provide access to residents and workers to a variety of open spaces (parks, gardens, plazas and reserves) for relaxation and recreation;
- Create strong local character through distinct natural and cultural features as well as the urban form;
- Create communities and urban form that incorporates ecological processes of subject area;
- Promote positive experiences in the growth area for future generations through high quality design and built form; and
- Design neighbourhood centres to ensure they are attractive, lively and convenient focus for the community they serve and include the provision of quality public spaces.

Housing Diversity Objectives

To create greater housing choice, diversity and affordable places to live:

- Provide housing that meets a range of population needs as the community ages and grows over time;
- Achieve an average net density of 9 dwellings per developable hectare;
- Locate higher density housing within and around the neighbourhood centre, along bus routes and close to public open space;
- Complement existing stock housing within Lakes Entrance;
- Provide a range of lot sizes and housing styles;
- Locate a mix of private, affordable and social housing, in and around activity centres for households on low to moderate incomes; and
- Locate houses close to where people work.

Movement Network Objectives

To provide better transport choices and options

- Ensure that all areas can be adequately and efficiently serviced by buses;

- Provide safe and efficient walking, cycling, public transport and vehicle access to connect residents directly to the convenience centre, open space, community facilities within and adjoining the growth area and wider regional networks;
- Design streets to cater for shared paths and bus movements; and
- Locate higher density housing along the bus route

To create well connected streets

- Ensure streets and urban form are designed to cater for people's choice in movement – walking, cycling, public transport, car and other motorized vehicles;
- Encourage a mix of land uses within and around the convenience centre that can be easily accessed;
- Distribute traffic evenly through the local street network, and avoid opportunities for 'rat running'; and
- Create permeable street networks, avoiding use of cul-de-sacs.

Open Space Objectives

To provide easily accessible open --space for passive recreation

- Provide local parks within at least 400m safe walking distance of at least 95% of all dwellings;
- Provide active open space within 1km of 95% of all dwellings;
- Provide linear parks and trails, most often along waterways, but also linked to vegetation corridors and road reserves within 1km of 95% of all dwellings;
- Create clear links to active recreation opportunities at the existing Lakes Aqua dome; and
- Use encumbered land productively for open space where possible.

Environment Objectives

To increase environmental sustainability --and urban water management

- Implement integrated water management, including water sensitive urban design, re-use of storm water and recycled water;
- Encourage best practice urban water management systems to deliver appropriate water quality and quantity outcomes.
- Neighbourhood design should ensure that waterways and ecologically significant areas of native vegetation and other important habitat areas become key community assets;
- Protect the built environment from flooding, inundation and storm water drainage.
- Encourage the preparation of Landscape plans which comprehensively integrate open space, reserves, streetscapes, pathways, buffers, entrance features, protected and retaining vegetation including offset areas and any vegetation to be managed for bushfire risk recognising multiplicity of roles and outcomes.

Appendix 2. Maps



Map 1. Growth Area

Lakes Entrance, East Gippsland

Legend

- Study Area
- Parcels
- Contours (10m)
- Natural watercourse
- Properties
- Excluded Properties

Details

Mapping by: Ali Nia
Date: 10/14/2024
Version: 1
Aerial photography from Nearmap (Jan. 2023).
Data Source: Base layers courtesy of VicMap,
Copyright © State of Victoria.

N

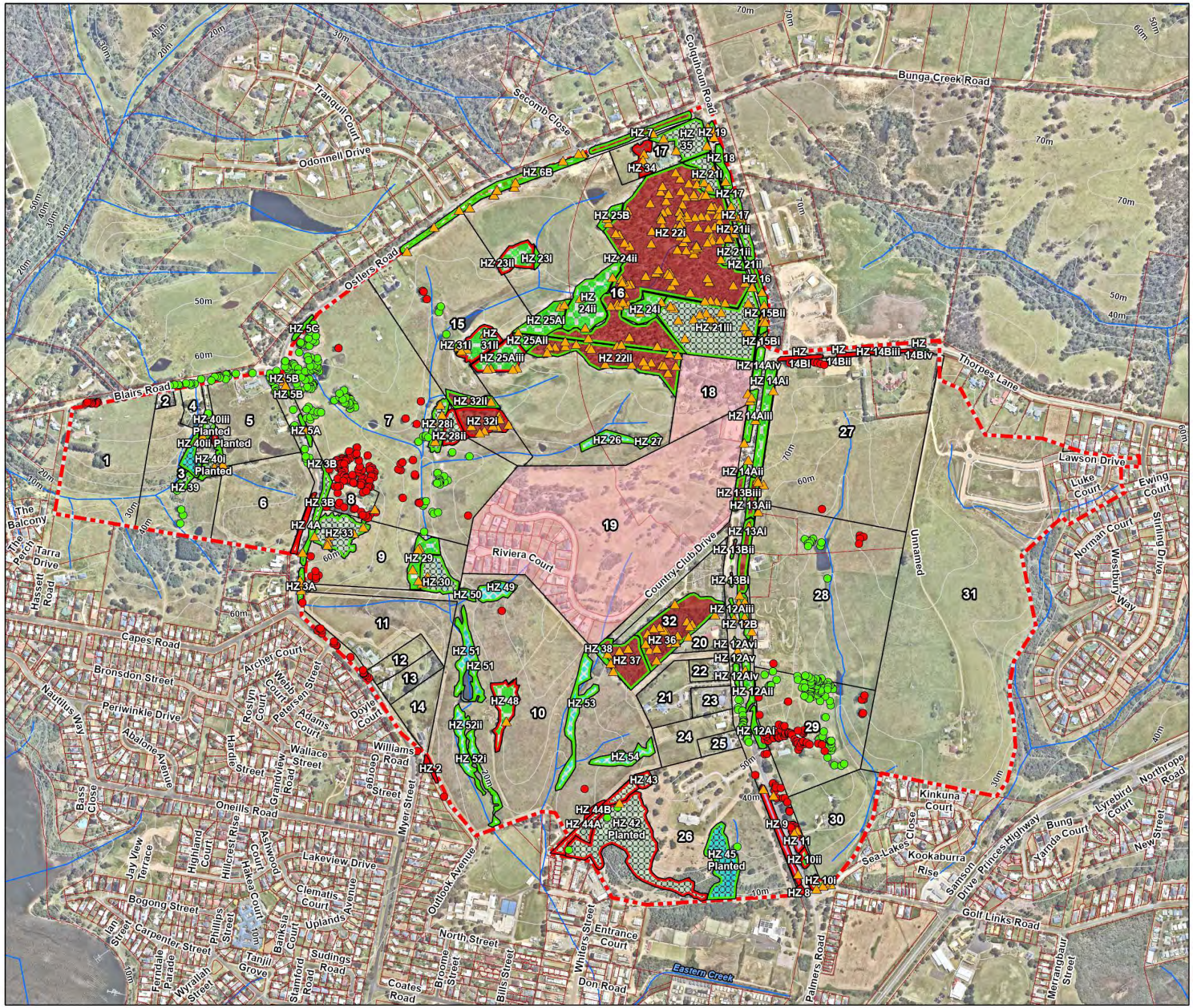
0 100 200 m

Scale: 1:9,000 (Page size A3)

Disclaimer

Practical Ecology bears no responsibility for the accuracy and completeness of this information and any decisions or actions taken on the basis of the map. While information appears accurate at publication, nature and circumstances are constantly changing.

PRACTICAL ECOLOGY
ecological restoration & consulting
p: (03) 9484 1555 e: enquiries@practicalecology.com.au



Map 2. Native Vegetation Precinct Plan

Lakes Entrance, East Gippsland

Legend

- Study Area
- Parcels
- Contours (10m)
- Natural watercourse
- Properties
- Excluded Properties

Ecological Vegetation Classes

- 15 Limestone Box Forest
- 151 Plains Grassy Forest
- 16 Lowland Forest
- 3 Damp Sands Herb-rich Woodland
- 32 Warm Temperate Rainforest
- 53 Swamp Scrub
- Trees in Habitat Zones

Retention

- Retain
- Remove
- Scattered trees which can be protected
- Scattered trees which can be removed

Details

Mapping by: Ali Nia
Date: 16/10/2024
Version: 1
Aerial photography from Nearmap (Jan. 2023).
Data Source: Base layers courtesy of VicMap,
Copyright © State of Victoria.

N

0 100 200m

Scale: 1:9,000 (Page size A3)

Disclaimer

Practical Ecology bears no responsibility for the accuracy and completeness of this information and any decisions or actions taken on the basis of the map. While information appears accurate at publication, nature and circumstances are constantly changing.

PRACTICAL ECOLOGY
ecological restoration & consulting
p: (03) 9484 1555 e: enquiries@practicalecology.com.au

19th May 2025

Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan Review Summary

Following consideration of Practical Ecology's review of the existing Native Vegetation Precinct Plan (NVPP), ('Lakes Entrance Northern Growth Plan – Native Vegetation Precinct Plan Review', Practical Ecology, 2025) East Gippsland Shire Council are preparing an amendment to remove the NVPP. This document summarises the findings of the report detailed above and recommendations to be carried over into the amendment.

Practical Ecology was commissioned by East Gippsland Shire Council in October 2024 to review the NVPP developed for the LENGA. This NVPP was developed in 2014, and followed on from an ecological assessment of the LENGA in 2012. An overview of the native vegetation recorded as part of this is provided below and is visually supplemented by information in the figure below.

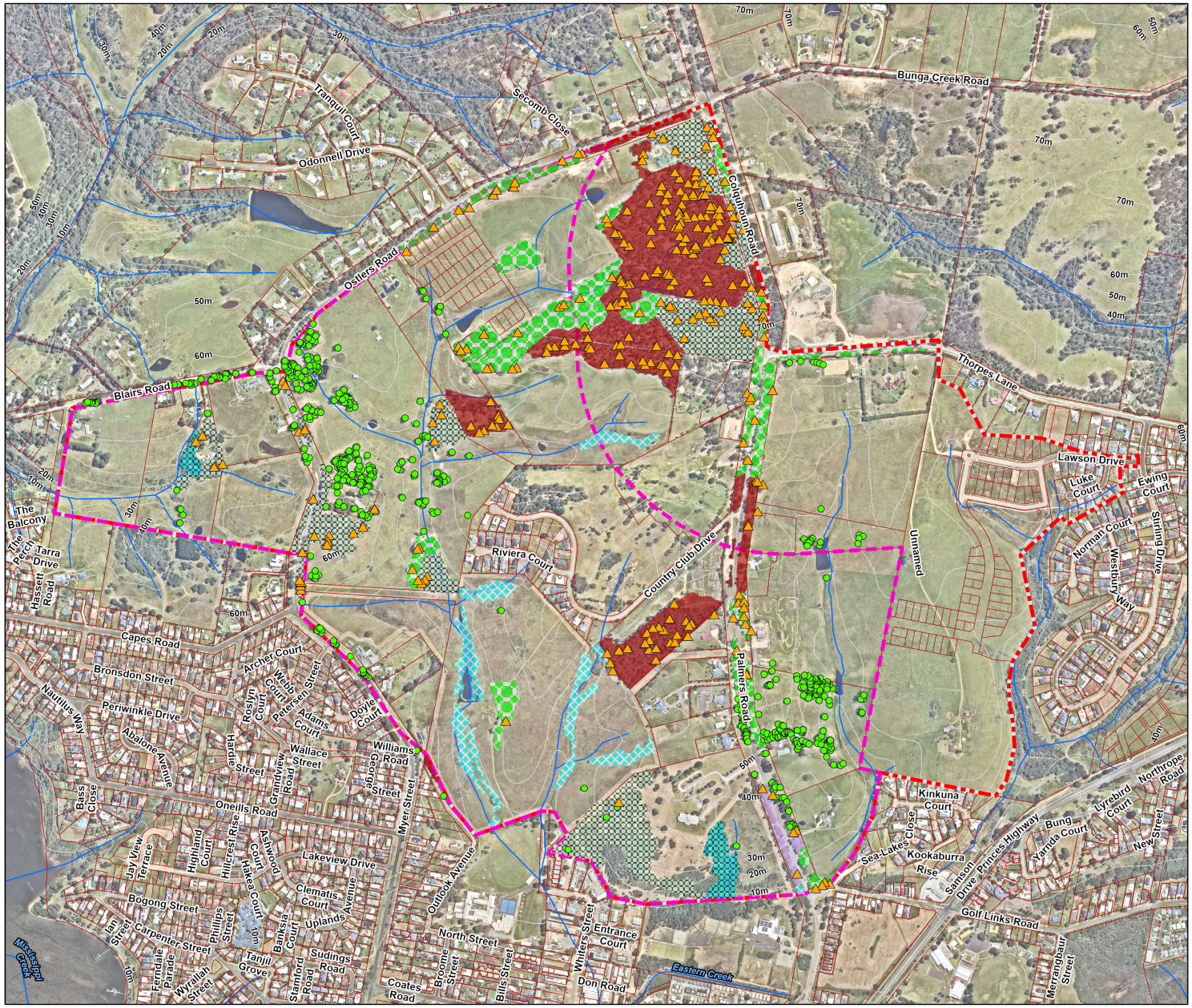
Given the time passed since the 2012 and 2014 documents were prepared, a determination of whether they were still fit for purpose was undertaken by Practical Ecology as part of a current review of the LENGA by East Gippsland Shire Council. One of the main reasons the 2014 NVPP was prepared was to ensure that development could be undertaken across the LENGA with a strategic understanding of where native vegetation would be retained and removed over time. This also aimed to ensure that native vegetation management occurred in a manner that avoided clashes with bushfire management or stormwater drainage requirements.

Practical Ecology understands that the current updates to the boundaries of the LENGA being proposed by East Gippsland Shire Council will effectively remove a significant portion of the previous growth area extent. As part of this change, the largest patches of native vegetation that the NVPP sought to retain would no longer be included in the revised boundary. Given this, and the slow rate of development expected across the LENGA, a decision to abandon the current NVPP as a means to manage native vegetation across the LENGA is proposed.

To ensure native vegetation and other habitat values remain appropriately addressed as part of future development, the revised Strategic Framework Plan (SFP) and a Development Plan Overlay (DPO) schedule are proposed. A summary of Practical Ecology recommendations as they relate to biodiversity values and the contents of the SFP and DPO schedule are summarised below:

- The SFP needs to account for the fact that individual ecological assessments will be required where the NVPP is removed. Whie information from the 2012 and 2014 documents can provide an understanding of native vegetation distribution previously mapped future planning applications, new data will need to be collected as per the requirements of Clase 52.17 and the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017). A response to the need to address rare or threatened species and communities, as is required under Clause 12.01 should also be included as part of SRF and DPO wording. The principles of avoid and minimise as they relate to biodiversity values should also be embedded into all documents.
- The stormwater drainage system is a particular concern since the LENGA is utilising existing gullies for stormwater drainage, many of which contain native vegetation and associated habitat. Vegetated waterways are recommended to reduce erosion impacts and ensure the water quality is not impacted but the changed usage of the surrounding will likely result in more inundation so it needs to be determined as to whether the existing native vegetation will survive this change, or whether something else will replace it. Impacts to existing native vegetation and habitat values as a result of hydrological changes must be considered.
- Waterway management also needs to consider bushfire conditions since vegetated slopes significantly increase bushfire risk. Individual assessments to determine the extent of the revegetation or retention which can be safely placed in these locations needs to be factored into these areas.

Practical Ecology
PO Box 228 Preston Victoria 3072 Office: 2B Stott Street Preston Victoria p 03 9484 1555 f 03 9484 9133
e enquiries@practicalecology.com.au www.practicalecology.com.au



Previously recorded ecological values

Lakes Entrance Northern Growth Area

Legend

- Previous Growth Area
- Current Growth Area
- Parcels
- Contours (10m)
- Natural watercourse
- Trees in Habitat Zones
- Scattered trees

Ecological Vegetation Classes

- 15 Limestone Box Forest
- 151 Plains Grassy Forest
- 16 Lowland Forest
- 3 Damp Sands Herb-rich Woodland
- 32 Warm Temperate Rainforest
- 53 Swamp Scrub

Details

Mapping by: Ali Nia
Date: 16/05/2025
Version: 1
Aerial photography from Nearmap (Jan. 2023).
Data Source: Base layers courtesy of VicMap, Copyright © State of Victoria.

N

0 100 200 m

Scale: 1:9,000 (Page size A3)

Disclaimer

Practical Ecology bears no responsibility for the accuracy and completeness of this information and any decisions or actions taken on the basis of the map. While information appears accurate at publication, nature and circumstances are constantly changing.

PRACTICAL ECOLOGY
ecological restoration & consulting
p: (03) 9484 1555 e: enquiries@practicalecology.com.au

Lakes Entrance Northern Growth Area

Planning Scheme Amendment C161egip
Background Report

Date published: March 2026

Table of Contents

1. Executive Summary 5

2. Introduction 7

2.1 Role of this document 7

3. Background context 8

3.1 2014 & Amendment C112 Part A: strategic justification and implementation 8

4. Key considerations 11

4.1 Reviewing plans and strategies 12

4.2 10-Year Review of the LENGA Planning Framework 13

4.3 Why did Council need to review the LENGA planning framework? 13

4.3.1 Development Contributions Plan & Precinct drainage: the catalyst for the 2024 Review. 14

4.4 Key findings of the 2024 Review 15

4.4.1 Landowner consultation 19

5. Strategic context 21

5.1 Policy and legislation context 21

5.1.1 Planning Policy Framework (PPF) 22

5.1.2 Integrated decision making 25

5.1.3 Further discussion of relevant policy and requirements Elsewhere in this report 27

5.2 Conclusions 27

6. Preparing the amendment 28

6.1 Removal of the Development Contributions Plan Overlay 28

6.1.1 The challenges of applying a DCP in a regional development setting 29

6.1.2 Implementation of the DCP drainage infrastructure projects. 30

6.1.3 Community infrastructure in the DCP 31

6.1.4 Open Space Projects and the DCP 32

6.1.5 Road infrastructure projects and the DCP 32

6.1.6 Conclusions about the removal of the DCPO from the LENGA 33

6.2 Amendment of the Development Plan Overlay Schedule 8. 34

6.3 Removal of the Native Vegetation Precinct Plan 35

6.3.1 Native Vegetation Background Report 36

7. Strategic Framework Plan 39

7.1 Introduction 39

7.1.1 Background 39

7.1.2 Why it is important that the Planning Scheme provides whole-of-precinct coordination. 39

7.2 Current policy context & new requirements 42

7.2.1 How is bushfire addressed by planning elsewhere in Victoria? 45

7.3 Preparing the Strategic Framework Plan 50
7.3.1 Technical Background Reports 50
7.3.2 Outline Development Plan Review: Land capability. 50
7.3.3 Strategic Bushfire Assessment 53
7.3.4 Traffic and movement assessment 54
7.3.5 Stormy Waters Solutions Drainage Strategy 55
7.4 The SFP Vision 56
7.5 The LENGA Framework Plan – a preferred future urban structure 56
7.5.1 Five Key organising Elements of the SFP 57
7.5.2 Implementation & Infrastructure Delivery 63
7.6 Conclusions 65
8. Conclusions 66

Appendix 1 – Testing Land Capability

Glossary of Terms and Abbreviations

The following provides a glossary of commonly used terms in this Background Report and their abbreviations (in **blue** where applied in this document).

1. **Amendment C161egip**: Referred to in this document as **Amendment C116** – it is a proposed amendment to the Planning Scheme that will update the planning provisions that apply to the use and development of land in the LENGA.
2. **Bushfire Attack Level (BAL)**: A Bushfire Attack Level (BAL) is the way of measuring the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact. It is measured in increments of radiant heat (expressed in kilowatts/m2). A BAL is the basis for establishing the requirements for construction (under the Australian Standard AS 3959-2009 Construction of Buildings in Bushfire Prone Areas), to improve protection of building elements from bushfire attack. The Planning Scheme requires settlement planning to demonstrate that all dwellings can achieve a BAL12.5 rating.
3. **Bushfire Management Overlay** (**BMO**) – A Planning Scheme overlay that applies to areas prone to bushfires, imposing specific requirements for development to prioritize the protection of human life. The BMO applies to parts of the LENGA precinct.
4. **Clause 56** – A section of the Planning Scheme outlining the requirements for residential subdivision that development plans and planning permits (for subdivision) must address.
5. **Design and Development Overlay Schedule 13** (**DDO13**) – A Planning Scheme control regulating design aspects within the LENGA precinct.
6. **Development Contributions Plan (DCP) -** The plan approved under a DCPO and incorporated into the Planning Scheme. Legally binding, it identifies the list of infrastructure projects, costs and development charges that each development will pay toward shared infrastructure costs. In the context of LENGA, the DCP was approved in 2014 and only included drainage and community infrastructure projects.
7. **Development Contributions Plan Overlay (DCPO)**: A provision in the Planning Scheme applied to land to facilitate the collection of developer contributions for infrastructure. The DCPO was applied to the LENGA precinct in 2014 (see below).
8. **Development Contributions Plan Overlay Schedule** 1 (**DCPO1**) – The overlay applied under the DCPO to the LENGA precinct that sets out the contributions required for development and community infrastructure.
9. **Development Plan Overlay (DPO)**: A provision in the Planning Scheme that contains the requirements for development plans and planning permits that apply to any land that the DPO is applied to. When a DPO is applied, is it done so under a 'Schedule' which is given a number e.g. Schedule 1. See below for its application to the LENGA.
10. **Development Plan Overlay Schedule 8** (**DPO8**) – Applied to the LENGA precinct in 2014. It sets out the specific requirements that development needs to address to obtain approvals for development in the precinct. It generally requires a higher level development plan is approved before any planning permit can be granted. Amendment C161 proposes a new version of this schedule.
11. **East Gippsland Planning Scheme** (**Planning Scheme**) – The legal document regulating land use and development in the East Gippsland Shire.
12. **Lakes Entrance Northern Growth Area (LENGA)**: A housing growth area of approximately 195 hectares that was rezoned from farming to housing land in 2014. It is the area that is the subject of this report.
13. **Lakes Entrance Northern Growth Area Outline Development Plan 2013** (**2013 ODP**) – A master plan created in 2013 to illustrate the intended development outcomes for the LENGA precinct, setting out the vision for the area.
14. **Passive Open Space**: Areas designated for informal recreation and leisure activities, such as parks and walking trails, included in the precinct's planning under the SFP. Does not include formalised sporting ovals or pitches.

15. **Planning Policy Framework** (**PPF**) – The set of policies contained in each Planning Scheme in Victoria that guide planning outcomes, including housing supply, environmental protection and bushfire policies for example.
16. **Section 173 Agreements**: Legal agreements under Section 173 of the Planning and Environment Act 1987, used to secure the delivery of infrastructure or other obligations either with or without a DCP in place.
17. **Strategic Framework Plan (SFP)**: A proposed replacement for the 2013 ODP. It establishes an updated strategic planning framework to guide development in the precinct and inform the planning controls and requirements of a new DPO8. The SFP includes key organising elements such as land use, access, open spaces, and natural environment resilience and built form.
18. **Subdivision Developer Works** – Supporting development infrastructure provided by developers during subdivision.

1. Executive Summary

The East Gippsland Shire Council (**Council**) has prepared draft planning scheme Amendment C161egip (**Amendment C161)**. It will update the planning provisions in the East Gippsland Planning Scheme (**Planning Scheme**) that already apply to use and development of land for housing in the Lakes Entrance Northern Growth Area (**LENGA**), a housing growth area.

The key objective of Amendment C161 is to ensure that the East Gippsland Planning Scheme remains effective, reflecting current policies and requirements, best practice, development conditions, and to facilitate the intended outcomes for this housing precinct.

This Background Report provides an overview of the process of preparing Amendment C161 and sets out the strategic justification for the proposed changes to the Planning Scheme.

The current planning provisions were established by Amendment C112 Part 1 **(Amendment C112**) in 2014, based on the 2013 LENGA Outline Development Plan (**ODP**), which was prepared to guide the area's growth over time. A Development Contributions Plan (DCP) was also incorporated into the planning scheme to levy contributions over a 30-year horizon from developers toward shared infrastructure (drainage and community facilities).

Council has also prepared a detailed 10-year performance review of the planning framework for the LENGA - *Lakes Entrance Northern Growth Area: 10 Year Review – Key Issues and Options Paper*', April 2024 (the **2024 Review**). It should be read alongside this Background Report. The 2024 Review determined that the LENGA continues to provide an important long-term housing supply for Lakes Entrance, but some key aspects of the current planning framework needed updating due to several challenges:

- The existing Development Contributions Plan (DCP), which was designed to fund infrastructure through developer contributions, is not feasible or financially viable. It would result in a significant shortfall over its 30-year lifespan.
- Infrastructure needs can be addressed more efficiently without the DCP, relying instead on simpler mechanisms where developers pay for scaled infrastructure during subdivision (consistent with elsewhere in the municipality).
- Changes in environmental policies, especially regarding bushfire requirements and waterway health and planning, require updates to the planning framework including recalculation of expected dwelling yields (to better manage expectations).

Amendment C161 proposes the following key changes to the Planning Scheme:

1. **Removal of the Development Contributions Plan Overlay (DCPO)** – The DCP will be removed due to financial risks, development uncertainty and inefficiency in delivering infrastructure. Developers will now fund infrastructure directly during the subdivision process.

2. **Amendments to the Development Plan Overlay (DPO)** – The DPO will be amended to be simplified, fit for purpose and to removed duplication of some requirements that are already achieved by the current controls. Furthermore, instead of coordinating development, it has stifled it and added a layer of planning red tape that has not assisted in unlocking the development of the precinct.
3. **Removal of the Native Vegetation Precinct Plan (NVPP)** – No vegetation has been removed under the current but dated NVPP over its original ten-year timeframe. Reliance on an NVPP over a very long development horizon means it will continually lack currency and require repetitive amendments to replace it. Council will instead rely on the requirements of Clause 52.17 of the Planning Scheme to address native vegetation removal at a time when development is ready to progress.
4. **Updates to Clause 11 of the Planning Policy Framework** – Strengthen local planning policy specifically for LENGA.
5. **Apply the Environmental Audit Overlay (EAO)** – There is one site where contamination is known and so it is necessary to apply the EAO to ensure that appropriate investigations are undertaken before any development occurs in the future.
6. **Replace the current Outline Development Plan with a new Strategic Framework Plan** – This will ensure that the development principles of the precinct are updated to a contemporary context and can be upheld in decision making over time.

The new **Strategic Framework Plan** (SFP) has been prepared to provide a strategic framework to support the changes to the planning scheme and to help inform the future preparation of a development plan/s.

The changes will simplify the development process, providing more certainty and flexibility for developers while ensuring that development infrastructure is delivered efficiently.

The changes also take into account the evolving development landscape of the Lakes Entrance region, ensuring the dwelling yield is aligned with site characteristics and updated policy requirements, while creating a framework that supports sustainable growth at a more moderate pace than once anticipated.

Overall, these updates are pragmatic and will continue to provide sufficient housing land capacity and a supportive planning framework for the LENGA.

2. Introduction

2.1 Role of this document

This is the *LENGA Planning Scheme Amendment C161 Background Report* (**Background Report**). The role of this document is to provide an overview of the key considerations, background work and inputs that have supported the preparation of Amendment C161egip.

This document should be read alongside the **2024 Review**, which established the reasons why this planning scheme amendment (**PSA**) is required. The 2024 Review contains a description of the LENGA precinct and sets out the relevant planning history associated to it, including why it was rezoned for housing (including the process) by Planning Scheme Amendment C112 Part 1 (Amendment C112) in 2014 and what that amendment allowed.

This Background Report will refer to and cross-reference the 2024 Review for matters that have already been addressed rather than repeating them herein.

This Background Report explains the process for preparing Amendment C161egip that followed the 2024 Review. It includes a summary of the supporting technical background reports that have been prepared that support the proposed amendment.

Together, this Background Review and the 2024 Review provide the strategic justification for Amendment C161.

3. Background context

The current planning provisions and controls that apply to the LENGA were created by Amendment C112 in 2014. This section provides an overview of what that amendment allowed and the strategic basis for it. This provides context to the following sections in this Background Report.

Section 4.1 of the **2024 Review** provides a comprehensive summary of the planning history associated to the LENGA precinct, including Amendment C112. It is not considered necessary to repeat that history here, except to summarise the intent of what the amendment allowed for overall:

> *In August 2014, the Minister for Planning approved the Council's request to rezone 175 hectares of land for future residential development in the LENGA.*
>
> *With a capacity for up to 1021 dwellings, it represented the single biggest long-term housing land supply area for the township. It was expected that development of the LENGA precinct would take approximately 30 years. The rezoning was accompanied by a land use planning framework in the East Gippsland Planning Scheme to support development, including the ability to leverage developer contributions toward shared infrastructure, such as drainage or community facilities. This was achieved by applying a Development Contributions Plan (**DCP**) over the precinct.*

3.1 2014 & Amendment C112 Part A: strategic justification and implementation

The planning process and subsequent gazettal of Amendment C112 in 2014 established the strategic justification for the rezoning of the LENGA precinct for future housing. This included the support of an independent planning panel that considered submissions in its final report to the Minister for Planning.

Section 4.2 of the 2024 Review outlines what Amendment C112 allowed. In summary, the rezoning allowed all land in the precinct to come forward for broad hectare housing development, subject to satisfying the requirements in the Planning Scheme.

Amongst other requirements, it set a two-step approval process for the development of land, being:

- Approval of a development plan; then
- Approval of a planning permit application for subdivision

It also required the payment of development contributions under the Development Contributions Overlay Schedule 1 that was applied to the land. A condition of any planning permit granted would require payment(s).

Under the current DPO8 Schedule, both a development plan and planning permit applications need to meet certain requirements, including '*must be generally in accordance with'* and '*generally in accordance with*' tests against outcomes that are identified in *background documents*, including the 2013 Outline Development Plan.

The planning provisions introduced by Amendment C112 into the Planning Scheme did not include any requirement for development staging or sequencing. In practice, this allows any land parcel within the precinct to seek the requisite approvals, at any time, providing it can meet the requirements of the planning scheme.

Amendment C112 established a long-term housing land supply for Lakes Entrance. The 2014 Planning Panel Report, discussing this matter found:

> *In State policy at clause 11.02-1, one of the strategies for urban areas is to plan for population growth for at least 15 years and provide clear direction as to where growth should occur. The strategy further states that this should be done on a municipal basis.*

State policy today continues to require a 15-year housing supply today at Clause 11.02-1S of all Planning Schemes. The Panel provided further discussion on the quantum of housing land in 2014[1]:

> *The Panel accepts that the LENGA is a considerable growth area for Lakes Entrance and will, in conjunction with infill development and other development areas, provide future residential land for Lakes Entrance for many years. It is difficult to predict how many years as there are clearly significant local issues at play as well as regional and more global economic considerations.*

The Panel Report concluded:

> **Inter alia**
>
> **'***…whilst the land supply may be significant, in it is context and considering the overall development of the LENGA, it is not excessive. If the Amendment is approved, it does not mean that all of the residential land will come to market at once; the decision on subdivision and development will need to be taken by the individual landowners based on their particular circumstances. Importantly, when subdivision and development does come on, the planning framework is in place through the ODP'[2].*

---

[1] See Section 2.1., paragraph 9, page 16 of the Planning Panel Report, East Gippsland Planning Scheme Amendment C112 Part 1, Lakes Entrance Northern Growth Area, 7 February 2014.

[2] See para 2, page 17 (same document source reference as Footnote 3).

This established that the strategic basis for rezoning land in LENGA was one that took a long-term view. It also accepted a possible range of factors would influence the number of years of housing supply the precinct would provide. It also alludes to uncertainty about the quantum of housing land supply and demand. These uncertainties that the Panel discuss are significant to Amendment C161, in particular the strategic basis for the DCP. The 2024 Review considered this in detail, the findings of which are summarised in this Background Report.

Housing supply and construction continues to be an important issue for planning in Victoria. This is discussed further in the next section of this report.

The LENGA continues to be an important housing area of Council's adopted *Housing and Settlement Strategy* (December 2023) and provides long-term certainty about supply for the township.

4. Key considerations

The LENGA precinct is the only defined housing growth area for the Lakes Entrance township. Together with a number of historic growth fronts in and around the township, it provides a clear long-term housing land supply pipeline, that the 2024 Review calculated could be up to 80 years of housing supply, subject to growth and consumption rates.

This section outlines the key considerations that informed the need to prepare Amendment C161.

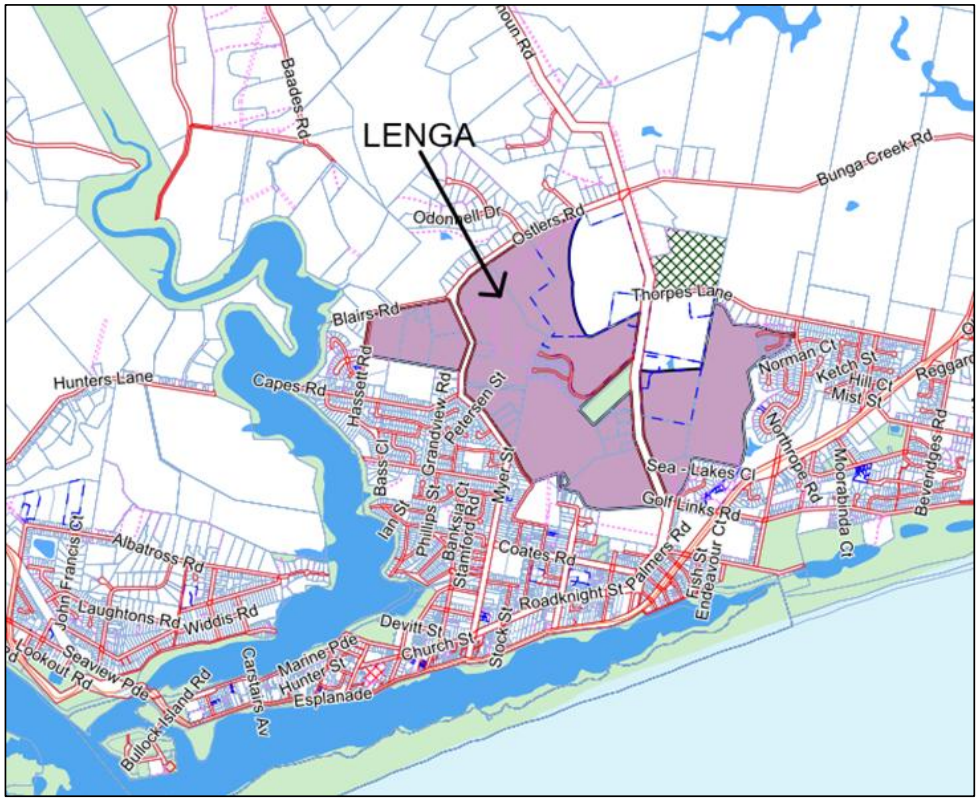


Figure 1 - Lakes Entrance Northern Growth Area per the 2013 Outline Development Plan area - General Locality Plan.

On the back of the Victorian Government's *Housing Statement* (September 2023), the challenges of providing sufficient housing options for Victorians is currently a hot topic and major policy, implementation (construction) and economic challenge across the entire State.

> *As part of our work to build the 2.24 million homes Victoria will need by 2051, we're setting a regional target to build 425,600 of those homes across our regions.*
>
> Victoria's Housing Statement, The decade ahead - 2024 to 2034.

The State Government already requires that all Councils establish a minimum 15-year housing land supply. Now, in addition to this, the State Government has also established housing targets for each of the 79 Councils in Victoria on 11 March 2025. It is part of an ambitious drive to deliver 2.24 million new homes (constructed) in the State by 2051. For East Gippsland, the draft target has been set at 11,000 new homes over this period.

Council recently adopted its Housing and Settlement Strategy in December 2023 (**HSS**). This demonstrated that Council has a 30+ year supply of housing land, even with the adoption of more aggressive targets than is occurring or projected to occur in the municipality over the next 20 years[3]. The State Government target for new homes in East Gippsland, averaging 388 dwellings per annum over 27 years (2024 to 2051), represents a lower demand rate when compared to the rate the HSS allows (413 per annum) over its 2021 to 2041 horizon.

With sufficient housing land supply demonstrated to be available in the municipality, including Lakes Entrance, the focus to meet the State Government's build targets will predominantly rest with the demand and supply economics of the housing market. Council's role is to ensure that the planning framework continues to facilitate high quality homes for Victorians in a timely manner.

The review and update of the planning framework that applies to LENGA via Amendment C161 is timely in this context.

4.1 Reviewing plans and strategies

The State Government requires that plans are regularly reviewed to ensure that they remain current and can be implemented. In Planning Practice Note 23 (*Applying the Incorporated Plan and Development Plan Overlays*), September 2022[4], it states:

> *Review of the plan*
>
> *It is valuable for all overlays and plans to be reviewed on a regular basis. The purpose of the review is to ensure that the plan is still relevant to and supportive of the proposed use and development of the land.*

The need to undertake reviews also applies to 'structure plans' and development contributions plans (DCPs), whereby the State Government's *Development Contributions Guidelines* (2007) state the following about reviewing a DCP:

> *A council also has a responsibility to monitor and review the DCP over time because some of the assumptions about development trends and the infrastructure needs may not be realised. Similarly, the DCP should be*

[3] The use of more aggressive growth rates compared to historic trends allows a Council to demonstrate that there would continue to be sufficient capacity and competitive supply to market, even if there was a change in demand.
[4] Prepared by the then Department of Environment, Land, Water and Planning (DELWP) see - https://www.planning.vic.gov.au/guides-and-resources/guides/planning-practice-notes/applying-the-incorporated-plan-and-development-plan-overlays

reviewed to reflect changes to the strategic planning framework for the municipality.

4.2 10-Year Review of the LENGA Planning Framework

At the beginning of 2024, Council commenced a comprehensive review of the performance of the planning framework for the LENGA, as established by Planning Scheme Amendment C112 (the background reasons for the review are discussed in the following section).

Amendment C112 implemented the 2013 Outline Development Plan (the long-term vision and master plan for the precinct)[5].

The review resulted in the preparation of the **2024 Review** (introduced in the previous section). The 2024 Review considered the following:

- East Gippsland Planning Scheme
  - Development Plan Overlay
  - Development Contributions Plan Overlay and financial audit of DCP revenue
  - Design and Development Overlay
- Background Documents, including the 2013 Outline Development Plan[6].
- Development plans and planning permit activity in the precinct 2014 to 2024.
- Planning Panel Report (August 2014) that considered Planning Scheme Amendment C112 Part 1
- Other documents that informed Amendment C112 Part 1 (various).
- Examination of other planning scheme amendments (various municipalities) with related issues.

It identified 8 *Key Issues* relating to the operation and implementation of the current planning scheme framework that was applied to the LENGA in 2014. The 2024 Review made recommendations under each *Key Issue* about changes that are either necessary or could improve the overall legibility and efficiency of the planning system. These are summarised in further below.

4.3 Why did Council need to review the LENGA planning framework?

As highlighted in section 2.2, Victorian Councils are expected to regularly review the performance of their strategic plans and Development Contribution Plans (DCPs) to ensure that planned outcomes are being delivered. If not, adjustments to the planning framework should be made.

[5] Zone and overlays that established the objectives, requirements and controls that development applications need to respond to.
[6] Formerly referred to as 'reference documents'.

4.3.1 DEVELOPMENT CONTRIBUTIONS PLAN & PRECINCT DRAINAGE: THE CATALYST FOR THE 2024 REVIEW.

Since the approval of Amendment C112 in 2014, Council continued to undertake work within the precinct to address possible or perceived challenges associated to the level of design and costing detail that informed DCP drainage infrastructure projects. This included the preparation of a Discussion Paper – *LENGA Drainage Strategy Review and Optimisation* by consultant Water Technology in 2020 (**2020 WTS Discussion Paper**) and the subsequent preparation of a revised drainage strategy by Stormy Waters Solutions in 2022 (**2022 SWS Strategy**)[7].

This is explored in detail in the **2024 Review**.

Following the preparation of the revised drainage strategy, it was initially assumed that any updates to the planning scheme would be generally limited to the DCP and involve the identification of updated drainage infrastructure projects (including costings) and a revision of the development contribution levies to reflect these costs.

Work began in late 2023 on the preparation of technical background work to prepare an amendment to the planning scheme to give effect to the revised drainage strategy and an updated DCP.

Once underway, it became apparent that other key inputs relating to the preparation of the DCP and ODP in 2013 were not sufficiently tested. Notable issues that were highlighted included:

- **Implementation of infrastructure**: Limited consideration about how the DCP drainage scheme could be implemented across fragmented private land ownership.
- **Level of construction activity in Lakes Entrance**: The amount of construction activity in the precinct and in Lakes Entrance does not match the levels that the development contributions plan relied on as a key assumption.
- **Projected yield.** There was a lack of sufficiently detailed technical work to give confidence in the projected housing yield identified by the 2013 ODP and relied upon as a DCP input. Developable land/ yield is directly linked to calculation of DCP levies that can be raised in a precinct. Housing yield is also relevant to infrastructure capacity and need, such as modelling road capacity and traffic movements.

The 2024 Review considers these matters in extensive detail. The key findings are summarised in the following section.

[7] Since updated in April 2024.

Identification of these issues led to a need to undertake a more comprehensive review of the planning scheme provisions that applied to the LENGA.

The Development Contributions Plan Overlay Schedule 1 (**DCPO1**) that applies to the LENGA was, therefore, a specific trigger for the **2024 Review**.

The reason for this is because a DCPO establishes a range of legal obligations[8] that rely on the accuracy of development assumptions translating to construction activity to make commitments under it financially viable. The State Government's *Development Contributions Guidelines* (2007) expect DCP inputs to be regularly reviewed for these very reasons.

4.4 Key findings of the 2024 Review

The Keys Issues and Recommended Actions from the 2024 Review (as contained in its Executive Summary) are replicated here for ease of reference:

Key Issue	Summary of Review findings	Recommended actions
Key Issue #1: – Is the Outline Development Plan (ODP) still the right tool to guide development in the precinct?	The ODP remains a planning tool that provides a clear vision and intent for land use development.	• Retain the ODP. See also Key Issue #2 below.
Key Issue #2: Refreshing and updating content in the Outline Development Plan	The Outline Development Plan (ODP), the master plan for the LENGA precinct, should be updated to reflect current State policy, best practice and guidelines. This includes updating sections on bushfire, waterway, native vegetation, drainage and transport and movement. This will ensure the ODP continues to	• Refresh the Outline Development Plan Note: Opportunities exist to streamline the ODP and improve overall legibility.

[8] Under the Planning and Environment Act 1987.

Key Issue	Summary of Review findings	Recommended actions
	provide clear guidance and sets expectations for future development proposals.	
Key Issue #3: Housing supply, construction activity & strategic justification for a development contributions plan (DCP).	• Construction activity in Lakes Entrance has occurred much slower than originally anticipated. • Growth assumptions in 2014 do not align with actual construction activity meaning infrastructure needs planning is no longer feasible or implementable under the development contributions plan (DCP) model. It is recommended that the DCP is removed and a more simplified approach to allow each subdivision to provide the infrastructure it requires. An updated ODP (Key Issues #2) can ensure infrastructure and development is coordinated. • The DCP is no longer viable and provides a significant financial risk to Council and developers.	• Remove the Development Contributions Plan, Schedule 1 from the Planning Scheme at Clause 45.06. • Amend the DPO8 to include the requirement for a Precinct Infrastructure Plan (PIP) to capture any shared infrastructure (namely drainage). • Address infrastructure needs under a revised ODP (see Key Issue #2) • Review planning permit application requirements to ensure subdivision applications address infrastructure needs (see also Key Issue #8). • Address requirements under the Planning and Environment Act 1987 to refund any DCP contributions already received.
Key Issue #4: Setting expectations for LENGA - growth challenges and infrastructure provision in regional Victoria.	Re-setting growth expectations and understanding that low to moderate growth in regional Victorian towns presents a different challenge for growth, which goes beyond housing land supply. Holistic planning for infrastructure within the township might be needed to meet the needs of future populations and help encourage growth as part of a coordinated place-based strategy that includes	• Consider whole-of-Lakes Entrance place-based strategy to plan for growth and infrastructure. See also Key Issue # 7 (Community infrastructure)

Key Issue	Summary of Review findings	Recommended actions
	economic (incl. employment), health and well-being and infrastructure planning.	
Key Issue #5: Drainage and the Development Contributions Plan	See Key Issue #3. The DCP and drainage has a range of implementation challenges that were not foreseen in 2014. Greater flexibility is required to consider drainage solutions than the DCP provides. This is necessary given the multiple land ownerships, limited developer activity, timing and likely pace of development.	• Adopt the 2022 revised Stormy Waters drainage strategy as a 'preferred' drainage solution for the precinct & reference into revised ODP. • Remove the DCP (remove Schedule1 to Clause 45.06 of the Planning Scheme) – via formal planning scheme amendment. • Amend the DPO8 to include the requirement for a Precinct Infrastructure Plan (PIP) to capture any shared infrastructure (namely drainage). • Require stormwater drainage to be provided through subdivision applications (as would normally occur if DCP didn't apply) • Adequate demonstration of satisfactory drainage strategy should be provided prior to determination of any subdivision given complexity of topography and drainage required.
Key Issue #6: Did the LENGA precinct require a DCP for infrastructure funding & delivery?	No. The scale and rate of development and the type of infrastructure actually required can be readily provided through more simple mechanisms already in the planning scheme.	See above (Key Issue # 3 & 5).
Key Issue #7: Community infrastructure	The growth of the precinct hasn't occurred as expected. The need for community infrastructure needs to be	• See Key Issue # 3. • Remove the DCP. This will help to improve the overall viability of development.

Key Issue	Summary of Review findings	Recommended actions
	revisited more comprehensively for the Lakes Entrance township given overall changes to Council long-term Capital Works Planning. The DCP incorrectly attributed demand for new infrastructure in the township to be 100% attributable to the LENGA when it should have attributed a much smaller percentage to the majority of projects. The value-proposition of revised community infrastructure contributions is very limited based on growth rates. Infrastructure projects previously identified are no longer required in the township.	• Community infrastructure needs planning should be undertaken for the whole of the Lakes Entrance township as part of a place-based-plan for future growth but separate to the LENGA project. • Community infrastructure contributions can be revisited when appropriate planning is further developed. • Refund any Community Infrastructure Levies paid under the DCP.
Key Issue #8: Requirement for a Development Plan & Planning Permit Requirements	The Review finds there are opportunities to simplify the requirements of the planning scheme and to avoid duplication of requirements – making the process of preparing development plans and planning permits less onerous, costly and confusing for applicants.	• Amend the DPO to reduce the requirement for proponents to submit the same information multiple times. This will improve the efficiency of the approvals process and reduce overall application costs. • Council should consider doing a Council led, precinct wide development plan to assist with unlocking development opportunities.

In summary, the 2024 Review recommended key outcomes that Amendment C161 now addresses:

1. **Removal of the Development Contributions Plan Overlay (DCPO)** – The DCP will be removed due to financial risks, development uncertainty and inefficiency in delivering infrastructure. Developers will now fund infrastructure directly during the subdivision process. The requirement for a PIP will be introduced into the

Development Plan Overlay to capture any shared infrastructure requirements and allow these to be uplifting into planning permit conditions.

2. **Amendment of the Development Plan Overlay (DPO)** – The DPO will be removed because it duplicates what can already be achieved by the current controls. Furthermore, instead of coordinating development, it has stifled it and added a layer of planning red tape that has not assisted in unlocking the development of the precinct.
3. **Removal of the Native Vegetation Precinct Plan (NVPP)** – No vegetation has been removed under the current but dated NVPP over its original ten-year timeframe. Reliance on an NVPP over a very long development horizon means it will continually lack currency and require repetitive amendments to replace it. Council will instead rely on the requirements of Clause 52.17 of the Planning Scheme to address native vegetation removal at a time when development is ready to progress.
4. **Updates to Clause 11 of the Planning Policy Framework** – Strengthen local planning policy specifically for LENGA.
5. **Apply the Environmental Audit Overlay (EAO)** – There is one site where contamination is known and so it is necessary to apply the EAO to ensure that appropriate investigations are undertaken.
6. **Replace the ODP with the SFP in the Planning Scheme** – This update the strategic direction for the precinct and also ensure that the principles of the precinct can be upheld in decision making over time.

4.4.1 LANDOWNER CONSULTATION

Council contacted all landowners[9] (including representatives) in the precinct on 15 April 2024, informing them of the process for reviewing the planning framework for LENGA. Under a covering letter, landowners were provided a summary of the findings of the 2024 Review and the report was made available to all parties on request. A newsletter and frequently asked questions was also provided. 27 letters in total were sent out (along with supporting information). Three landowner representatives (local consultants) were also provided with the information.

In support, Council also organised a drop-in session and presentation sessions to present and discuss the findings of the 2024 Review on the 1 May 2024. Landowners were able to attend a general meeting or request an individual session to discuss the 2024 Review. Seven separate landowners attended the organised in-person sessions. No landowners requested separate or additional meetings.

Council invited any landowner and or their representative to make submissions during the period 15 April to 31 May 2024 (6 weeks). Council officers also made themselves available

[9] Landowners of unsubdivided land where the Development Contributions Plan Overlay (DCPO) of the East Gippsland Planning Scheme applies. This is because the 10 Year Review and its findings would only affect future development sites and not recently constructed dwellings or new residential lots already created.

to meet landowners during this consultation period to discuss the review or LENGA related issues. No submissions or feedback was received.

Additional updates were given to landowners in November 2025 and council officers met face to face with interested landowners. Minor changes were made to the documents as a result of this process.

5. Strategic context

The previous section identified the reasons why Council reviewed the LENGA planning framework and the key issues it raised requiring further action via amendments to the planning scheme. This section now considers the legislative and policy context relevant to the preparation of Amendment C161.

Amendment C161 proposes amendments to the Planning Scheme that will:

- Improve the efficiency and effectiveness of existing provisions within the Planning Scheme, notably by amending the Development Plan Overlay Schedule 8 (DPO8).
- Simplify the delivery of development infrastructure by removing the Development Contributions Plan Overlay Schedule 1 (DCPO1).
- Ensure that the method of delivering development infrastructure is financially sustainable.
- Remove the long-term uncertainty that a short-term focused NVPP creates, including the need for repetitive planning scheme amendments.
- Update the planning scheme to ensure that it is consistent with current policy and requirements to ensure that the scheme establishes reasonable expectations about the type and form of development that can be approved.

Amendment C161 is focused on the operation and application of the existing planning provisions that were chosen in 2014 to guide development in the LENGA precinct.

There is no reason re-examine the strategic basis surrounding the zoning or the use(s) of the land because no changes (to the zone) are proposed. It is considered that this was adequately considered by Amendment C112 and found to be sound. For this reason, this report only considers the strategic context relating to the proposed removal of the DCP and the related consequential changes required of the Planning Scheme, all of which is intended to improve the effectiveness of the planning scheme.

5.1 Policy and legislation context

The Planning and Environment Act 1987, as amended, (the **PE Act**) provides the overarching framework that guides the operation of the land use planning system in Victoria. Section 4 of the PE Act sets out the objectives for planning in Victoria. Most relevant to this amendment are the following:

> *a) to provide for the fair, orderly, economic and sustainable use, and development of land;*
>
> *b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*

Amendment C161 proposes to amend the planning scheme to ensure it continues to allow for the orderly and economic development of land. The proposed amendments are required

to enable development to progress with greater certainty and without financial uncertainty associated to the development contributions plan and development infrastructure.

Draft Amendment C161 also reflects the updated Victorian planning policy framework, including bushfire and waterways policies that now affect how development will need to respond to the natural landscape in the precinct. This responds to Objective b) above.

5.1.1 PLANNING POLICY FRAMEWORK (PPF)

The following provides a summary overview of the key State and local (as relevant) policy and strategies that apply to the consideration of the Amendment C161 – which are contained in the East Gippsland Planning Scheme. This includes relevant objectives and strategies which are discussed below:

Clause 11.02-1S – Development capacity

This clause sets out the following objective:

> *To ensure sufficient development opportunities are available to meet the needs of current and future Victorians*

It also sets out the following strategies (Council's **emphasis** added)

> *Ensure that **sufficient land** is available to meet forecast demand and the needs of current and future Victorians for commercial, retail, recreational, institutional and other community needs.*
>
> *Ensure that at least a 15 year supply of land and development capacity is available to meet housing targets.*
>
> *Plan to accommodate housing targets and **provide clear direction** on the locations where growth should occur and ensure sufficient realisable capacity in planning schemes.*
>
> *Ensure ongoing development opportunities and supporting infrastructure are available to support sustainable urban development.*
>
> *Planning for urban growth should consider:*
>
> - *Opportunities to consolidate, redevelop and intensify existing urban areas with good access to jobs and services.*
> - *The liveability of neighbourhoods and **delivery of quality urban landscapes**.*
> - ***The limits of land capability and natural hazards and environmental quality.***
> - ***Service limitations and the costs of providing infrastructure.***

The continued supply of housing land in the LENGA is an important strategic asset for the township. LENGA provides long term certainty about housing supply. This is particularly important because of localised longer-term uncertainties such as the impacts of coastal inundation, for example.

The 2024 Review has undertaken detailed monitoring and review of development trends, land supply and demand for housing in Lakes Entrance.

Maintaining a 'sufficient' supply of housing land requires Council to ensure that the planning provisions that apply to land can implement the intended outcomes effectively.

The 2024 review identified significant impediments to both developers and Council that the current planning scheme creates resulting from the application of the DCPO. Draft Amendment C161 will remove the DCPO from the LENGA precinct and apply a more simplified approach – one that will see developers ultimately deliver infrastructure works via the subdivision process. This is more familiar to the local development industry and consistent with other development settings across the municipality.

Proposed Amendment C161 is also supportive of the Victorian State Government's **Housing Statement**[10] and the need to deliver 11,000 new homes in East Gippsland by 2051. Ensuring the availability of a land supply with an enabling planning framework that allows decisions to be made quickly and efficiently is a key strategic consideration.

Proposed Amendment C161 also proposes to amend the Development Plan Overlay Schedule 8. The DPO8 originally sought to coordinate development however it had the opposite effect and required detailed documentation that did not produce a better outcome than could be achieved by a planning permit process. Overall, the DPO8 has created additional time and cost burdens to both Council and applicants. The revised DPO8 is a much simpler control that is consistent with the SFP and requires a PIP for shared infrastructure requirements.

A range of policies are relevant to housing growth and supply, settlement planning and key environmental, landscape and environmental risks that are relevant to the LENGA.

Notable policies include[11]:

- Clause 11.01-1L-04 – *Lakes Entrance* - sets out the general intent for growth in Lakes Entrance and identifies the LENGA as 'residential supply' i.e. housing growth area, on the Lakes Entrance Framework Plan.
- Clause 12.01-2S – *Native Vegetation Management* – the principle of 'no net loss' to biodiversity.
- Clause 12.02-1S *Protection of the marine and coastal environment*
- Clause 12.03 – *Water Bodies and Wetlands* – protect and enhance waterway systems

[10] See https://www.vic.gov.au/sites/default/files/2023-09/DTP0424_Housing_Statement_v6_FA_WEB.pdf

[11] This list is not exhaustive, and not every policy is included here. The reader should refer directly to the East Gippsland Planning Scheme to view all policies in full.

- Clause 12.03-1S – *River and riparian corridors, waterways, lakes, wetlands and billabongs* – to protect and enhance waterway systems, including river and riparian corridors, waterways, lakes, wetlands and billabongs
- Clause 12.03-1L – *River Corridors, waterways, lakes and wetlands*
- Clause 13.02 – *Bushfire* – to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- Clause 15.01 – *Built Environment* & relevant sub-clauses that set up objectives and strategies for achieving positive outcomes:
    - 15.01-1S – *Urban Design*
    - 15.01-2S – *Building Design*
    - 15.01-3S – *Subdivision Design*
    - 15.01-4S – *Healthy Neighbourhoods*
    - 15.01-4L – *Health and Wellbeing*

The 2024 Review found at Section 7.2 and 7.3 that the planning framework for the LENGA did not now adequately reflect updated policy and requirements, particularly in respect of the following:

- Bushfire & interface requirements
- Native Vegetation
- Waterways

Despite a need to better reflect policy and requirements in these areas, it is considered that the 2013 ODP did, nonetheless, acknowledge the need for a balance (of outcomes). The following extract from the ODP, for example, illustrates the value placed on the natural features of the site while recognising the need to achieve development outcomes.

> *The Outline Development Plan has been profoundly influenced by natural features, drainage and vegetation across the site. These elements create a striking natural setting with beautiful views thus offering excellent development opportunities for existing land holders. The ODP seeks to ensure that there is development equity for all land holders based on these constraints and opportunities.*
>
> Source: Section 4 of the 2013 Outline Development Plan

For any housing growth area, the transition from a rural to urban landscape needs to achieve a balance between competing policy objectives and requirements.

With limited development occurring during the first 10 years since rezoning, it means that most of the LENGA is affected by policy changes and new requirements that will apply to new development proposals, such as the most recent Bushfire Attack Level (BAL) dwelling construction requirements. This requires the planning framework to reflect outcomes that can reasonably be approved (under current policies and requirements).

The emphasis on reviewing any planning framework for a housing growth precinct is dependent on the extent to which development has already occurred. If, for example, the LENGA was well advanced, largely built out and development approvals in place for the

balance of undeveloped land, the need to review and update the planning framework would be significantly diminished given the limited role it could expect to play in any future decision making. This is not the case in the LENGA.

When considering changes to policy and how this should be incorporated by the planning framework for the LENGA by any review, Victorian planning calls for an integrated approach. This is directed by Clause 71.02-3 in all Victorian Planning Schemes, which is discussed in more detail below.

5.1.2 INTEGRATED DECISION MAKING

The need for integrated decision making is addressed by the Planning Scheme at Clause 71.02-3 - *Integrated decision making*. It includes the following:

> *Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.*

Of particular relevance to the LENGA, given its designation as a bushfire prone area and the part application of the Bushfire Management Overlay (BMO), Clause 71.02-3 continues by establishing the priority in decision making toward the protection of human life:

> *However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.*

The practical application of 'integrated planning' in a bushfire prone area is challenging, but one that has been tested by VCAT in a significant 'red dot' decision in the Yarra Ranges Shire Council municipality[12]. In this decision, VCAT made specific observations about *integrated decision making in the context of bushfire risk*.

When considering a proposal for a new dwelling in the Rural Conservation Zone (RCZ) where the Bushfire Management Overlay (BMO) applied, VCAT made the following observations, with Council **emphasis** added:

> *220 This is a bushfire affected area where the protection of human life must be prioritised over other policy considerations. What is required to protect human life takes priority over protection of biodiversity or conservation.* ***However, this does not mean that you can ignore all these other policy objectives****.*
>
> *221 The measures proposed by the permit applicant in his attempts to maximise bushfire protection, in terms of the amount of clearing round the dwelling and the amount of earthworks required for the swimming pool and*

12 See Department of Environment, Land, Water and Planning v Yarra Ranges SC (Red Dot) [2019] VCAT 323 - VCAT Reference No: P866/2018

*water tanks, will be contrary to many of the policy objectives relating to the environment, biodiversity and water quality. **We do not accept that the requirement to prioritise the protection of human life provides a justification for ignoring these objectives or nullifying them**.*

222 This is made clear in clause 13.02-1S, which provides as follows:

Areas of biodiversity conservation value

*Ensure settlement growth and development approvals can implement bushfire protection measures **without unacceptable biodiversity impacts** by discouraging settlement growth and development in bushfire affected areas that are important areas of biodiversity.*

Use and development control in a Bushfire Prone Area

When assessing a planning permit application for [accommodation]:

• Consider the risk of bushfire to people, property and community infrastructure.

• Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.

*• Ensure new development can implement bushfire protection measures **without unacceptable biodiversity impacts**.*

[Tribunal emphasis]

223 In other words, a balance is required. Whilst it is recognised that bushfire protection measures may impact on biodiversity, the impacts must be acceptable.

*224 If the Tribunal takes the view, as Senior Member Hewet did in the McRae case, that this proposal is antithetical to prioritising human life, this is a sufficient reason in itself to refuse to grant a planning permit. However, in applying the principles of integrated decision making set out in clause 71.02-3, we reach the conclusion that the proposal also fails to achieve the objectives of net community benefit and sustainable development for the benefit of present and future generations. This is in addition to our finding that it would not, in this bushfire affected area, where planning and responsible authorities must prioritise the protection of human life over all other policy considerations, achieve this objective either**. Rather, to grant a permit in this case would prioritise residential development at the expense of the protection of human life**.*

It is clear that there are a range of natural attributes within the LENGA, including waterways and native vegetation. The importance of waterways, water and native vegetation, from a climate change and resilience and biodiversity perspective, have continued to benefit from a strengthened planning policy framework at State level. This should be reflected in local plans and policies as part of regular reviews. Likewise, the challenges of delivering sufficient housing in Victoria and across Australia continue to escalate.

Careful consideration of a range of competing policy objectives and requirements, in line with the observations of the above referenced key VCAT decision, should continue to allow the successful integration of housing growth and protection and enhancement of the natural environment in the LENGA.

5.1.3 FURTHER DISCUSSION OF RELEVANT POLICY AND REQUIREMENTS ELSEWHERE IN THIS REPORT

Section 7.2 contains further detailed discussion of policies and requirements specific to the consideration and practical implementation of outcomes in relation to bushfire, waterways and native vegetation that are introduced in this section.

5.2 Conclusions

Draft Amendment C161 is well supported by current strategic planning policy. Ensuring there is enough land for housing depends on a planning framework that is easy to apply and helps to enable clear integrated decision making. Strategic planning should also reflect land capability and the most up-to-date policy requirements to set realistic expectations for development.

It is important to regularly review and update the planning framework. This should be informed by accurate data analysis and assumptions to underpin complex planning mechanisms, such as deciding to apply a DCP - or to remove it. Amending the planning scheme to reflect current policy and development conditions and implementation challenges is readily anticipated by the Victorian planning system, evidenced for example by the advice contained in the State Government's DCP Guidelines and Planning Practice Note 23 referenced earlier in this report.

Amendment C161 is guided and informed by the legislative and strategic policy context outlined herein with the intent to deliver a planning framework for the LENGA that is fit-for-purpose, in line with policy and best practice, balances competing objectives and will enable integrated decision making.

6. Preparing the amendment

Informed by the key considerations and legislative and policy context detailed in the previous sections, this section provides an overview of the process for preparing draft Amendment C161. It addresses the following substantive matters:

- Removal of the Development Contributions Plan Overlay Schedule 1 (**DCPO1**) from the LENGA precinct.
- Amendment of the Development Plan Overlay Schedule 8 (**DPO8**).
- Removal of the Native Vegetation Precinct Plan (**NVPP**) from the Schedule to Clause 52.16.
- Preparation of the Strategic Framework Plan (**SFP**) and insertion into the scheme as a Background Document.
- Updates to the Planning Policy Framework (**PPF**) pertaining to LENGA.

It includes summary details of the supporting technical background documents that have informed the above. The following discusses the above in sequential order.

6.1 Removal of the Development Contributions Plan Overlay

Council relies on the **2024 Review** to provide the strategic basis and justification for the removal of the DCPO from the LENGA precinct. It should be read in conjunction with this report. The key issues of that review were summarised in Section 4 in this Background Report.

The ten years since Amendment C112 was approved have highlighted key challenges with the DCP that have manifested themselves but were first raised in the 2014 Planning Panel Report. These included:

- Uncertainty relating to the years of housing land supply needed,
- When land might actually be needed for development.
- Financial risks/ uncertainty associated to the DCP model.
- Delivery/ Implementation of the DCP projects.

These issues would, today, clearly raise concerns about applying a DCP in the LENGA. They are, however; illustrative of the broader challenges that regional Councils have historically encountered when considering the use of the DCPO. They are a tool best suited to high growth development settings. This is discussed in more detail in the following section.

6.1.1 THE CHALLENGES OF APPLYING A DCP IN A REGIONAL DEVELOPMENT SETTING

Development contribution plans are complex and challenging. Regional Councils, led by the City of Wodonga, undertook to prepare a 'Regional DCP Toolkit'[13] in 2020 to help better inform Councils about the options, including the advantages and disadvantages, of applying different infrastructure delivery mechanisms through planning schemes. The need to prepare this document was recognition of the challenges faced by regional councils around matters such as lack of knowledge and skills associated to DCPs or when to use them.

The shortcomings summarised in the previous sub-section and addressed in detail by the **2024 Review** are acknowledged as challenges and risks in the Regional DCP toolkit, as per the replicated image from it below:

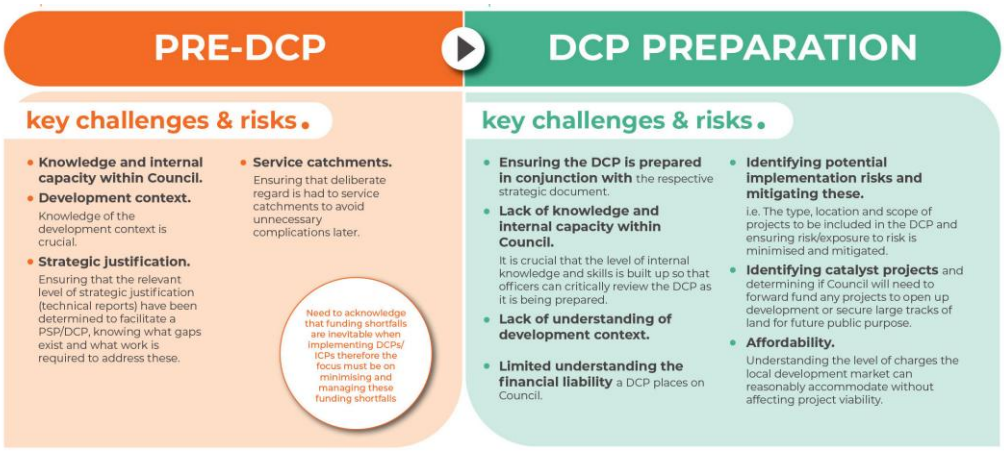


Figure 2 - Extract from the DCP Toolkit - Development Contributions Information Manual

At the time Council prepared Amendment C112 prior to its approval in 2014, DCPs continued to be an emerging infrastructure funding tool in Victoria, predominantly used in metropolitan greenfield settings. The unique challenges of considering and applying a DCP in a setting such as Lakes Entrance did not benefit from technical guidance, such as the DCP toolkit. This can be seen from the 2014 Panel Report and the lack of rigour associated to testing of key inputs – being the accuracy of construction rates (housing demand) and projected growth that would determine whether the DCP would be viable.

The challenges for Victorian Councils are further highlighted by the Victorian Auditor General's Office (VAGO) report *Managing Development Contributions* (March 2020). In it, it highlights the following:

[13] Regional DCP Toolkit – Development Contributions Information Manual, Julu 2020), prepared by Mesh (with financial assistance from the Victorian Planning Authority).

DCP barriers and risks to council participation

The DCP program carries significant barriers and risks for councils. Only 24 councils collected contributions through a DCP in 2017–18 or 2018–19, despite all 79 being able to create one. Issues include the:

- *cost of developing a DCP*
- *time it takes to develop and have a DCP ministerially approved*
- *complexity of DCPs and the expertise required to manage them effectively*
- *financial risks of entering into a DCP. For example, a DCP locks in councils to deliver infrastructure projects, even if development does not proceed and the council cannot collect levies.*

These barriers and risks mean that some councils do not want to participate, leaving them without a formal program to obtain development contributions and therefore missing opportunities to fund community infrastructure in this way. DELWP has not advised the government about ways to address this.

The VAGO report also details that of 79 Victorian Councils, only 24 had active DCPs in the period 2017-18 or 2018-19. Seven of those were the metropolitan growth area Councils but accounted for 92% of DCP contributions.

The 2024 Review clearly evidences that many of the challenges and risks associated to DCPs highlighted by VAGO apply to the LENGA since Amendment 2014 was approved.

The subsequent availability of resources such as the DCP Toolkit, ten more years of learnings from other DCPs and planning panels that have considered them across Victoria, and the practical realities of trying to implement the planning scheme in the LENGA, all now provide a much broader platform to review and evaluate the suitability of the DCP for the LENGA.

Amendment C161 addresses the identified shortcomings associated to the DCP by removing it. Instead, planning will revert to a simplified and pragmatic planning approach that best suits the development context. This includes the requirement for a PIP to be prepared as part of the development plan and for this to then be uplifted into planning permit conditions and Section 173 legal agreements.

6.1.2 IMPLEMENTATION OF THE DCP DRAINAGE INFRASTRUCTURE PROJECTS.

The 2024 Review found that the decision to prepare the DCP did not adequately understand the implementation of the drainage infrastructure projects included into it. The DCP drainage solution requires very specific sequencing to implement it, without having regard to

the intent of landowners, development timing and funding. Consequently, fragmented land ownership, limited developer interest and low levels of development activity would likely result in a probable scenario that land parcels could be sterilised if the specific DCP drainage solutions could not be realised. The alternative of 'interim' solutions, delivered to the same best practice standard, would most likely become prohibitively expensive[14] and all with no certainty about when an ultimate solution might be delivered. The question of development staging and sequencing in the precinct is also relevant and discussed further through Section 7.1.2 of this report.

With a range of precinct challenges evidenced by the 2024 Review, including demand for housing, land fragmentation and overall build out time possibly extending to 80 years for the precinct (when the DCP assumed 30), the DCP approach to drainage is not sufficiently flexible to this unpredictable and very long-term development context. Alongside DCP funding uncertainty, the approach to drainage required an alternative and more adaptive approach be considered.

The 2024 Review outlines the evolution of Council's approach toward drainage for the precinct, culminating in the preparation of the Lakes Entrance Northern Growth Area (LENGA) – Revised Drainage Strategy (Version 2), April 2024 by Stormy Waters Solution (**SWS**)[15]. It is a preferred strategy because it represents the most efficient outcome for the precinct.

Notwithstanding, drainage consultant SWS addresses the implementation challenges (see Section 9 of its report) associated with the principle of a regional drainage strategy for the precinct. Its comments are applicable to either the original DCP drainage strategy prepared by Water Technology or the 2024 SWS Strategy. In summary, SWS acknowledges that greater flexibility be adopted by Council to pursue drainage solutions in response to development timing, which land parcels come forward and possible Council funded drainage projects outside the precinct.

6.1.3 COMMUNITY INFRASTRUCTURE IN THE DCP

Long term growth of the LENGA precinct would not generate the need for any additional community infrastructure projects, which was the conclusion of the original '*Lakes Entrance Northern Growth Area Social Impact Assessment*', 2012 or **2012 SIA**[16]. The 2024 Review found that the DCP incorrectly attributed 100% need for community infrastructure projects (outside the precinct) to the LENGA precinct, rather than applying a proportional nexus.

---

[14] It would require developers to not only deliver best practice 'interim drainage solution, but also pay development contributions toward the DCP drainage scheme as well paying to remove the interim solution. The 2024 Review considered this in more detail.
[15] Noting that the 2024 Review relied on the earlier Version 1 of the Stormy Waters Solution Drainage Strategy prepared in 2022. While some edits to the 2022 SWS Strategy document have since occurred to finalise it, the actual strategy remains the same in both versions.
[16] See : https://cdn.prod.website-files.com/5f10ce18aa01d050c26b7c5e/5fc58b34221aea1e6e590f0a_lakes_entrance_northern_growth_area_social_impact_assessment_2012.pdf

Since the original DCP was prepared, none of the community infrastructure projects identified within it remains an actual project or has been constructed. Council does not have a current community infrastructure plan or list of community infrastructure projects for the Lakes Entrance township. For this reason, there is no strategic basis to continue to apply a community infrastructure levy to the precinct until such time as broader planning work for the township is completed. To date, no community infrastructure levy has been collected.

6.1.4 OPEN SPACE PROJECTS AND THE DCP

Open space can be addressed through Clause 53.01 (*Public Open Space Contribution and Subdivision*) of the Planning Scheme as an alternative to the community infrastructure levy toward local parks.

6.1.5 ROAD INFRASTRUCTURE PROJECTS AND THE DCP

The LENGA DCP did not contain any road projects. Recognising that the original Outline Development Plan prepared by SMEC was not supported by a traffic and transport assessment, despite references to such in it, Council engaged traffic consultant One Mile Grid (**OMG**) to undertake an assessment to review the ODP and consider the requirements for roads, intersections and public transport provision. In its report, titled Lakes Entrance North Growth Area – Traffic and Movement Assessment (August 2024), OMG found no support for shared transport infrastructure projects that would merit inclusion into any DCP.

A key connector road (east-west) shown in the ODP was intended to serve a higher purpose role within the precinct (including bus route & shared path). It would come with elevated construction requirements to perform such a role, including the need to address waterway crossings and slope in order to meet required accessibility and gradient standards. No allowance was made by the DCP for its delivery to serve this higher order precinct function, with individual landowners expected to cover the costs.

The OMG report has considered both the need and potential cost implications of including this road into any DCP given the precinct scale function the ODP attributed to it. OMG has concluded that (summarised by Council):

- There is no need for the east-west collector road from a traffic dispersal/ movement perspective.
- Any benefit of this route would be to provide inter neighbourhood connectivity and enhanced access i.e. a nice to have but not essential.
- Bus routes can be provided on external circulating roads around the precinct.
- The cost of the east-west connector would be an estimated $23 million, equating to a per hectare development contribution of $245,219 just for road projects.
- This would represent a cost increase of 182% on the current DCP costs, increasing the per hectare DCP charge from $129,218 (in 2024 costs) to $364,436.
- Benchmarking against other DCP road costs across Victoria indicate this would far exceed typical road infrastructure costs.
- In the opinion of OMG, the limited benefit of this road, from a traffic and movement perspective, would not be viable for inclusion within any DCP.

The OMG report is considered in more detail in Section 7.3.4, including alternative road delivery options to replace the east-west connector.

6.1.6 CONCLUSIONS ABOUT THE REMOVAL OF THE DCPO FROM THE LENGA

Overall, the work that has been undertaken to support Amendment C161 finds that there is no strategic basis to continue to apply the DCPO to the LENGA precinct. The precinct build out period of up to 80 years makes a DCP an unviable and unworkable option (where 20-25 years is a typical DCP development horizon). Alternative and more straightforward options exist to provide development infrastructure through developer works (at a feasible scale) at development plan and subdivision stage, which is typical of all other development settings across East Gippsland.

6.2 Amendment of the Development Plan Overlay Schedule 8.

Amendment C161 proposes to also amend Schedule 8 to the Development Plan Overlay at Clause 43.04 of the Planning Scheme.

Originally the DPO8 sought to coordinate development between the 30 different land holdings and owners, encourage development to occur in a sequential order and require infrastructure to be delivered as per the DCP. The DPO also attempted to uplift the ODP requirements into the planning scheme.

Unfortunately, the DPO8 has had the opposite effect and has actually stifled development. Since the LENGA precinct was rezoned in 2014, there is limited evidence that landowners are willing to prepare coordinated development plans across multiple properties in the LENGA. With projected land supply in Lakes Entrance (township) now estimated to be in the order of up to 80 years, this will likely keep a limit on the demand for land at any given time. Consequently, the incentive to bring forward coordinated development plans (for the whole precinct) will be constrained by these factors.

Furthermore, the DPO is overly detailed and repeats requirements and conditions that are found elsewhere in the scheme (especially Clause 56 requirements and the DDO).

The amended DPO8 has been re-written to accord with the new SFP and to comply with form and content requirements. Importantly, it requires the preparation of a Precinct Infrastructure Plan (PIP) to ensure that any shared infrastructure (such as drainage) is captured and can be uplifted in planning permit conditions and/or legal agreements It is the intention that Council will prepare an overall Development Plan for the precinct to reduce red tape, unlock development opportunities and avoid the need for multiple development plans to be individually prepared and assessed.

6.3 Removal of the Native Vegetation Precinct Plan

Amendment C161 will remove the Native Vegetation Precinct Plan from the Schedule to Clause 52.16 (*Native Vegetation Precinct Plan*). The amendment:

- Removes the Native Vegetation Precinct Plan (NVPP) titled *Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan* (October 2013, Amended 2023) by deleting it from Clause 1.0 of the Schedule to Clause 52.16 (Native Vegetation Precinct Plan).

It is the intention that Clause 52.17 (Native Vegetation) will become the default planning control for the assessment and removal of any native vegetation in the precinct. This is the case everywhere else in the municipality. This change continues to adopt the same 'avoid', 'minimise' and 'off-set' approach toward native vegetation in the precinct under the NVPP.

Removal of the Native Vegetation Precinct Plan

The continued application of the Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan (LENGA NVPP) is not suited to the slow and uncertain rate of development and the long development horizon projected for the precinct.

As recognised by the NVPP and by the 2012 Panel Report[17], one of the key purposes of preparing the NVPP was to '*streamline the planning approvals process in future by taking a landscape approach to native vegetation and habitat protection and management*'.

Since the approval of the LENGA NVPP, prepared in 2012, no vegetation has been removed under it. Hindsight provides clear evidence that the NVPP was not aligned with actual development rates and that there has been no value or purpose to implementing an NVPP across the whole precinct in advance of development.

The State Government guideline '*Preparing a Native Vegetation Precinct Plan'* (2017) highlights that an NVPP doesn't account for changing circumstances being considered over such a long period. Any NVPP in this uncertain development setting will become repeatedly outdated and/ or require additional applications for permits alongside it due to the limited currency it will hold.

A NVPP has a limited lifespan – typically considered to be ten years before its currency drops away (due to ageing data). The NVPP Guidelines say this about an NVPP:

[17] See page 24 of the 2014 Planning Panel Report.

> *'…most plans will operate over a long timeframe and during this time circumstances may change. The permit process is the most efficient process for considering such changes.*
>
> (Council emphasis)

As above, a NVPP doesn't allow for changing circumstances (it is generally time limited). It is also not binding. A permit can be applied for at any time to remove vegetation identified to be retained or not identified at all by an NVPP. The NVPP guidelines are clear that:

> *'It is a principle of Victorian planning schemes the permit is the principle instrument of development approval…'*

To remove these uncertainties, the LENGA NVPP is removed. The default provisions of Clause 52.17 (*Native Vegetation*) will apply at the time development comes forward. This embeds the same 'avoid', minimise and off-set approach toward native vegetation as applies presently.

The amended Development Plan Overlay Schedule 8 (DPO8) will support this by requiring all development plans to undertake appropriate and up-to-date biodiversity assessments. Planning decisions can then be made based on conditions of the day and the most current survey information. This will remove all doubt about what is required to address biodiversity requirements at the time of development. Property owners will have the option of preparing property vegetation plans under Clause 52.17, which may suit larger staged developments. This can mirror the purpose of preparing an NVPP at a smaller scale. Council will support this approach for larger scale developments.

The SFP will continue to establish a strategic landscape approach to development across the precinct, including the role of waterway corridors, the identification of high value native vegetation and habitat corridors.

6.3.1 NATIVE VEGETATION BACKGROUND REPORT

Consultant Practical Ecology undertook a review of the 2014 planning framework in respect of native vegetation and the Native Vegetation Precinct Plan: *Lakes Entrance Northern Growth Plan Native Vegetation Precinct Plan Review*, March 2025 (the **PE Review 2025**).

A key focus for the review was whether a new NVPP is required; if the existing NVPP can be utilised for future planning within the LENGA precinct in the context of long-range growth projections or whether it could be removed.

Table 5 on page 44 of the PE Review 2025 highlights the 'pros' and 'cons' of the current NVPP. The report highlights the currency of information underpinning the 2012 NVPP and to what extent it could remain relevant.

The PE Review 2025 provided three options for progressing:

1) Retain the existing NVPP with individual applications addressing Clause 52.16 permit requirements for any additional clearing.
2) Create an updated NVPP based on current site conditions, or
3) Dissolve the NVPP and have individual developers address Clause 52.17 individually.

It is noted that there is no compulsory requirement to pursue or maintain a NVPP, noting that with an end date – they lapse in any event.

The PE Review 2025 highlights that one of the benefits of the NVPP is the ability to consider vegetation loss at a strategic landscape level, where under the provisions of Clause 52.17, native vegetation loss is assessed at a site-specific level.

It is considered that because a precinct-wide plan forms part of the strategic planning framework (the SFP), this continues to maintain a whole-of-landscape approach. This will ensure the coordination of a broad range of outcomes, including native vegetation retention, connectivity, waterways, bushfire and development that responds to its setting. The SFP provides the opportunity to consider the outcomes of any development plan holistically, including the retention or loss of native vegetation. The SFP is informed by a base of precinct-wide work, including the 2012 Biodiversity Assessment, the 2013 ODP and 2013 NVPP. This has shaped the landscape scale strategic approach to planning for the precinct that development will need to respond to. The maps in the SFP that show vegetation to be retained (a preferred outcome), are based on the 2012 biodiversity assessment. It should be noted that a new requirement for any development plan (under the updated DPO8) will be to undertake new biodiversity assessments under the provisions of Clause 52.17 (Native Vegetation) of the Planning Scheme. This will occur at a time development is to occur and help to ensure currency in any assessments.

The PE Review 2025 considered that the drafting of the SFP addressed a number of concerns raised about the existing NVPP but that a number of items still needed to be accounted for in the plan to ensure ecological values across the LENGA can be addressed in perpetuity (see page 46 of the PE Review 2025). Accordingly, Practical Ecology was then instructed to provide the additional requirements needed to address the gaps in the revised planning framework that it had identified. These have informed the DPO8 Schedule and have been included into the final draft SFP.

7. Strategic Framework Plan

7.1 Introduction

Amendment C161 will make the new LENGA Strategic Framework Plan (SFP) a *Background document* to the Planning Scheme. The key role of the SFP is to provide the strategic context and the basis for development and to implement the desired outcomes of the SFP.

The SFP updates and replaces the 2013 ODP. The reasons for updating the SFP were first highlighted in the 2024 Review and introduced in section 5.1 of this Background Report. They are discussed in more detail in the following sections, along with summarising the key policy and requirements that now influence planning in the precinct. A number of background technical studies have also been completed to inform this work. These are summarised, along with their findings that have been incorporated in the SFP. This section then concludes with an overview of how the SFP was prepared.

7.1.1 BACKGROUND

The **2024 Review**, through Sections 6 and 7 discusses the role of the ODP and need to update it. Section 6, in summary, found the principle of a document, such as the ODP or similar, to guide development of the precinct an essential planning tool.

Section 7 of the **2024 Review** identified instances where the ODP did not reflect current State policy or planning requirements, such as bushfire planning. It also concluded that there was a level of coordinating detail missing from the original ODP, such as the identification of future vegetated waterway interfaces and setback considerations.

A key example of the need to update the ODP to reflect current State policy, strategies and requirements is bushfire planning. It has consequential considerations for development in the precinct because of the overlapping requirements of waterways and native vegetation, slope and setbacks. It has been necessary to reconsider the ODP approach to these key requirements to ensure that the new SFP adopts a more integrated approach, sets realistic expectations about development outcomes and provides clear guidance about what development proposals will need to respond to during future approvals processes.

These matters are considered alongside other policy objectives in the following sub-sections.

7.1.2 WHY IT IS IMPORTANT THAT THE PLANNING SCHEME PROVIDES WHOLE-OF-PRECINCT COORDINATION.

A key challenge, already identified by Council in this report, is the fragmentation of land ownership in the precinct coupled with the significant quantum of land supply that the LENGA provides in Lakes Entrance. Together with economic conditions, this provides much uncertainty about how, where and when development might occur in the precinct.

This supports the need to continue to provide a planning framework to coordinate development with 'up front guidance' to ensure that, in a scenario of multiple development applications, there is an overarching framework guiding their preparation (the SFP).

The natural landscape of the precinct, including waterways and sloping topography will also likely impact on which parts of the precinct come forward for development first. Typically, sites with less constraints are more desirable to developers. Flatter unconstrained land being the easiest and most cost effective to develop. Not all land can be considered equal in the precinct.

This emphasises the need and role for Council to prepare a guiding framework to coordinate development plan preparation. This is further emphasised by the discussion about staging by the Planning Panel in 2014, as discussed below.

Considering the issue of staging, the 2014 Planning Panel Report, at section 2.5, discussed this matter, but ultimately made no recommendation around staging:

> *As noted above there were differences of opinion among submitters regarding the Council's decision not to include a staging plan of some form into the ODP for the LENGA. The introduction of a staging plan would facilitate the more orderly and economic provision of infrastructure, reduce the likelihood of isolated pockets of development, and be likely to improve the returns from the developments that do take place. On the other hand, not specifying a staging sequence leaves maximum flexibility for the market to determine the rate of development and reduces the risk of landowners in parts of the LENGA identified for early development limiting the rate of development with a view to achieving higher land prices. It is also worth noting that there is existing development (of varying densities) on both the eastern and western boundaries of the LENGA and no part of the Growth Area is very distant from the centre of Lakes Entrance.*
>
> Note: Council emphasis added.

As per the underlined text in the above extract, the Planning Panel recognised one of the challenges of land ownership and staging present in the precinct. While the panel referred to land pricing, there is also the issue of landowner intent, noting that landowners may simply wish to continue to use the land for its current purpose, particularly when faced with limited demand for housing land. These uncertainties about what land and when it might be developed are the same challenges that undermine implementation of the DCP drainage strategy that requires specific sequencing[18].

[18] As discussed at length through Section 11 of the 2024 Review.

Understanding this development context, the 2014 Planning Panel found, overall, that the production of the ODP was appropriate as a way of planning holistically i.e. coordinating future outcomes:

> *On balance the Panel considers that Council's decision to take a long term view and produce an ODP for the whole of the LENGA is appropriate. Planning holistically for the future development of the Growth Area, even if this extends over three or more decades, enables the design of road and path networks, drainage systems, native vegetation plans, and the assessment of community facility needs to be approached in an integrated and more efficient way.*

Council continues to agree with the Panel that the strategic importance of planning holistically, given the development conditions and context associated to the LENGA, is vital.

7.2 Current policy context & new requirements

The Planning and legislative framework relevant to the LENGA was summarised in Section 5. It highlighted that the planning policy context has evolved in the ten years since Amendment C112 was approved. This section considers specific policy and requirements in more detail that are applicable to updating the ODP into the SFP.

Notable areas of policy focus have been on the environment and climate adaptation and resilience. This has seen the State Government release a number of plans, including Water for Victoria (2016), Protecting Victoria's Environment - Biodiversity 2037 (2017), Victoria's Climate Change Strategy (2021[19]) and recently, the Housing Statement (already discussed in section **Error! Reference source not found.**). Changes to the Planning Policy F ramework (PPF), that sit within all planning schemes in Victoria, have occurred alongside the release of many of these plans and strategies.

At the time Amendment C112 was approved in 2014, the Bushfire Management Overlay (BMO) had not been applied to the LENGA precinct, albeit it was imminent at a time of an evolving policy context. New buildings were also required to achieve a maximum Bushfire Attack Level (BAL) construction rating of BAL-19 in 2014. Today that requirement has been increased to BAL-12.5.

Since 2014, the State Government has continued to evolve policy and requirements in response to the recommendations of the 2009 *Victorian Bushfires Royal Commission.* Victorian Planning Provisions (VPP) Amendment VC109 (July 2014) was followed by Amendment VC140 in 2017 – the most recent update to provide '*directive strategies to manage bushfire risk in planning and decision making*'[20]. As a result, Clause 13.02-1S (Bushfire Planning) includes the following requirement for strategic planning:

> *Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).*

Such changes (and others highlighted by the **2024 Review**) establish a need to ensure that the planning framework for LENGA continues to accurately reflect current requirements and establish reasonable expectations about what might reasonably be considered for approval at planning permit stage. This includes the ability to demonstrate BAL-12.5 compliance.

The LENGA precinct contains a significant number of waterways. State policy was recently reinforced through Amendment VC201 to the VPPs in December 2022[21]. It introduced an

[19] Under the Climate Change Act 2017, Victoria is required to prepare a strategy every five years.
[20] See Planning Advisory Note 68 - Bushfire State Planning Policy Amendment VC140, March 2018.
[21] See: https://planning-schemes.app.planning.vic.gov.au/Victoria%20Planning%20Provisions/amendments/VC201

updated Clause 12.03-1S (*River and riparian corridors, waterways, lakes, wetlands and billabongs*) and sets out a range of strategies and policy guidelines that planning is expected to consider.

Amongst the strategies within the above Clause are the following under the heading '*Enhance a sense of place and landscape identity…'*, where it sets out the following strategies to help achieve this by:

- *Retaining and re-establishing vegetation, including grasslands and canopy trees, surrounding waterway systems to enhance and connect to the landscape setting, ensuring it responds to the bushfire risk of a location.*
- *Protecting existing topographic features and maintaining a sense of naturalness through sensitive design and siting.*

Planting and vegetation are important for waterway health.

Given the intended role of waterways in the LENGA precinct, the Clause also contains the following:

Retain and enhance the recreation and amenity values along waterway systems by:

- *Planning for surrounding green spaces as recreation and tourism resources without adversely impacting environmental values and flood management capacity.*
- *Protecting and enhancing parklands for their economic, social and environmental values.*
- *Protecting and enhancing public access to waterway systems and surrounding parklands.*
- *Enhancing existing and providing new green links, pedestrian and cycle connections and open space.*
- *Discouraging privatisation of spaces that interface with or provide access to waterway systems.*
- *Avoiding overshadowing of waterway systems, their banks and adjacent public open space.*
- *Promoting safety by maximising visibility and passive surveillance and providing good connections and access.*

Under the current planning provisions that apply to the LENGA, Amendment C112 dealt with waterways in a number of ways. This included the following requirement within Clause 4.0 of the current DPO8, which was requested by the Catchment Management Authority:

A buffer zone of 30m each side of waterways in accordance with the Water Act 1989 under which identifies the 100 year flood study extent must be set aside for ecological purposes

- *The buffer must include a core riparian zone extending to 10 metres on both sides of the waterway which includes riparian vegetation consistent with the relevant Ecological Vegetation Class for the location,*
- *The remainder of the buffer must include a second outer zone consisting of ground covers, sedges and grasses consistent with the relevant Ecological Vegetation Class for the location*
- *This buffer zone should also generally accord with the Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan (October, 2013).*

The buffer zone has now been increased to 50m each side of a waterway as a result of a recent statewide amendment in 2025 and the East Gippsland Waterway Management Guidelines manage most of the elements listed within the DPO8. The CMA has advised of changes to these requirements, which can be dealt with as part of planning permit referrals.

The 2013 ODP did not bring together the overlapping challenges of revegetating waterway corridors (future state), balancing bushfire impacts and future development interfaces, particularly in a sloping landscape. As such, the land use implications are not considered to be clearly demonstrated. In part, this can be explained by the requirements of the day. Over the last ten years, the changing practices toward bushfire planning in metropolitan precinct structure plans, for example, also illustrate gaps in the current ODP that the SFP can adopt and apply to the LENGA precinct (discussed in Section 6.2.1 below).

The 2013 ODP contains a more indirect indication of matters that are required to be addressed. For example, under the heading '*Environment Objectives* on page 23 of the ODP, it contained the following more generalised objective:

> *Encourage the preparation of Landscape plans which comprehensively integrate open space, reserves, streetscapes, pathways, buffers, entrance features, protected and retaining vegetation including offset areas and any vegetation to be managed for bushfire risk recognising multiplicity of roles and outcomes.*
>
> Source: Page 23 of the 2012 ODP, under the heading *Environmental Objectives*.

The effect of this approach is considered to unintentionally mask the impacts on development outcomes, instead leaving them to be discovered later in the development process (preparation of landscaping plans). It is considered that this should be addressed more transparently and reflect current requirements.

The ODP limited its consideration of waterways to ecological and waterway health when considering precinct constraints:

> *The LENGA includes a number of existing waterways which require an ecological buffer area though the development. These waterways are connected with the wider Gippsland Lakes network and therefore careful design and maintenance of storm water treatment is required in the LENGA.*
>
> Source: Page 19 of the 2012 ODP, under the heading *Constraints*.

There is a prevalence of waterways in the LENGA, illustrative of its undulating topography. They create a significant impact on the precinct land budget, with approximately 50 hectares of land encumbered by these corridors. The dynamics of slope in this landscape, in the context of future vegetated waterways and bushfire setbacks, will create setback requirements that will extend beyond the encumbered waterway corridors. The exact extent will vary depending on the degree of slope and vegetation classification.

For these reasons, the SFP provides more explicit up-front guidance around the impacts and requirements of slope, vegetation and bushfire planning to demonstrate how planning has adequately considered and balanced the requirements of State bushfire policy and other competing objectives.

To inform this process and the preparation of the SFP, there are a range of tools and mechanisms being used elsewhere in Victoria that respond to current requirements. These are briefly discussed below.

7.2.1 HOW IS BUSHFIRE ADDRESSED BY PLANNING ELSEWHERE IN VICTORIA?

Examples of addressing bushfire planning are well established in metropolitan Melbourne growth area precinct structure plans. Emerging practice is to apply bushfire hazard mapping (see **Figure 3** below) and interface treatments, such as cross sections to provide clear guidance about existing and future hazards and to guide future outcomes[22].

Some approaches are shown in the following figures.

[22] See for example Beveridge North West PSP (draft): https://vpa-web.s3.amazonaws.com/wp-content/uploads/2021/11/Beveridge-North-West-PSP-Mith-C158-Draft-Precinct-Structure-Plan-November-2021.pdf

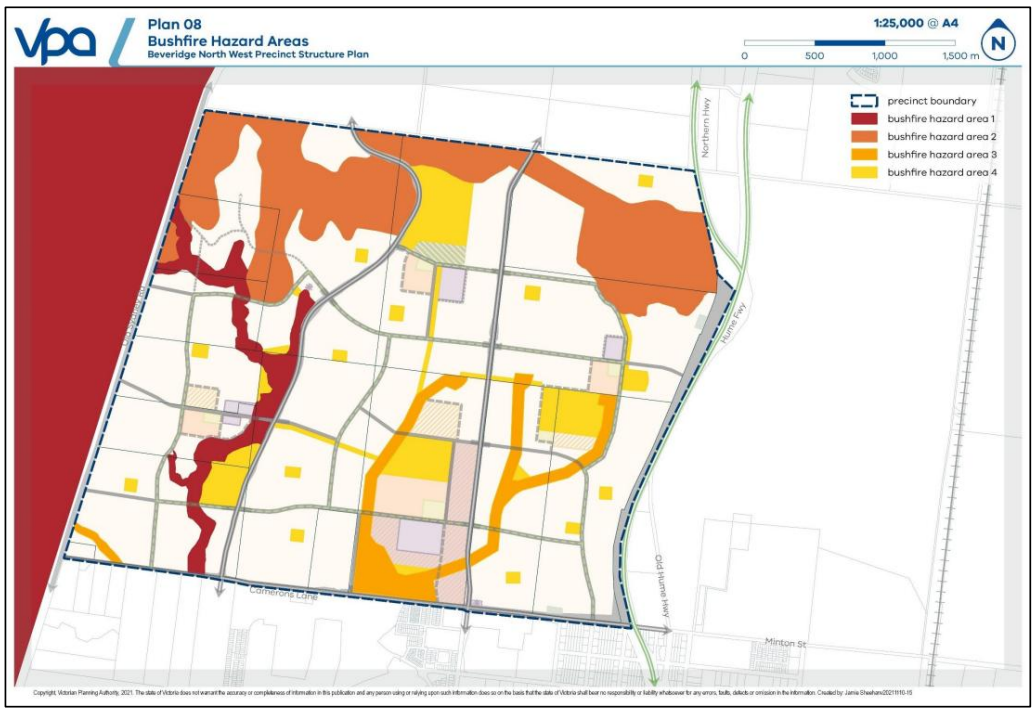


Figure 3 - Example of bushfire hazard map contained in draft Beveridge North West Precinct Structure Plan (2022)

The draft Beveridge North West Precinct Structure Plan (2022) proposes a combination of the bushfire hazard mapping and a table of required setbacks (albeit doesn't consider slope) to establish clear requirements for addressing bushfire hazards.

Table 8 - Bushfire Hazard Vegetation Management & Setback Requirements

	Bushfire hazard area 1	Bushfire hazard area 2	Bushfire hazard area 3	Bushfire hazard area 4 and streetscapes
Vegetation management class	Woodland	Grassland	Low threat	Low threat
Setback Distance from Bushfire Hazard Area	33m	19m	0m	0m

Figure 4 - Table of bushfire setbacks required for different vegetation settings in the Beveridge North West PSP area.

A common practice is the development of cross sections to provide guidance about how planning should incorporate defendable space setbacks. Below is an example of from the Wonthaggi North PSP that was approved in early 2024.

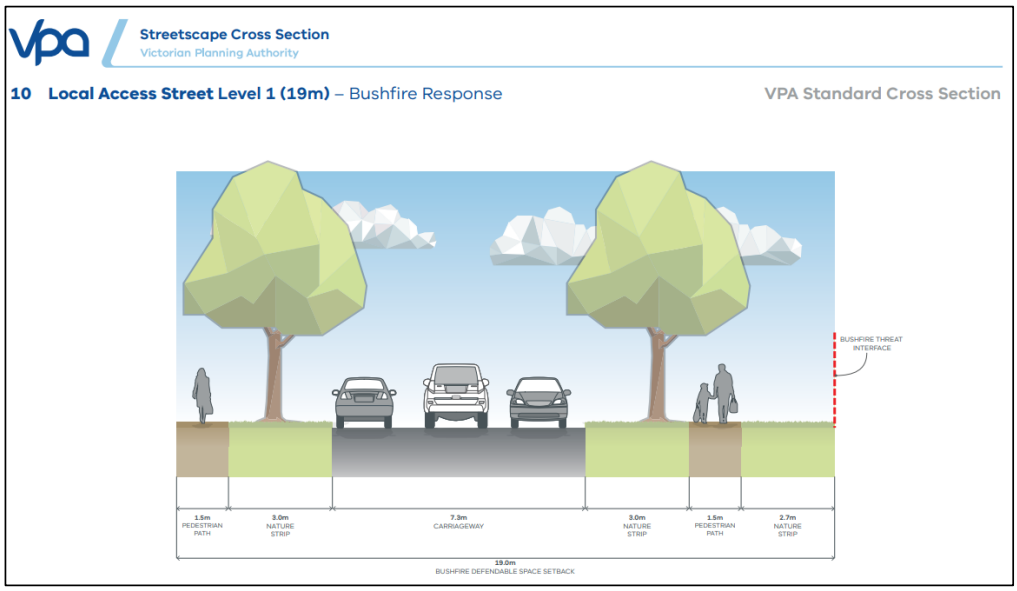
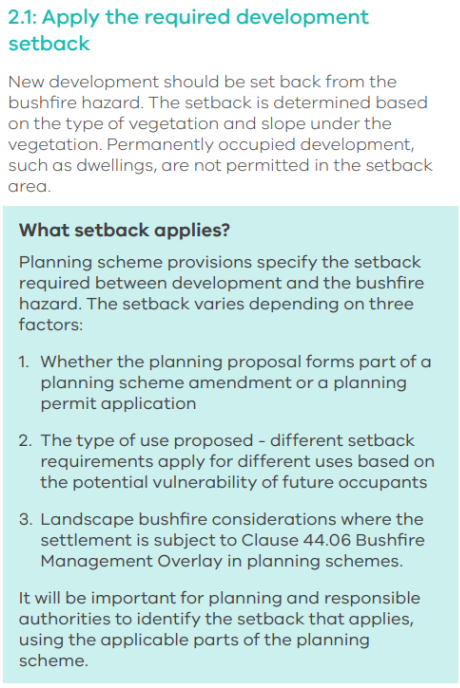


Figure 5 Example of bushfire defendable space setback treatment from Wonthaggi North Precinct Structure Plan (2024).

The State Government, care of the CFA, has produced the '*Design Guidelines for settlement planning at the bushfire interface' (July 2020)*[23]. They provide an additional tool and resource for preparing strategic plans, such as the SFP, as well as planning for subdivision in bushfire prone areas or applications under the Bushfire Management Overlay (BMO).

As an example of the guidance it applies, relevant to the identified issues in the LENGA, it provides the following about how bushfire setbacks should be applied, noting in the concluding paragraph that the role that the planning scheme has to play:

[23] Sourced via: Bushfire planning policy



2.1: Apply the required development setback

New development should be set back from the bushfire hazard. The setback is determined based on the type of vegetation and slope under the vegetation. Permanently occupied development, such as dwellings, are not permitted in the setback area.

What setback applies?

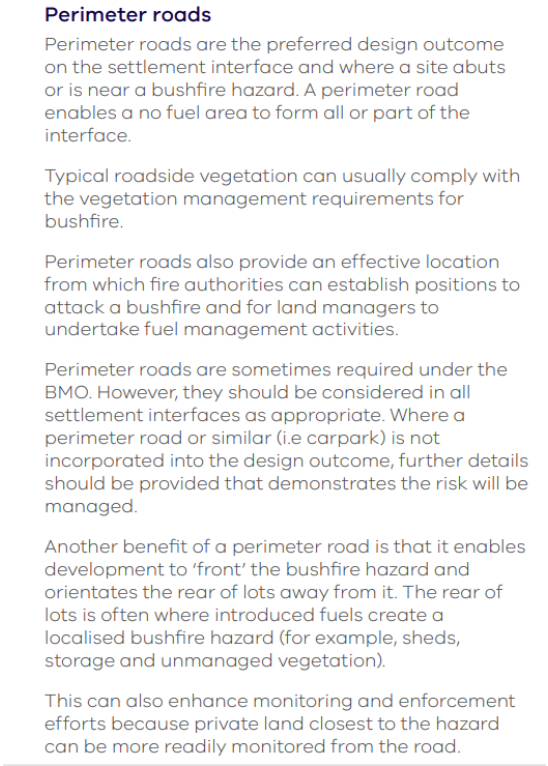
Planning scheme provisions specify the setback required between development and the bushfire hazard. The setback varies depending on three factors:

1. Whether the planning proposal forms part of a planning scheme amendment or a planning permit application
2. The type of use proposed - different setback requirements apply for different uses based on the potential vulnerability of future occupants
3. Landscape bushfire considerations where the settlement is subject to Clause 44.06 Bushfire Management Overlay in planning schemes.

It will be important for planning and responsible authorities to identify the setback that applies, using the applicable parts of the planning scheme.

Figure 6 - Extract from the Design Guidelines for settlement planning at the bushfire interface'(July 2020)

The guidance also provides important direction about the use of perimeter roads at settlement interfaces abutting a bushfire hazard. This is replicated in Figure 7 below. It is also highlighted that Standard C10 at Clause 56.04-4 (*Street orientation objective*), for example, also establishes expectations that roads and streets should front private open space boundaries, in part because of the recognised need for bushfire setbacks and management of setbacks in such settings.



Perimeter roads

Perimeter roads are the preferred design outcome on the settlement interface and where a site abuts or is near a bushfire hazard. A perimeter road enables a no fuel area to form all or part of the interface.

Typical roadside vegetation can usually comply with the vegetation management requirements for bushfire.

Perimeter roads also provide an effective location from which fire authorities can establish positions to attack a bushfire and for land managers to undertake fuel management activities.

Perimeter roads are sometimes required under the BMO. However, they should be considered in all settlement interfaces as appropriate. Where a perimeter road or similar (i.e carpark) is not incorporated into the design outcome, further details should be provided that demonstrates the risk will be managed.

Another benefit of a perimeter road is that it enables development to 'front' the bushfire hazard and orientates the rear of lots away from it. The rear of lots is often where introduced fuels create a localised bushfire hazard (for example, sheds, storage and unmanaged vegetation).

This can also enhance monitoring and enforcement efforts because private land closest to the hazard can be more readily monitored from the road.

Figure 7 - Use of perimeter roads as extracted from the Design Guidelines for settlement planning at the bushfire interface'(July 2020) by the CFA.

It is appropriate that the SFP has considered these guidelines and the methods being used in other precinct planning in Victoria to update the strategic framework for the LENGA.

This is supported by the findings of the Terralogic Bushfire Assessment that was prepared for the precinct.

7.3 Preparing the Strategic Framework Plan

The SFP replaces the 2013 ODP. The ODP has been used as the basis to update and reorganize this important strategic document. Section 7.5.1 includes a table that maps how key parts of the ODP have been used to prepare the SFP or other changes to the Planning Scheme proposed by Amendment C161.The SFP now provides the strategic context and basis for the changes that Amendment C161 proposes to the Planning Scheme.

7.3.1 TECHNICAL BACKGROUND REPORTS

Section 7.2 of this background report outlined the policy and guidelines that provide the strategic basis for preparing the Strategic Framework Plan as an update and replacement for the 2013 ODP.

In addition, the following technical reports were prepared to support its preparation:

- Lakes Entrance Northern Growth Area – Outline Development Plan Review – by Beveridge Williams (2026)
- Strategic Bushfire Assessment – Lakes Entrance Northern Growth Area (LENGA), by Terralogic (April 2025)
- Lakes Entrance North Growth Area - Traffic and Movement Assessment (August 2024), by One Mile Grid
- Lakes Entrance Northern Growth Area (LENGA) – Revised Drainage Strategy, Version 2 (April 2024), by Stormy Waters Solutions
- Lakes Entrance Northern Growth Plan – Native Vegetation Precinct Plan Review (March 2025)

The first step was to review the original ODP to consider land capability testing and examine the implications of different policy and requirements on the overall precinct outcomes. This is explained below.

7.3.2 OUTLINE DEVELOPMENT PLAN REVIEW: LAND CAPABILITY.

Council engaged Beveridge Williams to review the 2014 Outline Development Plan from a land capability assessment perspective. Its report, titled Lakes Entrance Northern Growth Area – Outline Development Plan Review (2026) forms a technical background document to Amendment C161. The purpose of this document was to peer review the 2013 ODP (and its inputs) that was prepared by consultant SMEC.

Key objectives of this work were to confirm housing yield and developable land calculations. Key inputs were consideration of slope analysis work, BAL-12.5 requirements[24], future

[24] Noting, for example the change to BAL-12.5 from BAL-19.5 since the original ODP was being prepared which has not been considered.

vegetation outcomes (including waterways and management requirements) and development interface requirements. It did not consider any below ground constraints.

While the ability for development to meet BAL-12-5 requirements in the precinct is an important consideration for any amendment to the planning scheme, housing yield and developable land calculations also play a significant part in understanding precinct infrastructure demands. The calculation of stormwater capacity, traffic volumes, intersection demands and open space needs, for example, are also dependent on establishing a reasonable degree of certainty around overall development capacity within the precinct.

Consideration of slope & impact on housing yield

Sloping land typically presents a number of challenges for development, including the need for cut and fill, orientation of roads along with the visual impact of development.

Slope also has an impact on bushfire setbacks. Australian Standard (AS) 3959[25] includes the following setback requirements for sloping topography that will need to be considered alongside all waterways (including future vegetated state) and classified native vegetation:

Slope	Grassland	Woodland	Forest
Upslope / Flat	19m	33m	48m
0 to 5 degrees	22m	41m	57m
5 to 10 degrees	25m	50m	69m
10 – 15 degrees	28m	60m	82m
15- 20 degrees	32m	73m	98m
Above 20 degrees	AS3959 Method 2 assessment required		

Indicative site layout plan – testing site capacity

A slope analysis was prepared as part of Beveridge Williams' ODP assessment and provided the basis for preparing a new, but indicative only, Outline Development Plan in the form of a site layout plan. The purpose of this work was to:

1) Test original assumptions made by the 2013 ODP about the quantum of developable land and housing yield.
2) Test and estimate likely yield across the entire precinct by modelling current BAL-12.5 setback requirements from the future finished state of waterways (assumes revegetation in line with State policy) and native vegetation to be retained.

[25] *AS 3959-2018 Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2018

3) Consider best practice urban design and Clause 56 (Residential Subdivision) requirements of the planning scheme.
4) Consider key design guidance to determine influence on development outcomes, including:
    - *Waterway Management Plan Guidelines for Urban Developments in Gippsland* (e.g. figure 5) by the East Gippsland Catchment Management Authority (EGCMA), January 2024.
    - *Settlement Planning at the Bushfire Interface Design Guidelines* (July 2020), CFA
5) To generate likely dwelling numbers to inform traffic modelling work (which was never completed for the original ODP) and to identify the need for any shared road infrastructure projects (including east-west bus connector).

The plan was indicative only for modelling purposes and does not indicate a preferred outcome. The limitations of this plan and the work behind its preparation is explained in **Appendix 1**. Nonetheless, by applying some best-practice design principles to attempt to meet competing requirements or objectives, it was possible to make an informed approximation of the likely quantum of developable land area and housing yield to help inform the preparation of the updated strategic planning framework for the precinct.

This work was informed and guided by the Bushfire Assessment that was prepared in conjunction with the indicative ODP Plan by Beveridge Williams.

In summary of the Beveridge Williams ODP Review land capability assessment, it identified the following (as summarised):

- That slope, vegetation and bushfire were not fully considered by the 2013 ODP – with impacts on yield, road connections and overall connectivity not tested.
- The indicative yield and housing density of 1021 dwellings identified by the ODP is unrealistic given the requirements for bushfire setbacks from waterways and native vegetation that was not discounted (indicatively) by previous developable area calculations.
- Different yield would have impacts and consequences on infrastructure needs in the precinct.
- Council should engage with the Catchment Management Authority and Country Fire Authority to establish appropriate development setback requirements across the precinct. This was done extensively in 2024.
- Address the (at the time) expired NVPP.

This has identified the following changes to the planning framework:

- Preparation of a revised overall master plan, the LENGA Framework Plan, for the precinct to reflect developable land considerations and requirements in response to waterways, vegetation and topographical conditions
- Preparation of a bushfire hazard map
- Development of waterway cross sections & interface treatments

- An input into consideration of the removal of the DCP and infrastructure needs.

7.3.3 STRATEGIC BUSHFIRE ASSESSMENT

Consultant Terralogic prepared a strategic bushfire assessment of the precinct to help Amendment C161 address Clause 13.02 requirements. It was also to identify the bushfire hazard present in different settings across the precinct to help guide and inform the preparation of the SFP requirements and guidelines, including preparation of indicative waterway cross-sections and development setbacks.

The report acknowledges that the precinct is already zoned and that a small number of development plans (three) have already been approved in the precinct (albeit no development has occurred). It addresses Clause 13.02 requirements, including an assessment of the bushfire hazard – relative to the existing approved strategic planning framework.

It also identified the range of challenges across the precinct since original planning work on the precinct was implemented by Amendment C112 Part 1 in 2014. This included recognition of the changed requirements of bushfire policy, including BAL-12.5 requirements, the emergence of the Bushfire Management Overlay and balancing the competing objectives of waterways and development outcomes.

The report identifies the Bushfire Hazards within the precinct to help guide development to determine appropriate development setbacks and design responses, relative to the conditions and landscape, including slope.

A number of other guidelines and advice provided in the report are incorporated in into the SFP.

The key outcomes for the SFP are:

- Via the maps in Sections 5 to 6, present bushfire interface areas visually within the precinct where development may have to consider setbacks and other design considerations to meet bushfire requirements. This was not a typical planning response in Victoria at the time the original ODP was prepared.
- To require development to consider the CFA's *Settlement Planning at the Bushfire Interface Design Guidelines* (July 2020).
- Provide additional guidance for setbacks, including indicative cross-sections to respond to future vegetated waterways and classified vegetation retained on site.

Note: While the CFA has provided verbal input to Council and attended a site visit (May 2024), the Bushfire Assessment and the SFP has not benefitted from formal written feedback from the CFA. Exhibition of the draft Planning Scheme amendment will provide the CFA with a formal opportunity to input into the amendment process.

7.3.4 TRAFFIC AND MOVEMENT ASSESSMENT

Traffic consultant One Mile Grid has prepared the Lakes Entrance North Growth Area [LENGA] - Traffic and Movement Assessment (August 2024).

In its conclusions, OMG make the following findings:

- *The extent of the ODP has been advised to facilitate in the order of 765 residential lots and is in turn anticipated to generate in the order of 5,358 daily vehicle movements;*
- *The projected daily traffic volumes for the existing surrounding roads are considered to have suitable capacity to accommodate the daily movements;*
- *The delivery of Access Streets within the ODP is projected to provide suitable internal road capacity;*
- *The turn lane warrant review for the new access intersections has determined that basic intersections are warranted, with the exception of the two collector street intersections with Palmers Road;*
- *The intersection analysis has further demonstrated that the proposed and existing intersections have suitable capacity to accommodate the projected peak hour traffic movements;*
- *The potential east-west Collector Street through the southern portion of the ODP has been determined to not be necessary to facilitate traffic volumes, with the following positives and negatives for consideration: Positives*
    - *Enhanced inter neighbourhood connectivity, for vehicles, cyclists and pedestrians;*
    - *Provision for a potential bus route; and*
    - *Improved access routes for the activity centres and emergency services site.*
- *Negatives*
    - *Difficult and expensive to construct due to the steep land topography and waterway crossings.*
    - *The costing review undertaken for the east-west Connector Street indicates a net increase of 182% to the previous Development Contribution. This net increase is considered to make the inclusion of this road not viable.*

The key outcomes for the SFP are:

- No need to deliver a higher-grade east-west collector street and bus route – but pursue opportunities through individual development plans to achieve east-west connectivity through most logical alignment of local access streets and paths.
- Requirements for intersections to serve multiple properties, limited in instance, should be highlighted in the SFP and require permit conditions to demonstrate (through a traffic assessment) how they will be delivered. The SFP includes measures to address intersection delivery in Section 7.
- That circulating roads around the precinct can provide appropriate public transport access for future residents of the precinct.
- That internalised roads will all be of local access road standard.

7.3.5 STORMY WATERS SOLUTIONS DRAINAGE STRATEGY

The Stormy Waters Solutions Drainage Strategy (2024) provides a preferred concept precinct drainage strategy, as illustrated in **Figure 8** below.

The strategy develops the original concept drainage scheme developed for Council by Water Technology in 2013, and which informed the DCP. Evolution of drainage work for the precinct was discussed in the **10 Year Review (2024)**.

The 2024 SWS Strategy represents the most efficient solution for the precinct because it would limit the number of overall drainage features (wetlands, retarding basins) required to service the precinct. This would have development and maintenance cost benefits. It would, however; require very specific sequencing of development across each drainage sub-catchment to implement it and is reliant upon individual landowners to implement. Alongside this there are significant funding uncertainties (under a DCP). These challenges are addressed in the 2024 Review.

Recognising these challenges, this required the SFP to:

- Acknowledge that a flexible and opportunistic approach is required toward drainage to ensure that land is not sterilised for unknown periods of time.
- Introduce requirements that encourage developers to adopt the principle of the regional drainage strategy approach and ask development proponents to demonstrate how any development site could help facilitate the most efficient sub-catchment strategy.
- Encourages landowners/ developers to work together to advance the most efficient sub-catchment drainage solution, but will be able to consider site specific solutions where no other option exists.

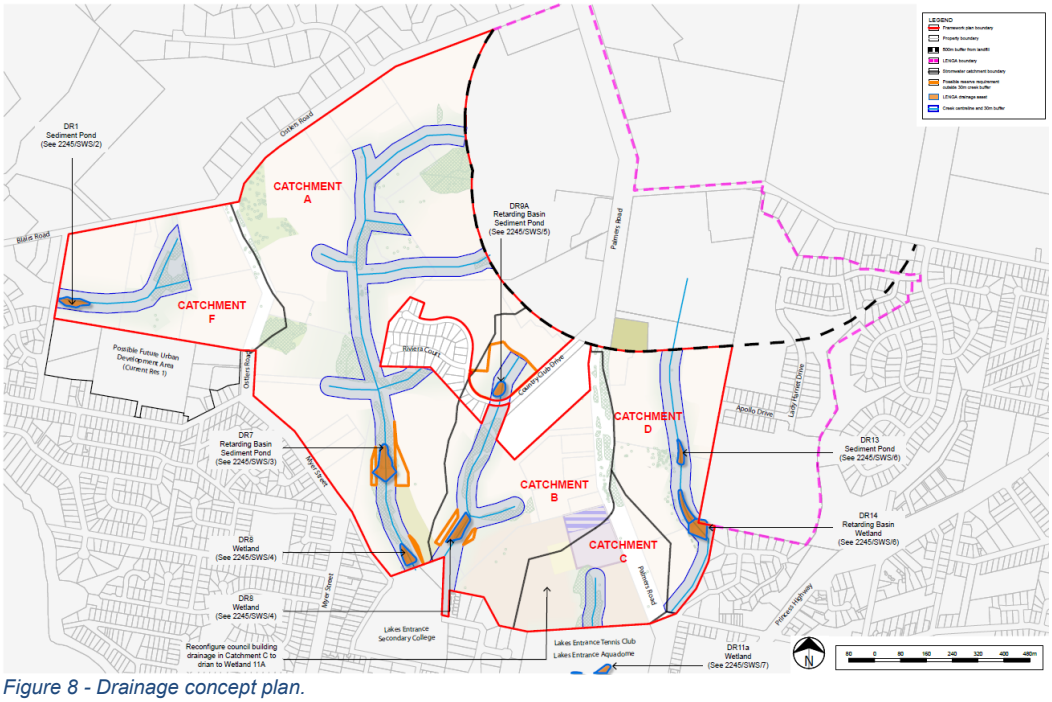


Figure 8 - Drainage concept plan.

7.4 The SFP Vision

The Vision in the SFP uses section 4 of the 2013 ODP as the basis to provide a succinct and focused Vision for the LENGA that continues to reflect the original intent for the precinct. The ODP did not contain a specific vision previously.

7.5 The LENGA Framework Plan – a preferred future urban structure

The LENGA Urban Framework Plan in the SFP is the high-level overarching plan that establishes the future preferred urban structure for the precinct.

The important coordinating role of the LENGA Urban Framework Plan for this precinct with multiple land ownerships was discussed in Section 7.1.2. A plan of this nature is a commonly used tool in Victorian planning. The 2014 Planning Panel Report found that 'planning holistically' for the growth area by preparing the ODP was 'appropriate'[26]. It is also an approach recommended by the Victorian Planning Authority for incremental growth areas in smaller towns[27].

[26] As detailed in Section # of this Background Report.
[27] The use of a high-level plan to sit within a DPO to provide overarching guidance – as discussed in Section 7.6.2.

The LENGA Urban Framework Plan represents a preferred outcome, requiring development to be generally in accordance with it. It is a high-level plan. This will allow sufficient flexibility for detailed development proposals to be put forward that can reasonably demonstrate that it would continue to provide for a connected and legible series of future neighbourhoods. Such flexibility and adaption is considered to be important given the uncertain pattern of development and long timeframes associated to the build out of the precinct.

7.5.1 FIVE KEY ORGANISING ELEMENTS OF THE SFP

The LENGA Framework Plan is supported by the Five Key Elements (**Key Elements**). The Key Elements are the organising elements that combine to create the urban structure within which development will occur in the precinct. They Key Elements are:

1. Land use and subdivision.
2. Access & connections.
3. Landscape, Natural Environment & Bushfire Resilience.
4. Open Space & Recreation.
5. Built form, character.

The 5 Key Elements take their basis from the 2013 ODP. They are a reorganisation of sections 3 to 11 (of the ODP) into the five key elements, supported by an implementation and infrastructure in the SFP.

Each element contains a spatial mapping layer. The maps included throughout the SFP build upon those used in the 2013 ODP but reflect the additional work and analysis undertaken by the background reports, as relevant.

Each Key Element is supported by text that expands on the Precinct Objectives. Each key element then contains a section detailing recommended requirements that identify what provisions or controls are required of the planning scheme to help implement the intended outcomes.

Precinct Strategies are included in support of the recommended requirements. They provide further guidance, considerations and/ or advice. It is intended that the strategies can help inform how development might respond to the requirements contained in the SFP.

The following table maps how the 2013 ODP has been used as the basis for preparing the new SFP sections 3 to 6. The left-hand column details the ODP section and the right-hand column details how this has been considered or addressed by the SFP.

2013 ODP Section Note: main section headings of the ODP are indicated by grey shading.	How has the SFP translated or addressed this?

Vision - Not included in the ODP	The ODP did not contain a defined vision. The reorganised approach of the SFP introduces a Vision at **Section 4**, which prefaces the Precinct Outcomes (see next box below). The SFP creates a succinct vision for LENGA based on Section 4 of ODP, which sits in a logical order in front of rest of the SFP.
3. Outline Development Plan Principles	
3.1. Development Principles	SFP Section 4.1 – *Precinct Objectives.* A table contains the intended precinct outcomes that build upon the ODPs development principles. They are set out using the headings of the 5 Key Elements. Each of the Key Elements in Section 6 of the SFP then expand on the precinct outcomes using supporting text.
3.2 Development Plan Objectives	Five new objectives are contained in Section 4 (Vision and Objectives) under sub-heading 4.1.1. These align to the 5 Key Elements. The ODP Objectives are now translated into 'Precinct Objectives' - Incorporated into SFP Section 5.1 (as above)
Community Design Objectives	Section 6.1 includes an added focus on '*Liveable Neighbourhoods and our health and wellbeing'* in direct response to issues of social isolation and the importance of access to green spaces highlighted by Council's Health and Wellbeing Plan.
Housing Diversity Objectives	Informed SFP *'Land use and subdivision*' section 6.1
Movement Network Objectives	Incorporated (as relevant) into or informed SFP Section 6.2 – *Access and Movement.* The 2024 One Mile Grid Traffic and Movement Assessment technical background report is used to inform necessary updates from the 2013 ODP.
Open Space Objectives	Incorporated (as relevant) into or informed Section 6.4 – *Open Spaces and recreation*

Environment Objectives	Informed and incorporated (as relevant) into SFP Section 6.4 – *Landscape, Natural Environment & Bushfire Resilience.* The Bushfire Report by Terralogic has also been used to update bushfire planning requirements to meet State Planning policy and to ensure all development is capable of meeting BAL-12.5 construction standards.
4.1 Land Use Budget	An updated indicative land budget is included in Appendix 2 of the SFP. The key change in the SFP is that the overall anticipated yield for the precinct is now reduced, compared to 1021 under the ODP. The reason for this change is predominantly because of the calculation (estimated) of bushfire setbacks on sloping land from waterways that are needed to meet required standards and best practice. Each development proposal will need to address bushfire setbacks to determine developable areas.
4.2 Lot Sizes and Diversity	Addressed by Section 6.1 *Land use and subdivision*.
4.6 Statutory Assessment Guidelines	The SFP can inform decision making as it will be a background document in the scheme.
5. Neighbourhood Centre	Commentary and outcomes included in SFP Section 6.1. It is noted that the neighbourhood activity centre is a long-term consideration and no detailed planning has yet occurred for this precinct. Protection of the retail primacy of the Lakes Entrance town centre remains a priority.
6. Access and mobility	Informed and incorporated (as relevant) into SFP Section 6.2 – *Access and movement*. The 2024 OMG technical report has informed the preparation of this section.

6.1 Roads	Access streets will provide suitable internal road capacity. No connector or arterial roads are required for this scale of development. The key changes from the ODP are: • Confirmation of any road alignments (across property boundaries where this will facilitate connected outcomes). • Removal of east-west collector road (Palmers Road to Myers Street) because there is no demonstrated traffic demand that requires it; steepness of the land (number of locations that exceed the recommended 10% gradient – some exceeding 15%) will prohibit it being used as a bus route and, at an estimated cost of $23m - prohibitively expensive to deliver without any demonstrated precinct-wide traffic need. • An east-west through connection could still be provided across different development sites and in different ways, but it does not have to be to a collector road standard. Section 7.4 of the OMG technical report considers the cost of delivering an east-west collector road in further detail. The 2024 Review has already identified the fundamental challenges facing shared infrastructure project costs in the precinct through the DCP mechanism – where delivery (timing uncertainty) and low construction rates would mean the period to collect sufficient funds for projects would be unreasonable. This can be addresses as part of the PIP as required by the DPO8.

6.2 Intersections	Indicatively shown on the Urban Framework Plan and Plan 3 contained in the SFP. Intersections were modelled on projected dwelling yield and traffic volumes by the 2024 OMG technical report. Each development will need to provide a supporting traffic assessment to support any detailed development as part of a planning permit process.
6.3 Road hierarchy	All internal roads to be access streets. Section 6.2 establishes traffic and movement planning requirements to be included into the development plan in addition to those set out in Clause 56 of the Planning Scheme.
6.4 Road cross sections	Council has adopted the Infrastructure Design Manual (IDM) that identifies road cross sections to be used for different street types. Typical road cross sections are included in the IDM that development plans will need to consider.
6.5 Pedestrian and cycling shared trails	The OMG Traffic and Movement Assessment has reviewed the pedestrian and cycling shared trails outcomes of the ODP (see section 6 – Path Infrastructure). OMG found that the path/ trail network along waterways is logical. It also found that use of the ODPs east-west connector to form a cycle or path network would be challenged by often steep gradients – making it challenging to achieve a compliant shared path along this route.
6.6 Statutory Assessment Guidelines	The SFP can inform decision making as it will be a background document in the scheme.
7 Drainage Infrastructure	Drainage concept plan included in Section 7.1.3.
7.1 Statutory Assessment Guidelines	As above. The SFP can inform decision making.
8. Environment	Included into Section 6.3 - *Landscape, Natural Environment & Bushfire Resilience.*

8.1 Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan	Native vegetation considered worthy of retention (higher value), based on previous NVPP shown on all plans. Default control is now provided by Clause 52.17 (Native Vegetation) of the Planning Scheme and each development will need to undertake specific assessments at a time development is being considered to identify vegetation to be retained or removed in response to conditions. 'No net loss' principle continues to apply and the three-step approach of avoid, minimise or offset embedded in Clause 52.17 will be an important consideration influencing future outcomes.
8.2 Bushfire Protection Measures	Included into Section 6.3 - *Landscape, Natural Environment & Bushfire Resilience.*
8.3 Planning Guidelines	The SFP can inform decision making.
9 Open Space	Included into Section 6.4 *Open spaces and recreation* of the SFP.
9.1 Passive Open Space	Included on Plan 6 of the SFP. Open space contributions to be sought under Clause 53.01 of the Planning Scheme. 1 potential new area of open space identified that can be delivered on a single title (as 5% developable area land contribution).
9.2 Active Open Space	None required within the precinct for anticipated dwelling yield. Council will address need and provision as part of a township scale forward planning process.
10 Community Facilities	None required within the precinct for the anticipated dwelling yield/ population size. Council will address need and provision as part of a township scale forward planning process.
11 Services Provision	Addressed by Section 6.1 of the SFP. Also – Clause 56.09 addresses utility provision in subdivision. Original 2014 Outline Development Plan and supporting background work by consultant SMEC satisfied itself that services could be provided into the precinct.

11.1 Statutory Assessment Guidelines	The SFP can inform decision making.
12 Infrastructure Provision and Maintenance Responsibilities	Addressed by Section 6.1 and Section 6.2. Developer subdivision works will generally implement all infrastructure needed within the precinct. The DPO8 will require a PIP to address shared infrastructure.
12.1 Development Contributions Plan	Development contributions plan to be removed as explained elsewhere in this report and by the **10 Year Review**.

7.5.2 IMPLEMENTATION & INFRASTRUCTURE DELIVERY

With available housing land supply of up to 80 years, construction activity in the LENGA is projected to be incremental.

The Victorian Planning Authority (VPA) Guidance Note 'Applying the PSP Guidelines in regional areas' provides applicable guidance about how to address infrastructure in areas experiencing incremental growth and urban expansion areas on the fringes of smaller towns. Under the heading 'Incremental growth and urban expansion areas', the Guidance Note states the following:

> *Any shared infrastructure is to be addressed through negotiation and the use of Section 173 Agreements.*
>
> Council emphasis.

With the removal of the DCPO from the LENGA precinct, the provision of development infrastructure will revert to developer works at subdivision stage. Where there is shared infrastructure, it will be captured within the PIP as required by DPO8.

Legal agreements under Section 173 of the Planning and Environment Act 1987 will be used to secure their delivery. This is consistent with every other development setting in the municipality. It also avoids unnecessary complexity where there is no demonstrated need for the DCP.

Precinct scale infrastructure

There are no precinct-scale shared infrastructure projects required. No mechanism is therefore required by the planning scheme to trigger development contributions.

The concept Stormwater Drainage strategy included in the SFP represents the most efficient 'regional' drainage solution for the precinct.

This report, relying on the 2024 Review, has already acknowledged the implementation challenges associated to the delivery of a regional drainage strategy under a DCP.

To overcome these challenges and to find a balance best suited to the development context, Amendment C161 implements a more flexible approach.

Requirement 15 of the SFP (in Section 7.1.3) establishes a requirement that each development should consider how it can contribute to the delivery of the regional drainage strategy in any sub-catchment as a starting principle. Development will only be asked to deliver a drainage solution to meet the needs of the development it services[28]. Opportunities to deliver, for example, interim parts of the regional strategy or to construct facilities that future development sites could connect to and augment (rather than build separate features) will be explored in the interests of orderly planning.

Council accepts that the final form of the stormwater drainage solution may be different to the 2024 SWS Strategy and will require flexibility from all parties. It will be an opportunistic delivery approach that will respond to the uncertain timing and sequencing of development across the precinct over many years.

It is considered this approach to drainage is pragmatic and responds to the development context in Lakes Entrance.

Council also acknowledges that additional drainage work, beyond the precinct boundaries may be required alongside future drainage projects in the LENGA as part of a township approach. It is confirmed that Council is already working on upgrades to the south of the precinct which partially implements the drainage strategy presented within Amendment C161.

Shared road infrastructure projects – intersections

Preparation of the LENGA Strategic Framework Plan considered how land parcels could be developed in a logical manner, including the need for any road alignments across site boundaries. An indicative site layout plan (see **Appendix 1**) was developed for the purposes of, amongst other matters, modelling likely traffic volume and movements and the need for possible intersections relevant to likely patterns of development.

Generally, it was shown that sites will not be reliant on shared road projects to provide access because the majority of larger landownerships could be developed without reliance on infrastructure (roads) through adjoining land. That is to say that development areas generally have good access to external roads in all instances and with sufficient capacity to provide easy turning movements and, if necessary, multiple access points.

[28] As per the situation for any subdivision under Clause 56.07-4 (Stormwater management objectives) of all Victorian Planning Schemes.

There are a limited number of instances where lots are small relative to other land in the precinct (e.g. below 1 hectare). In order for these to be developed for more intensive housing and achieve good precinct urban design and layout outcomes, it will most likely require land assembly or lot consolidation with neighbouring properties to create in globo land capable of larger scale development that can deliver good urban design and housing outcomes. This will also help to address ingress/ egress requirements to external roads.

Where any road or access will benefit more than one property, the first development proponent will need to provide a traffic assessment to indicate the appropriate delivery method and trigger for works. This might include consideration of interim and ultimate works and the volume of traffic (calculated by dwelling numbers) that necessitate delivery of an ultimate solution. Here, Council can consider the use of Section 173 Legal Agreements under the Planning and Environment Act.

Services and utilities (including trunk infrastructure)

Clause 56.09 – Utilities in the Planning Scheme addresses the requirements that a subdivision must address.

The 2013 ODP confirmed that all utilities and services were available or could be extended into the precinct. Development that does not extend from an existing development interface in a logical order may be required to consider bring forward costs for any out of sequence connections.

7.6 Conclusions

The new SFP provides an updated strategic framework for the LENGA precinct to guide its development over the next fifteen years. It includes a high-level urban framework plan and reflects the housing outcomes that can be accommodated by the landscape features of the site. This plan will play a key role in the coordination of multiple development plans that will be prepared for development sites across the precinct. It asks individual sites to consider what will occur on adjoining land to ensure that development outcomes will be integrated and create a logical series of urban neighbourhoods that best respond to the landscape. It will be supported by the most efficient delivery of roads, trails and other framing infrastructure.

It is based on the 2013 ODP. It has been informed by a detailed review of the performance of the existing planning framework (what works/ what doesn't) and reflects current policy, best practice and requirements that will achieve a positive balance between development and environmental objectives.

The SFP provides the strategic framework that supports Amendment C161 and provides the justification for the objectives, controls and requirements that are to be included in the planning scheme.

8. Conclusions

The review and proposed updates to the planning framework for the Lakes Entrance Northern Growth Area (LENGA) under Amendment C161 reflect a need to ensure alignment with current policies and local and regional development dynamics.

The removal of the Development Contributions Plan (DCP) addresses critical financial and infrastructure delivery risks and simplifies infrastructure needs, providing developers greater certainty.

The amendment of Development Plan Overlay (DPO8) and the introduction of the new Strategic Framework Plan (SFP) will ensure that development remains well-coordinated, reflects current environmental and bushfire management requirements, and supports sustainable growth without additional layers of planning red tape.

The updated planning framework is a pragmatic response to the evolving challenges of infrastructure delivery, land fragmentation, and extended timelines for development in this regional growth setting. It will provide a balanced and adaptable basis for the long-term residential development of Lakes Entrance, ensuring both flexibility for landowners and clarity for future developments.

This background report, along with the 2024 Review provide the strategic basis and justification for Amendment C161.

Appendix 1 – Testing Land Capability

The illustrative site layout plan below at **Figure 9** is a plan that Council prepared to model and examine land capability to understand likely potential development capacity across the whole of the precinct. Calculations to understand net developable area and likely yield were important to inform and test, for example, infrastructure demand or projected traffic volumes and road capacity.

The fragmented land ownership across the precinct is likely to see multiple planning permit proposals prepared for the precinct over many years. For this reason, the preparation of a single plan was used to test some of the likely constraints and opportunities at a more granular level and across ownership boundaries.

Land capability testing for the LENGA sought to understand how a range of site factors, such as land ownership patterns, slope, future vegetated waterways, bushfire requirements (setbacks, BAL-12.5 requirements), native vegetation and access needs would likely influence development outcomes. It also helped to identify the key requirements that future development plans would need to address, as identified through Sections 5 and 6 of this SFP.

The general approach of the plan was to maximise the housing potential across the precinct using relatively conservative housing densities, all while having regard to the natural values and landscape considerations to achieve balanced outcomes. The layout adopts, as much as possible, best practice approach to planning and design, such as the use of perimeter roads to bushfire setback interfaces, waterway health (e.g. revegetation) or the alignment of roads along contours. It also considered equitable development opportunity for all land parcels. The plan can be used to illustrate the type of considerations and solutions that development may need to consider across property ownership boundaries into the future.

Limitations

This plan in no way indicates a preferred future layout or that any development seeking to adopt its layout would or could obtain all necessary future planning approvals. It is a high-level plan developed entirely for the purposes of providing an informed (but indicative) assessment of future development capacity of the precinct. It has not been informed by the level of detailed site-specific planning and investigations that future development proposals will be required to undertake. In some instances, it may not have resolved more complex challenges that would require more detailed investigation and resolution. For these reasons, it should not be relied upon in any way beyond its purpose as a basic modelling tool.

The planning framework for the precinct will likely need to be reviewed several times over the course of the precinct's build out. If housing typologies and densities typical to the local area were to change, for example, then future strategic work may need to re-model some of the assumptions that were used to approximate housing and traffic outcomes. Likewise,

State policy, such as bushfire planning, may continue to evolve and present new requirements that change how development has to respond.

Future planning permit applications will be required to undertake all necessary planning work to identify the constraints and opportunities specific to each development area that will guide future design responses. It is likely that a range of different design approaches will be able to achieve the intended outcomes identified in the SFP.

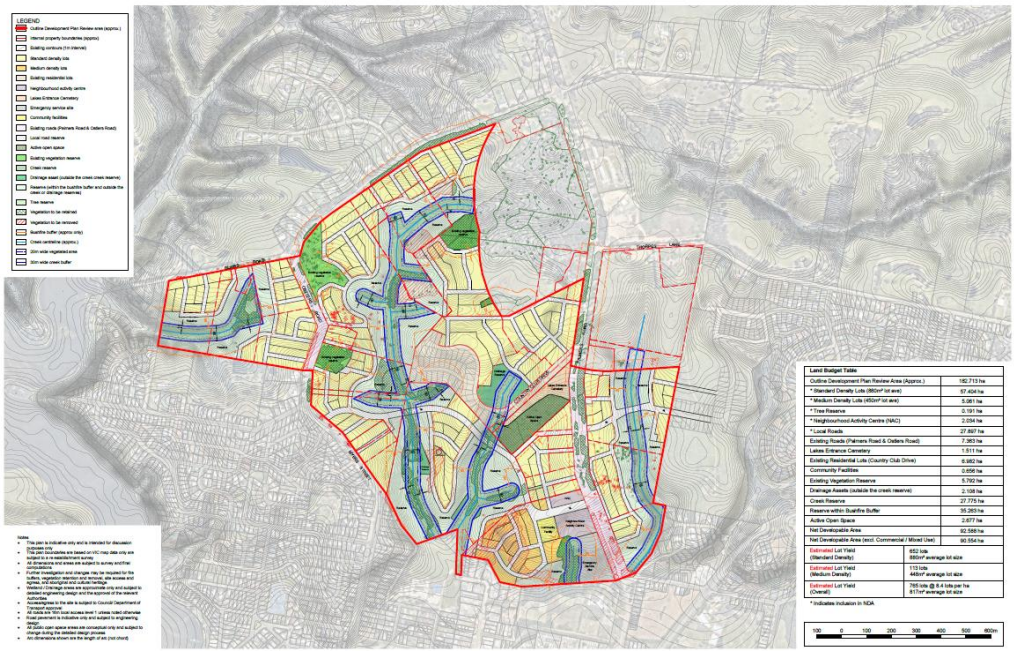


Figure 9 - Illustrative site layout plan developed only to test land capability (dwelling yield) and provide indicative inputs to support traffic modelling.

Disclaimer: *This plan in no way represents a preferred outcome but does provide an illustration of how each landholding might need to consider adjoining development areas or access requirements. It also illustrates the influence off waterways and other natural features in the precinct in terms of areas of the precinct that might be developed and how development may need to respond. Each development is expected to undertake appropriate planning assessment of site-specific issues and conditions. Development plans have no need to consider, replicate or adopt any of the outcomes shown on this plan.*

Contact us

Telephone
Residents' Information Line: 1300 555 886 (business hours)
Citizen Service Centre: (03) 5153 9500 (business hours)
National Relay Service: 133 677

Post
East Gippsland Shire Council, PO Box 1618
Bairnsdale 3875 Australia
Fax (03) 5153 9576
Web www.eastgippsland.vic.gov.au
Email feedback@egipps.vic.gov.au

In person
Bairnsdale: 273 Main Street
Lakes Entrance: 18 Mechanics Street
Mallacoota: 70 Maurice Avenue
Omeo: 179 Day Avenue
Orbost: 1 Ruskin Street
Paynesville: 55 The Esplanade

Outreach Centres
Bendoc Outreach Centre -
18 Dowling Street
Buchan Resource Centre -
6 Centre Road
Cann River Community Centre -
Princes Highway
East Gippsland Shire Council
273 Main Street PO Box 1618
Bairnsdale VIC 3875

Website: www.eastgippsland.vic.gov.au
Email: feedback@egipps.vic.gov.au
Follow us on Twitter: @egsc

Telephone: (03) 5153 9500
Fax: (03) 5153 9576

National Relay Service: 133 677
Residents' Information Line: 1300 555 886

ABN: 81 957 967 765



LAKES ENTRANCE NORTHERN GROWTH AREA

STRATEGIC FRAMEWORK PLAN

AUGUST 2025

EAST GIPPSLAND SHIRE COUNCIL



TABLE OF CONTENTS

1. INTRODUCTION 5

1.1	The role and purpose of the Strategic Framework Plan	6
1.2	Land to which this plan applies	7
1.3	Why prepare a plan for LENGA?	8
1.4	How was this Plan prepared?	8
1.5	What this Strategic Framework Plan contains	9
1.6	Relationship to the previous 2014 Outline Development Plan (ODP)	9
1.7	How to use this document	10
1.8	What the Strategic Framework Plan doesn't do?	11
1.9	What about existing uses, dwellings and buildings in the precinct?	11
1.10	Testing precinct land capability	11

2. THE CONTEXT AND OPPORTUNITY OF LENGA 12

2.1	LENGA as a growth area	12
2.1.1	Population growth and housing demand	13
2.1.2	Changing community profile	13
2.1.3	Household size and typology	15
2.1.4	Dwelling typology	16
2.1.5	Integrated Place-based approach and Health and Wellbeing	17
2.2	Landowner coordination and preparing development plans	18

3. THE STRATEGIC FRAMEWORK 19

4. THE VISION AND OBJECTIVES 20

4.1 Precinct Objectives 20

5. THE URBAN FRAMEWORK PLAN 21

5.1 Precinct strategies 22

6. THE 5 KEY ELEMENTS OF THE STRATEGIC FRAMEWORK PLAN 24

6.1 Land Use and Subdivision 25

6.1.1 Housing to meet local needs 26

6.1.2 Implementation: requirements and guidelines 26

6.1.3 Neighbourhood activity centre and community facilities 27

6.1.4 Land budget 27

6.2 Access and Movement 28

6.2.1 Implementation: requirements and guidelines 30

6.3 Landscape, Natural Environment and Bushfire Resilience 33

6.3.1 Balanced outcomes 35

6.3.2 Implementation: requirements and guidelines 36

6.4 Open Spaces and Recreation 40

6.4.1 Implementation: requirements and guidelines 41

6.5 Built Form and Character 42

6.5.1 Implementation: requirements and strategic considerations 43

7. DELIVERING DEVELOPMENT: INFRASTRUCTURE AND IMPLEMENTATION 44

7.1 Infrastructure and Implementation Considerations 45

7.1.1 Pragmatic approach to infrastructure need, land ownership and development timeframes 45

7.1.2 Developer works and legal agreements 45

7.1.3 Stormwater Management 46

7.1.4 Potential downstream drainage infrastructure and Special Rates and Charges Scheme 48

7.1.5 Utilities and services infrastructure 48

7.1.6 Community infrastructure to be considered at a whole-of-township scale 48

7.1.7 Public Transport Infrastructure 48

7.1.8 Contamination 48

7.1.9 Erosion 48

8. APPENDICES 49

APPENDIX 1 — Planning Policy Context 49

APPENDIX 2 — Testing Land Capability 51

APPENDIX 3 — Bushfire Interface Cross Sections 54

ABBREVIATIONS OR COMMONLY USED TERMS IN THIS DOCUMENT

BMO – *Bushfire Management Overlay*. A planning control applied to bushfire-prone areas to ensure safe development practices.

BMO1 – *Bushfire Management Overlay, Schedule 1*. A specific schedule for areas in northern parts of the LENGA precinct.

BPA - *Bushfire Prone Area*. Areas mapped by the Victorian State Government that are considered to be bushfire prone.

CFA – *Country Fire Authority*. Statutory body responsible for fire prevention.

Council – *East Gippsland Shire Council* – the planning and responsible authority for planning and development in the LENGA precinct.

DPO – *Development Plan Overlay*. A planning control requiring a development plan before any subdivision can occur.

DPO8 – *Development Plan Overlay, Schedule 8*. Specific to the LENGA precinct, detailing requirements for development.

EGCMA – *East Gippsland Catchment Management Authority*. Statutory authority responsible for, amongst other matters, waterway health.

EPA – *Environment Protection Authority*. A Victorian government body regulating pollution and waste management in development projects.

GRZ – *General Residential Zone*. A zoning classification applied to land in the LENGA precinct that regulates residential development.

IWM – *Integrated Water Management*. A strategy for managing stormwater, wastewater, and potable water within the precinct.

LENGA – *Lakes Entrance Northern Growth Area*. The area defined for future residential development north of the established Lakes Entrance urban area.

NAC – *Neighbourhood Activity Centre*. A local commercial and community hub proposed for LENGA, designed to meet the daily needs of residents.

NVPP – *Native Vegetation Precinct Plan*. A plan that manages vegetation protection, including guidelines for removal or retention of native plants.

ODP – *Outline Development Plan*. A previous planning document from 2014, superseded by the SFP.

Planning Scheme – the *East Gippsland Planning Scheme*. A statutory document that sets out the policies and provisions that regulate the use and development of land including the requirements for planning permits for development.

PPF – *Planning Policy Framework*. A set of state and local policies in the Planning Scheme guiding land use and development in the area.

SFP – *Strategic Framework Plan*. A guiding document, or master plan, outlining the development strategy for LENGA over the next 15 years.

1. INTRODUCTION

This is the *Strategic Framework Plan* for the Lakes Entrance Northern Growth Area (LENGA). More widely understood by the term 'master plan', it sets out the direction for the next fifteen-years to continue to guide housing development within the township's main long-term growth area.

It establishes the key organising elements such as roads, open space and design objectives that will help to shape development outcomes in the precinct.

The LENGA was rezoned for housing in 2014 by the Minister for Planning with the intent that, over time, it becomes a vibrant, connected and diverse housing precinct that harnesses and takes advantage of its natural landscape, views and topography.

East Gippsland Shire Council (**Council**) has prepared the LENGA Strategic Framework Plan, or **SFP**. It will help to inform and guide the development of the LENGA with a focus on housing diversity and meeting the evolving needs of our community. It establishes a positive and flexible strategic framework that encourages growth through a highly accessible network of great streets and connections, high-quality built form, engaging waterway and open space networks - all of which foster a great sense of place, human connection and community. These elements will enhance the quality of life and contribute to the overall health and well-being of residents.

LENGA requires an enabling planning framework, built on complementary policies and planning tools that will help to make the LENGA precinct development ready and support broader growth in Lakes Entrance. LENGA is part of a place-based approach to the overall future growth of Lakes Entrance.

While development of LENGA will extend to beyond fifty years based on current land consumption rates in Lakes Entrance, this plan is designed with a shorter horizon to stay relevant and adaptable to State Government housing land supply targets. Future updates will ensure the plan remains up-to-date to reflect changing conditions as the precinct grows and evolves.



1.1 THE ROLE AND PURPOSE OF THE STRATEGIC FRAMEWORK PLAN

The LENGA Strategic Framework Plan is:

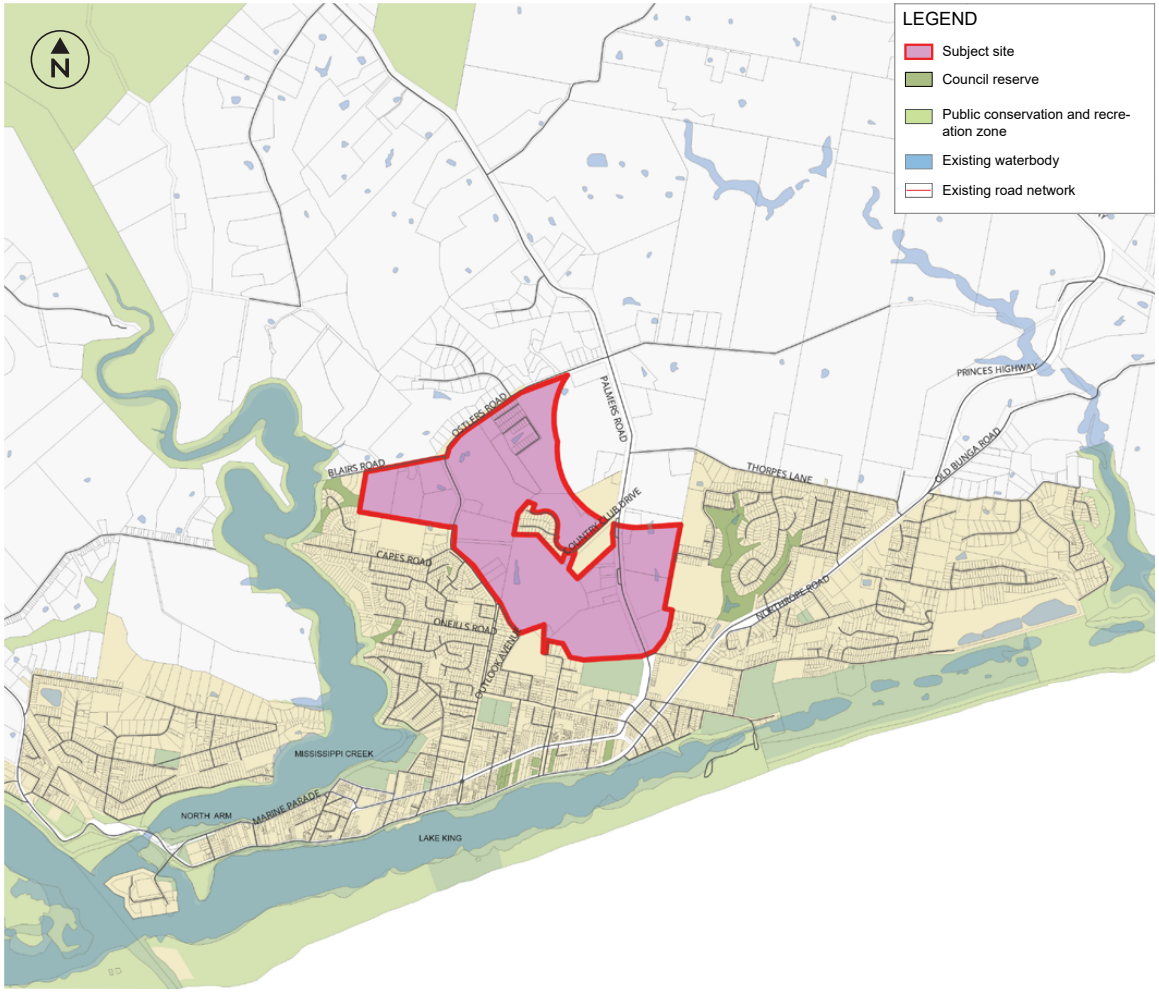
- A simplified long-term vision and town planning framework to guide housing development in the precinct over the next fifteen years.
- The strategic basis for the planning controls and requirements in the East Gippsland Planning Scheme that apply to development of land in the Precinct.
- Provide clear guidelines for the precinct to inform decision making.



The purpose of the Strategic Framework Plan (**SFP**) is to establish a simple strategic framework to guide housing development in the precinct for the next fifteen years. It updates and replaces the 2014 LENGA *Outline Development Plan* (**ODP**). It supports Council's adopted Housing and Settlement Strategy (December 2023) by facilitating future housing land supply. It also supports the '*Council Plan 2025-2029*', which recognises that where we live has the potential to influence the quality of our lives. The SFP promotes good housing outcomes for all.

The SFP is intended to be user-friendly and to provide strategic support and justification for the planning controls within the East Gippsland Planning Scheme (**Planning Scheme**). It also supports innovation, provides flexibility over its duration and recognises that it must be adaptable to changing conditions and needs of the day.

This SFP applies only to the area shown as the 'Strategic Framework Plan Area' in **Figure 1**.



1.2 LAND TO WHICH THIS PLAN APPLIES

The LENGA precinct sits to the north of the established urban area of Lakes Entrance. The precinct measures approximately 182 hectares in area and has a potential residential dwelling capacity of approximately 700 dwellings. The land was rezoned from the Farming Zone 3 to the General Residential Zone 1 (GRZ1) by Planning Scheme Amendment C112 Part A (to the Planning Scheme) in 2014.

The precinct is characterised by sloping land, waterways and established vegetation. The precinct is also constrained by risks associated with bushfire, erosion and steep slopes.

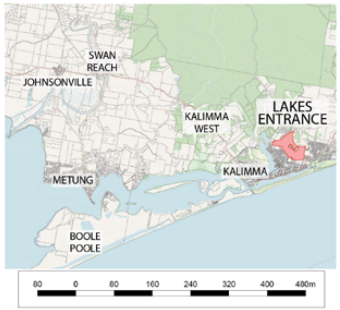


Figure 1 – LENGA Precinct showing the area to which the Strategic Framework Plan applies; and (inset) general locality plan.



1.3 WHY PREPARE A PLAN FOR LENGA?

The LENGA precinct is comprised of 25 different land ownerships[1] that are already zoned for residential development. Development across so many land parcels requires careful coordination to ensure development will deliver fair, legible, efficient and cohesive outcomes.

The development of a single vision (see Section 3) and the SFP encourages developments to work collaboratively toward a shared purpose. Each development proposal will need to adopt an external outlook and demonstrate regard to considerations such as the logical continuation of roads, footpaths, drainage, trunk infrastructure and trails across adjoining sites, as relevant. The SFP also embeds the principle of equitability, meaning that development proposals should not prejudice fair and reasonable development opportunities for adjoining land. Each individual development site should be seen as a 'stage', rather than a standalone development, that contributes to the delivery of an overall future urban structure of the LENGA precinct.

The Framework Plan sets up the high order coordinating elements across the entire precinct that provide a basic urban framework within which development can occur. These 'key elements', introduced in Section 5, are the building blocks of any residential precinct, including road and movement networks, open space, land use areas and the natural environment, which includes vegetation, bushfire considerations and waterways.

Each development should be guided by the vision and overarching objectives of the SFP (see Section 3).

1 As at early 2025.

1.4 HOW WAS THIS PLAN PREPARED?

As highlighted in Section 1.3, this Strategic Framework Plan represents an update and replacement of the 2014 ODP.

A comprehensive review of the land use framework in the East Gippsland Planning Scheme that applies to the LENGA precinct was undertaken in 2024.

This included the initial *Lakes Entrance Northern Growth Area – 10 Year Review: Key Issues and Options Paper*, April 2024 (**10 Year Review**) that evaluated operational performance of the planning framework over its first ten years. It recommended changes to improve the overall function of the planning scheme to support development in the precinct.

The detailed *Planning Scheme Amendment C161egip – Background Report (May 2025) by East Gippsland Shire Council* (**Background Report**) provides a comprehensive overview about how the SFP was prepared, including details of all background reports relied on to inform the preparation of this plan.

State Planning Policy, including those policies referenced at **Appendix 1** and considered in more detail in the Background Report, has continued to evolve in Victoria since 2014. This includes updates to key policy requirements, such as State Clause 13.02 (Bushfire) in Planning Schemes. These and other policy requirements are now reflected in this SFP. The updated bushfire planning requirements propose no net increase in risk to future residents. The updates to the 2014 ODP represent an improved 'baseline' by, for example, seeking to provide more clarity around hazard identification and managing future built form response in response to policy.

1.5 WHAT THIS STRATEGIC FRAMEWORK PLAN CONTAINS

This document sets the context and strategic opportunities that exist at the LENGA precinct. It articulates a simple vision and intended outcomes for the precinct and then includes the spatial framework and implementation and infrastructure considerations. For ease of use, the document has been split up into a number of sections:

Section 2 provides background information that describes the physical opportunities and constraints that have helped to inform the Strategic Framework Plan.

Sections 3 to 6 comprise the core Strategic Framework Plan component of the document. These sections combine to describe the vision, outcomes and establish a future urban framework plan for the precinct. The urban framework is a combination of 5 *Key Elements*, layers that combine to create the 'building blocks' for future development to respond to.

Section 7 – The final section of the document provides advice and guidance regarding the implementation of the plan, including the delivery of infrastructure.

Each of these components are explained in more detail throughout Sections 3-7.

1.6 RELATIONSHIP TO THE PREVIOUS 2014 OUTLINE DEVELOPMENT PLAN (ODP)

This SFP is an update to the previous *2014 LENGA Outline Development Plan* (**ODP**), which it supersedes and replaces.

This SFP continues to apply much of the same intent and is directly informed by the ODPs key objectives and principles. It has also rationalised the previous 12 chapters into 5 key organising elements that form the Strategic Framework Plan. Many peripheral or outdated matters from the 2014 ODP no longer apply and have not been translated into the new document. Where relevant, new State Government policy, strategic objectives and requirements have been considered by the updated plan.



1.7 HOW TO USE THIS DOCUMENT

The Planning Scheme establishes policies, zone (*General Residential Zone*), overlays and controls that apply to the use and development of land in the LENGA precinct. This establishes the planning permit requirements necessary to use and/ or develop land.

The SFP is an 'incorporated document'[2] to the East Gippsland Planning Scheme (the **Planning Scheme**). It provides the strategic context and basis that supported the preparation of the Lakes Entrance Northern Growth Area Framework Plan, *Objectives and Requirements*.

The SFP should be read in conjunction with the relevant parts of the **Planning Scheme**.

The SFP provides additional strategic guidance and considerations intended to inform and assist the preparation of planning permit applications.

The Planning Scheme framework that supports the development of this Plan and establishes the requirements for future development plans and planning permits is illustrated below.

HIERARCHY OF LAND USE PLANNING

Planning and Environment Act 1987
Establishes the legal framework and operation of the land use planning system in Victoria.
Directs preparation of planning schemes & amendments & planning permit application process.

Legal and statutory framework for decision making

East Gippsland Planning Scheme
Contains Planning Policy Framework (PPF) – State and local policies.
Contains Zones, Overlays, Particular Provisions and General Provisions that control the use and development of land. Planning permits considered and determined against it.

Lakes Entrance Northern Growth Area (LENGA) Strategic Framework Plan 2025
Role:
1) Provide strategic context and guidance to inform preparation of planning permit applications.
2) Inform preparation of planning scheme controls

Strategic context/ justificaiton

Informs preparation of planning scheme provisions.

Background Documents
Informs the preparation of the Strategic Framework Plan & Planning Scheme controls
Includes: Traffic and Movement Assessment, Bushfire Assessment, Land Capability Assessment, Native Vegetation Review, Drainage Strategy

Not used for decision making purposes.

Provides additional guidance for developers

2 An incorporated document is a document that is read in conjunction with the Planning Scheme for the effect of the scheme to be understood. It carries the same weight as other parts of the Planning Scheme.

1.8 WHAT THE STRATEGIC FRAMEWORK PLAN DOESN'T DO?

The SFP is a high-level strategic plan. It provides no certainty that the outcomes shown on the plans contained herein can be achieved exactly as anticipated. Development proposals will need to undertake the preparation of all necessary detailed site investigations, technical reports and assessments required to support an application for subdivision required by the Planning Scheme and other legislation. Such work may reveal a need to consider alternative outcomes or approaches to land development.

1.9 WHAT ABOUT EXISTING USES, DWELLINGS AND BUILDINGS IN THE PRECINCT?

The Plan recognises that development in the precinct will likely occur over a long period (50+ years). There are a range of existing uses and buildings, including well established residential dwellings located across the LENGA. This Plan anticipates that those uses and buildings can or will remain in place for long periods of time or indefinitely. There is no expectation that existing uses have to change. A range of provisions are included into Planning Schemes to enable existing uses and development to continue uninterrupted.

1.10 TESTING PRECINCT LAND CAPABILITY

The Strategic Framework Plan at Section 5 shows a high-level coordinating plan. In order to inform this plan and others used in Sections 6 and 7, it was necessary to test land capability across the whole precinct to reconfirm the likely capacity of land to accommodate housing. This was done via an analysis of slope, high level application of bushfire design requirements (including setback requirements from future vegetated waterways and native vegetation), native vegetation management requirements, road and access requirements and precinct interface considerations.

Council modelled these using an indicative site layout plan (streets, development cells) that applied a best practice response to site conditions (existing and future state) while trying to deliver the best housing yield. In the absence of a single future development plan for the site, this modelling enabled a better understanding of development potential across multiple land ownerships. It also enabled traffic and movement modelling scenarios to be prepared and helped consideration of likely infrastructure needs.

Appendix 2 includes further information on this work and its limitations.



2. THE CONTEXT AND OPPORTUNITY OF LENGA

The opportunities: Utilising the natural and landscape features of the site, LENGA continues to provide the opportunity to provide a diverse range of housing outcomes to meet the changing needs of our community.

Sitting just to the north of the established urban area, the opportunity to connect the precinct and people to surrounding neighbourhoods and to integrate it into the township via future activated open space corridors provides significant lifestyle and health and well-being opportunities for the precinct.

LENGA also provides long-term clarity for the township about where growth is expected to occur, which will help to maintain a healthy and competitive land supply market.

2.1 LENGA AS A GROWTH AREA

The LENGA precinct was first identified in the 2007 *Lakes Entrance Urban Design Framework* as a future housing growth area. The precinct was needed to provide sufficient future land supply for the township to meet growth rates that, prior to the millennium, were above 2% per annum. Population growth and new housing rates have since moderated in the intervening years and the township is now projected to grow at a rate of 0.69% over the period to 2041[3]. This is a similar case for many smaller towns across regional Victoria.

While this means there is less pressure to develop land over short time periods, the growth needs of the township continue to change as our communities evolve. It is important that sufficient housing land is made available to enable different and innovative housing solutions to be brought to market when it is needed. The LENGA provides Lakes Entrance with a housing land supply in excess of 50+ years[4].

This readily satisfies the Victorian State Government's need to provide a continual minimum 15-year identified housing supply. The LENGA is a key component of Council's Housing and Settlement Strategy (December 2023) in terms of managing future population and housing growth.

The Planning Scheme, within the Planning Policy Framework, identifies the LENGA precinct as 'residential supply' land as part of an overall Growth Area Framework Plan for Lakes Entrance.



3 See the 10 Year Review referenced in Section 8. It should be highlighted that growth rates can be subject to change – up or down and can be unpredictable in regional areas.

4 Discussed in detail in the 10 Year Review Background technical report. Growth in regional Victoria is subject to fluctuation and change.

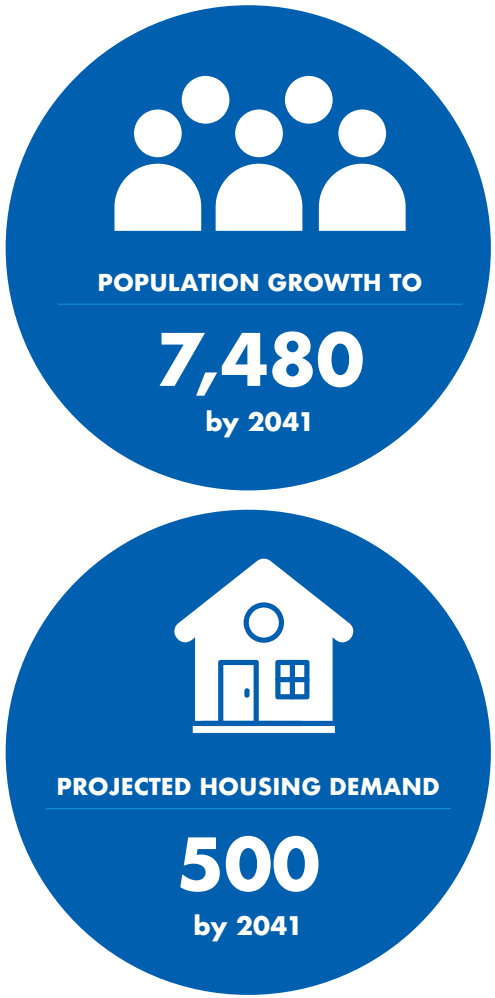


Figure 2 – Housing demand in Lakes Entrance urban area by 2041.

2.1.1 POPULATION GROWTH AND HOUSING DEMAND

Lakes Entrance, the township, continues to be a significant seasonal tourism destination on the Gippsland Lakes system. It is also an increasingly attractive retirement destination due to the quality of its natural environment and its lifestyle and recreational opportunities.

Over the last 20 years, Australian Bureau of Statistics (ABS) historical data reveals that the Lakes Entrance 'urban centre' has grown from 5503 people in 2001 to 6527 people in 2021, a change of 1024 people at an annual average growth rate of 0.93%.

Demographic specialist Informed Decisions (ID) project that the future growth rate for Lakes Entrance between 2021 and 2041 is expected to grow at 0.69%, which is a continued moderation of pre-millennium growth. This will result in the population of Lakes Entrance growing by 953 people over the next 20 years.

The implication of this anticipated growth is that the LENGA precinct will attract a proportion of this growth, with other development sites in and around Lakes Entrance also contributing to the housing supply pipeline. Consequently, development in the LENGA precinct is expected to be incremental and occur over a period beyond fifty years if current growth trends continue, as detailed in the **10 Year Review** background document. If growth rates were to increase once again, LENGA provides Lakes Entrance with sufficient capacity to readily absorb additional growth.

2.1.2 CHANGING COMMUNITY PROFILE

As a community, Lakes Entrance continues to change. In 2024, the median age in Lakes Entrance is 54 and increasing, compared to the Victorian median of 38 which is in keeping with its attractiveness as a retirement location. Lakes Entrance is experiencing an imbalance in its overall age structure, with 55% of its resident population aged 50 years old and above, as illustrated in **Figure 3** below. In the 70-84 age cohort alone, there has been a 97% increase over 20 years from 893 people in 2001 to 1762 people in 2021[5]. This pattern of an ageing population is projected to continue to 2041, with a 40% increase in those over retirement age and a 1.1% decrease in those of working age forecast.

Lakes Entrance has significantly higher than average numbers of residents in these upper age ranges when compared to the rest of regional Victoria. It also has lower than average cohorts of 'parents/ homebuilders' and 'young workforce' compared to the regional average. Much of this is attributed to the retirement lifestyle destination factor, less permanent employment along with a seasonal tourism economy that has a more transient workforce.

5 See: Click here to link to data source on ID Profile; or visit https://profile.id.com.au/east-gippsland/service-age-groups?WebID=140&EndYear=2001&DataType=UR

From a growth planning perspective, the immediate implications for Lakes Entrance will bring a need to focus on the type of housing and supporting community infrastructure to meet the emerging needs of its population. Longer term, a whole of township growth strategy that targets employment and attracting a greater diversity of age-groups will help to regenerate and reinvigorate Lakes Entrance. This Strategic Framework Plan can support future growth by providing sufficient land to meet a variety of housing needs.



LAKES ENTRANCE POPULATION PROFILE

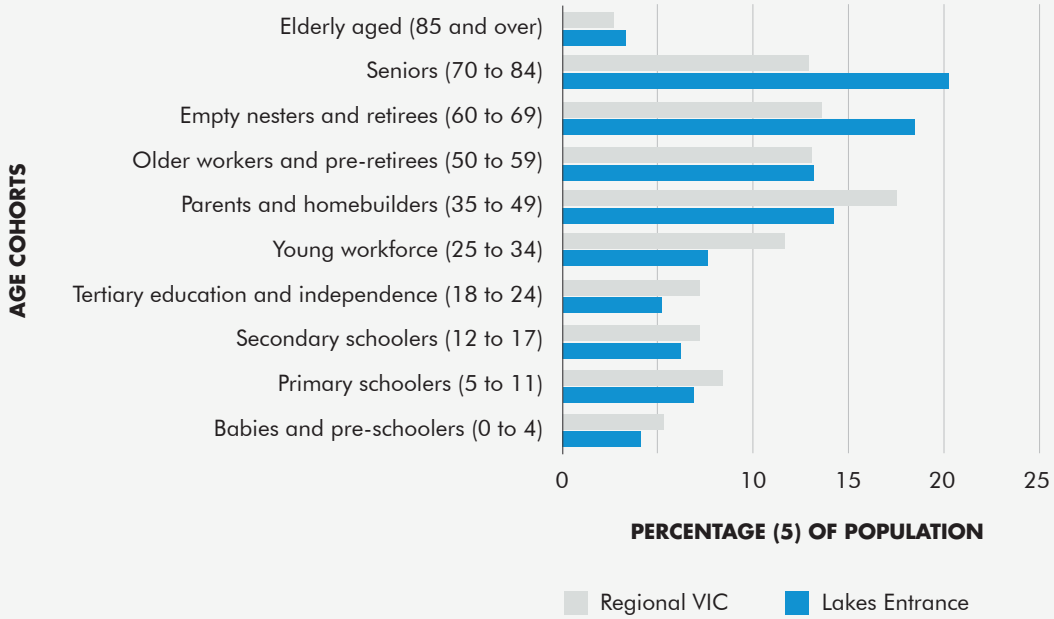


Figure 3 – Age profile of Lakes Entrance compared to the rest of regional Victoria.

2.1.3 HOUSEHOLD SIZE AND TYPOLOGY

The biggest change in household composition in Lakes Entrance over the period 2001 to 2021 has been the growth in single person (households), with an increase of 472 households over this period from 743 in 2001 to 1215 (+63%) in 2021. Overall, in Lakes Entrance, 39.7% of 3509 classifiable households are formed by two people and 34.6% by single people[6].

LAKES ENTRANCE GROWTH IN HOUSEHOLD SIZE 2001 TO 2021

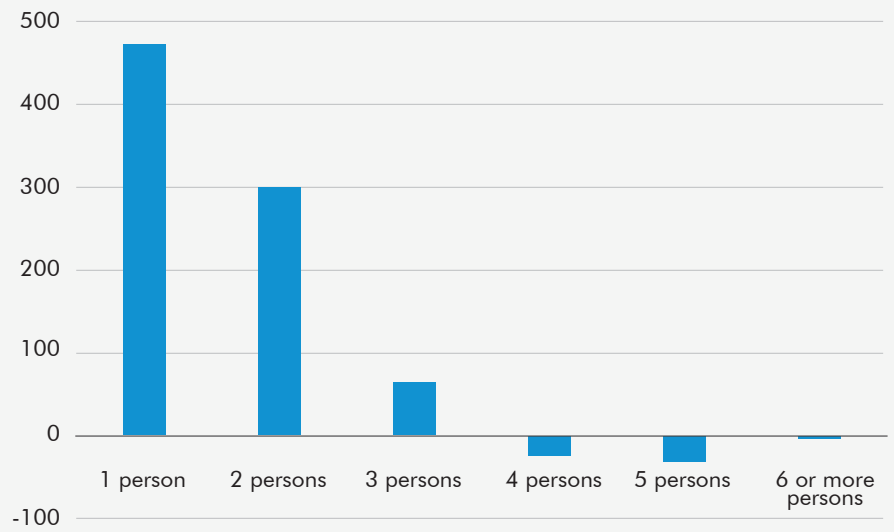


Figure 4 – Household composition in Lakes Entrance 2001 to 2021

6 Source: All data in this paragraph via ID profile: https://profile.id.com.au/east-gippsland/household-size?WebID=140&EndYear=2001&DataType=EN

2.1.4 DWELLING TYPOLOGY

Despite the change to household composition, the type of dwelling continuing to be built in Lakes Entrance over the period 2001 to 2021 has seen most growth in 4 bedroom family size dwellings (+331) followed by 3 bedrooms (+277) and 5 bedrooms or more (+83). There has been only modest growth in 2-bedroom dwellings (+53) and a decline in single bedroom homes[7].

The LENGA provides opportunities to accommodate a range of different lot sizes and dwelling typologies that can better meet the changing household structure and demographic composition of Lakes Entrance, notably the significant rise in single person households. The potential to deliver smaller, more affordable dwellings to meet the needs of an ageing population as well as a more transient, seasonal population of key workers is a key focus area that all levels of government continue to contend with. Housing market economics, developer capacity, project feasibility and delivering more innovative housing in regional Victoria are recognised as some of the key challenges to overcome. Consultation on Council's Housing and Settlement Strategy (2023) identified housing diversity and affordability as one of the key themes to arise. Council will continue to work with all sectors of the housing industry to advocate for and encourage a more considered response to try to meet these identified needs.

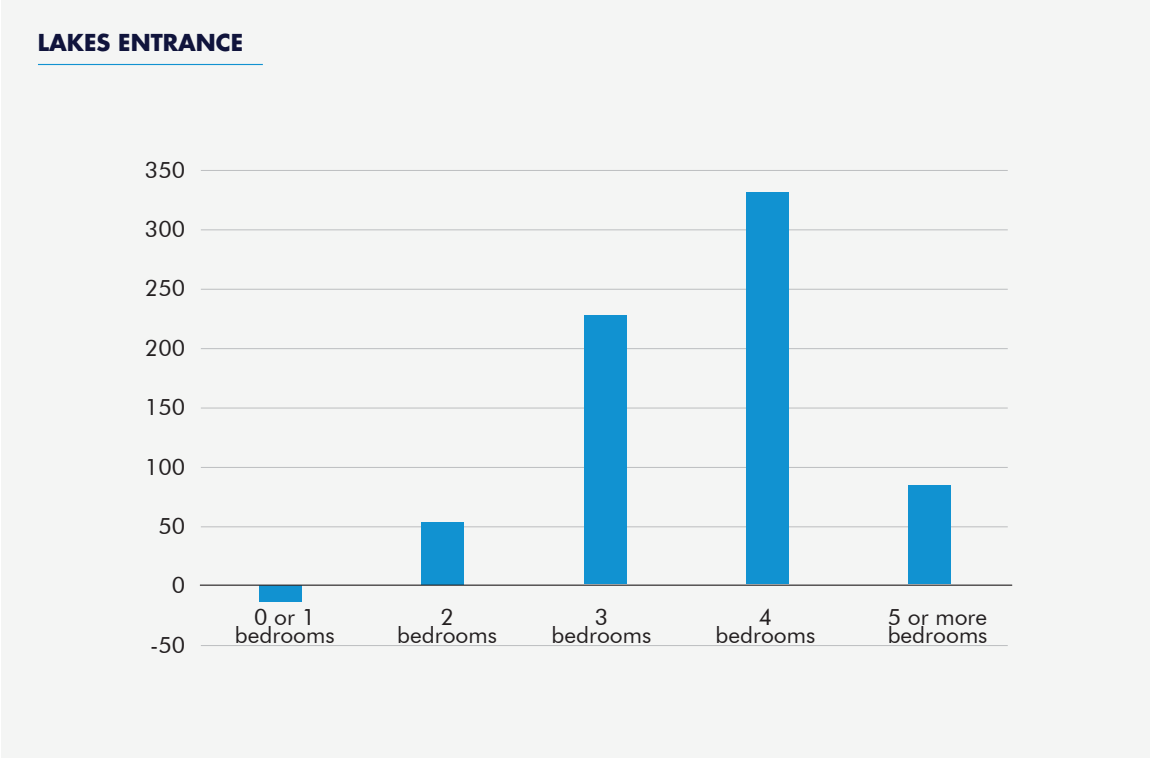


Figure 5 – Dwelling typology being constructed in Lakes Entrance 2001 to 2021 (Source: ID Profile)

7 Source: ID Profile and Australian Bureau of Statistics (ABS).

2.1.5 INTEGRATED PLACE-BASED APPROACH AND HEALTH AND WELLBEING

Place and where we live has an important influence on our health and wellbeing:

> *Where we live has the potential to influence our quality of life and therefore our health and wellbeing. Access to natural and built environments like public transport, community and retail facilities, footpaths, nature parks and reserves play a significant role in either facilitating or impeding our ability to engage in health-promoting behaviours.*
>
> **Extract from "Well Placed for Wellbeing", East Gippsland Shire Council Health and Wellbeing Plan, 2021-2025**



East Gippsland residents report high levels of social isolation and lower levels of adults engaging in regular walking[8]. As can be seen in the previous sections, social isolation is occurring at a time when there has been a significant rise in single person households and an increasingly ageing population in Lakes Entrance. It is important that the design of our residential neighbourhoods and housing typologies do more to encourage social connection and active lifestyles to meet the needs of all ages and abilities.

State Planning Policy (at Clause 15.01-4S) seeks to create neighbourhoods that foster healthy and active living and community wellbeing. Neighbourhoods are encouraged to foster community interaction and make it easy for people of all ages to live healthy lifestyles and engage in regular physical activity.

The opportunity for development proposals in LENGA is to adopt a placed-based approach that considers not just the layout and design of residential subdivision, but to consider who and how people will experience their neighbourhood as it establishes and to create genuine amenity early in development that fosters livability. This requires a place-based approach to residential subdivision design:

> *A positive sense of place can encourage people to interact more with their surroundings and with each other, helping to combat social isolation and loneliness and building social capital and resilience. Access to good quality greenspace and vibrant, attractive public spaces that support and encourage community life are important elements in supporting community wellbeing and quality of life.*
>
> **(Local Living and 20 Minute Neighbourhoods. Planning Guidance, Consultation Draft, April 2023, Scottish Government)**

Council has a key role to play in the future growth of the LENGA precinct. The development of people and place focused strategies that support new communities to be healthy, active and socially connected is a key opportunity. This can be formalised through the alignment of a range of plans and strategies via a place-based approach, including open space planning, use of public open space funds and associated capital works programs as communities develop. Council is prepared to work with developers to bring forward innovative solutions to help create active, vibrant and connected new communities.

8 See for example Council's 2021-2025 Health and Wellbeing Plan "Well Placed for Wellbeing" where it states on page 21 that: 'Residents report higher levels of social isolation, surpassing the Victorian average and ranking as the 4th worst in the state'. Page 20 also states '*…there is a lower proportion of adults engaging in regular walking for at least 10 minutes, at least four times per week, with only 11% in East Gippsland compared to 18% in Victoria'.*



2.2 LANDOWNER COORDINATION AND PREPARING DEVELOPMENT PLANS

The LENGA precinct is comprised of 31 land parcels under 25 separate land ownerships[9].

The SFP recognises that planning and development need (e.g. market demand) and timing may not always align, especially where housing demand will be spread over such a long period. Housing demand in regional Victoria can be unpredictable, subject to a number of demographic trends, economic influences and other social factors, such as employment or access to education or healthcare provision. Likewise, landowners may simply have different aspirations for land, including retaining it for its current purpose indefinitely. These uncertainties and timeframes mean that the SFP cannot or should not compel specific planning work or outcomes involuntarily.

A practicable and flexible approach will therefore be required to achieve coordinated outcomes over the long development lifetime of the precinct. Council will discourage small-isolated development pockets occurring that are not integrated, or capable of being integrated, into a functioning and well-connected precinct.

9 As at the early 2025.

3. THE STRATEGIC FRAMEWORK



This section of the document sets out the Strategic Framework for the LENGA. Alongside the Vision, it sets out the overarching outcomes and coordinating spatial framework to guide development in the precinct.

The Strategic Framework comprises three components, being:

- **The Vision and Objectives**
- **A LENGA Urban Framework Plan** and **Precinct Strategies**
- **5 Key Elements** – the layers that combine to form the Urban Framework Plan of the SFP, being:
  - > Land Use and Subdivision
  - > Access and Movement
  - > Landscape, Natural Environment & Bushfire Resilience
  - > Open Space and Recreation
  - > Built Form Character
- **Implementation**

Section 4 of this document is the Vision & Objectives. This sets out a high-level strategic vision for the precinct and how it can be expected to develop. It is supported by 5 objectives that summarise the intended outcomes of the '5 Key Elements' detailed in Section 6.

Section 5 is the Urban Framework Plan and establishes the intended *Precinct Strategies*. This overarching urban framework is directly informed by the *5 Key Elements* detailed in Section 6.

Section 6 identifies the 5 Key Elements that, when combined, provide the Framework Plan. They are the spatial layers that establish the framework within which development can be expected to occur. Each Element details the intended outcomes and sets out Requirements that may apply or matters that need to be addressed in future development for the precinct. They are supported by *Guidelines* that provide advice or guidance to support the preparation of planning permit applications for subdivision.

Section 7 details and implementation of the plan, including infrastructure considerations.





4. THE VISION AND OBJECTIVES

The LENGA is profoundly influenced by its natural features including its waterways, topography and native vegetation across the precinct. These elements create a striking natural setting with beautiful views that offer opportunities to create a diverse and sustainable series of connected neighbourhoods.

LENGA will provide a variety of housing opportunities to meet the changing needs of our people. It will be outward facing and connect with surrounding residential areas and the town centre. A series of activated internal shared linear parks along waterways and wetlands will take full advantage of the unique landscape and views, promoting social connections, walking and active lifestyles that will contribute to overall health and well-being of residents.

4.1 PRECINCT OBJECTIVES

The Vision is supported by the following objectives derived from the 5 Key Elements in Section 6:

1. **Land Use and Subdivision**
   To create a series of connected, diverse and sustainable residential neighbourhoods that encourage housing choice, diversity and affordability for all with a priority focus on livability, enhancing community connection and reducing social isolation.

2. **Transport & Movement**
   Establish a safe, legible movement framework incorporating roads, footpaths, and trails to connect the precinct to surrounding areas, prioritising active transport.

3. **Open Space & Recreation**
   Create an accessible network of open spaces and linear parks that support active and healthy lifestyles and community engagement while preserving and enhancing natural features.

4. **Landscape, Natural Environment & Bushfire Resilience**
   Integrate natural features and bushfire risk management into design, ensuring development sits harmoniously within the natural landscape setting of the precinct respects the environment and enhances biodiversity.

5. **Built Form & Character**
   Promote distinctive housing styles and diverse streetscapes that reflect the coastal character of Lakes Entrance and ensure positive interfaces with existing neighbourhoods and external road frontages.

5. THE URBAN FRAMEWORK PLAN

This is the LENGA Urban Framework Plan. It provides a high-level urban framework designed to address the opportunities and constraints of the precinct and guide future development.

The Urban Design Frame is combination of the five *Key Elements*, detailed in **Section 6**.



Plan 1 – Lakes Entrance Northern Growth Area Framework Plan.

5.1 PRECINCT STRATEGIES

The following table establishes the intended strategies for the LENGA. These are aligned to the Objectives and summarise the key outcomes under each of the 5 Key Elements (of the same headings) detailed in Section 6 alongside Infrastructure and Implementation outcomes of Section 6:

LAND USE AND SUBDIVISION	
01.	To promote the development of an integrated, safe, legible and connected series of distinctive residential neighbourhoods supported by a new neighbourhood activity centre (NAC) and community precinct.
02.	To make the best use of urban land by encouraging a greater range of housing choice, density through innovation and variation and affordability through a variety of lot sizes and/ or housing typologies across the precinct to meet the changing housing needs of all our people.
03.	Develop a precinct that prioritises social connectedness, health, and wellbeing including access to natural and green spaces and trails for relaxation, play, and active lifestyles.
TRANSPORT AND MOVEMENT	
04.	To create an overarching movement framework of varied streets, footpaths, trails and waterway corridors equitably across multiple land parcels and ownerships with the shared purpose of delivering a highly legible, safe and connected precinct and distinct streetscapes.
05.	To provide a safe and accessible road layout that identifies and considers bushfire protection measures in the design of the local street network
06.	LENGA will be outward facing and integrate with the existing transport and movement network surrounding the precinct and facilitate connection to the existing town centre of Lakes Entrance.
OPEN SPACE AND RECREATION	
07.	Utilising the natural attributes of the precinct, LENGA will deliver an accessible and integrated network of open spaces and connections to meet the needs and aspirations of the new community with adaptable, flexible and multi-use spaces.
08.	Create safe, well lit, highly visible, attractive and convenient public open spaces and connections that are generally fronted and activated by development.
09.	Encourage the retention and establishment of trees and other established patches of habitat through responsive layout of lots, streets and open spaces.

LANDSCAPE, NATURAL ENVIRONMENT AND BUSHFIRE RESILIENCE	
010.	Achieve balanced outcomes that protect and enhance natural features and habitat within the precinct, incorporating these into subdivision design to create a sense of place and character all while maintaining viable housing density.
011.	Ensure that bushfire risk is considered early in the layout, staging and design of development and the local street and open space network to incorporate appropriate setback and protection measures.
012.	To develop integrated water management responses that consider sustainable water, drainage and wastewater systems that protect, conserve and improve biodiversity, waterways and other natural resources and maintains or enhances the safety, health and wellbeing of people and property.
BUILT FORM AND CHARACTER	
013.	Integrate LENGA with the existing urban area (township) and provide sensitive external interfaces to external roads and transitions between new and existing residential areas adjoining the precinct.
014.	Promote building design that draws from the Lakes Entrance character to create distinctive streets that support local identity and wayfinding that are responsive and sympathetic to the landscape and natural features of the site.
015.	Promote built form that positively contributes to the public realm with architectural variety, a strong visual address, active frontages to primary street frontages and open space.
DELIVERING DEVELOPMENT: INFRASTRUCTURE AND IMPLEMENTATION	
016.	Encourage logical development patterns and staging. The most efficient and effective development and infrastructure outcomes will be achieved when landowners and/ or developers work together across multiple land holdings to deliver well considered development proposals.
017.	The design of any subdivision must have regard to the equitable development of adjoining land and demonstrate that a logical, connected and legible street and movement network can be created.
018.	Delivers best practice integrated water management that encourages reduced reliance on reticulated potable water, encourages the re-use of water, minimises flood risk, ensures waterway health, and contributes toward a sustainable and green urban environment.

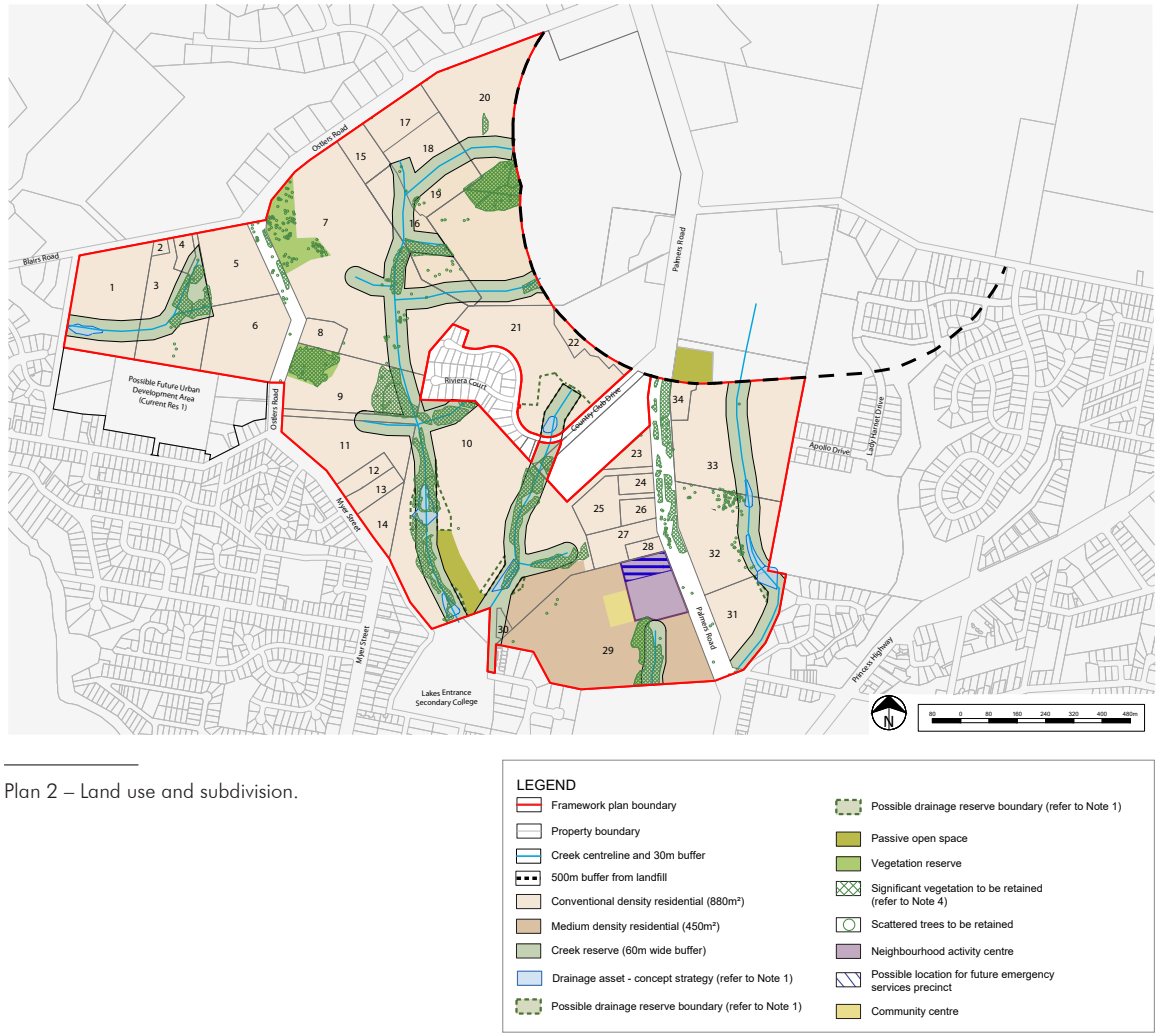


6. THE 5 KEY ELEMENTS OF THE STRATEGIC FRAMEWORK PLAN

This section comprises the '5 Key Elements' which are the main land use and development components that are the 'building blocks' that form the urban framework where development will generally be expected to occur. Together, these layers form the overall Urban Framework Plan.



6.1 LAND USE AND SUBDIVISION



Plan 2 – Land use and subdivision.

The LENGA is a housing growth precinct that will deliver approximately 700 new dwellings for Lakes Entrance. It will comprise a series of interconnected residential neighbourhoods, each containing a variety of lot sizes and housing typologies that are affordable, well-designed and meet different needs.

New neighbourhoods will be designed for people, to foster social connectedness, encourage active lifestyles and all to promote better physical and mental health and wellbeing.

Subdivision layouts are expected to emerge that take advantage of the different landscapes and views to create a sense of place that captures the unique characteristics of the precinct.

An opportunity for a small neighbourhood activity centre (NAC) is earmarked for the Council owned land to the south of the precinct, next to existing Council facilities. Over time, the NAC could be expected to provide a range of basic retail shops and ancillary services to future residents of LENGA. The NAC could also accommodate possible community facilities as the precinct grows and evolves. Opportunities to co-locate a possible emergency services precinct are anticipated by the Plan with a possible area identified. More intensive housing density around any NAC will help to encourage critical mass to support new facilities and services.

The NAC would provide a vibrant focal point to the local community, recognising that a broader range of services and facilities would continue to be provided in the Lakes Entrance town centre.

6.1.1 HOUSING TO MEET LOCAL NEEDS

Delivering a diversity of housing in connected, liveable neighbourhoods is a key State and Council policy objective, particularly with regard to local demographics, changing household size and the type of dwellings needed into the future. Housing affordability and housing choice are important, including opportunities for people to down-size, age-in-place and stay connected to and within their community.

6.1.2 IMPLEMENTATION: REQUIREMENTS AND GUIDELINES

These Guidelines (**G**) provide additional guidance or strategic considerations in decision making.



LAND USE AND SUBDIVISION	
GUIDELINES	
G1.	Subdivision design should ensure that development is outward facing and ensure appropriate transitional interfaces from existing residential areas and presentation to existing streets. This will create visual interest, activation and provide an appropriate transition into any new residential estate.
G2.	Greater housing density and housing diversity can provide more opportunity, through critical mass, to deliver a broader range of services and amenity to future communities.
G3.	Early subdivisions in the precinct will need to consider market acceptance of increased housing densities but demonstrate, through staging plans, how increased housing density and housing variety can be achieved.
G4.	When responding to lot and dwelling variety, development proposals should consider the demographic profile and household structure of the Lakes Entrance township and any projected changes to show how development will meet changing local housing needs.
G5.	Housing types that respond to changing household structure and demographic cohorts, including opportunities to downsize to low maintenance housing or an ability to age-in-place will help to create more vibrant communities.
G6.	Increased housing densities can create more opportunities for positive informal social interaction and connection and reduce social isolation.
G7.	Topography in the LENGA precinct presents challenges for walking and cycling. Careful design and providing local opportunities to overcome these challenges will be even more critical compared to flatter landscapes. Avoiding outcomes where social interaction and physical activity can only be achieved by driving to another location are key outcomes.
G8.	Developers are encouraged to consider innovative opportunities to promote connected communities. This might include small spaces for allotment gardens, community gardens or mens sheds or small multi-purpose community rooms (covered or outdoor). It might also include the creation of informal exercise circuits that combine on-street and trail paths, placement of exercise equipment and wayfinding signage.
G9.	Developers are encouraged to consider innovative means to retain existing habitat in addition to promoting habitat in public open space and conservation reserves. Individual trees which can be retained in road reserves or within lots can provide character as well as habitat and should not contribute to the bushfire risk if the surroundings are appropriately managed.

6.1.3 NEIGHBOURHOOD ACTIVITY CENTRE AND COMMUNITY FACILITIES

A future neighbourhood activity centre (NAC) is earmarked for the land around the existing Council facility in the southern part of the precinct, as shown on **Plan 2**. The role of the centre would be to meet basic convenience retail and service needs of future residents of the precinct. This recognises that the Lakes Entrance town centre will continue to be the primary location for most higher order goods and services. Opportunities are also likely to exist to co-locate community facilities as part of any centre. The general location has also been identified as a possible location for future emergency services facilities, although no formal commitments have been made by the State Government to the site or type of facility that may be required into the future.

It will take some time for a critical mass of people to generate a demand for local convenience retail and other services in the precinct. Further detailed planning for this part of the precinct will be undertaken with our community but only when sufficient demand emerges in the future, which is not likely to emerge for several years.

6.1.4 LAND BUDGET

The indicative precinct land budget is set out below. It is based on the land capability modelling work outlined in **Appendix 2**. It is not definitive but indicates the development potential within the precinct using density ratios typical to the area. Council will encourage greater density (outside of the Bushfire Management Overlay) where this would help to deliver greater housing diversity, choice and affordability for future residents.

LAND BUDGET TABLE	HA
SITE AREA	165.981
ITEMS INCLUDED IN NDA	
Residential Area	117.038
Neighbourhood activity centre (NAC) - including possible location for future emergency services precinct	2.490
ENCUMBRANCES (NOT INCLUDED IN NDA)	
Existing Roads	7.363
Community centre	0.555
Existing vegetation reserve	5.386
Drainage Reserve boundary	2.169
Creek Reserve	29.959
Passive Open Space	1.000
NDA	**119.528**
NDA without NAC	117.038



6.2 ACCESS AND MOVEMENT

The Access and Movement Plan encourages a series of diverse, well-connected new neighbourhoods that promote safe movement and healthy, active lifestyles. The Plan also recognises the importance of ensuring that development connects into its surroundings and existing movement networks that surround the site.

Physical activity, social connectedness and access to the natural environment are important aspects of good health and wellbeing and are important priorities for the design and overall accessibility of future residential subdivisions.

A street network will be established that responds to the existing landscape and site features, including slope, to ensure permeability across the LENGA precinct and provide equitable development opportunity for each land parcel.

The majority of the streets will be located to run along land contours. Court bowls and multiple creek crossings are limited as far as practicable, and a key consideration will be the interface outcomes between future waterway corridor open space reserves and future residential lots. The street network in the LENGA plays an important role in creating an appropriate setting, providing natural surveillance and visibility and helping to activate these high amenity locations. The road network is also used positively to provide appropriate bushfire setbacks and allow for landscape management.

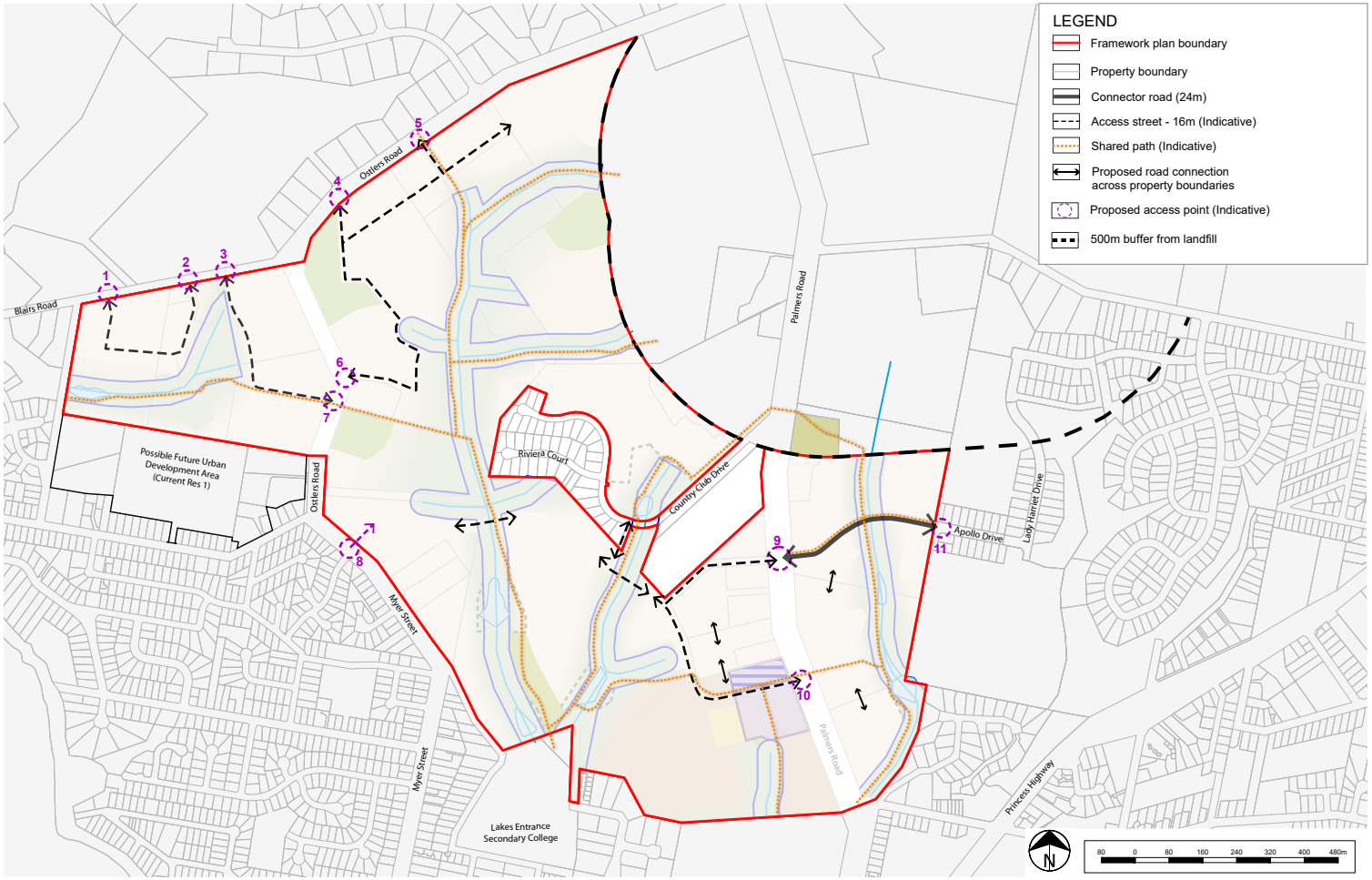
Most roads within the precinct will be low-speed local access streets. Developments will be encouraged to include variations to standard cross sections to streets to create more informalised, visually interesting street characteristics.

The undulating landscape within the LENGA precinct provides considerable amenity opportunity but also practical challenges from the perspective of encouraging cycling and walking. Emerging technologies such as electric bikes and scooters will help to provide new options and greater personal mobility. Careful design of pedestrian connections and cycling opportunities will be an important consideration for Role of the access and movement plan.

For individual development sites, the plan provides a broader perspective of the access and movement requirements and considerations that may need to be considered across property boundaries to deliver a legible and connected series of new neighbourhoods.







Plan 3 – Access and movement plan.

6.2.1 IMPLEMENTATION: REQUIREMENTS AND GUIDELINES

These Guidelines **(G)** provide additional guidance or strategic considerations in decision making.

ACCESS AND MOVEMENT	
GUIDELINES	
G10.	The alignment and layout of streets as illustrated in **Plan 3** is a high-level plan. It has been informed by a number of technical assessments. Future development proposals will need to be generally consistent with it, however other options may be considered where it can be demonstrated that connectivity and function can be delivered across multiple development parcels/ land ownerships.
G11.	The Urban Framework Plan identifies intersections based on a logical development pattern and aligned to current landownerships and an anticipated housing density. Each development will need to consider site entry and egress and consider any works to external roads that may be necessary to enable the safe movement of vehicles and cyclists.
G12.	Subdivision design should carefully consider how it will encourage people to move around their neighbourhoods by means of walking and cycling and create easy access to green spaces and natural environments at a local level. Well-designed, clear, legible, safe, well-lit footpaths, trails and links to open spaces will help to encourage active behaviours and social connection.
G13.	Streets should generally be designed to run along contours on land with slopes averaging greater than 10% or 1:10.
G14.	*The Infrastructure Design Manual* (**IDM**) at Clause 12 (Design of Roads) provides detailed information on the standard design criteria for roads, including road cross section typologies, that should be used to guide subdivision design and street layout in the municipality.
G15.	If a single street spans across multiple properties that street may consist of different or multiple cross sections so long as a suitable transition has been allowed for between each. Where that street has already been constructed or approved for construction to a property boundary, the onus is on the development connecting into that street to adopt a consistent cross-section until that suitable transition can be made.
G16.	Where a cul-de-sac cannot be avoided, they should not negatively impact walkability. They should incorporate highly visible, safe and legible through-connections that utilise green links throughout the precinct. Cul-de-sacs should also not create a circumstance where lots are adjacent to a bushfire hazard (internal or external to the LENGA) with no boundary access.

G17.	Lighting should be installed along shared, pedestrian, and cycle paths linking areas of high pedestrian activity, unless otherwise approved by the responsible authority.
G18.	In accordance with the IDM, approximately 30% of local streets (including connector streets) within a subdivision should apply an alternative cross section to the 'standard' cross sections for these streets. These can be varied via consideration of the following elements: • Varied street tree placement; • Varied footpath or carriageway placement; • Introduction of elements to create a boulevard effect; • Varied carriageway or parking bay pavement material; and • Differing tree outstand treatments. For the purposes of this requirement, changes to street tree species between or within streets does not constitute a variation. Alternative cross sections must ensure that: • Minimum required carriageway dimensions are maintained to ensure safe and efficient operation of emergency vehicles on all streets as well as buses on connector streets; • The performance characteristics of standard cross sections as they relate to pedestrian and cycle use are maintained; • Street cross section elements are to be in accordance with the requirements of the *Infrastructure Design Manual*; and
G19.	Street trees must be provided on both sides of all roads/streets (excluding laneways) and at regular intervals appropriate to tree size at maturity and not exceeding the average intervals below unless otherwise agreed by the responsible authority or located within a bushfire hazard setback area identified in **Plan 5**: AVERAGE INTERVAL TREE SIZE 8–10 metres Small trees (less than 10 metre canopy) 10–12 metres Medium trees (10–15 metre canopy) 12–15 metres Large trees (canopy larger than 15 metres) As informed by the Design Guidelines and typical cross-sections contained in the most current *Infrastructure Design Manual* (IDM). Existing indigenous trees should be utilised for this purpose where possible.





G20. Per the *Infrastructure Design Manual*, the design of all connector and access streets must give priority to the requirements of pedestrians and cyclists by providing:

- Footpaths of at least 1.5 metres on both sides of all streets and roads unless otherwise specified.
- Shared paths or bicycle paths where shown on Plan 3, included in the relevant cross section (**Appendix 3**), or specified by another requirement in the Schedule 8 to the DPO (shared or bicycle paths must be a minimum of 2.5 metres in width unless otherwise specified)
- Safe and convenient crossing points of connector roads and local streets at all intersections and on key desire lines
- Pedestrian priority crossings on all slip lanes
- Safe and convenient transition between on and off-road bicycle networks All to the satisfaction of the responsible authority.

G21. Shared and pedestrian paths along waterways should:

- Be delivered by development proponents consistent with the network shown on **Plan 3** and also **Plan 2**.
- Be above the 1% AEP flood level with any crossing of the waterway designed to maintain hydraulic function of the waterway.
- Be constructed (sealed) to a standard that satisfies the requirements of the responsible authority and the catchment management authority.

All to the satisfaction of the responsible authority and catchment management authority.

G22. Bicycle parking facilities are to be provided by development proponents in convenient locations at key destinations such as local parks and gathering points, such as trail connections with rest points/ tables/ bbq areas.

OPPORTUNITIES

01. Emerging technologies such as electric bikes and e-scooters will provide greater personal mobility for a precinct like the LENGA, which is characterised by hilly terrain. Subdivision design that encourages these forms of travel might consider low speed road environments, separated trail connections or shared footpaths to help encourage uptake, provide a safe and nurturing environment and reduce risk for riders.

6.3 LANDSCAPE, NATURAL ENVIRONMENT AND BUSHFIRE RESILIENCE



The LENGA marks a distinct transition from the forested rural hinterlands to the urban coastal tourism centre of Lakes Entrance. The landscape features rolling hills and steep slopes, with waterways and native vegetation all prominent features.

These natural attributes provide significant design opportunity to capture scenic views and take advantage of the landscape to create future neighbourhoods that sit harmoniously within it.



Waterways will become valuable assets, providing recreational spaces and connectivity to support active lifestyles. Integrated water management (IWM) will also need to account for the terrain, exploring water reuse opportunities and maintaining and improving the health of future waterways either through establishing new or promoting the existing native vegetation and associated habitat.

The identification, protection and enhancement of ecological values, including native vegetation, threatened species and associated habitat will also require careful design responses. No net loss to biodiversity will occur but change will be expected in some areas to account for residential development.

The Bushfire Management Overlay (BMO) of the Planning Scheme is applied across northern parts of the precinct, while the balance of the site is designated as a bushfire prone area (BPA).

Development will consider bushfire requirements early in the design stage, including the consequences of slope, classified vegetation (existing and planned), and likely bushfire behaviour on the interface and setback to urban development.

The design and layout of streets and lots, including the use of perimeter roads, will play an important role not only in bushfire planning, but also in terms of providing appropriate access, natural surveillance and framing of open space reserves.

LEGEND

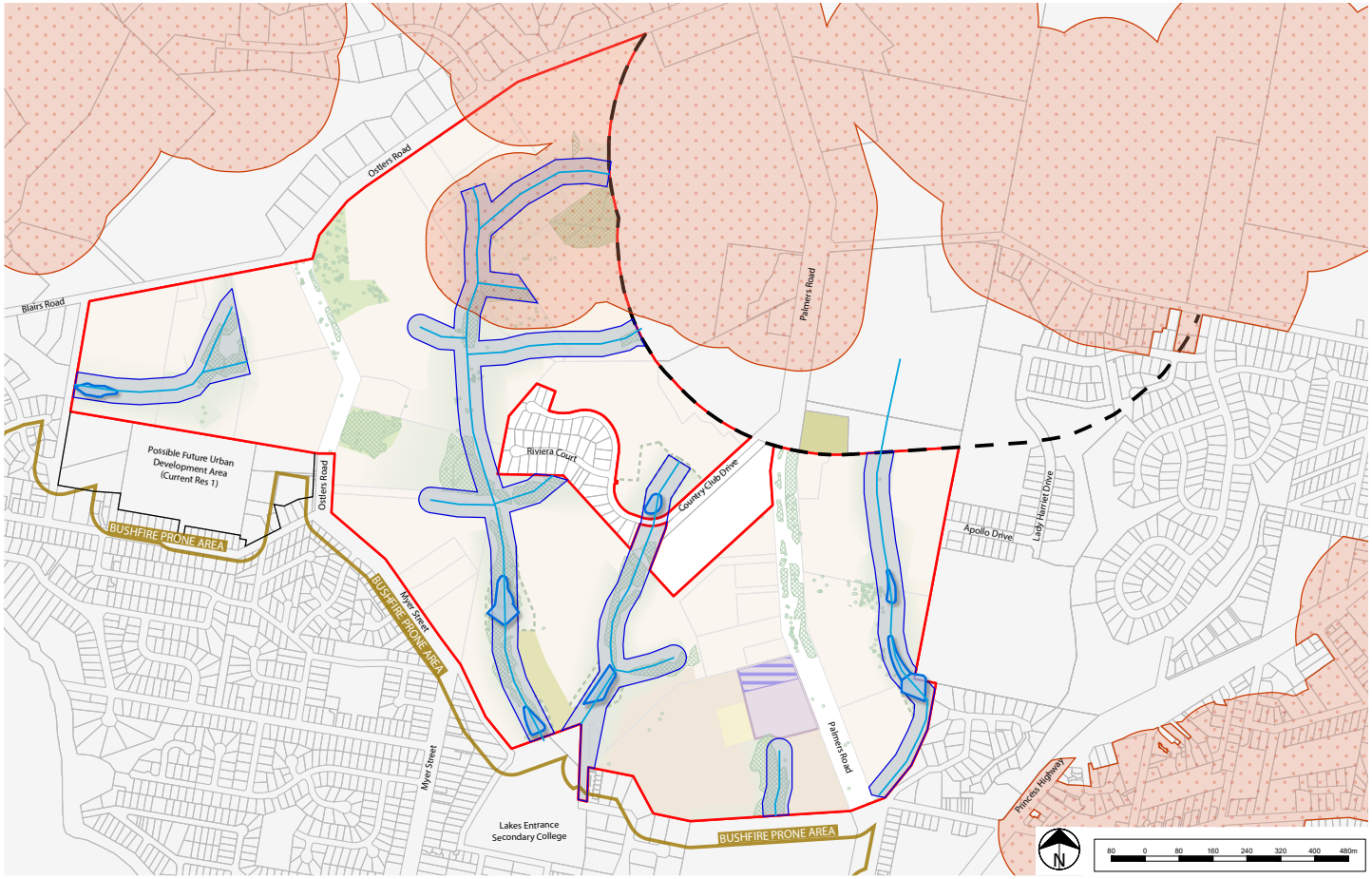
- Framework plan boundary
- Property boundary
- Creek centreline and 30m buffer
- 500m buffer from landfill
- Drainage asset - concept strategy
- Bushfire management overlay (BMO)
- Bushfire Prone Area

NOTES:

1. The BMO and BPA are regularly reviewed by the Victorian State Government. Standards and requirements affecting development outcomes may change over the lifetime of this plan.

2. BPAs designated under section 192A of the Building Act 1993.

3. For the most up-to-date information, current BMO & BPA maps can be accessed via the Victorian State Government website at: https://mapshare.vic.gov.au/vicplan/



Plan 4 – Landscape, Natural Environment and Bushfire Resilience.

6.3.1 BALANCED OUTCOMES

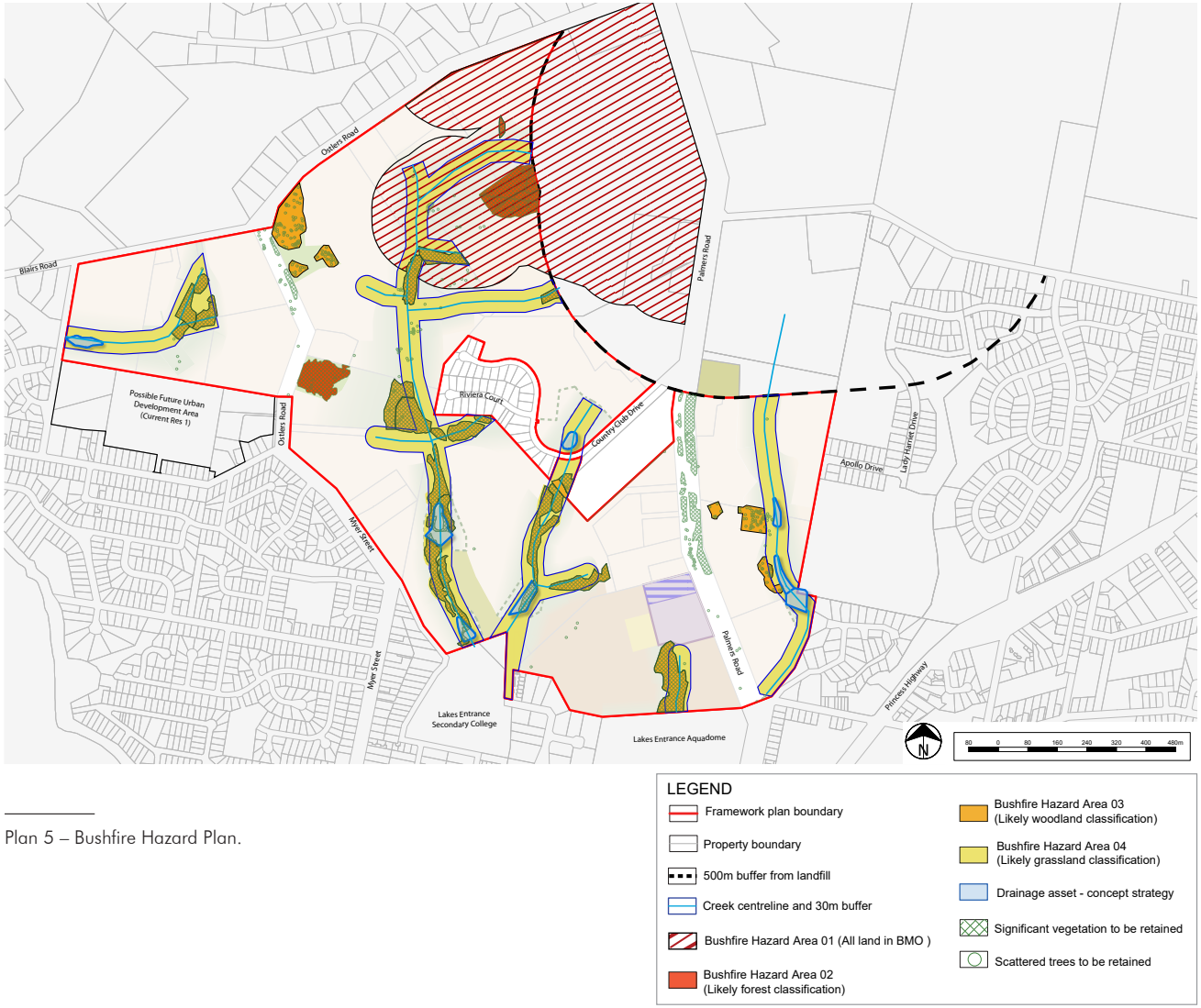
A balance of outcomes is required in the LENGA. Viable housing densities need to be achieved, while recognising and enhancing the precinct's natural attributes.

The Landscape and Environment Plan identifies the key natural attributes of the site – now and into the future (expected outcomes).

The requirements of State Planning Policy in respect of bushfire are very clear. Priority to the protection of human life is established by State Planning Policy Clauses 13.02-1S (Bushfire Planning) and 71.02-3 (Integrated Decision Making) in all Planning Schemes in Victoria. There will be no net increase in risk across the precinct.

Clause 13.02-1S also states that *'development approvals should be able to implement bushfire protection measures without unacceptable biodiversity impacts'*. This establishes the need for carefully balanced planning in sensitive environments and considering the state in which habitats will be retained and whether the altered surrounding usage will have a positive or negative impact on the values present.

Plan 5 identifies the bushfire hazards in the precinct. The bushfire setback, waterway and vegetation cross sections at **Appendix 3** establish how development is expected to address bushfire interfaces and setbacksand all in accordance with current best practice.



Plan 5 – Bushfire Hazard Plan.

6.3.2 IMPLEMENTATION: REQUIREMENTS AND GUIDELINES

To achieve the intended outcomes for the LENGA, the following requirements (**R**) are recommended. These are supported by a number of Guidelines (**G**) that provide additional guidance or strategic considerations in support of the requirements.

LANDSCAPE, NATURAL ENVIRONMENT AND BUSHFIRE RESILIENCE	
REQUIREMENTS FOR DEVELOPMENT	
Flora and Fauna	
R3.	Development should provide a full flora and fauna assessment of the development plan area and demonstrate how the findings have been addressed under Clause 52.17 (Native Vegetation), the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) where applicable, and the Flora and Fauna Guarantee Act 1988 (FFG Act) where applicable.
R4.	Developments should clearly identify significant habitat proposed to be protected and retained or removed By following the three step approach (avoid, minimise, offset) in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning*, 2017), developments must demonstrate no net loss to biodiversity.
R5.	The potential presence of species and communities listed under the EPBC and FFG Acts nees to be accounted for during each development application and the appropriate assessments need to be undertaken and required.
R6.	Long term management of retained habitat needs to be accounted for in developments to justify its retention. Management will be expected for larger patches of habitat due to bushfire management requirements and habitat within waterways and drainage reserves will likely undergo significant changes from the surrounding usage so these impacts either have to be accounted for as losses or justified through landscape management planning.
Waterways	
R7.	The design of waterway open space corridors, to be done in conjunction with the landscape concept plan and preparation of an integrated stormwater management plan, should: • Consider the impacts to existing habitat including whether an existing Ecological Vegetation Class (EVC) is to be enhanced or replaced within any identified waterway and responding accordingly.. • Include a buffer zone of 30m each side of waterways in accordance with Clause 14.02-1S "Catchment planning and management" of the Planning Policy Framework (PPF) The buffer must include a core riparian zone on both sides of the waterway that covers both the lower bank/wet channel section of a waterway and the primary buffer as described in Waterway Management Plan Guidelines for Urban Developments in Gippsland (WGCMA, 2024). This zone must be revegetated with riparian vegetation consistent with the relevant EVC.The remainder of the buffer must include a second outer zone consisting of ground covers, sedges and grasses consistent with the relevant Ecological Vegetation Class for the location. • All waterway corridors must have regard to the Bushfire Hazard Plan (Plan 5) and must not result in an increased bushfire hazard classification. Maintaining permanent wetlands can potentially address this concern although this will be dependent on external factors.

Bushfire	
R8.	The subdivision layout design must be informed by the '*Design Guidelines Settlement Planning at the Bushfire Interface*' (Country Fire Authority and Department of Environment, Land and Planning, 2020).
R9.	Subdivision layouts should be informed by the Bushfire Hazard Plan (Plan 5) and the typical cross sections at Appendix 3 that identifies the relevant bushfire risk and interface treatment options in different parts of the precinct.
GUIDELINES	
Flora and Fauna	
G23.	The SFP prioritises the retention of native vegetation identified as '*high quality – suitable for retention*' shown on Plan 4. Requirements R3 and R4 will confirm habitat values across a development plan area.
G24.	Retained habitat should generally be contained in public spaces to allow for appropriate long-term retention and management. Retention on private properties should only be considered for individual trees in conditions that allow it.
G25.	Passive or low impact recreational activities should be located closest to retained native vegetation or habitat, with active or higher impact activities to be located further away. Strategic revegetation or restoration should link and develop retained native vegetation or habitat areas with emphasis on enhancing corridors along and around waterways and wetlands.
G26.	Any development or public infrastructure to be located abutting or adjacent to retained biodiversity must be designed and located in a manner that avoids or minimises the potential for future biodiversity degradation.
G27.	Tree removal/retention should consider the assessment of a qualified arborist to ensure it can be retained safely in perpetuity despite the surrounding developments.
G28.	Any landscaping adjacent to retained native vegetation should be complementary to conservation objectives and should use indigenous planting where appropriate.
Waterways	
G29.	The design of best practice stormwater management systems, where this will result in discharge into identified waterways, must consider the future requirements of the East Gippsland Catchment Management Authority (EGCMA) who has responsibility for the health of waterways. See also Requirement 15 (R15) for stormwater drainage requirements.
G30.	Constructed/modified wetlands and waterways should be revegetated with indigenous native vegetation based on the species composition of the relevant Ecological Vegetation Class (EVC) and should be complementary to any specific biodiversity management objectives but consistent with maintaining the relevant classification shown on **Plan 5** and the cross-section at **Appendix 3**. If the existing EVC cannot be retained then management should focus on providing for the EVC which can be sustained in this area and ensuring it contributes to the habitat value of the surroundings.





Bushfire Resilience

G31. Appropriate land use distribution should be provided within any new precinct, including:

- Concentrating new development in lower hazard areas (e.g. areas adjacent to Hazard Area 4),
- Avoid positioning any vulnerable uses (e.g. hospitals, aged care facilities) or hazardous uses (e.g. petrol stations) on the interface with unmanaged vegetation or higher hazard areas (e.g. Hazard Area 1 or 2).

G32. Lot sizes must be considered in the context of their capacity to enable fuel sources (vegetation) in the landscape. Lots should be designed so that they cannot carry additional fuel loads and are of a size where any required vegetation management is practical to implement.

G33. Appropriate setbacks should be provided between classified vegetation and future buildings to achieve a radiant heat radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959 for new dwellings, and possibly lower exposure for vulnerable uses (e.g. hospitals or aged care facilities). Development should consider:

- The typical cross sections (see Appendix 3) show the indicative arrangement and treatment for different interfaces to achieve an appropriate radiant heat exposure (ideally less than 12.5 kilowatts/square metre).
- A higher radiant heat exposure (i.e. reduced setback) may be permitted where there are significant siting constraints or other factors that will reduce the bushfire risk. For example:
  - > in lower hazard areas (areas 3 and 4) where a perimeter road is provided a reduced setback may be accepted
  - > in locations where there is a steeper slope, but a shorter fire run is likely due to existing development or natural features a reduced setback may be accepted.

The maximum radiant heat exposure that could be allowed in these instances is 29 kilowatts/square metre.

- Appropriate construction standards will need to be assessed at an appropriate time, however if the typical cross sections are applied in the different hazard areas, it is expected that the majority of dwellings would have an appropriate radiant heat exposure that is commensurate with the bushfire risks.
- Development setbacks from classifiable vegetation on sloping terrain are as follows (as extracted from Australian Standard AS3959):

SLOPE	GRASSLAND	WOODLAND	FOREST
Upslope / Flat	19m	33m	48m
0 to 5 degrees	22m	41m	57m
5 to 10 degrees	25m	50m	69m
10 to 15 degrees	28m	60m	82m
15 to 20 degrees	32m	73m	98m
Above 20 degrees	AS3959 Method 2 assessment required		

G34.	Perimeter roads should be provided where there is a direct interface with unmanaged vegetation, existing forest or woodland, or where new conservation areas are proposed. Perimeter treatments (e.g. shared paths) could be provided where there is a direct interface with unmanaged waterway corridors or in lower risk parts of the site (e.g. Hazard Areas 3 and 4).
G35.	Bushfire management within retained habitat public open spaces can be undertaken in an ecologically responsible manner depending on the nature of the habitat present. This should be accounted for as part of any development plan.
G36.	The design of access and egress should allow people living close to the interface to move away easily, including: • Connectivity between established areas (and key access routes) and new housing areas, ensuring people can access lower threat areas (e.g. established suburbs).
G37.	New landscaping outside of waterways and native vegetation: New landscaping and planting in the growth area should be designed to minimise bushfire risk where practicable (e.g. new open space areas and street tree planting designed to achieve a low threat standard under AS3959 or adopt the principles in CFA's Landscaping for Bushfire Guide). Any new planting/ landscaped areas or fencing structures should be managed to a standard commensurate with the bushfire risk. For example, brush fences should be avoided and colourbond or post and wire fences are preferred.
G38.	The following matters should be considered as they relate to the staging and construction phases of any new development in the growth area: • The staging of any new development should consider the risk at the interface. The staging should minimise direct exposure to an interface with unmanaged vegetation. Where there is a direct interface on the development front, 100m buffer should be managed in a low threat state during the construction phase. For example, grass should be short cropped and maintained during the declared fire danger period, shrubs should not be located under the canopy of trees, trees should not overhang or touch any elements of the building and the canopy of any trees should be separated by at least 5 metres. • Throughout the construction phase, access roads should be constructed in association with the relevant stage to allow safe access for early residents, construction workers and emergency service personnel.



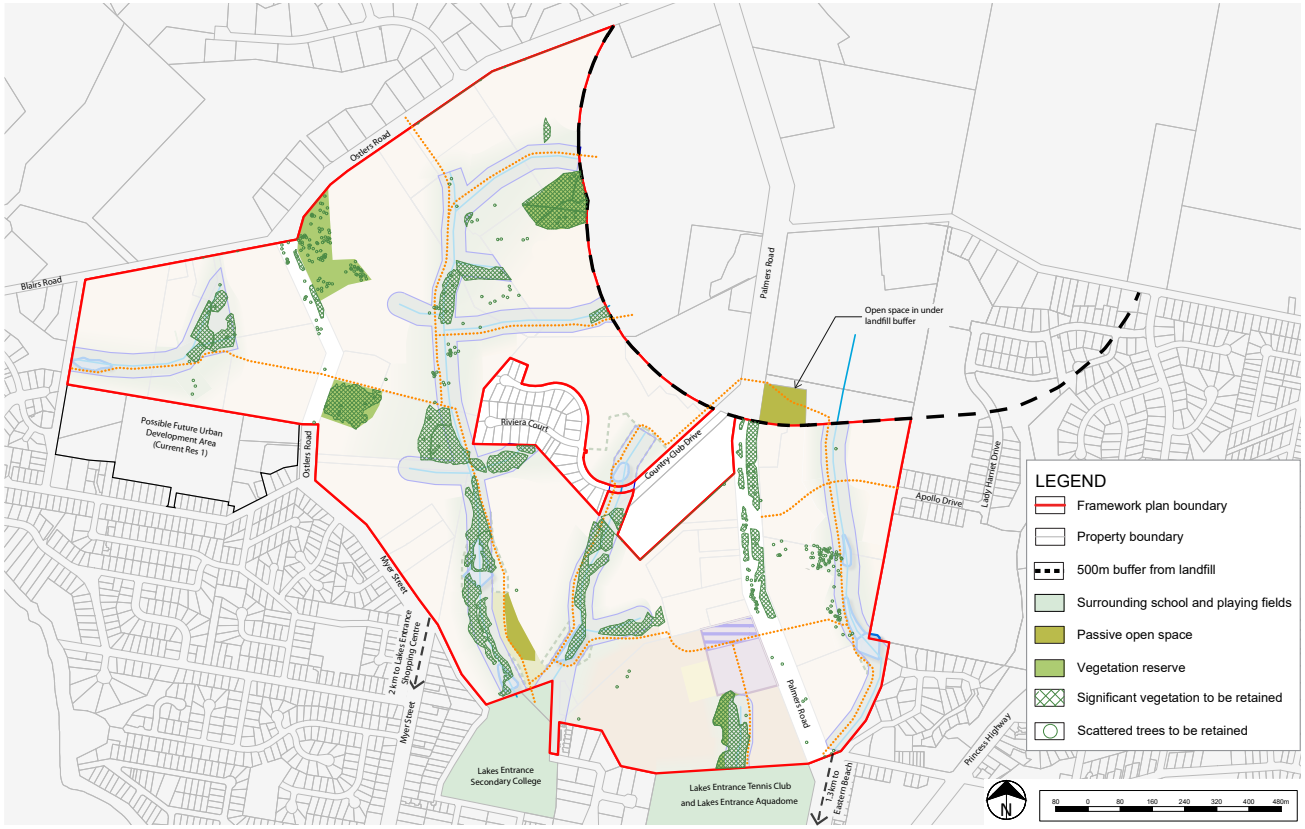


6.4 OPEN SPACES AND RECREATION

Access to open green spaces is intrinsically linked to our overall health and wellbeing. LENGA will utilise its abundant natural attributes to provide opportunities to enhance community connections with opportunities to meet, interact and form relationships built around a strong linear open space network. Access to nature will contribute to positive physical and mental health. The open space network will also provide environmental benefits such as the preservation of natural habitats and natural cooling.

LENGA's waterways create the natural linear open space network throughout the precinct. It will include trails and informal passive recreation spaces and local pocket parks. These linear open space corridors, generally fronted by development, will help to provide amenity and connections to the Lakes Entrance town centre.

Development will activate open space areas, provide passive surveillance and create safe, inviting, connected internal walking and cycling networks throughout the precinct.

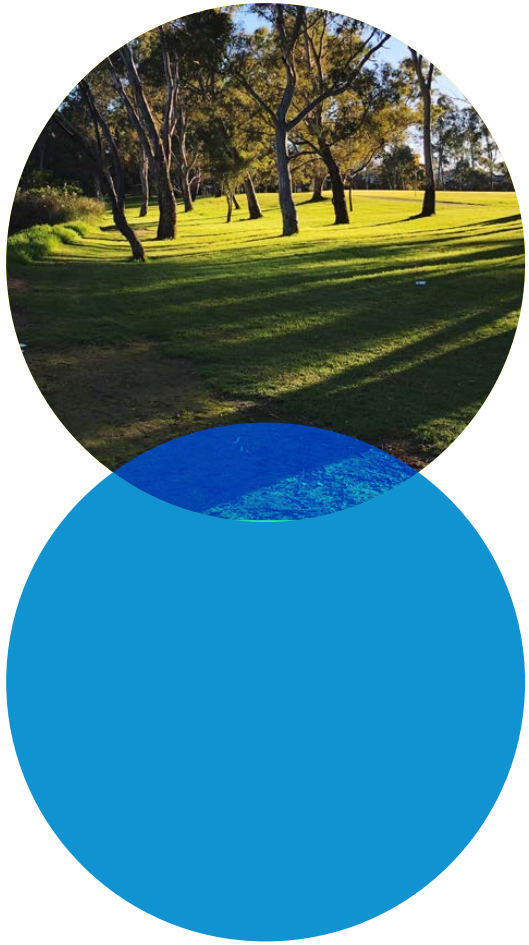


Plan 6 – Open Space Plan.

The access and movement and open space network will work hand in hand to ensure that people are encouraged to pursue active lifestyles through means of walking and cycling and to encourage social interaction within new local neighbourhoods.

6.4.1 IMPLEMENTATION: REQUIREMENTS AND GUIDELINES

These Guidelines (**G**) provide additional guidance or strategic considerations to support decision making.



OPEN SPACES AND RECREATION	
GUIDELINES	
G39.	Subdivision should provide for a local street separating development from waterways, open spaces and local parks generally in accordance with the interface streets contained in Appendix 3. In limited circumstances where subdivision does not propose a local street separating development, design and layout options should demonstrate: • lots directly fronting open space and landscape value areas should be set back at least 4.5 metres • lots directly fronting open space should allow for vehicular access via a rear laneway • a four metre wide access way should be provided as the primary point of access from a footpath or shared path with a minimum width of 1.5 metres along the lot frontage • subdivision design should avoid side or rear fence treatments fronting open space and drainage assets e.g. wetlands. • subdivision design should maximise opportunities for informal passive surveillance • subdivision design should not limit the use of adjacent open space. All to the satisfaction of the responsible authority who is also the responsible drainage authority.
G40.	Any encumbered land required for drainage purposes must be transferred to the drainage authority (East Gippsland Council) at no cost and in accordance with the conditions of any future planning permit.
G41.	Linear waterway open space corridors should be designed to: • Enhance the wider walking and cycling network. • Provide easy and convenient connections and integrate key neighbourhood destinations and landscape features. • Be safe, highly visible and promote an active and healthy lifestyle. • Support neighbourhood legibility and sense of place. • Enhance the diversity of open space environments. • Incorporate drainage depressions and seasonal wetlands where practical. • Be fronted by streets in accordance with G42. • Avoid vehicle crossings. • Retain trees and smaller patches of habitat where possible.
G42.	Habitat should be retained in public spaces in any form possible under the circumstances. Larger patches may be difficult to completely retain due to the setbacks required from them for bushfire safety purposes but patches of trees with limited understory can be retained and managed with minimal losses.

6.5 BUILT FORM AND CHARACTER

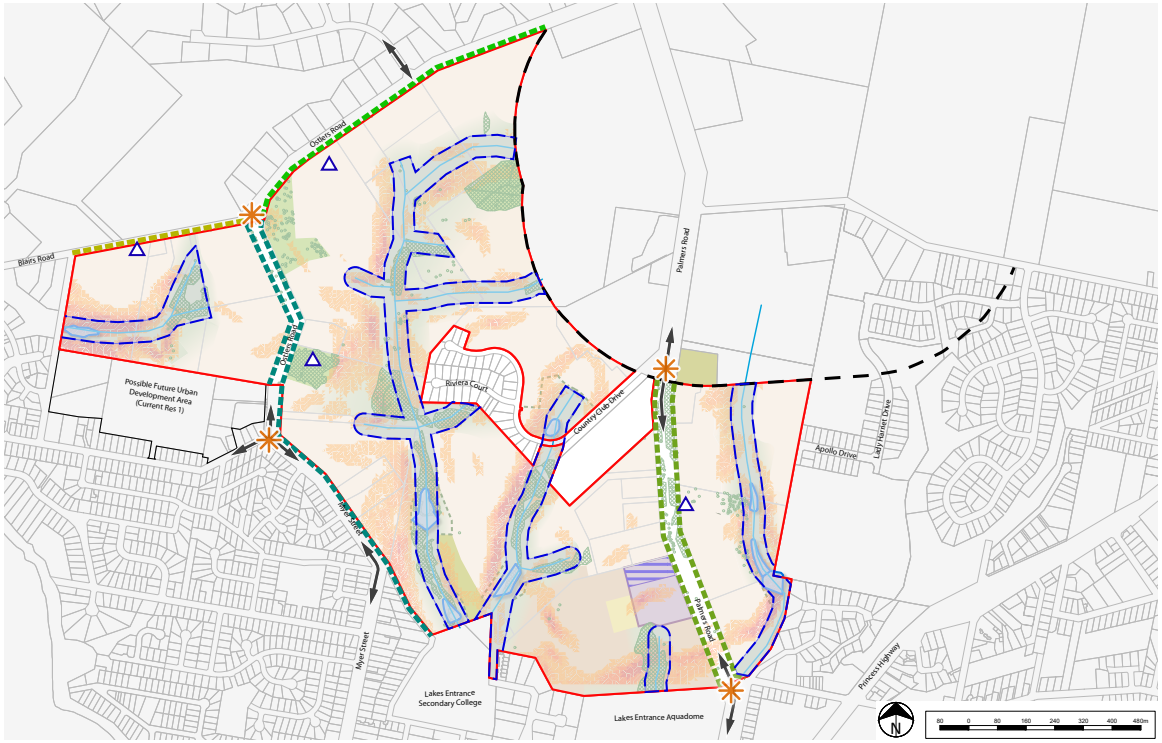
The LENGA precinct will consist of distinctive and visually appealing neighbourhoods that take advantage of the landscape and natural attributes of the site, including views and waterways. Development within LENGA will reflect the broader coastal character of Lakes Entrance but develop its own contemporary architectural and neighbourhood identity.

Development will incorporate well-designed frontages to all external roads to ensure that development creates positive and engaging transitions to existing and future residential areas. Key entry points into the precinct will create a distinctive sense of arrival and identity.

Internally, development will incorporate a mix of lot sizes, dwelling typologies, building heights, rooflines and roof colours. A key outcome will be to create visually distinctive, varied streetscapes and enhance longer distance views into and across the precinct.

Development will avoid repetitive and homogenous streetscapes to create individual identities for new neighbourhoods.

Housing form and construction will ideally respond to the topography and avoid excessive cut, fill and earthworks.



Plan 7 – Built Form and Character Plan.

LEGEND

- Framework plan boundary
- Property boundary
- 500m buffer from landfill
- Interface - waterway
- Interface - main township entry
- Interface - low density transitional residential
- Interface - rural residential
- Interface - rural to urban residential
- Site entry
- High point
- Gateways
- Interface - steep slope (over 15%)

6.5.1 IMPLEMENTATION: REQUIREMENTS AND STRATEGIC CONSIDERATIONS

These Guidelines (**G**) provide additional guidance or strategic considerations to support decision making.



BUILT FORM AND CHARACTER	
GUIDELINES	
G43.	In conjunction with *Land use and subdivision* requirements, ensure development sensitively addresses transitional interfaces with existing roads and residential areas through considered design, setbacks, landscaping and planting.
G44.	Significant landscape features, such as high points, vegetation, open space and waterways, should be used as focal points for view lines along streets and to help inform subdivision layout and design. Clause 56.01-1 (*Subdivision Site and Context Description and Design Response*) of the Planning Scheme requires any subdivision to consider these aspects and show, through the *Subdivision Design Response* requirements at Clause 56.01-2 how the development has responded to them.
G45.	Landmark sites on gateway entry points, where shown on **Plan 7**, should be planned, developed and landscaped to create a sense of arrival and entry into an estate.
G46.	A mix of building styles and designs will enhance the visual appeal of any neighbourhood. This will create more engaging streetscapes and contribute to distinctive local character and identity and create a sense of place for future residents.
G47.	Consider providing wider lots along key entry roads and alongside external roads to allow additional opportunities for landscaping within the front setbacks.
G48.	Street trees are to be provided in accordance with the Infrastructure Design Manual. Existing indigenous trees should be utilised for this purpose whenever possible.
G49.	A consistent suite of lighting and furniture should be used across neighbourhoods, appropriate to the type and role of street or public space, to the satisfaction of the responsible authority.

7. DELIVERING DEVELOPMENT: INFRASTRUCTURE AND IMPLEMENTATION

The LENGA is comprised of a range of landholdings. They vary in size from individual house blocks under one (1) hectare to large vacant parcels capable of yielding multiple residential lots. An essential role of this SFP is to coordinate development across these landholdings all in the acknowledgement that the full build out of the precinct will likely occur across many years, at different rates and in different parts of the precinct in different stages. The timing and need for development will be driven by market demand.

The urban structure allows most landholdings to develop without reliance on adjoining sites. This reduces timing and coordination challenges. However, smaller lots may need to consolidate to enable more intensive development outcomes. This framework supports a self-contained infrastructure model, making large-scale cost-sharing mechanisms unnecessary.

Each development proposal is expected to look beyond its own boundaries to ensure that infrastructure connections, such as streets and footpaths as well as trunk infrastructure, adopt logical, efficient and equitable design solutions.

The most efficient outcomes will be achieved when landowners and/ or developers work together, either to consolidate land or to work together to undertake cohesive planning across title boundaries, including for drainage and service utilities and to identify opportunities for sharing infrastructure costs.





7.1 INFRASTRUCTURE AND IMPLEMENTATION CONSIDERATIONS

The SFP has considered a range of factors to determine the likely infrastructure that might be required to support development, including:

- Overall lot yield
- Anticipated construction rates/ housing demand
- Projected precinct build-out timeframes (50+ years)
- Land ownership
- Land capability (including constraints)
- Service utility provision/ capacity
- Background technical reports

The infrastructure needed within the precinct will be to support residential development and will generally be identified and delivered as subdivision works by developers or service utility provider works (as a developer cost). It will generally be delivered as it is required.

The predominant type of infrastructure required to support development will be new intersections to residential estates, internal access roads, footpaths, lighting, street trees, trails and stormwater drainage systems that include revegetated waterway open space corridors. Stormwater drainage is discussed separately further below under its own heading.

7.1.1 PRAGMATIC APPROACH TO INFRASTRUCTURE NEED, LAND OWNERSHIP AND DEVELOPMENT TIMEFRAMES

Development in Lakes Entrance is expected to occur incrementally over more than fifty years, with infrastructure provided as needed at each stage. This phased approach will likely be more feasible to developers than upfront infrastructure investment.

The urban structure allows most landholdings to be developed independently of neighbouring properties, minimising timing and coordination issues. However, smaller lots (under one hectare) may require consolidation and shared access for higher-density development.

No large-scale precinct infrastructure is needed, as the preferred urban structure allows dispersed, self-contained infrastructure on individual sites. Developers will not be required to build infrastructure for others unless through mutual agreements between landowners.

7.1.2 DEVELOPER WORKS AND LEGAL AGREEMENTS

Council may require a developer to enter a legal agreement to provide infrastructure works. An example of this would be when a traffic assessment identifies the need for upgrades to an external road to accommodate additional traffic turning movements that a development creates. In this instance, Council will secure works or payment for works (if to be undertaken by Council) through an agreement with the landowner under Section 173 of the Planning and Environment Act 1987. Trunk services are subject to the separate requirements of service providers (see 7.1.5 below).

7.1.3 STORMWATER MANAGEMENT

The preferred concept drainage strategy for the whole precinct is shown in **Plan 8**. This is informed by the *Lakes Entrance Northern Growth Area (LENGA) Revised Drainage Strategy, Version 2* (Stormy Waters Solutions, April 2024).

Implementation of the strategy would involve the delivery of a limited number of dispersed shared drainage assets on specific land (within designated waterway corridors) in each sub-catchment of the precinct. This is known as a 'regional' drainage strategy. The benefits of this approach are:

- The need to build a smaller number of assets.
- Help to limit the loss of developable land.
- More efficient to deliver and maintain.

Any shared outcome would involve cooperation and coordination between the precinct's 25 landowners. It would also require development to follow a rigid delivery sequence across every land parcel.

Full development of the precinct is projected to occur over a long timeframe. This will bring uncertainty about when individual land parcels might be made available for development. Sequencing of a regional drainage strategy on private land has its limitations under these circumstances.

To avoid land sterilisation, a flexible and opportunistic approach should be adopted. Each development will be asked to adopt the principle of the regional 'inline' drainage strategy as it applies to the relevant sub-catchment. The location of drainage features (wetlands, retarding basins) can be varied, but developments (particularly early developments) should be asked to identify how future upstream capacity could be future proofed into any proposed asset(s), using the principles of the drainage strategy.

As stated above, vegetation retained within the waterways will be important from a habitat retention and waterway management standpoint but the amount of vegetation which can be retained is dependent on the bushfire risk generated from it. Permanently inundated habitats such as wetlands and damper forests can potentially be retained/created without increasing risk and gullies with wider bases can potentially create denser vegetation without planting on higher slopes which would increase the setback requirements. The conditions of each waterway being utilised for this purpose must therefore be individually assessed.

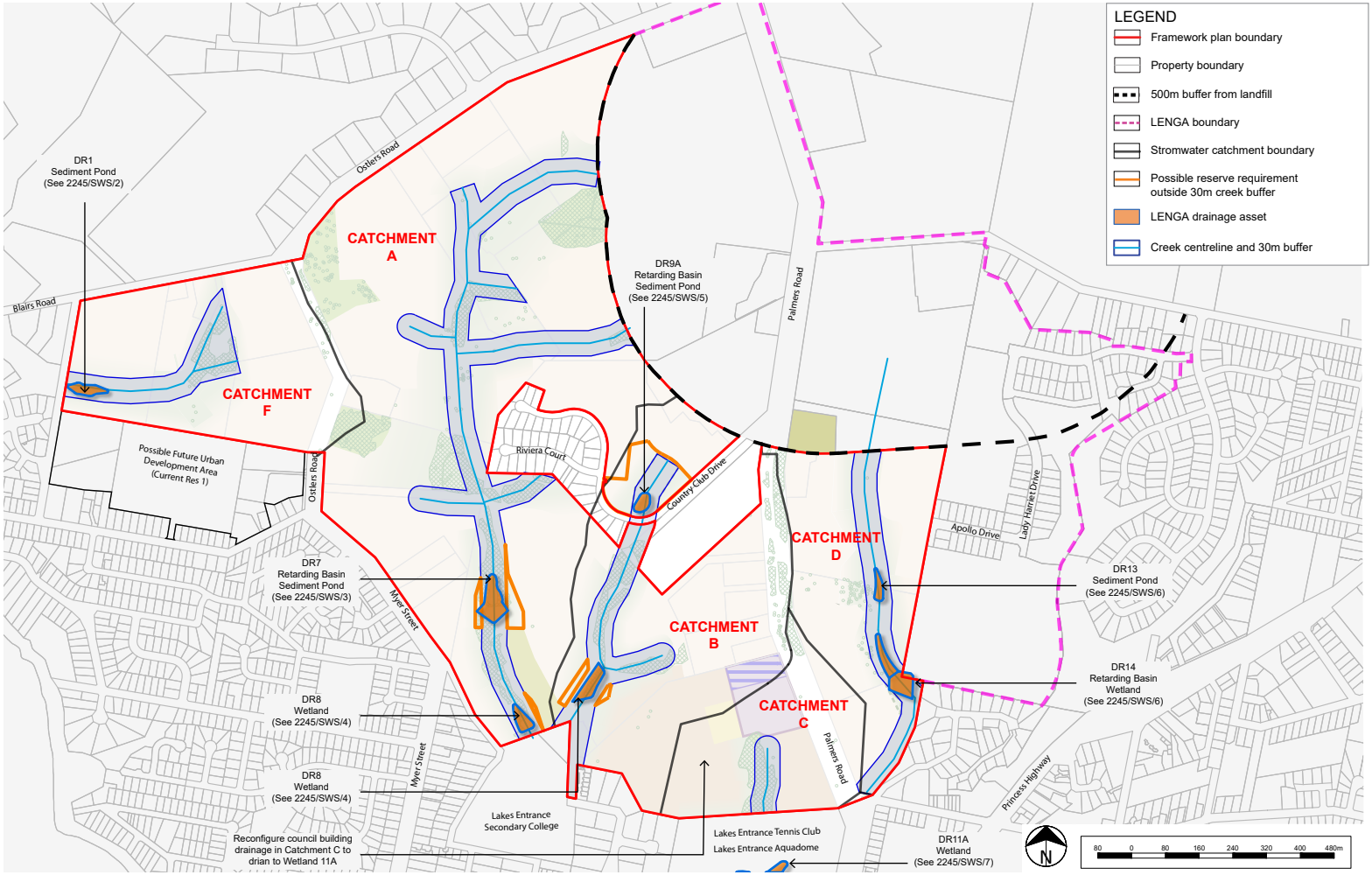
Each development will only be asked to deliver sufficient retardation and water treatment to meet its needs, however; developments should prioritise solutions and/ or designs that provide flexibility (i.e. offer future capacity), such as a design solution that might operate in an 'interim' way but allow future augmentation by a third party[10].

Stormwater management design will need to consider best practice[11] where this will involve discharge into any identified waterway. Early engagement with the East Gippsland Catchment Management Authority (EGCMA) is necessary relating to any proposed works to waterways.



10 Noting that a requirement for any future development approval will require that encumbered land for drainage purposes will be transferred to Council, at no cost. This will enable future developers on adjoining land to have access to any drainage infrastructure that is constructed and operational.

11 See *Urban Stormwater – Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999.



Plan 8 – LENGA Concept Drainage Strategy.

7.1.4 POTENTIAL DOWNSTREAM DRAINAGE INFRASTRUCTURE AND SPECIAL RATES AND CHARGES SCHEME

The drainage strategy prepared by Stormy Waters Solutions includes a possible drainage *Asset 11a*, located outside of the precinct. In the event that this project was to come online (as a Council constructed project) in the future, it could provide best practice stormwater treatment credits for the LENGA precinct. This would mean that development in the LENGA would not need to treat stormwater to best practice requirements – instead only stormwater retardation would be required. Only development constructed after Asset 11a is operative (should this occur) would be able to benefit from these credits.

Further investigation, design and cost analysis is required to progress Asset 11a. This could include investigation of a special rate charge scheme (for drainage) under the Local Government Act 2020. This would likely apply to any property that would benefit from the drainage infrastructure. There is no commitment to this project as at May 2025. Further review of the stormwater drainage system through Whiters Street to Eastern Creek can also be considered by Council as part of broader township drainage capacity improvement investigations beyond the southern boundary of the LENGA precinct.

7.1.5 UTILITIES AND SERVICES INFRASTRUCTURE

Building on the 2014 ODP, utilities and service infrastructure continues to be available for connection into the precinct. Depending on the location, timing and scale of development, individual developments may need to extend a network(s) or augment an existing network to enable development to occur i.e. to create capacity. This will be undertaken by developers, at their cost and all in accordance with the requirements of the service provider.

Residential subdivision applications will need to meet the requirements under Planning Scheme Clause 56.09-1 – *Utilities*.

7.1.6 COMMUNITY INFRASTRUCTURE TO BE CONSIDERED AT A WHOLE-OF-TOWNSHIP SCALE

No community infrastructure projects are required because the overall projected population for the LENGA precinct will be well below industry benchmarks required for new facilities (typically 10,000+ people). Comprehensive community infrastructure and open space planning for the whole of Lakes Entrance will best determine future needs for the township and its residents.

7.1.7 PUBLIC TRANSPORT INFRASTRUCTURE

Bus stops should be provided in accordance with the Department of Transport Public Transport Guidelines for Land Use and Development to the satisfaction of Public Transport Victoria.

See also Clause 56.06-3 *Public transport network objectives* of the Planning Scheme, as relevant.

7.1.8 CONTAMINATION

Over time, a number of assessments have been undertaken across the LENGA precinct which have determined that the risk of contamination is low for all land except for 135 Palmers Road. Therefore, most of the land is suitable for sensitive uses (residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use, children's playground or secondary school). In the event that contamination is found during subdivision construction, remediation measures may be required as per the EPA Guidelines.

In relation to 135 Palmers Road, an Environmental Audit Overlay is to be applied to ensure that the land cannot be developed until the required site investigations into potential contamination have been completed.

7.1.9 EROSION

Clause 44.01 Erosion Management Overlay of the Planning Scheme applies to parts of the precinct, predominantly along waterways. Development construction staging and interim solutions must avoid or mitigate the risk of soil erosion and water and waterway degradation from sodic and/or dispersive soils.

8. APPENDICES

APPENDIX 1 – PLANNING POLICY CONTEXT

The following provides a summary of the most relevant planning policies in the East Gippsland Planning Scheme, as they apply to the LENGA[12]:

PLANNING POLICY FRAMEWORK (PPF)

Incudes the State and Local Planning Policy Framework (the PPF). A range of policies are relevant to housing growth and supply, settlement planning and key environmental, landscape and environmental risks that are relevant to the LENGA.

Notable policies include:

- **Clause 11.01-1L-02 – Growth Area Towns** - sets out the general intent for growth in Lakes Entrance and identifies the LENGA as 'residential supply' i.e. housing growth area, on the Lakes Entrance Framework Plan.
- **Clause 12.01-2S – Native Vegetation Management** – the principle of 'no net loss' to biodiversity.
- **Clause 12.02-1S Protection of the marine and coastal environment**
- **Clause 12.03 – Water Bodies and Wetlands** – protect and enhance waterway systems
- **Clause 12.03-1S – River and riparian corridors, waterways, lakes, wetlands and billabongs** – to protect and enhance waterway systems, including river and riparian corridors, waterways, lakes, wetlands and billabongs
- **Clause 12.03-1L – Waterways**
- **Clause 13.02-1S – Bushfire** – to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- **Clause 13.04-1S – Contaminated and potentially contaminated land.**
- **Clause 15.01 – Built Environment** and relevant sub-clauses that set up objectives and strategies for achieving positive outcomes:
  - 15.01-1S – *Urban Design*
  - 15.01-2S – *Building Design*
  - 15.01-3S – *Subdivision Design*
  - 15.01-4S – *Healthy Neighbourhoods*
  - 15.01-4L – *Health and Wellbeing*

12 Not every policy is included here and this list should not be relied upon as a complete list of every Clause (including policies, objectives, requirements) of the planning scheme that may apply to land. The reader should refer directly to the East Gippsland Planning Scheme to view all policies in full or seek the assistance of an appropriately qualified person to determine any parts of the planning scheme that may affect land in the LENGA precinct.

ZONE

Clause 32.08 – General Residential Zone (GRZ): This is the zone applied to all private land in the LENGA under Amendment C112 in 2014 (Except the Lakes Entrance Cemetery). The zone sets out what uses and development/ works can occur with and without the need for a planning permit and what requirements need to be met.

OVERLAYS

- **Clause 42.01 – Environment Significance Overlay Schedule 1-53**
- **Clause 42.02 – Vegetation Protection Overlay Schedule 1**
- **Clause 43.02 – Design and Development Overlay: Schedule 13** 'Residential development in coastal settlements: Lakes Entrance
- **Clause 44.06 – Bushfire Management Overlay Schedule 1 (BMO1)** – applies to northern parts of the precinct.
- **Clause 44.01 – Erosion Management Overlay**: Schedule 'Management of Geotechnical Hazard' – establishes permit requirements for buildings and works to protect areas prone to erosion. Applies approximately to alignment of some watercourses in the LENGA precinct.

PARTICULAR PROVISIONS

A range of 'Particular Provisions' may apply to the use and/ or development of land – depending on what is being proposed. Of note, the following Particular Provisions may apply to the precinct:

- **Clause 52.17 – Native Vegetation** – to ensure there is no net loss of native vegetation. Establishes permit requirements to remove, destroy or lop native vegetation where the native vegetation precinct plan does not apply.
- **Clause 53.01 – Public Open Space Contribution and Subdivision** – requires a financial or land contribution toward public open space. If no amount is specified in the Schedule to this clause – a contribution (normally 5% of land or site value) will be required under the Subdivision Act 1988.
- **Clause 53.02 – Bushfire Planning** – applies to an application under Clause 44.06 Bushfire Management Overlay (BMO) unless the application meets all the requirements in a Schedule to Clause 44.06.
- **Clause 56 – Residential Subdivision** – the preparation of development plans, via Clause 43.01 (Development Plan Overlay) and planning permit applications for residential subdivision must meet the requirements of this Clause.

GENERAL PROVISIONS

- **Clause 62.01 – Uses not requiring a permit** - identifies circumstances for uses that do not require a planning permit.
- **Clause 62.02 – Buildings and Works** – identified circumstances where buildings and words do not require a planning permit. Works may require other permits, including building permits.
- **Clause 65 – Decision Guidelines** – includes:
  - > Clause 65.01 Approval of an application or plan.
  - > Clause 65.02 Approval of an application to subdivide land.

Establishes the matters a responsible authority must consider before determining a planning permit application.

APPENDIX 2 – TESTING LAND CAPABILITY

The illustrative site layout plan at **Plan 9** below is a plan that Council prepared to model and examine land capability to understand likely potential development capacity across the whole of the precinct. Calculations to understand net developable area and likely yield were important to inform and test, for example, infrastructure demand or projected traffic volumes and road capacity.

The fragmented land ownership across the precinct is likely to see multiple developments occur for the precinct over many years. For this reason, the preparation of a single plan to test some of the likely constraints and opportunities at a more granular level and across ownership boundaries was a necessary exercise to guide the preparation of the SFP in the absence of a single future development plan that could consider these issues.

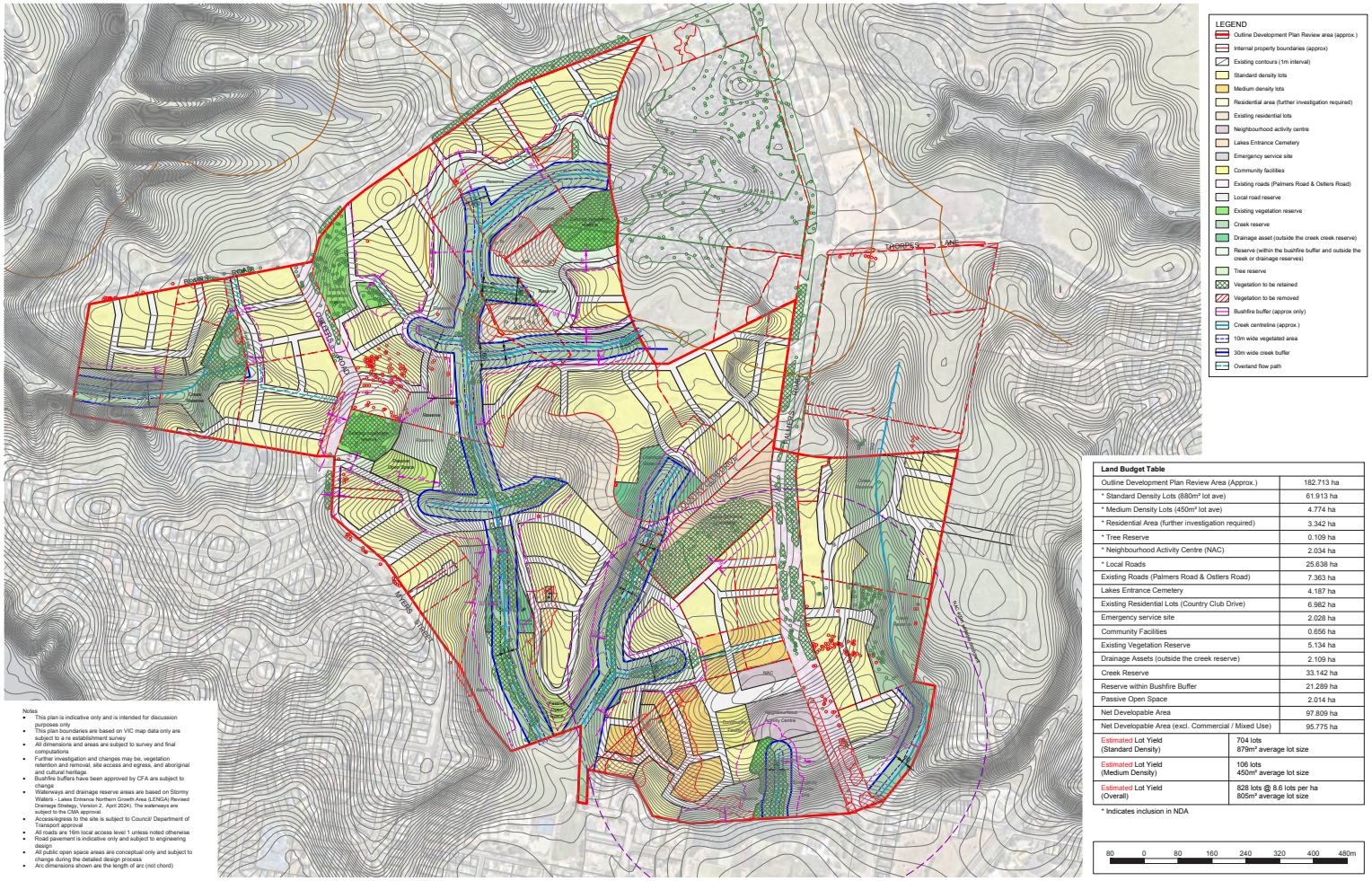
Land capability testing for the LENGA sought to understand how a range of site factors, such as land ownership patterns, slope (See **Plan 10** – Slope Analysis), future vegetated waterways, bushfire requirements (setbacks, BAL-12.5 requirements), native vegetation and access needs would likely influence development outcomes. It also helped to identify the key requirements that future development plans would need to address, as identified through Sections 5 and 6 of this SFP.

The general approach of the plan was to maximise the housing potential across the precinct while having regard to the natural values and landscape considerations to achieve balanced outcomes. The layout adopts, as much as possible, best practice approach to planning and design, such as the use of perimeter roads to bushfire setback interfaces, waterway health (e.g. revegetation) or the alignment of roads along contours. It also considered equitable development opportunity for all land parcels. The plan can be used to illustrate the type of considerations and solutions that development may need to consider across property ownership boundaries into the future.

LIMITATIONS

This plan in no way indicates a preferred future layout or that any development seeking to adopt its layout would or could obtain all necessary future planning approvals. It is a high-level plan developed entirely for the purposes of providing an informed assessment of future development capacity of the precinct. It has not been informed by the level of detailed site-specific planning and investigations that future development proposals will be required to undertake. It should not be relied upon in any way beyond its purpose as a basic modelling tool.

Future planning permit applications for subdivision will be required to undertake all necessary planning work to identify the constraints and opportunities specific to each development area that will guide future design responses. It is likely that a range of different design approaches will be able to achieve the intended outcomes identified in the SFP.



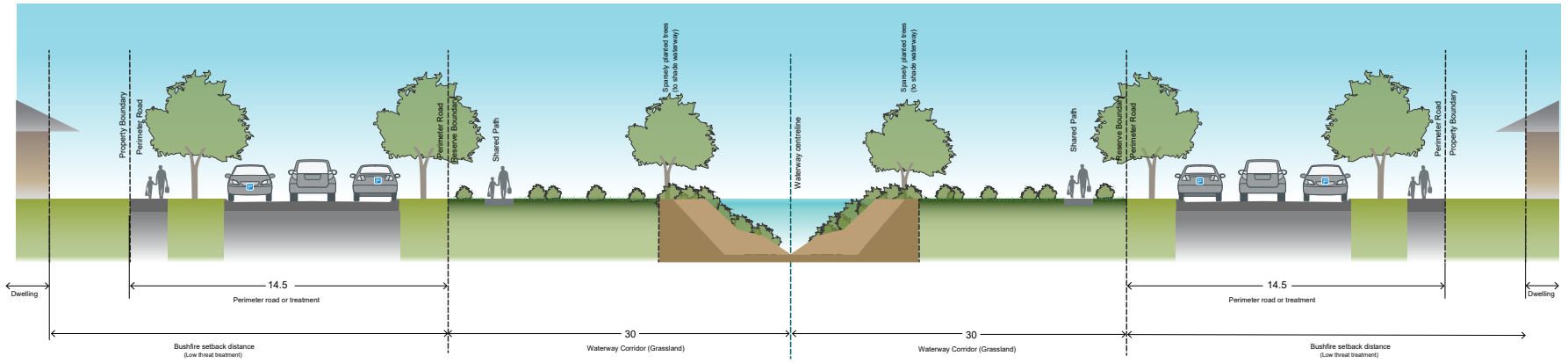
Plan 9 – Illustrative site layout plan used to test land capability (dwelling yield).



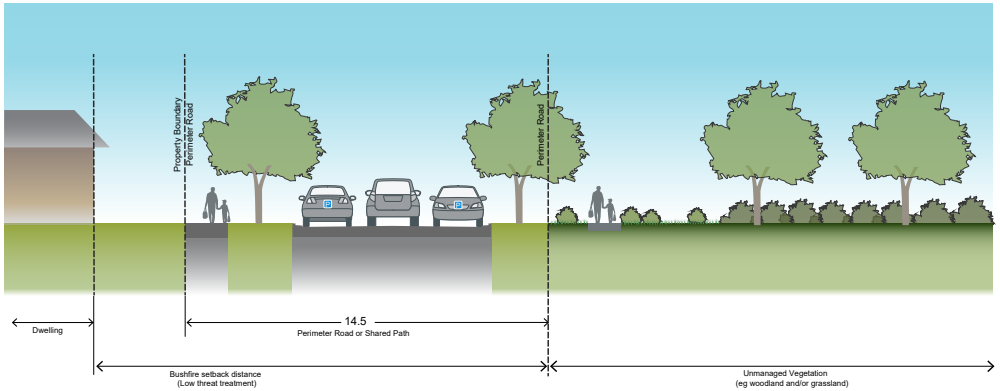
Plan 10 – Slope Analysis Plan.

APPENDIX 3 –
BUSHFIRE INTERFACE CROSS SECTIONS

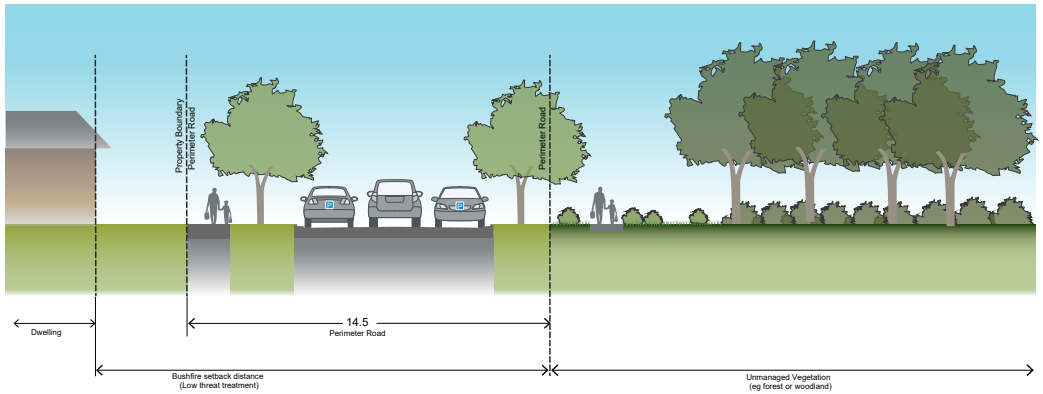
Cross section A -
Waterway Treatment

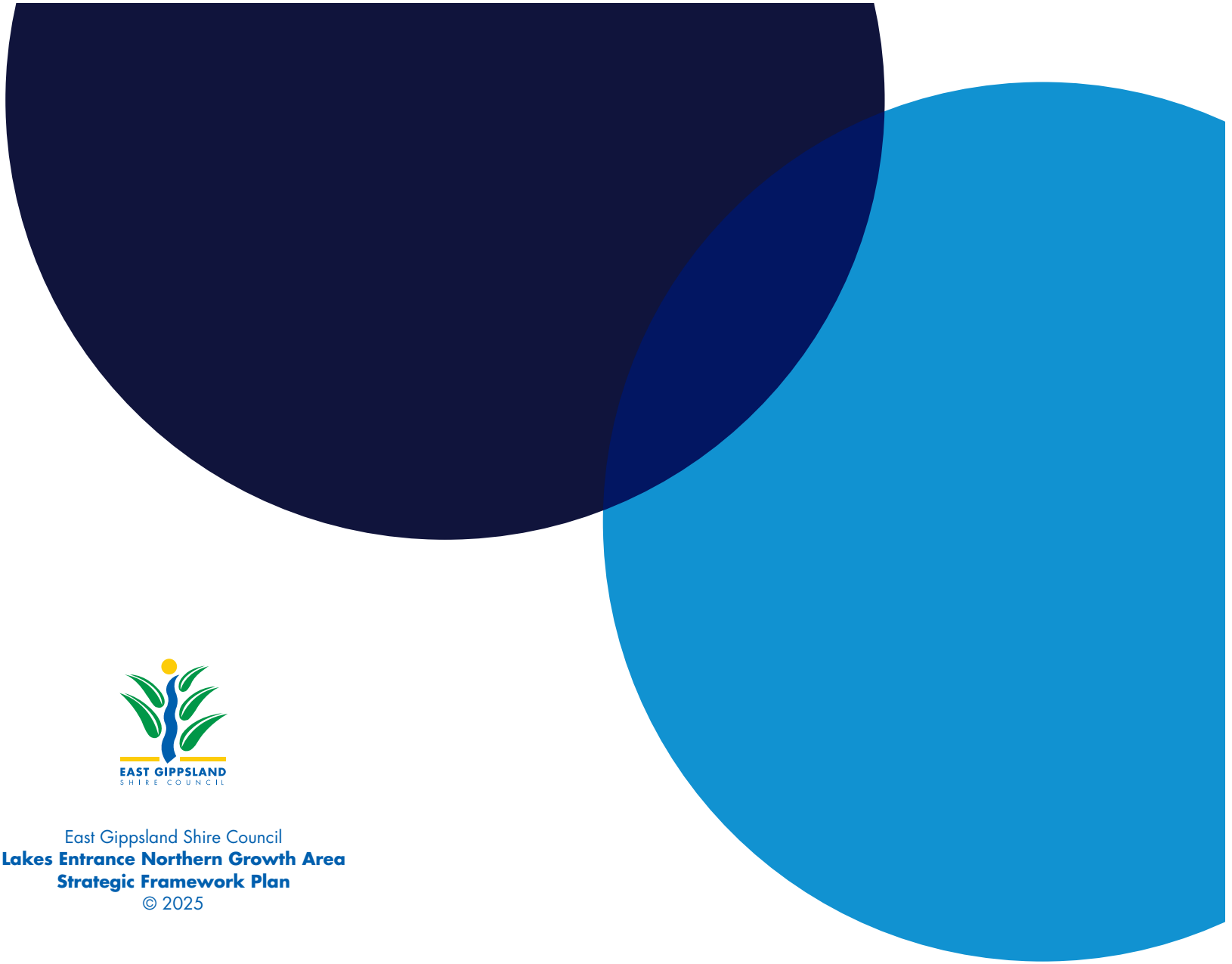


Cross Section B -
(Lower Risk Interface
Hazard Area 3 or 4)



Cross Section C -
(Higher Risk Interface
Hazard Area 1 or 2)





EAST GIPPSLAND SHIRE COUNCIL

East Gippsland Shire Council

Lakes Entrance Northern Growth Area Strategic Framework Plan

© 2025

Lakes Entrance Northern Growth Area - Outline Development Plan Review

Client
East Gippsland Shire Council

Issued
30 October 2024



Beveridge Williams

Contents

Introduction	3
Study Area	4
Study Scope and Methodology	5
LENGA Outline Development Plan	6
LENGA Development Contributions Plan	17
Findings and Recommendations	18
Conclusion	18

Introduction

Beveridge Williams has been commissioned by East Gippsland Shire Council (EGSC) to conduct a review of the 2013 Outline Development Plan (ODP), which applies to the land known as the Lakes Entrance Northern Growth Area (LENGA).

The ODP, originally prepared for EGSC by SMEC Urban and implemented in the planning scheme through Amendment C112 (2014), is a strategic document to be used by developers and Council during the preparation and assessment of development applications in the growth area by setting Objectives and Statutory Assessment Guidelines to facilitate the preferred land use and development outcomes as identified in the LENGA.

The ODP seeks to cater to a range of lifestyles and socio-economic groups through the provision of a diversity of housing types, tenures, lot sizes, and certain uses. A range of housing densities is also encouraged, from low density housing to medium density housing close to appropriate services. The ODP recognises the influence of the regions landscape features, including the opportunities and constrains that they present to landholders, and aims to ensure development equity. Sustainability initiatives include emphasis on walkability and active transit, Water Sensitive Urban Design (WSUD), and the preservation of wetland corridors.

A number of challenges evidenced in the assessment of various development applications over the previous decade have shown that there are several gaps in the ODP. Additionally, more well-informed and contemporary State-level planning policy and controls are now considered applicable in the formulation of high-level strategic planning documents such as the LENGA ODP. Consequently, Council has formed the view that the ODP in its current form cannot be relied upon to ensure the timely and orderly development of the LENGA area.

The initial analysis conducted by Beveridge Williams and presented in this report is spatial in nature. It establishes the unique set of constraints resulting from site attributes such as slope, hydrology and remnant native vegetation requiring conservation.

This report forms part of an overall review of the LENGA ODP, which also includes technical analyses currently under preparation such as an economic analysis as well as traffic and roads, bushfire and drainage assessments.



Source: Visit Victoria 2024 (www.visitvictoria.com)

Study Area

Lakes Entrance Northern Growth Area

The Outline Development Plan (ODP) relates to land parcels within the Lakes Entrance Northern Growth Area (LENGA), located to the northeast of the Lakes Entrance township. The LENGA is defined by its main road boundaries, being Blairs Road, Ostlers Road, Colquhoun Road and Thormes Lane to the north, and its interface with existing residential development in Lakes Entrance proper to the south.

The LENGA comprises over 245.06 hectares, of which a majority is intended to be rezoned for residential use. The Outline Development Plan, prepared by SMEC Urban (2013) was intended to provide the basis and strategic direction for the expansion of Lakes Entrance within the Northern Growth Area.

The LENGA contains 49.5 hectares of native vegetation of various species, which was assessed in 2013 to comprise a value of 24 habitat hectares, and 648 scattered trees, many of which have high conservation significance. A large part of the northeastern area is of high to very high conservation significance. The southern portion of the precinct also contains patches of very high conservation significance. A number of rare and threatened species occur within the LENGA, including the rare but locally abundant Coast Grey Box *Eucalyptus Bosistoana*.

There are four areas of designated Aboriginal Cultural Heritage Sensitivity within the LENGA, three of which are located east of Ostlers Road and one in the westernmost landholding. A Cultural Heritage Management Plan (CHMP) has previously been prepared for the area in the west however, given the lapse in time it is unclear whether the CHMP remains current. A CHMP will still need to be prepared for the areas in the east.

The LENGA is situated entirely within a Bushfire Prone Area (BPA). Additionally, part of the land is affected by the Bushfire Management Overlay (BMO). Having regard to the vegetation, weather, and topography of the surrounding landscape, there is significant threat of high-intensity bushfire reaching the LENGA. The most adverse weather patterns are north to north westerly influences, with a likelihood of ember attack and spotting. There is also potential for direct flame contact and radiant heat impacts, particularly from the North. There is potential for a convective driven fire due to the convective column over the Colquhoun State Forest.

ODP Review Adopted Study Area

It should be noted that the spatial analysis of the ODP carried out by Beveridge Williams excludes the portion of land located within the eastern extent of the original ODP (45 Lawson Drive) as development has been approved and commenced on this land since the adoption of the 2013 ODP. Accordingly, this land has been excluded from any further consideration in updating the ODP.

The study area adopted by Beveridge Williams also excludes from consideration, all properties affected by the Environmental Audit Overlay around the landfill site to the north-east. The suitability of this land for residential development or other sensitive uses is currently unknown and subject to further contamination investigation as well as a rezoning of land.

Planning Scheme amendment (C112 - 2014), which incorporated the original ODP into the planning scheme, also incorporated a Native Vegetation Precinct Plan, the *Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan (October 2013)*. prepared pursuant to Clause 52.16 of the scheme.

The adopted study area and this review also recognises existing development approvals within the LENGA area, located at 17 Blairs Road, 138 Palmers Road, 52 Country Club Drive and 110 Palmers.

It is our recommendation that any updates to the ODP and background technical work conducted in the future adopt the study area considered in this analysis as it provides a more accurate insight as to projected lot yield and development constraints within the LENGA and removes encumbered or challenging land from consideration.

Figure 1: Lakes Entrance Northern Growth Area – Development Area (SMEC Urban 2014)

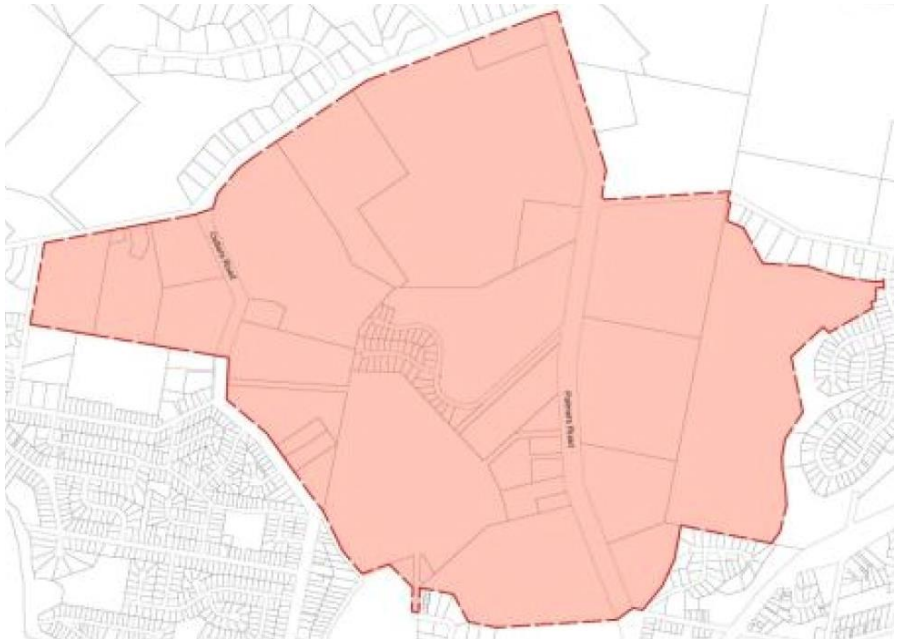
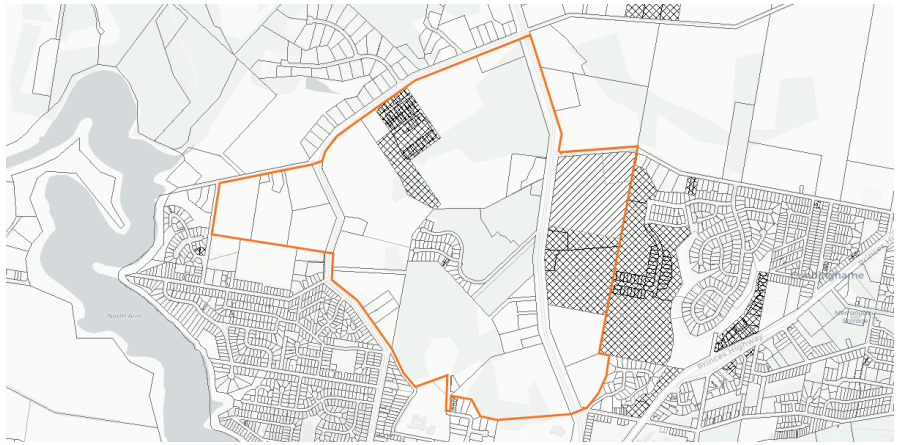


Figure 2: ODP Review Adopted Study Area (Beveridge Williams 2023)



Study Scope & Methodology

Study scope

The outcome ultimately sought by Council in carrying out this review is to achieve an understanding of gaps and any issues that may make the LENGA ODP difficult to rely upon in the existing policy context, as well as a summary of recommended actions to improve the robustness and currency of the Plan including strategic directions and policy updates.

In conducting this review, Beveridge Williams analysed the unique spatial characteristics from which all other development considerations in the LENGA stem. These include topography, drainage and significant vegetation as the primary constraints. Issues such as prior and ongoing development, road network and statutory considerations (e.g. bushfire protection standards, catchment management requirements, etc) were then considered. Beveridge Williams compiled this information to conduct an integrated analysis to understand the relationship between this unique set of constraints. This exercise is integral in understanding and resolving conflicts as well as identifying potential future development challenges.

Through comparison of this review with the original ODP, Beveridge Williams presents key findings and recommendations for further work and analysis required to update the ODP.

Following the commencement of the review by Beveridge Williams, several substantial gaps were identified which required updated advice on matters such as bushfire protection, catchment management and conservation and traffic engineering. Beveridge Williams and EGSC has consulted at a high level with expert subconsultants on these matters. Although the initial scope of the review was limited to the information available at the time of commencement, further discussions with Council and subconsultants increased the scope of work undertaken. This work has provided an improved understanding of the key issues and has subsequently informed the outcomes of this review.

Assumptions and exclusions

In undertaking the review of the 2013 ODP, and at the time of writing, some of the background technical work which was carried out in the preparation of the ODP has not been made available for consideration. It is therefore not possible to obtain a complete understanding of the design rationale undertaken to support the ODP, as adopted by Council in 2014.

Beveridge Williams' analysis of the ODP and its findings is therefore limited to the available documentation, which notwithstanding the above, has been sufficient to identify the critical gaps and limitations of the Plan.

Any findings or predictions presented in this report with respect to potential lot yield or net developable area is based on the spatial analysis carried out by Beveridge Williams in comparison with the information detailed in the ODP and those background analyses which were available at the time of preparing this report.

Methodology

The ODP seeks to cater to a range of lifestyles and socio-economic groups through the provision of a diversity of housing types, tenures, lot sizes, and certain uses. A range of housing densities is also encouraged, from low density housing to medium density housing close to appropriate services. The ODP recognised the influence of the region's landscape features, including the opportunities and constrains that they present to landholders, and aims to ensure development equity. Sustainability initiatives included emphasis on walkability and active transit, Water Sensitive Urban Design (WSUD), and the preservation of wetland corridors.

In order to establish the existing Outline Development Plan for currency and reliability, the first step is to establish a clear scope of land use and planning considerations which would be considered relevant were the plan prepared today.

The spatial analysis of the LENGA responds to the full scope of considerations, which includes physical site attributes such as slope and topography, existing vegetation and contemporary land use and development patterns both within and adjacent to the LENGA, and other constraints to enable a better understanding of overall land capability. At the time of conducting the analysis, the body of existing planning controls and other relevant legislation informs a hierarchical order in which these characteristics should be considered.

The dominant spatial attributes of the LENGA area, being topography, hydrology and remnant/significant native vegetation form the underlying constraints and inform how planning and engineering issues such as drainage and transport infrastructure, bushfire protection measures and land use considerations are to be approached.

Updated expert advice with respect to traffic analysis has been sought by Council and coordinated with Beveridge Williams, which is expected to further inform the integrated analysis of the LENGA and its constraints, however this has not yet been received and is not included in this review.

Issues relating to the reliability of the 2014 ODP may be for a range of reasons, including but not limited to, inadequacies in the spatial or legislative analysis underpinning the work or a lack of information being made available for review at the time of preparing this report, changes to applicable legislation and policy in the 10-year interim, etc.

As mentioned earlier in this report, the analysis undertaken does not present a full assessment of the 2014 Lakes Entrance Northern Growth Area Outline Development Plan, but rather identifies the areas in which the ODP or background technical work cannot presently be relied upon. This is intended to inform and make recommendations on how the ODP should be amended or supported by further technical work and consultation with statutory and referral authorities.

LENGA Outline Development Plan - Overview

Land use budget and housing density

The LENGA ODP anticipates a net developable area of 167.71ha, comprising predominantly conventional density development, and with areas of low density and medium density.

Low density housing is proposed for the northern-central area of the LENGA due to the significant vegetation and associated bushfire considerations, with buffers to high significance vegetation included. Low density housing would provide integration with conservation areas and these areas are anticipated to achieve an average yield of 6 dwellings per hectare.

Conventional density housing is identified as the primary housing type in the LENGA and is expected to achieve an average of 9.5 dwellings per hectare.

Medium density housing is proposed in the south of the LENGA and is encouraged to be within walking distance of the Neighbourhood Activity Centre, the local bus route, and high amenity areas such as parks and wetlands. Medium density housing will have an average lot yield of 16 dwellings per hectare.

Land Use Budget		
Gross Developable Area	Net Developable Area	Percentage available for development
244.64 hectares	167.71 hectares	74%

Planning controls (zoning/ overlays)

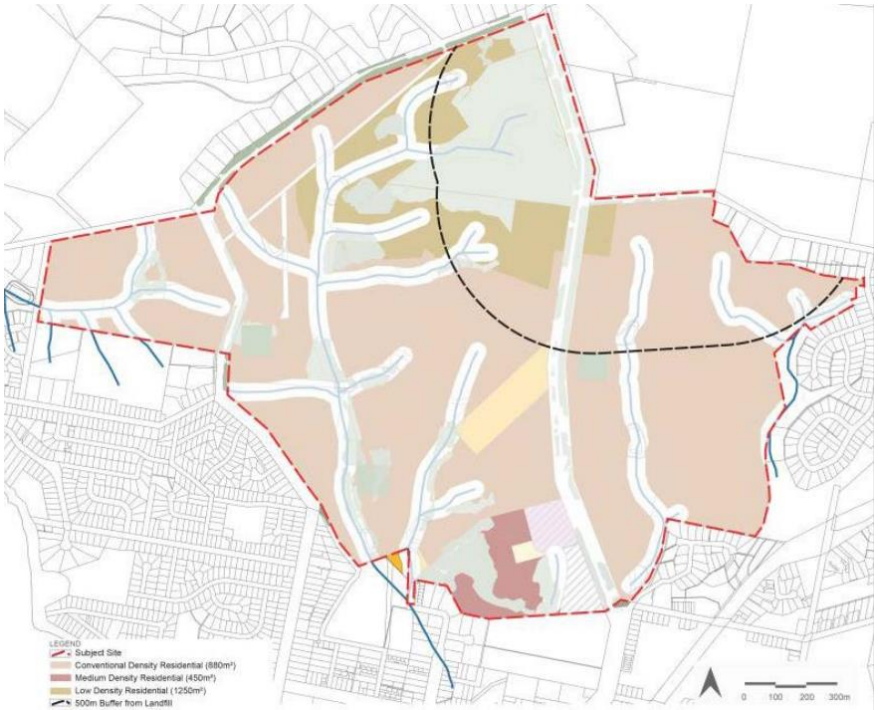
Amendment C112 (2014) to the *East Gippsland Planning Scheme* introduced the *Lakes Entrance Northern Growth Area Outline Development Plan 2013*, *Lakes Entrance Northern Growth Area Concept Plan Hydrology 2013*, and *Lakes Entrance Northern Growth Area Social Impact Assessment 2012* as reference documents to the Planning Scheme, and the *Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan 2013* as an incorporated document to the Planning Scheme. Amendment C112 also rezoned much of the Farming –zoned land within the LENGA to General Residential Zone, and applied a Design and Development Overlay, Development Contributions Plan Overlay and Development Plan Overlay to the area.

Pre-existing controls which continue to apply include Public Use Zone (cemetery and local council building), as well as the Erosion Management Overlay, which applies to much of the Lakes Entrance hinterland for the careful management of geotechnical hazard resulting from development in areas of dramatically undulating topography.

Neighbourhood Activity Centre

A Neighbourhood Activity Centre (NAC) of 3.5 hectares is proposed in the southern portion of the LENGA, adjacent to Palmers Road and within proximity to medium density housing and active transit routes. The NAC is identified for mixed-use and co-located with community and emergency services. It is intended to become the secondary retail precinct for Lakes Entrance.

Figure 3: Land Use Budget Residential Areas (SMEC Urban 2014)



Open Space

The ODP identifies an open space network that incudes both active and passive open space, located within 400m of most future residential lots. The open space network will make use of encumbered land and will contain walking and cycling trails.

The ODP provides two areas of passive open space within the LENGA, which are co-located with conservation reserves and waterways and accessible to all new lots with the precinct. The ODP notes the potential for passive open space to provide passive surveillance and has developed it in accordance with the Crime Prevention Through Environmental Design (CPTED) principles.

A shared pathway is also planned for the LENGA.

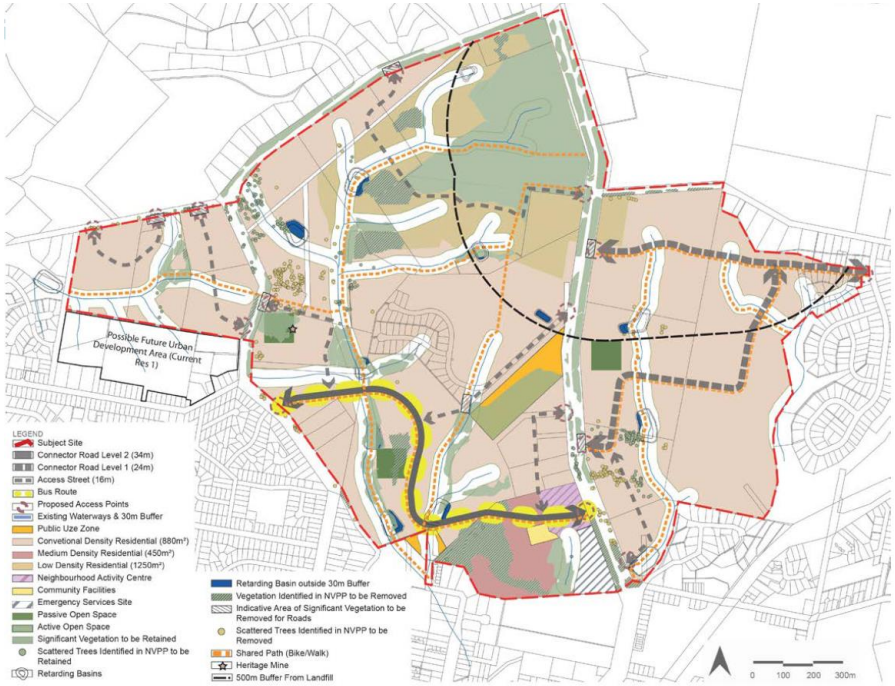
Community Facilities

Community facilities are intended to be dispersed throughout the precinct in locations accessible by public transport and walking and cycling networks. Funding was to be drawn from various sources, including the Lakes Entrance Northern Growth Area Development Contributions Plan (LENGA DCP).

The ODP recommends the following community facilities be developed in the LENGA:

Recommendation	Required Area	Location
Multi-purpose community facility	0.5 ha	55 Palmers Road
Two playgrounds/parks	2 ha	Throughout LENGA
Neighbourhood Activity Centre	3.5 ha	55 Palmers Road
Emergency Services facilities	2 ha	55 Palmers Road
Sports field with pavilion and playground	4 ha	Palmers Road adjacent to Aquadome

Figure 4: LENGA ODP 2014



Beveridge Williams Indicative ODP

Beveridge Williams has undertaken a peer review of the ODP as outlined in the scop and methodology of this report.

Matters considered in this peer review, as outlined in the following sections include:

- Slope, topography and drainage
- Bushfire
- Environment and native vegetation management
- Road network
- Established land use and development
- Landfill buffer
- Lot yield

The urban form of the LENGA has been underpinned by the precinct's natural slope and waterways. The natural landscape characteristics of the LENGA such as slope, drainage lines and remnant vegetation bear a close spatial relationship as they are seen to coincide. They therefore collectively inform the ultimate design and development considerations relating to drainage, vegetation management and bushfire risk. As these aspects are the main factors influencing the ultimate feasibility of residential development across the precinct, the indicative ODP prepared by Beveridge Williams has focused on how they interrelate and integrate with each other.

Notably, the Indicative ODP reflects the alignment of the drainage reserve based on updated advice from Stormy Water Solutions. The revised alignment confirms the centreline from which the drainage reserve is measured. The drainage reserve is expected to facilitate vegetation retention and protection which consequently will impact the extent of bushfire defendable space zones as the adjoin the reserve. It is noted that between the drafting of the ODP and current day, bushfire protection requirements have changed markedly. Specifically, the Bushfire Management Overlay has been applied to the northern central portion of the site since the original ODP was adopted. Recent experience suggests that the expectations previously applied exclusively to land affected by the Bushfire Management Overlay are increasingly being applied to bushfire prone areas, to which the entire LENGA is subject.

The Indicative ODP incorporates perimeter roads into the expected defendable space area that interface with conservation areas as noted in the approved NVPP and along approximately 90% of the waterway corridors. The ODP also applies a blanket 69m defendable space setback from the drainage channels consistent with the feedback provided by East Gippsland Catchment Management Authority (EGCMA) in their email dated 27-10-2023. The potential for conservative setbacks from waterway corridors to facilitate revegetation and accord with current bushfire requirements is perhaps the most consequential consideration for net developable area with the ODP.

The Indicative ODP suggests that the implication of slope on the potential lot yield is somewhat reduced due to significant land take attributed to the drainage reserve and the bushfire defendable space zone. Further analysis to confirm this outcome is however required.

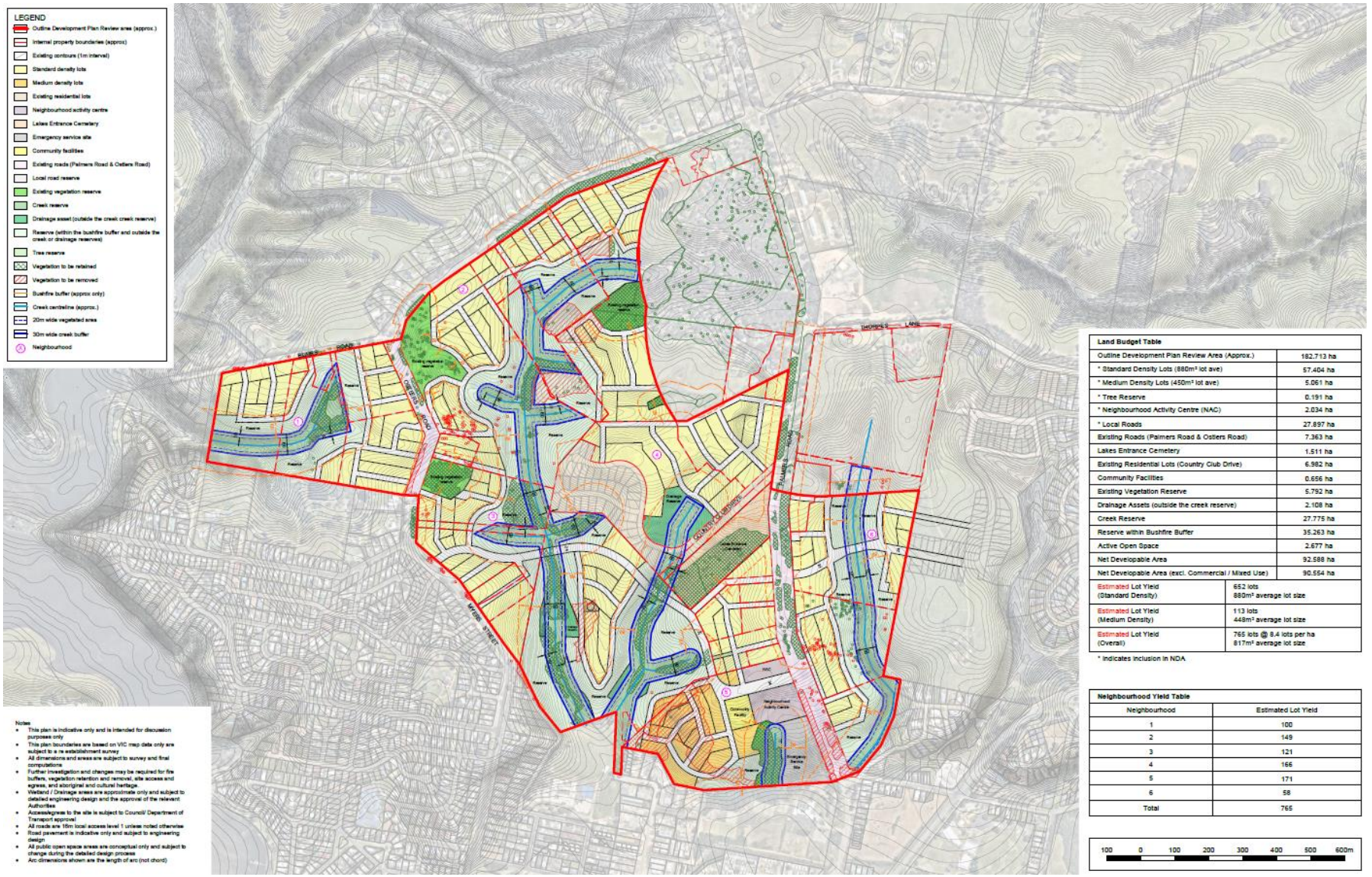
The road network proposed by the current ODP is considered unachievable as it does not respond adequately to the slope of land across the precinct. It therefore cannot facilitate an accessible network. The indicative ODP facilitates a road network that responds to the existing site features, including slope, to ensure that the road network will achieve permeability across the LENGA. To achieve this the local road network has been designed to respond to the existing landform. The majority of the roads have been located to run along the contours. Court bowls and multiple creek crossings have been reduced as far as practicable, and consideration has been given to the interface outcomes between the existing road reserves and future residential lots.

It is considered that current and approved development applications within the ODP may unintentionally limit the orderly planning and development of the LENGA overall. Notably, new road networks and neighbourhoods will need to fit in around developments that have obtained prior planning approval, regardless of whether they have commenced. Whilst this creates a spatial constraint for an integrated development outcome, the indicative ODP has attempted to limit the disconnect between current and future development where possible.

The landfill buffer is a considerable constraint to future residential development in the short to medium term. From a statutory perspective, pursuant to *Ministerial Direction 1: Potentially contaminated land*, land affected by an EAO will need to be assessed ~~via an~~ in accordance with the environmental audit system to demonstrate that the land is suitable for its intended use. The timing associated with a future rezoning and further environmental audit investigations remains unknown. For this reason, the indicative ODP has removed this land from consideration as its inclusion would distort the lot yield without certainty that the land could be developed in the future.

A copy of the Indictive ODP is located at Figure 5 of this report.

Figure 5: Beveridge Williams Indicative Development Plan (2023)



Slope and topography ~~and drainage~~

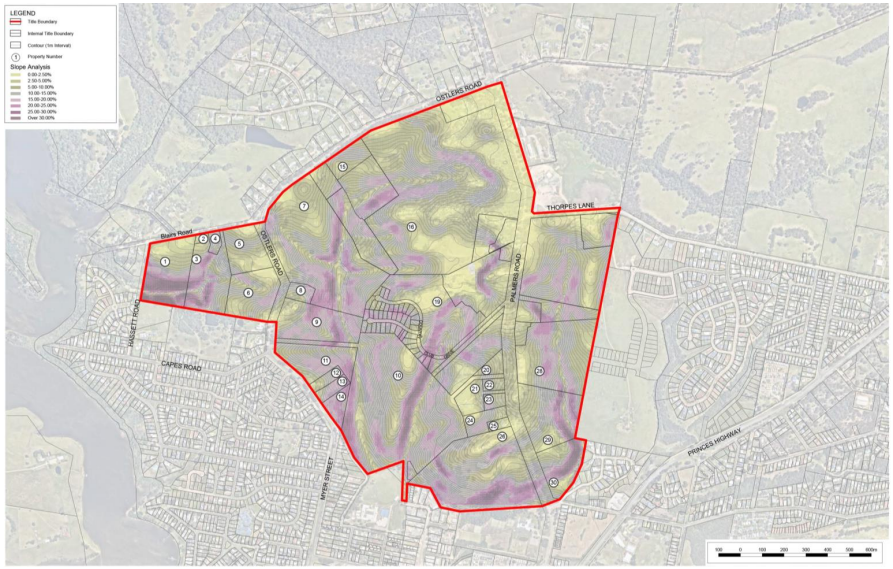
A primary consideration in the spatial analysis of the Lakes Entrance Northern Growth Area is its dramatically undulating topography, which consists of steep valleys, traversed by a number of natural drainage lines. The urban form of the LENGA has been underpinned by the precinct's natural slope and waterways. The natural landscape characteristics of the LENGA such as slope, drainage lines and remnant vegetation bear a close spatial relationship as they are seen to coincide. They therefore collectively inform the ultimate design and development considerations relating to drainage, vegetation management and bushfire risk. As these aspects are the main factors influencing the ultimate feasibility of residential development, It is critical to note this relationship in any high-level strategic planning for the area.

Plan 2 of the ODP presents an analysis of the natural sloping across the LENGA. The dramatically undulating topography of the area is seen to coincide with the precincts declared waterways and much of the significant remnant native vegetation identified in the NVPP. This presents a primary spatial challenge in planning for future development. The ODP acknowledges the analysis of slope across the site, which is identified in the constraints section of the report as 'requiring bulk earthworks and innovative design to establish residential areas'. Based on the information available when preparing this review, it is unclear whether any further analysis of topography and its impact on potential residential development was conducted in the preparation of the ODP.

- It is suggested that the ODP does not present adequate consideration of topography as a design challenge, including the impacts to the future road network, which is required to service the broader residential neighbourhoods.
- It is unknown to what extent the sloping across the LENGA was analysed for design/development feasibility. It appears to have been spoken to as a broad constraint, but has not integrated with other considerations. Development in steeply undulating areas is a challenge for design (roads, building siting) especially when erosion is a pre-existing concern.
- This analysis notes the Erosion Management Overlay, which affects the entirety of the LENGA does not specify a % slope parameter for development.

We recommend further investigation to consider the impact of slope and whether any design requirements should be applied to specific areas within the LENGA.

Figure 6: Beveridge Williams Slope Analysis (2023)



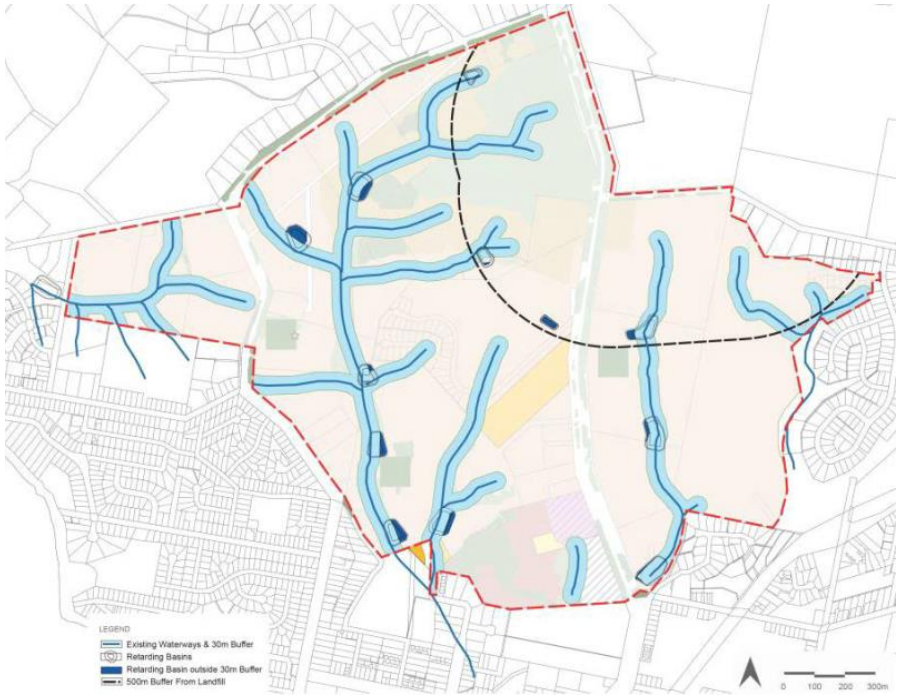
Waterways (drainage)

The LENGAs waterways hold high ecological significance. It is expected that the waterways will serve a critical drainage function in any future development scenario with all flows into the main proximate water bodies forming part of the broader Gippsland Lakes System, which the ODP identifies as having 'high environmental, amenity, cultural, stormwater and economic value for the local community'. For this reason, stormwater design and functionality must be carefully managed through planning for the area. The *Surface Water Management Strategy* (Water Technology 2013) underpins the ODPs consideration of drainage, and divides the LENGA area into three main catchments, as determined by the three primary waterways. These main catchment areas are fed by multiple sub-catchments (tributaries), as depicted in Figures 7 and 8 below. It suggests that both existing natural damming and further engineering interventions will be required in future subdivision design to attenuate flows.

The ODP includes 30 metre buffers on either side of identified significant waterways and proposes an integrated delivery of retardation basins and wetlands. Wetlands are proposed to be located within the base of the retarding basins and comprise best practice WSUD features. The ODP notes that revegetation or vegetation management of drainage corridors may impact bushfire risk and must be demonstrated to be acceptable.

Based on the work completed by Water Technology for the initial Outline Development Plan, a number of WSUD assets were incorporated in the supporting Development Contributions Plan, implemented by Council to facilitate the orderly development of the LENGA. Further work has been carried out with respect to stormwater and drainage management in recent years, specifically the LENGA Drainage Strategy Review and Optimisation Discussion Paper (Water Technology, March 2020) and the LENGA Revised Drainage Strategy (Stormy Water Solutions, Oct 2022).

Figure 7: LENGA ODP Mapped Waterways (2014)



In 2022 Stormy Water Solutions prepared a revised overall drainage strategy for the LENGA, noting the various reviews and iterations that have been undertaken since the 2013 ODP was prepared. The revised drainage strategy sought to bring together suggestions made in previous versions of the report and to apply insights gained through other case studies in the approximate decade since the ODP was implemented.

The 2022 Stormwater Strategy also notes a number of inconsistencies between the various drainage investigations carried out since the adoption of the ODP with respect to development services engineering and their expected cost. Insufficient information is available to explain the difference in projected cost of drainage assets between these documents.

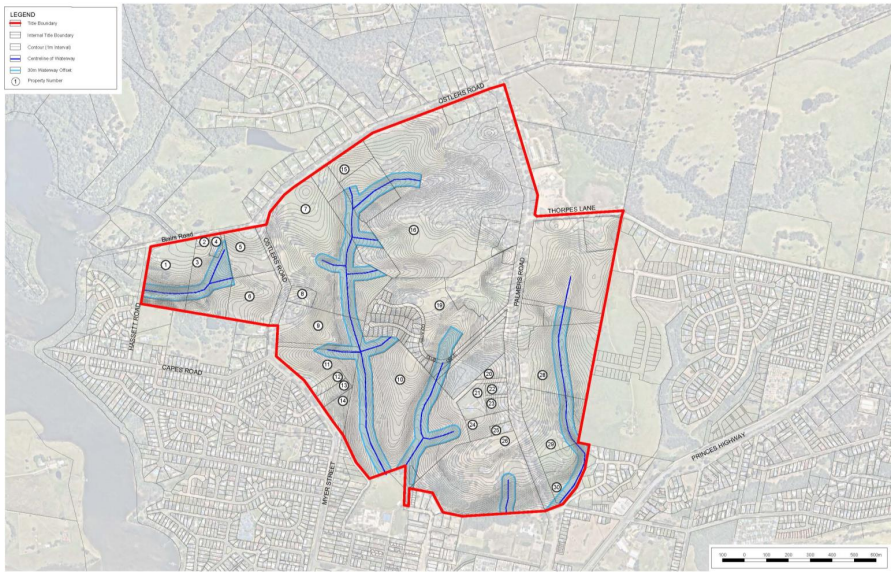
Critically, the initial ODP and the drainage scheme adopted therein are based on an error in the original DELWP mapping whereby the centrelines and extent of some of the key declared drainage corridors were aligned incorrectly. This led to an error carried through into the 2017 DCP, which must be corrected in any future revision of the ODP and a potential future DCP. Any other technical analyses which relied on this incorrect mapping, such as a bushfire risk assessment and the resulting defendable space recommendations will also need to be updated for accuracy.

As a result of the 2022 Stormy Waters review, the ultimate number of primary drainage assets has been reduced and the majority of declared waterways represented across the site has been significantly truncated as indicative road reserves are shown to be able to carry overland flows in lieu of a drainage reserve.

The updated overall drainage strategy plan provided in the 2022 Stormy Waters report revises the lengths and widths of the waterways. Detention basin and sediment pond sizes have also been modified responsive to the stormwater findings.

As suggested by the Stormy Waters report, it is recommended that Council consult with the EGCMA to determine whether an agreement can be reached on cost-sharing for overall infrastructure development and ongoing maintenance of assets throughout the LENGA.

Figure 8: Analysis of Existing Waterways, Beveridge Williams (2023)



Bushfire

Owing to a significant amount of remnant native vegetation, lack of urban development and steep topography across the LENGA, bushfire risk forms a primary consideration with regard to residential development potential.

The entire LENGA is located within a designated bushfire prone area. Additionally, the more heavily vegetated areas to the north of the LENGA are affected by a Bushfire Management Overlay (BMO). Notably, 41 Colquhoun Road contains a significant stand of native vegetation which is identified as being of either high or very high significance in the *LENGA Native Vegetation Precinct Plan, October 2013.*

The 2013 ODP contains recommendations with respect to the management of identified bushfire risk within the LENGA which was informed by the Bushfire Study undertaken by GHD (August 2013). However, only a draft copy of the Bushfire Study has been made available for review.

The GHD report models potential BAL ratings to be applied as a result of the conservation of vegetation within riparian/drainage corridors and the bushfire management overlay area in accordance with AS3959. The ODP acknowledges the identified risk of high intensity bushfires reaching the LENGA. Specifically, the ODP notes that as a result of the widespread vegetation retention required by the NVPP and in existing natural drainage lines it is expected that even with the development of all land within the LENGA and outside of the identified conservation areas, a significant bushfire risk will remain throughout the Northern Growth Area.

Significantly, the bushfire standards have been amended in the ensuing decade. Recent experience suggests that the expectations previously applied exclusively to land affected by the Bushfire Management Overlay are increasingly being applied to bushfire prone areas, to which the entire LENGA is subject.

It is expected that requirements with regard to bushfire protection to facilitate the rejuvenation and retention of vegetation within waterway corridors will increase the bushfire defendable space setbacks required across much of the LENGA area.

Accordingly, the recommendations and directions of the original ODP with respect to Bushfire will differ from current requirements. This is detailed in the advice received from Terralogic who have suggested that there may be opportunities to reduce the extent of bushfire setbacks specific to vegetation quality and ecological classification.

Preliminary feedback has been received from the EGCMA regarding the expected design and revegetation the waterway corridors throughout LENGA. Specifically, EGCMA commentary provided on 27 October 2023 to the proposed Ostlers Road Development Plan noted the following:

- *'Revegetation of the 30 metre waterway buffers was included in the Lakes Entrance Northern Growth Area Outline Development Plan in response to the state planning policy listed above, not the "desire of the EGCMA".*
- *The Authority is willing to compromise on the width of revegetation within the waterway reserve, and accepts the proposed 20 metre revegetation buffers.*
- *We do not support the proposal to reduce planting density within those buffers to a level that would not constitute 'classifiable vegetation'. This reduction in revegetation density is likely to produce a poorer outcome for waterway health and be contrary to the objectives and strategies in state planning policy for waterways.*
- *Inadequate planting density and a partly planted waterway buffer will also result in a significant ongoing maintenance burden on Council, who will ultimately be responsible for maintaining the reserve both for biodiversity and waterway health purposes, and to ensure future bushfire risk does not increase as a result of weed infestation and poor access.*
- *The Authority strongly believes that management of bushfire risk needs to be through the application of appropriate defendable space buffers that are in addition to the buffer requirements to protect and enhance existing and proposed native vegetation.'*

To further understand the implications of waterway design and management consistent with the EGCMA guidelines, Council engaged Terralogic to consider bushfire requirements against current legislation and the expectation that vegetation within the drainage reserves would be designated as 'classified vegetation'. The findings of Terralogic's analysis are detailed as follows:

Terralogic considered two scenarios being worst-case and best-case outcomes relating to bushfire defendable space.

Worst-case scenario

Under the worst-case scenario, Terralogic has assumed:

- That the 20m strip in all waterways was categorised as forest and applied setbacks as per Table 1 under 'Forest'.
- The bushfire defendable space setback adjoining the waterway corridor ranges between 57m - 98m.
- Noted that of the vegetation outside of the waterway corridors was not forest and will have varied setbacks.
- Figure 9 illustrates the outcomes of the worst-case scenario findings.

Best-case scenario

Under the best-case scenario, which Terralogic considers to be a more realistic scenario, it is assumed that:

- Waterway vegetation in the BMO can be managed and would be classified as 'woodland'.
- Waterway vegetation located outside the Bushfire Management Overlay could be less conservatively classified as 'grassland' on the basis that perimeter roads etc are included and vegetation is managed.
- Setbacks based on the above actions would therefore be considered under the grassland classification as per Table 1, noting that the distance would need to be measured from the edge of the reserve.
- The bushfire defendable space setback adjoining the waterway corridor under this scenario ranges between 22m - 98m.
- All other veg on site (outside of waterways) is likely to be varied and will require site specific investigations.
- Figure 10 illustrates the outcomes of the best-case scenario findings.

Table 1: Setback requirements for Classified Vegetation

Slope	Grassland	Woodland	Forest
Upslope / Flat	19m	33m	48m
0 to 5 degrees	22m	41m	57m
5 to 10 degrees	25m	50m	69m
10 – 15 degrees	28m	60m	82m
15- 20 degrees	32m	73m	98m
Above 20 degrees	AS3959 Method 2 assessment required		

It is recommended that East Gippsland Shire Council continues to work with the EGCMA and the CFA to confirm the expectations around drainage design and in particular, the extent and type of vegetation anticipated within the drainage reserve. Following the density and classification of vegetation agreed upon, bushfire defendable space setbacks can be confirmed (based on current legislation). In accordance with clause 71.02-3 of the Planning Scheme, Council should pursue the 'best case' outcome for revegetation and subsequent bushfire protection buffers, whereby revegetation should not be such that the threat classification within waterway reserves is increased from existing conditions.

Should active management of the defendable space areas along the drainage reserve be required, it is recommended that confirmation be sought regarding which parties are responsible for the ongoing maintenance of defendable space areas as these will need to be factored into the respective organisations work programs.

Figure 9: Bushfire Buffer Outline Plan – Worst Case scenario (2024)

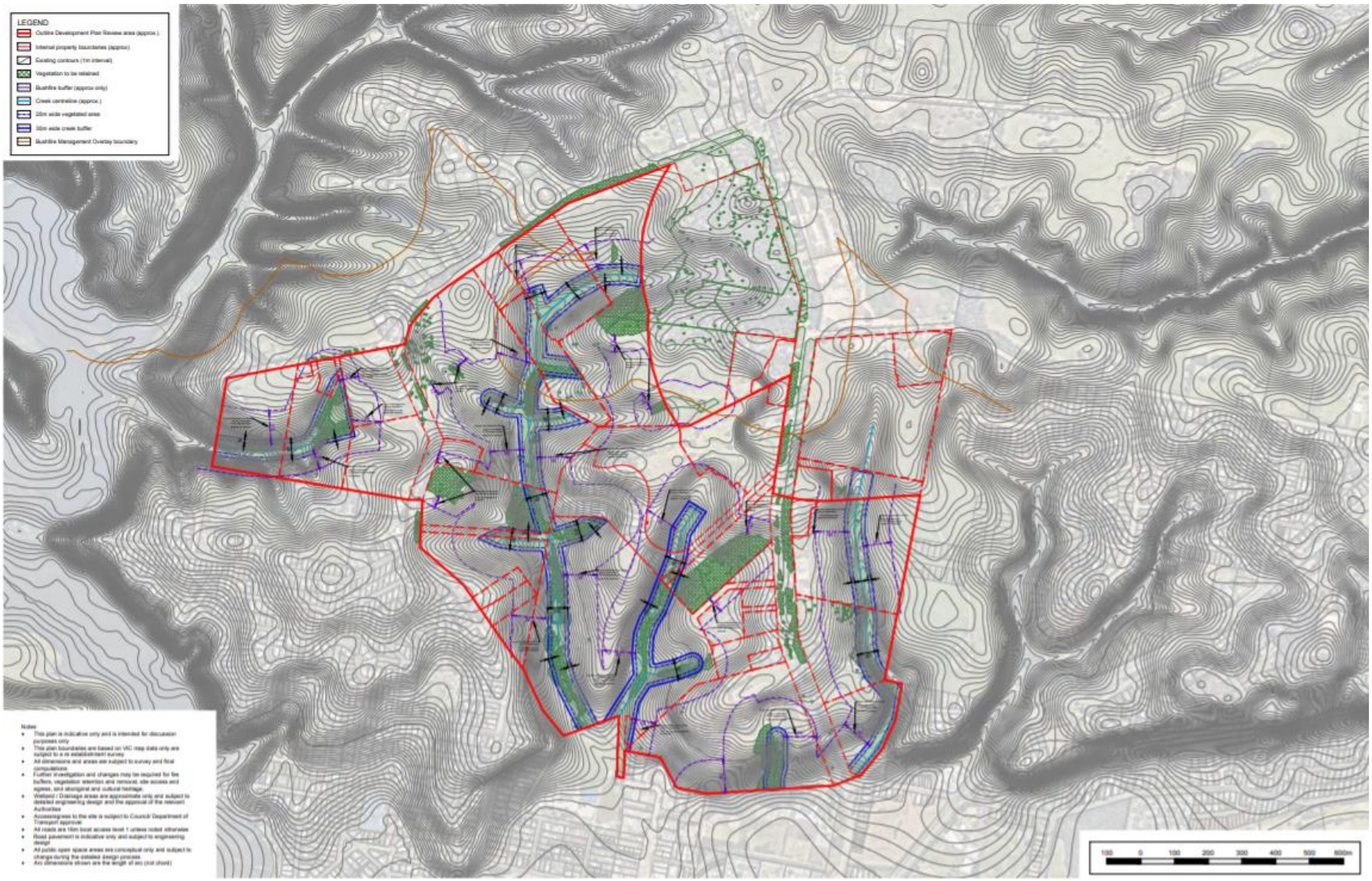
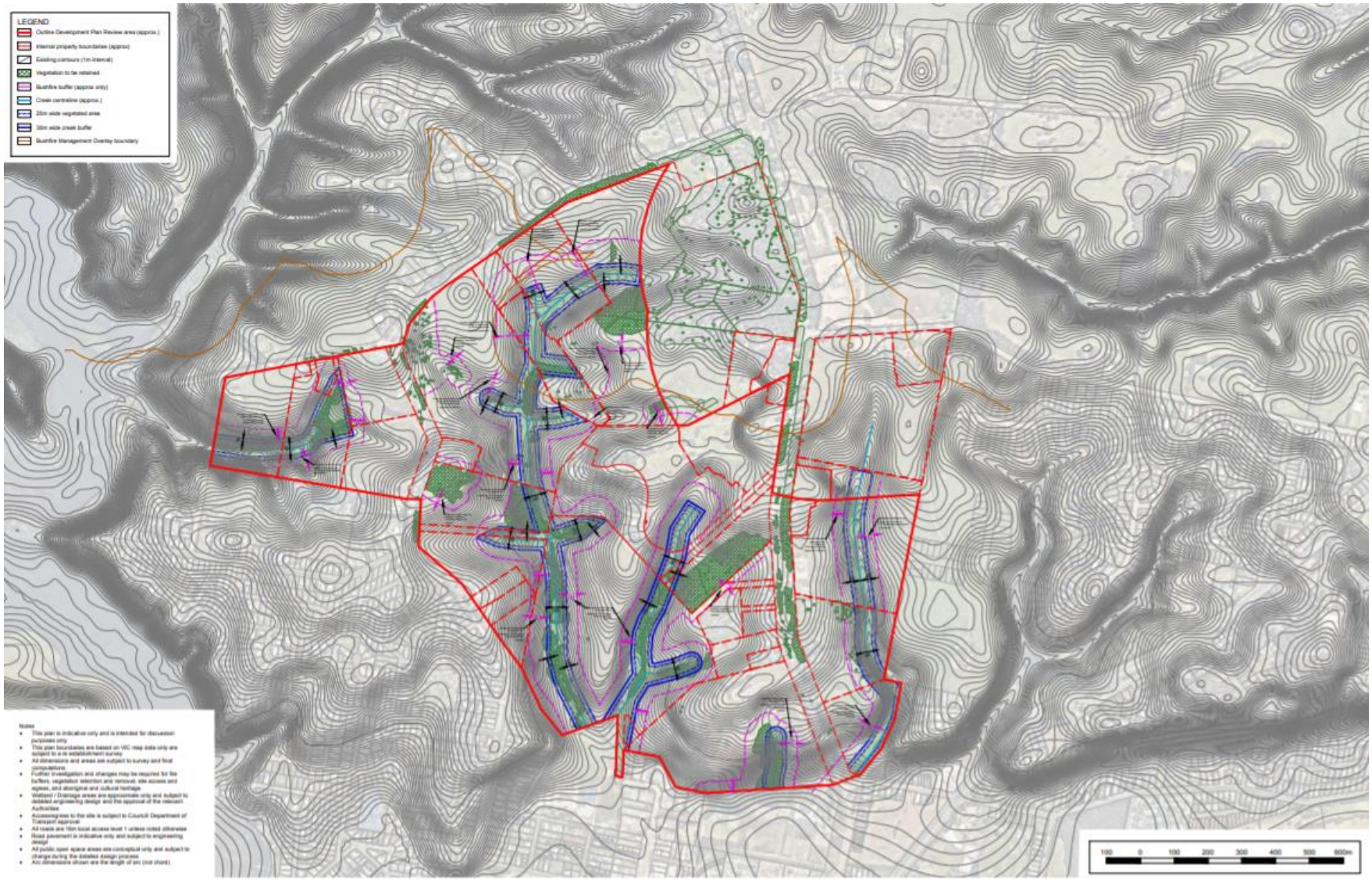


Figure 10: Bushfire Buffer Outline Plan – Best Case scenario (2024



Environment and native vegetation management

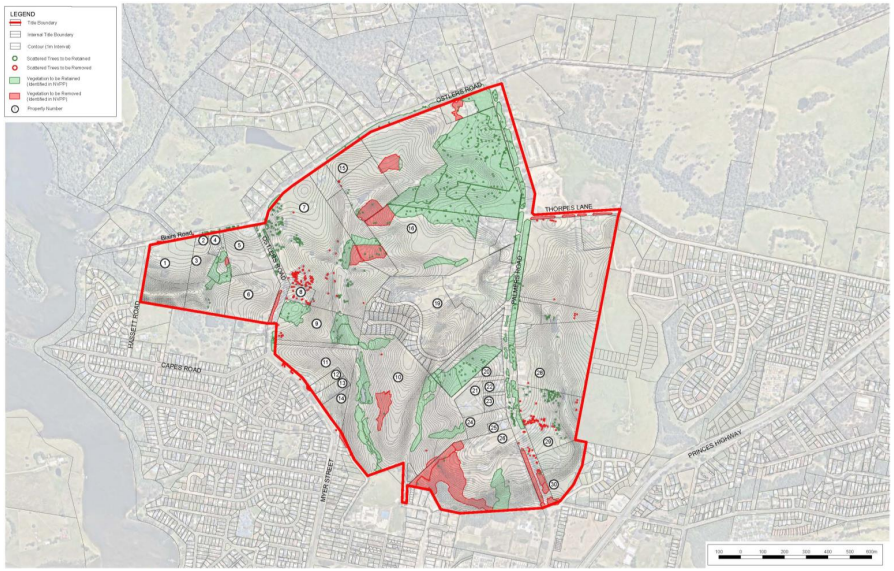
The ODP references the investigations carried out in relation to remnant native vegetation within the LENGA. The outcome of these investigations informed the Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan, which was implemented into the East Gippsland Planning Scheme concurrently with the LENGA through Amendment C112. Specifically, the ODP recognises the generally high retention and conservation value of the majority of remnant vegetation located throughout the LENGA (49.5 hectares with an assessed value of 24 habitat hectares of native vegetation in patches, with a distribution across multiple Ecological vegetation classes (EVCs)).

The ODP identifies the following environmental requirements:

- All development within the LENGA must comply with the *Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan (October 2013),* which identifies native vegetation to be conserved or removed with offsets.
- Further subdivision must respond to bushfire risk and protection measures, including appropriate road layout and hierarchies, suitable emergency services access, and suitable buffers (having regard to any applicable Bushfire Management Overlay (BMO) and any designated schedule). The ODP notes 'further strategic work will be undertaken to implement a schedule to the BMO, as required', although this is not believed to have happened.

The NVPP also identifies certain areas where vegetation may be removed, subject to the offset requirements and decision guidelines of Clause 52.16, where it has been assessed as a scattered tree of low conservation significance.

Figure 11: NVPP Mapping within current study area, Beveridge Williams (2023)



As the proposed ODP was drafted prior to the completed NVPP, it does not align with the outcomes sought under the NVPP. Specifically, The ODP does not include vegetation loss in areas where development is planned and in particular road reserves. It can therefore not be relied upon to indicate the amount of vegetation removal likely to be required across the entire LENGA.

The purpose of the NVPP is to illustrate the extent of vegetation across the entire ODP area, noting the significance and retention value at a precinct level. However, it appears that the LENGA NVPP was undertaken in response to the proposed draft ODP and as a consequence, the outcomes noted under the NVPP remain mis-aligned with the ODP.

Conflicts between the two documents create potential challenges to planning approvals. It is suggested that further consideration of the future ODP against the environmental values will need to be undertaken to ensure the outcomes sought for the precinct are reflected in a consistent manner across all documents that are used in the assessment and approval of land use and development applications.

It is noted that the NVPP does include a provision for the consideration of vegetation removal beyond what the NVPP retention and removal Plan allows. The NVPP notes that approval may be granted in certain circumstances such as when essential road upgrades are required, to facilitate drainage works by or on behalf of the municipality and when the Catchment Management Authority has agreed in writing to reduce the extent of a declared waterway or drainage corridor. This provision may appear to address situations in which vegetation for retention would prohibit critical infrastructure works. However, the purpose of the NVPP should be to consider as far as practicable the impact of future development on existing vegetation, to retain vegetation that contributes to the biodiversity and ecological values within the LENGA and to limit the potential for 'unplanned' losses of vegetation. Accordingly, it is recommended that Council consider a revision to the NVPP as necessary, to ensure that the uncontrolled loss of vegetation can be limited in such a way that does not affect the overall feasibility of essential development infrastructure.

Since the ODP was prepared and the NVPP implemented by Amendment C112, the guidelines for native vegetation management have been updated. In lieu of a full analysis of changes to State and local planning controls over the last decade, an investigation of significance and retention value should be carried out across the yet undeveloped areas of the LENGA with a view to enabling the orderly development of the growth area in line with an updated ODP.

It is however likely that the profile and significance of vegetation throughout the growth area has changed. It is also noted that the EGCMA has expectations relating to the revegetation of riparian waterways/drainage lines, which may not align with the existing NVPP. Requirements for the conservation of vegetation within and adjoining a declared waterway has become a focus of best practice stormwater management and the consequence is such that (generally) the land required to accommodate drainage/conservation reserves–has increased in recent years.

Notwithstanding the above, the approved NVPP contains a condition under Section 6 of the report in relation to the expiry of the NVPP. Specifically, the condition notes that *'this Native Vegetation Precinct Plan ceases to authorise any removal, destruction or lopping of any native vegetation after 1 July 2023. However, this Native Vegetation Precinct Plan will continue to protect vegetation identified in the plan to be protected or retained.* This means any vegetation removal to enable residential development and/or infrastructure works must now obtain separate planning approval in each instance, increasing the resource and administrative burden on Council and affecting its reliability in contemporary development scenarios. It is understood that Council is in the process of consulting with the Department of Energy, Environment and Climate Action (DEECA) in relation to extending the expiry date of the NVPP to enable further removals in accordance with the existing NVPP.

On the basis of the above it is recommended that an updated ODP be supported and informed by a detailed site analysis of the conservation significance of native vegetation across the precinct, to be detailed in a revised NVPP. Subject to negotiation with DEECA, the revised NVPP should be prepared in accordance with the guidance document *Preparing a Native Vegetation Precinct Plan, DELWP 2017,* which features an updated template guide to be followed in the preparation of an NVPP. The preparation of these documents should be carried out to ensure appropriate integration of decision making when considering conflicts between proposed vegetation retention and the orderly planning of critical road and drainage infrastructure.

Road network

The ODP's proposed road network uses existing and planned roads and road reserves to facilitate a legible road network in the LENGA, using an east-west and north-south street grid. Intersections are proposed to Palmers Road and Ostlers Road. The current ODP also proposes a new east-west collector road and bus route through the south of the LENGA (highlighted in yellow) to service the majority of future residents. Palmers Road is proposed to facilitate access to the Princes Highway, though according to the current ODP no upgrades are required.

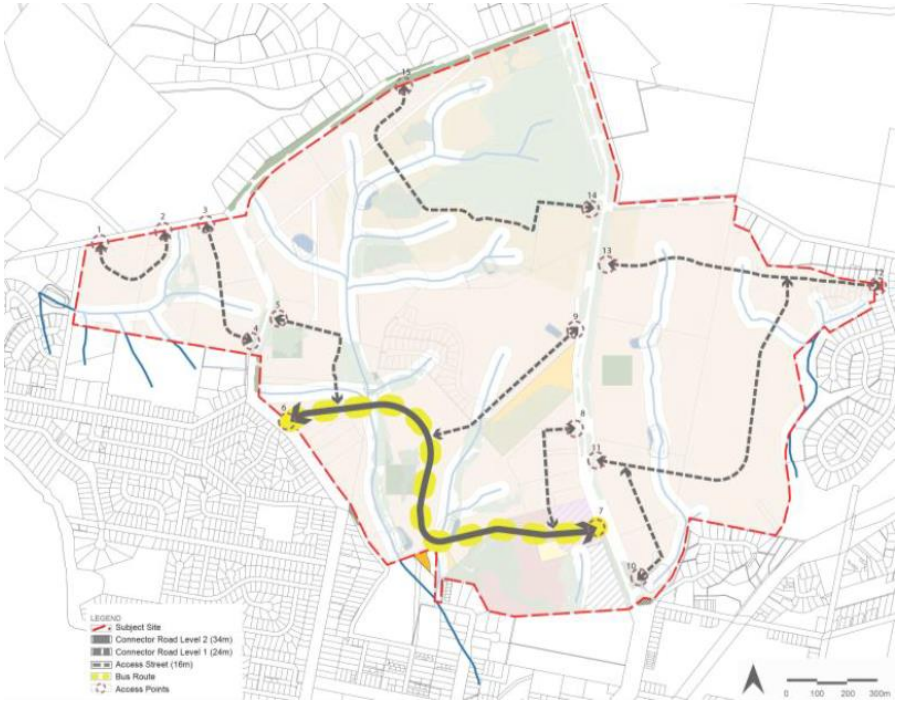
Currently, the ODP facilitates access to the LENGA from the following points:

- 2 access points from Blairs Road (for 2 separate land parcels)
- 3 access points from Ostlers Road (staggered for traffic safety and taking into account significant vegetation)
- 5 access points from Palmers Road (two on the eastern side and three on the western side, also staggered)

In accordance with its guiding principle of a well-connected precinct, the ODP puts forward an ambitious road network, which includes 7 creek crossings throughout the precinct and approximately 11-13 intersections.

The ODP proposes a shared path network mainly along water corridors and connecting with the forested off-road trails in the north.

Figure 11: LENGA ODP Road network plan (2014)



In the LENGA precinct, road network considerations are fundamental in ensuring there's no over-supply of critical development infrastructure such as crossings, for permeability. The consideration of an integrated and functional road network is integral to how the land in this precinct can develop (considering emergency serves access, etc).

Resulting from our analysis of the proposed road network as reflected in the ODP, the following preliminary observations were noted:

- The 24m wide East-West connector road is unlikely to connect through the Farming Zone and landfill buffer land to Palmer Road without further removal of native vegetation beyond that allowed under the NVPP.
- The NVPP does not currently allow a connection to Palmer Road at IN-11 and IN-13.
- The south-west extension to Country Club Drive is not supported by the current NVPP nor are intersections 2, 3, 5 and 15.

Beveridge Williams has prepared an initial draft of a proposed road network (Figure 5) throughout the LENGA. The guiding principles adopted in this plan include the following:

- Ensure that new roads respond to identified slope, with road interfaces to be aligned along waterway corridors.
- Providing a perimeter road along the creek boundaries and existing vegetation in line with best urban design practice and creating walkable precincts and anticipated bushfire management requirements.
- Modifications to the major road network (connector street locations and creek crossings) to improve the developable area and reduce cost/ length of road infrastructure.
- Consideration of interfaces with the existing road reserves-and residential lots.
- Providing a local road network that is responsive to the existing landform and running the majority of the roads along with the contours.
- Limiting court bowls where possible to improve connectivity.
- Consideration of the proposed intersections (ODP) against the existing road network.

The road network proposed by the current ODP is considered unachievable as it does not respond adequately to the slope across the precinct. It therefore cannot facilitate an accessible network across the LENGA. This finding is a notable example of how the technical analyses undertaken to inform the approved ODP occurred in isolation and without the additional integrated consideration of potential conflicts in land use objectives and outcomes.

As a result of expected bushfire design standards to be applied throughout the LENGA, it is anticipated that the ultimate width of the conservation and revegetation reserves proximate to the declared drainage corridors will increase. Therefore, bushfire protection setbacks are likely to further reduce the net developable area of the LENGA. Road interfaces running along corridors, where possible, will help to absorb the expected bushfire protection setbacks from these natural features, preserving NDA where possible and providing pathways for servicing.

Council has expressed concern that the ODP in its current form does not emphasise a connected precinct and rather the resultant development is more likely to form a series of disconnected enclaves. Our site analysis and consideration of the current ODP suggests that the Council's concerns are warranted. The indicative development plan (Figure 5) prepared by Beveridge Williams has been designed in a manner that responds to the existing site features, including slope, to ensure that the road network will facilitate permeability across the LENGA.

Note: We understand Council has engaged One Mile Grid to provide expert traffic analysis in support of the ODP review, however at the time of writing, this advice has not yet been received.

Established land use and development

Some development has commenced within the LENGA since the ODP was adopted which is understood to have been guided by this document. Beveridge Williams considers there is an evident disparity between the vision of the ODP and the outcomes permitted under the document due to the insufficiency of analyses on which the ODP is based.

Current and approved development applications within the ODP may have the effect of spatially limiting the orderly planning and development of the LENGA overall. New road networks, neighbourhoods, etc will need to fit in around developments that have obtained prior planning approval, regardless of whether they have commenced. This creates a further spatial constraint for the implementation of integrated development standards across the balance of the LENGA.

Overlay	Area to which it applies	Permit triggers/requirements
Environmental Significance Overlay	Land holdings in the eastern-most part of the LENGA	A permit is required to subdivide land Subdivision must comply with the Lakes Entrance NVPP
Erosion Management Overlay	Entire LENGA	
Environmental Audit Overlay	Area within 500m buffer of landfill/transfer station	

Landfill buffer

A significant amount of land included within the original ODP to the north-east is included within the designated buffer zone of the landfill located to the north-east of Colquhorn Lane and Thorpes Road, which it is understood has now been capped and is inactive, but a waste transfer station continues to operate on this land.

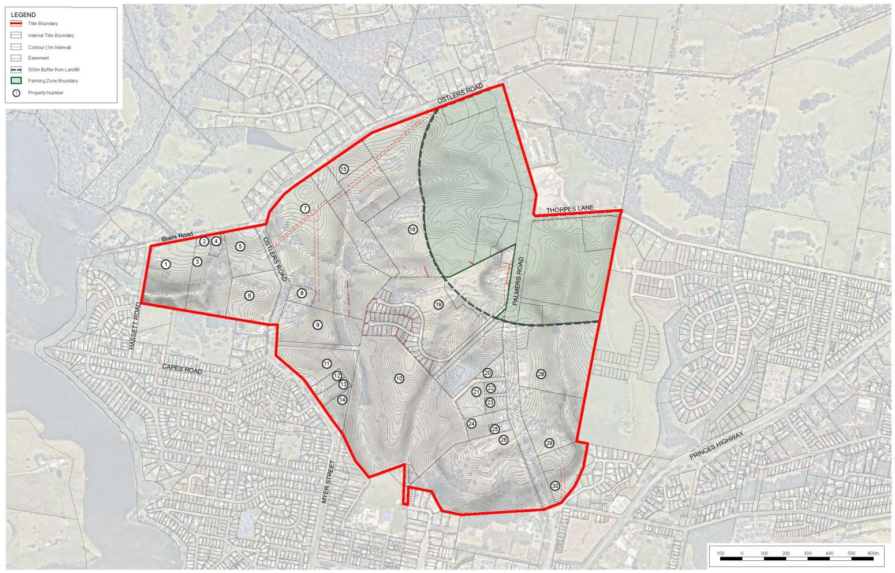
We understand that the application of the Environmental Audit Overlay (EAO) over this land was considered late in the C112 planning scheme amendment process, and the implications for development due to potential offsite impacts were not fully considered.

Further assessments are required to determine whether this land can be used and/or developed for sensitive uses.

From a statutory perspective, land affected by an EAO would need to be assessed via an environmental audit. Consistent with Ministerial Direction No. 1 and Planning Practice Note No. 30, both of which relate to potentially contaminated land, the future rezoning of the land affected by the EAO would be required to demonstrate that the land is suitable for its intended use. The timing associated with a future rezoning and further environmental audit investigations remains unknown. For this reason, Beveridge Williams considers that the land affected by the EAO should be removed from both the study area and the future updated ODP.

In accordance with the above, the study area adopted by Beveridge Williams in preparing the indicative ODP (Figure 12) has removed the EAO-affected land from consideration.

Figure 12: LENGA Beveridge Williams Study Area (2023)



Lot yield

It is acknowledged that the original ODP seeks to facilitate an expected land budget of approximately 167.71 hectares of net developable area (NDA) (of a total 244.64 hectares within the growth area). The expected overall lot yield for the LENGA, assuming a range of densities in accordance with the requirements of the GRZ, was estimated at 1545 new dwellings.

The analysis conducted by Beveridge Williams has reached a markedly reduced lot yield expectation across the LENGA for the following reasons:

- Property located at 45 Lawson Drive, which was initially expected to yield approximately 263 dwellings has received planning approval and is being developed currently. While this development does still contribute to the lot yield anticipated by the ODP, further development contributions associated with this development are unlikely to be attributed to this site, and therefore any future updates to the DCP. It has therefore been removed from the study area.
- The unzoned land affected by the Environmental Audit Overlay, which remains within the Farming Zone has been excluded from the study area.
- Design implications resulting from the redesign of the road network, increased bushfire setbacks, setbacks from riparian conservation and drainage corridors, resulting from integrated spatial and topographical analysis. More specifically, these attributes result in an increased land take consequent to current legislation, authority expectations and a higher standard of design.
- The requirements and authority expectations in relation to bushfire risk mitigation have changed substantially over the last decade. The likely bushfire protection buffers from vegetated drainage corridors does not appear to have been adequately considered as a factor in the original ODP as all land outside of waterway conservation reserves has been designated as developable. Our analysis has considered potential setback requirements and applied these to vegetated areas.
- The original ODP makes very little allowance across the LENGA for unencumbered public open space (approx 2 ha). This is considered among the established gaps in the ODP, to be addressed in the revision of the document as it is inconsistent with current guidelines. Current PSP planning guidelines suggest a minimum of 10% allocation of open space across the development precinct.
- The Beveridge Williams indicative ODP has made substantial allocation of passive and active open space within expected setback areas from waterways. The setbacks depicted in the Beveridge Williams indicative ODP are generally the product of CMA requirements for a 69m buffer, as understood from the letter of advice from the EGCMA (dated 27 October, 2023). We understand that this nominal 69m setback is inclusive of bushfire setback requirements proffered directly to the CMA by the CFA.
- The 69m buffer shown on the indicative ODP has been applied relative to a particular Development Plan application within the ODP area. In response to the potential for the general application of a 69m setback, Council engaged Terralogic to consider bushfire requirements against current legislation and the expectation that vegetation within the drainage reserves would be designated as 'classified vegetation'. The Beveridge Williams indicative ODP reflects the 69m buffer generally and not the findings of Terralogic's assessment, however these are shown at pages 13 and 14 of this report (Figures 9 and 10).

Based on the substantial differences between the approved ODP and the Beveridge Williams OPD in terms of potential lot yield, it may be appropriate to conduct a further community needs assessment to determine what community infrastructure may still be relevant and/or required were the full NDA of the LENGA to be developed.

Table 2: Beveridge Williams ODP – Indicative Lot Yield (2023)

Land Budget Table	
Outline Development Plan Review Area (Approx.)	182.713 ha
* Standard Density Lots (880m² lot ave)	57.404 ha
* Medium Density Lots (450m² lot ave)	5.061 ha
* Tree Reserve	0.191 ha
* Neighbourhood Activity Centre (NAC)	2.034 ha
* Local Roads	27.897 ha
Existing Roads (Palmers Road & Ostlers Road)	7.363 ha
Lakes Entrance Cemetery	1.511 ha
Existing Residential Lots (Country Club Drive)	6.982 ha
Community Facilities	0.656 ha
Existing Vegetation Reserve	5.792 ha
Drainage Assets (outside the creek reserve)	2.108 ha
Creek Reserve	27.775 ha
Reserve within Bushfire Buffer	35.263 ha
Active Open Space	2.677 ha
Net Developable Area	92.588 ha
Net Developable Area (excl. Commercial / Mixed Use)	90.554 ha
Estimated Lot Yield (Standard Density)	652 lots 880m² average lot size
Estimated Lot Yield (Medium Density)	113 lots 448m² average lot size
Estimated Lot Yield (Overall)	765 lots @ 8.4 lots per ha 817m² average lot size

* Indicates inclusion in NDA

Neighbourhood Yield Table	
Neighbourhood	Estimated Lot Yield
1	100
2	149
3	121
4	166
5	171
6	58
Total	765

Development Contributions Plan

Beveridge Williams makes the following observations regarding the viability of the DCP in response to questions posed by Council at the inception of this review.

Council has since undertaken a detailed review of the DCP (April 2024) and this should be referred to for a more detailed technical assessment of its operational challenges.

Council has expressed concern around the practicality of the DCP in its current form, citing a number of issues detailed in the review.

A key finding of the initial spatial analysis conducted by Beveridge Williams, is that the projected net developable area available across the LENGA is substantially reduced from the expectations suggested in the 2014 ODP. This is broadly the result of our integrated analysis of development constraints, and changes to applicable legislation/requirements since the adoption of the ODP. It should be noted that the projection presented in our initial analysis is based on information available at the time of writing and is subject to change should more specific advice be provided on bushfire defendable space requirements, conservation buffers required by the EGCMA and CFA as precinct planning work progresses.

If Council were to persist with a DCP, the outcome of a reduced NDA across the LENGA is that the reduction in the net developable area would cause a reduction in possible contributions to fund critical infrastructure assets within the precinct when compared to previous calculations.

The indicative development plan prepared by Beveridge Williams (Figure 5) has tried to ensure development sites can be self-contained in terms of infrastructure provision (i.e. do not rely on shared infrastructure projects with other land owners where this is not necessary). It should be noted however, that the Beveridge Williams analysis is limited to road infrastructure and land use, as other infrastructure and staging cannot be accurately determined at this time. It has also attempted to reduce the number of creek crossings. This outcome reduces the number of bridges or culverts required overall. With regard to road infrastructure, the indicative ODP has increased the number of intersections due to the likely need for perimeter roads around existing waterways to aid in the provision of defendable space, which could also be used as secondary open space in addition to that required under Clause 53.01 of the planning scheme. The east-west bus capable connector road as shown in the ODP has been brought further north to enhance connectivity and accessibility through the precinct.

Based on the limited review of the DCP undertaken as part of this review, our initial findings support the belief expressed by Council that the DCP does not reflect the infrastructure needs or the land use outcomes sought by the current ODP.

Findings and Recommendations

As detailed throughout this report, Beveridge Williams has identified a number of preliminary recommended actions to be taken in updating the document for currency and reliability.

It is worth noting that the findings within this report and summarised below are limited to the extent that current technical information and expert advice was available for review. The recommendations made here are therefore not exhaustive. Specific gaps noted include up-to-date advice and recommendations from the EGCMA with respect to riparian/drainage corridors and the required buffer distances. We understand expert traffic management advice responding to the proposed road network has yet to be received.

The following actions are recommended and their findings should be integrated to inform an updated Outline Development Plan.

- Based on the information available when preparing this review, it is unclear whether any further analysis of topography and its impact on potential residential development was conducted in the preparation of the ODP. We recommend further investigation to consider the impact of slope and whether any design requirements should be applied to specific areas within the LENGA.
- The applicable EMO schedule does not identify particular slope parameters where erosion is/is not of concern. It therefore does not provide certainty to development feasibility and/or design requirements. Further analysis of the efficacy of the existing EMO control and where it is most appropriately applied within the study area should occur.
- It is recommended that East Gippsland Shire Council continues to work with the EGCMA and the CFA to confirm the expectations around drainage design and in particular, the extent and type of vegetation anticipated within the drainage reserve. Following the density and classification of vegetation agreed upon, bushfire defendable space setbacks can be confirmed (based on current legislation).
- Terralogic has provided a preliminary investigation of bushfire requirements against current legislation and the expectation that vegetation within the drainage reserves would be designated as 'classified vegetation'. Terralogic has prepared a best/worst case scenario with respect to defendable space setbacks. It is recommended that council continue to investigate and engage with the CFA and the bushfire consultant towards more accurately refining bushfire defendable space requirements with a view to reducing setbacks where appropriate.
- Should active management of the defendable space areas along the drainage reserve be required, it is recommended that confirmation be sought regarding which parties are responsible for the ongoing maintenance of defendable space areas as these will need to be factored into the respective organisations work programs.
- As the existing NVPP is out of date, it can no longer be relied upon to enable the removal of non-significant native vegetation. It is recommended that Council undertake an updated site audit of remnant native vegetation, including the extent of removal carried out under the existing NVPP. This analysis will then inform the preparation of a revised NVPP to enable the removal of pre-assessed vegetation, reducing the administrative burden on Council in future development applications.
- The NVPP should be prepared in concert with an updated ODP in order to ensure appropriate integration of decision making when considering conflicts between proposed vegetation retention and the orderly planning of critical road and drainage infrastructure.
- Following certainty around an updated NDA for the LENGA, it is recommended that a further community needs assessment be conducted to determine what community infrastructure may be required based on the anticipated lot yield.
- According to the ODP, the westernmost portion of land in the LENGA has an approved Cultural Heritage Management Plan. Other areas of Cultural Heritage Sensitivity have been identified within the study area. Noting the time elapsed since the adoption of the ODP, it is recommended that Council inform itself as to the potential implications of designated Cultural Heritage Significance within the LENGA as well as the currency of any existing Cultural Heritage Management Plans.
- Should Council wish to retain the land affected by the EAO within the LENGA, it is recommended that Council investigate the extent of works required to satisfy the requirements of Ministerial Direction No. 1 and Planning Practice Note 30.
- It is recommended that a review of the DCP with reference to the VPA Guidance note on applying PSP guidelines in regional areas be carried out.

Conclusion

This report presents a number of findings from our initial review of the 2014 Lakes Entrance Northern Growth Area (LENGA) Outline Development Plan (ODP) and background documentation available for review at the time of writing. We have identified a number of areas in which the ODP in its current form cannot be relied upon to achieve the broader strategic directions envisioned for the precinct and present a number of recommended actions for the revision of the ODP to function as a guiding strategic document.

As detailed throughout this report, our review is limited to the information that was made available. It is understood that Council is gathering further expert technical advice which may alter some of the findings and recommendations presented in this draft. The recommendations made in this report for further work and consultation are not exhaustive and are subject to change as further advice is obtained.

It is acknowledged that some of the spatial analysis required to inform a review of the ODP has been prepared by Beveridge Williams as part of this review, however a number of further background technical work is required should Council wish to rely on an updated ODP to guide future decision making in the precinct. This is considered necessary to ensure currency with regard to applicable planning policy and relevant guidelines as well as to capture any changes to the natural characteristics of the site, such as changes to remnant native vegetation etc.

Based on our analysis, an emerging and important consideration for Council is that the natural and physical constraints of the LENGA present a challenge to the realisation of the densities and land use distribution presented in the 2014 ODP. It has been demonstrated that the target lot yield previously envisioned is likely to be significantly reduced if an integrated approach is taken in assessing land use conflicts and the ultimate residential development capability of the precinct. However, the extent of this reduction cannot be accurately determined without additional analysis and in consultation with referral authorities.

The challenges mentioned above suggest that with current development and planning constraints, the lot densities and the preferred character outcomes sought by the original ODP are likely to be achievable. Notwithstanding, the existing natural characteristics of the precinct, although a significant barrier to overall lot yield, can be considered as an opportunity to develop the LENGA with a unique but highly sought after neighbourhood character which embraces a generally lower density with increased exposure to the natural features of the precinct, including the environment. An important consideration here is that this unique character opportunity could challenge the principle of housing affordability due to the significant infrastructure that is likely required to support the future residential community. That is, with a substantially reduced yield, the cost of key infrastructure assets required to support residential development may be reduced. A further review of these costs is recommended to establish the viability of a reduced, yet unique offering.

Lakes Entrance Northern Growth Area (LENGA)

Revised Drainage Strategy

Version 2

24th April 2024

Report by: **Stormy Water Solutions**
stormywater@optusnet.com.au
www.stormywater.com.au
M 0412 436 021

Document Verification

Project Name	LENGA 2022 Drainage Strategy
Client Contact	East Gippsland Shire Council
SWS Project Number	2245
Document Name	2245_LENGA Drainage Strategy_V2_240424

Document History

Issued To:	Date	Version	Author	Reviewer
East Gippsland Shire Council (EGSC)	10/10/2022	1.	VM	MM
EGSC	24/4/2024	2.	VM	EGSC EGCMA

Note that for the purposes of this report, Stormy Water Solutions (**SWS**) consists of two business entities being:

- Stormy Water Solutions (ABN 95 656 703 998) – Valerie Mag (Principal), and
- Stormy Water Solutions Consulting Pty Ltd (ABN 57 650 394 899) – Michael Mag (Director and Senior Hydrologic Engineer)

Disclaimer

This report is prepared by Stormy Water Solutions for its clients' purposes only. The contents of this report are provided expressly for the named client for its own use. No responsibility is accepted for the use of or reliance upon this report in whole or in part by any third party. This report is prepared with information supplied by the client and possibly other stakeholders. While care is taken to ensure the veracity of information sources, no responsibility is accepted for information that is withheld, incorrect or that is inaccurate. This report has been compiled at the level of detail specified in the report and no responsibility is accepted for interpretations made at more detailed levels than so indicated.

Contents

1 INTRODUCTION 1

2 BACKGROUND INFORMATION 3

2.1 Background Reports, Information and Designs 3
2.2 Manuals and Guidelines 4

3 SUMMARY OF STRATEGY DEVELOPMENT TO DATE 5

4 ASSUMED LENGA REVISED DRAINAGE STRATEGY REQUIREMENTS 9

4.1 General Requirements 9
4.2 Development Density 9
4.3 Flood Storage Requirements 9
4.4 Flood Protection Requirements 10
4.5 WSUD Requirements 10
4.6 EPA Updated Guidance in regard to Stormwater Volume Reduction 11
4.7 Climate Change Implications 11
4.7.1 Increases in the Intensity of Rainfall 12
4.7.2 Increases in Sea Level 12
4.7.3 Increases in the length and severity of drought periods 13
4.8 Stormwater Treatment Elements Concept Design 13
4.9 Asset Ownership and Maintenance 13
4.10 Native Vegetation and Ecology 14
4.11 Soils and Landforms 14
4.12 Aboriginal Cultural Heritage 14

5 REVISED LENGA DRAINAGE STRATEGY 15

5.1 Primary Drainage Strategy Elements 15
5.2 Waterways 19
5.2.1 Stormwater Treatment and Flood Retardation Protection 19
5.2.2 Offset Requirements 20
5.2.3 Waterway Protection and Enhancement 21
5.2.4 Waterway Form 21
5.3 Internal Development Requirements 23

6 STRATEGY PERFORMANCE 24

6.1 Flood Impact Benefits 24
6.2 Stormwater Treatment Benefits 25
6.3 Flood Impact and Filling Requirements 26

7 PRELIMINARY COST ESTIMATES 27

8 EAST GIPPSLAND CATCHMENT MANAGEMENT AUTHORITY INPUT 28

9 STRATEGY IMPLEMENTATION AND TIMING CONSIDERATIONS 30

9.1 OPTIMAL STAGING OUTCOME 30
9.2 STRATEGY IMPLEMENTATION ISSUES 30
9.3 POSSIBLE WAY FORWARD 31
9.4 STRATEGY FUNDING CONSIDERATIONS 32

10 FURTHER WORK REQUIRED 33

11 ABBREVIATIONS, DESCRIPTIONS AND DEFINITIONS 35

APPENDIX A HYDROLOGICAL MODELLING AND DESIGN 36

A.1 EXISTING CONDITIONS MODEL 36
A.1.1 Model Setup 36
A.1.2 Inputs and Parameters 38
A.1.3 Flood Storage Models 40
A.1.4 Existing Design Flow Estimates 40
A.2 FUTURE CONDITIONS MODEL 41
A.2.1 Model Setup 41
A.2.2 Inputs and Parameters 44
A.2.3 Flood Storage Models 44
A.2.4 Post Development RORB Results 47

APPENDIX B STORMWATER TREATMENT MODELLING AND DESIGN 50

APPENDIX C PRELIMINARY COST ESTIMATES 54

APPENDIX D REVISED DRAINAGE STRATEGY DRAWINGS 65

1 Introduction

In 2022, Stormy Water Solutions (**SWS**) was engaged by East Gippsland Shire Council (**Council**) to conduct a review of the Lakes Entrance Northern Growth Area (**LENGA**) drainage strategy.

The SMEC Urban report "Lakes Entrance Northern Growth Area Outline Development Plan, SMEC URBAN, October 2013" (referred to as the **2013 ODP** herein) has been adopted by Council. The 2013 ODP adopted waterways, wetlands, and retarding basins to control development runoff in line with a report entitled "Northern Growth Area - Lakes Entrance – Development Concept Plan Hydrology, Water Technology Pty Ltd, R03, October 2013" (referred to as the **2013 WT Report** herein).

Over the last eleven years various reviews and revisions of the drainage strategy have been completed (see Section 2). However, in 2022 Council required consolidation of this knowledge so that the intents and objectives drainage strategy adopted in the 2013 ODP could be met while ensuring:

- That the concept designs of the major drainage elements were designed to "fit to site" both in a vertical and spatial sense;
- That proposed drainage elements would be maintainable well into the future and that the reserve allocation in the strategy encompasses maintenance asset requirements (e.g. sediment pond dewatering areas and access tracks etc);
- Drainage assets which are not advocated by Council currently (e.g. bioretention systems and large underground flood storage tanks) are not included in the drainage strategy; and
- That individual proposed developments (as associated planning permit requirements) will contribute to the delivery of the drainage strategy via either payment of a Development Contributions Plan (**DCP**) drainage levy, or works on site consistent with the requirements of this 2022 revised drainage strategy.

The deliverables of the 2022 revised drainage strategy were to:

- Update the previous LENGA Drainage Strategy (based on both the 2013 and 2020 Water Technology (**WT**) work) to confirm the designated drainage areas are sufficient based on "designing to site" and "current retarding basin/wetland concept design requirements",
- Clearly define the objectives of the hydrological model (i.e. not to increase flow estimates in specific areas of Lakes Entrance, and ensure the model is extended to all areas of interest),
- Produce concept designs of the major drainage elements,
- Produce hydrological modelling (RORB modelling) to determine pre and post development flood flows at key points of interest (e.g. retarding basin sites, upstream of the existing town boundary (and developed areas), and at areas of interest in the Lakes Entrance township),
- Include "designed to site" retarding basin stage/storage/discharge relationships as per the concept designs developed in the hydrological model above,
- Consider reducing the number of retarding basins proposed, or relocating them to protect existing downstream development (e.g. within the Country Club development) and/or proposing a more equitable allocation of reserves within the LENGA,

- Produce stormwater pollutant modelling (MUSIC modelling) to determine stormwater pollutant retention performance of the revised drainage strategy. This includes defining "designed to site" sediment pond and wetland areas within retarding basin sites as per the concept designs developed and includes allowing for the use of tanks for toilet flushing and laundry on all new development within LENGA, and
- Producing preliminary cost estimates of all major drainage assets.

In essence, the 2022 Version 1 report defined what could physically fit into the LENGA, given current landforms, ecology, cultural heritage constraints and the existing developments (and associated existing constructed drainage systems).

The 2022 work was not proposed to deliver a completely new drainage strategy. Rather it:

- Consolidated previous proposals and recommendations,
- Developed sediment pond, wetland and retarding basin designs which could fit into the sites allocated,
- Detailed updated modelling to clearly show that the requirements of the 2013 ODP could be met going forward via incorporation of stormwater pollutant modelling and hydrological modelling (to the requirements of Australian Rainfall and Runoff 2019 (**ARR 2019**)), and
- Updated the preliminary proposals of this large drainage system given the proposed changes in the design (and proposed change to the number and type of assets).

This **2024 Version 2** report replicates the 2022 Version 1 report by presenting (essentially) the same 2022 revised drainage strategy. However, this 2024 report includes specific Council and East Gippsland Catchment Management authority input regarding:

- Updated projected costs (Section 7),
- Requirements of East Gippsland Catchment Management Authority regarding the strategy and waterway reserves (Section 8), and
- Discussion of how the proposed assets can be delivered going forward, and the challenges this presents to Council (Section 9).

2 Background Information

2.1 Background Reports, Information and Designs

The formulation of this revised drainage strategy has utilised information from the following sources relating to designs, studies and/or current works in the catchments/sites surrounding the LENGA. Information obtained from each source below is described in more detail in subsequent parts of this report where required.

- The Effect of Climate Change on Extreme Sea Levels along Victoria's Coast, A Project Undertaken for the Department of Sustainability and Environment, Victoria as part of the 'Future Coasts' Program, Kathleen L. McInnes, Ian Macadam and Julian O'Grady, November 2009 (**2009 Climate Change Report**);
- Lakes Entrance Northern Growth Area Outline Development Plan, SMEC URBAN, October 2013 (**2013 ODP**);
- Northern Growth Area - Lakes Entrance – Development Concept Plan Hydrology, Water Technology Pty Ltd, R03, October 2013 (**2013 WT Report**);
- Report 2: Inundation Hazard, Gippsland Lakes/90 Mile Beach Local Coastal Hazard Assessment Project, Water Technology, April 2014 (**2014 Gippsland Lakes Assessment**);
- Lakes Entrance Northern Growth Area Development Contributions Plan, Urban Enterprise Pty Ltd, April 2017 (**2017 DCP**);
- "Benchmarking ARR2019 for Victoria, Technical Report, Version 2", Hydrology and Risk Consulting, October 2020;
- Discussion Paper, LENGA Drainage Strategy Review & Optimisation, Water Technology, 27 March 2020 (**2020 WT Report**);
- Vic Tides, Victorian Regional Channels Authority 2020, Edition 4 (**Vic Tides 2020**);
- Melbourne Water Corporation, South East Region - drainage works reimbursement rates (correct as of 13 September 2021), MWC website;
- 54 Thorpes Lane, Lakes Entrance – Drainage Support Report, Water Technology, March 2022 (**2022 WT Support Report**);
- Memo from Stormy Water Solutions to East Gippsland Shire Council dated 18 April 2022 entitled "54 Thorpes Lane, Lakes Entrance – Stage 2 Analysis" (**2022 SWS Thorpes Lane Memo**);
- Gippsland Lakes Ramsar site vulnerability to bushfire and climate change, CSIRO, May 2022 (**2022 CSIRO Bushfire and Climate Change Report**);
- A Site Visit by SWS staff on the 25 and 26 July 2022;
- Council GIS and design plans of various drainage systems within the Lakes Entrance township (provided by Council to SWS in 2022).

2.2 Manuals and Guidelines

Where applicable, the designs developed as part of this SWMS will be consistent with the following Manuals or Guidelines:

1. CSIRO (1999). "Urban Stormwater Best Practice Environmental Management Guidelines." CSIRO PUBLISHING, Melbourne (**BPEMG**);
2. Melbourne Water (2005). "*WSUD Engineering Procedures: Stormwater Melbourne"*, CSIRO Publishing (the **WSUD Engineering Procedures**);
3. Australian Rainfall and Runoff 2019, Geoscience Australia, (**ARR 2019**);
4. Department of Environment, Land Water and Planning, Guidelines for Development in Flood Effected Areas, 2019 (the **2019 DELWP Guidelines**);
5. Melbourne Water (2020). "*Wetland Design Manual, Part A2: Deemed to Comply Criteria*.", (the **Wetland Design Manual**);
6. Environmental Protection Agency Victoria (2021), '*Urban Stormwater Management Guidance*', publication 1739.1, June 2021 (the **Updated Guidance**); and
7. Melbourne Water (2022). "*MUSIC (Model for Urban Stormwater Improvement Conceptualisation) Guideline",* May 2022, Melbourne Water (the **MUSIC Tool Guidelines**).

3 Summary of Strategy Development to Date

In line with the 2013 WT Report, the 2013 ODP adopted:

- Waterways (as generally described by the East Gippsland Catchment Management Authority (**EGCMA**) declared waterways) to be the primary major conveyance system of high and low flows through LENGA,
- Wetlands and sediment ponds (as part of the upstream end of wetland systems) to be the water sensitive urban design (**WSUD**) assets required to treat stormwater runoff from LENGA, and
- Retarding basins (generally with sediment ponds and wetland contained within their bases) to control the 1% Annual Exceedance Probability (**AEP**) flood flows at the LENGA boundaries to predevelopment flow rates.

The 2013 WT Report sites proposed for the wetland/retarding basin assets are as detailed in Figure 1 below. The 2013 WT Report estimated the total cost of major drainage works in the order of $5.6 million. Various levy rates were proposed based on asset locations relative to catchments. Levies also varied depending on whether catchment were inside or outside the ODP “landfill buffer” (Land designated “Part 2” in Figure 1).

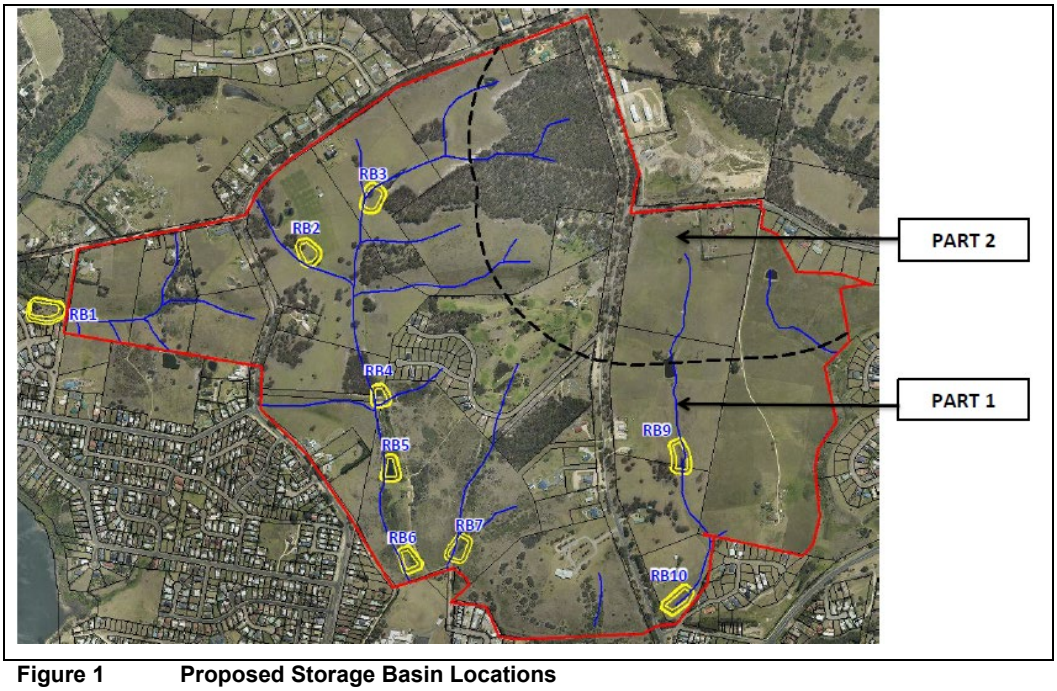


Figure 1 **Proposed Storage Basin Locations**
Reproduction of Figure 3.3 in the 2013 WT Report

The Lakes Entrance Northern Growth Area Development Contributions Plan April 2017 by Urban Enterprise Pty Ltd (**2017 DCP**) further optimised this strategy as detailed in Figure 2 below.

It is also noted that this 2017 DCP clearly denotes “drainage reserves” are required for 30 metres either side of declared waterways. This is a requirement of the EGCMA. It is noted however, that due to an

error in the original DELWP mapping of the waterways, the DELWP waterway invert locations do not align with the actual physical waterway invert locations on site. As such, there is a fundamental error in the 2017 DCP which has been addressed in this current drainage strategy.

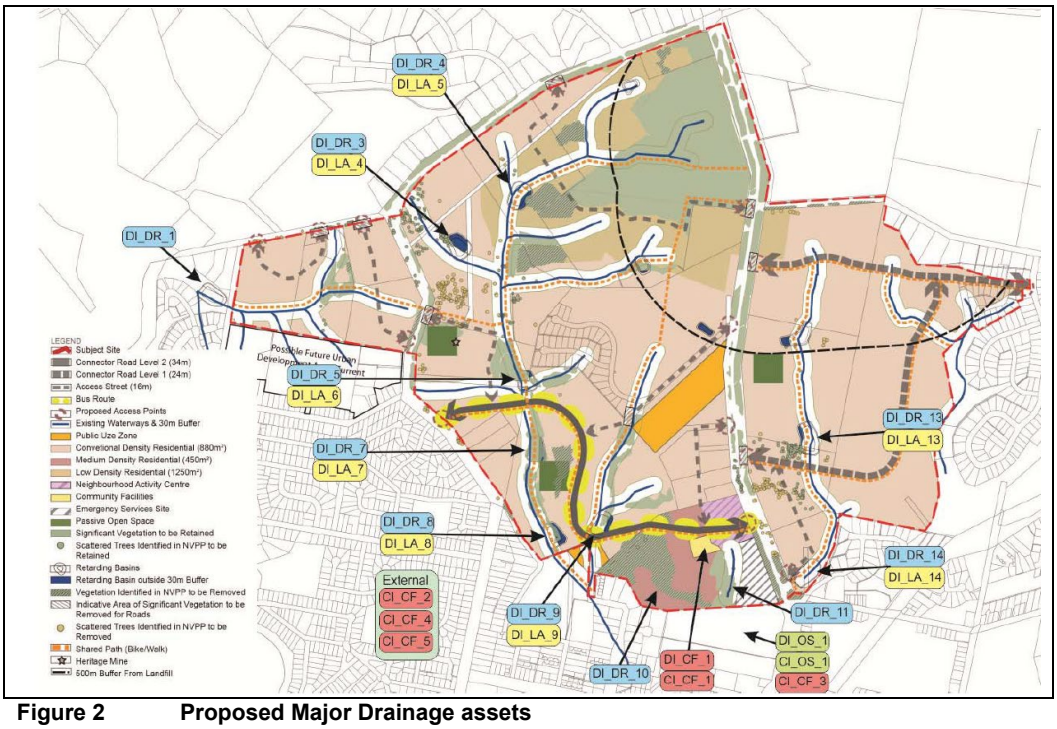


Figure 2 **Proposed Major Drainage assets**
Drainage assets described as DI_DR_X (in blue)
Reproduction of Figure 4 in the 2017 DCP

The 2017 OCP estimated the total cost of the major drainage assets would be in the order of $4.5 million, with development levies variable, depending on the catchment of interest. It was not clear why this value was below the 2013 WT Report estimate.

WT produced a further report in 2020 entitled “Discussion Paper, LENGA Drainage Strategy Review & Optimisation” (**2020 WT Report**). This work proposed removing some drainage assets from the strategy (especially in the upper catchment areas) and proposed some additional assets outside (and downstream of) the LENGA. In general, Stormy Water Solutions (**SWS**) agrees with the intent of both proposals. However, some elements proposed have been excluded/changed in this revised drainage strategy as discussed below.

Figure 3 reproduces the 2020 WT Report recommended options for each catchment.

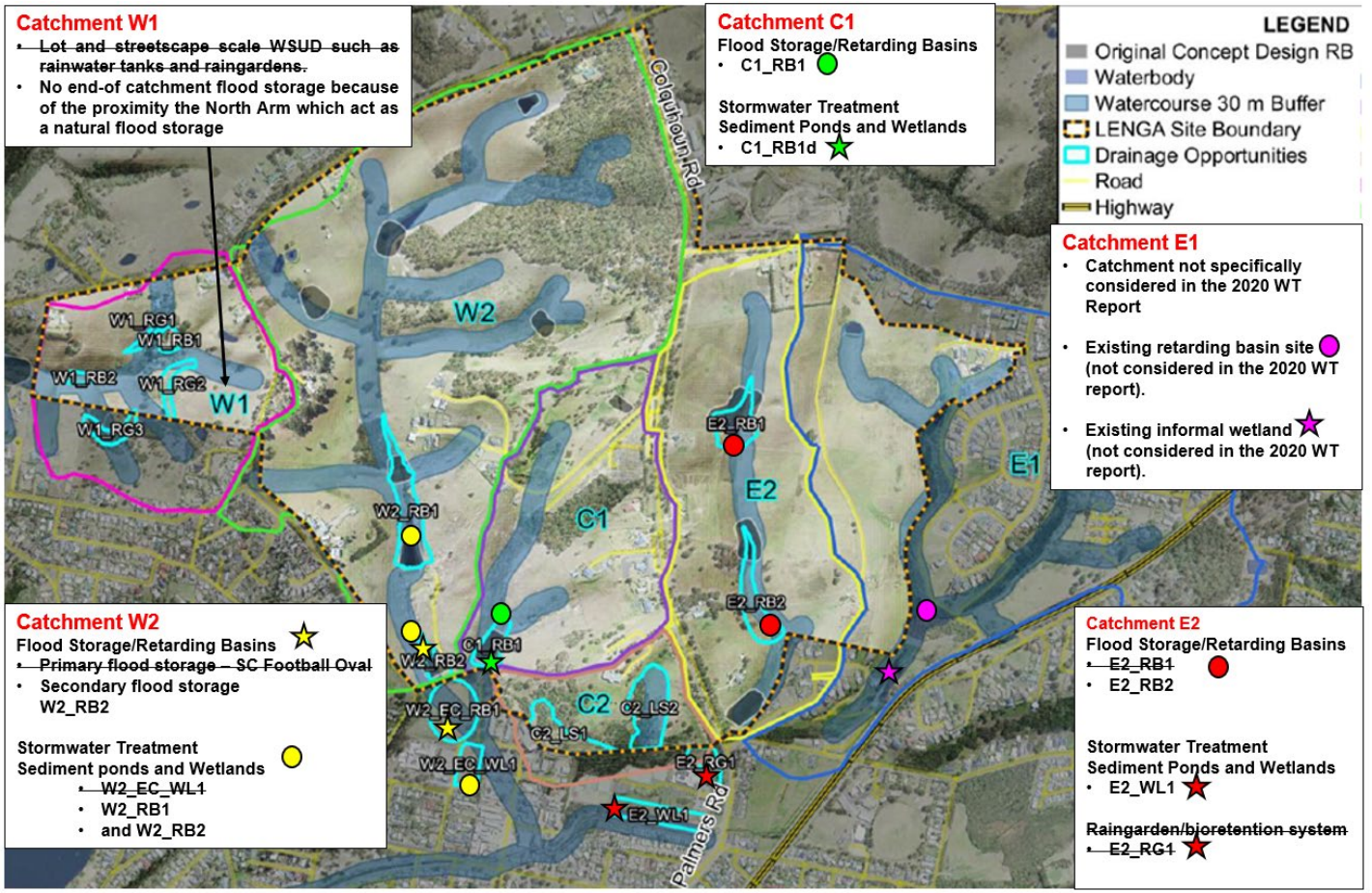


Figure 3 **Drainage Infrastructure Opportunities Identified in the 2020 WT Report**
Reproduction of Figure 4.5 in the 2020 WT Report with recommended options shown (crossed out if not included in this 2022 revised drainage strategy)

SWS generally agrees with the conclusions of the 2020 WT Report strategy in particular:

- That most of the proposed drainage/WSUD assets to are on-line systems. Online systems are systems where high flows and low flows are conveyed through any sediment pond or wetland, rather than having bypass of high flows around the treatment element. Online systems were proposed due to the steep terrain and limited land available outside the drainage corridor to allow for bypass channels etc.
- The removal of some previously advocated drainage assets (especially in the upper catchment areas) as the more retarding basins and wetlands in series, the lesser is the benefit of each individual asset.
- The removal of the wetland previously proposed immediately west of Catchment W1, given the very steep landform and ecological attributes of this site.

However, it is noted that the 2020 WT Report was very high level regarding the following.

- Although it considered the flooding impact in the Lakes Entrance township, this was not fully considered in a total catchment management sense (particularly regarding consideration of Catchment E1 (Figure 3) and its existing retardation and treatment assets),
- The assets in Figure 3 are defined as “rough” shapes, with no definition of vertical levels (such as normal water levels embankment levels etc), although a rough allocation of land for maintenance activities, batters and embankments was said to have occurred in the WT Report work (but was not clear in the 2020 plans),
- No stormwater pollutant modelling (MUSIC modelling) was completed for the 2020 WT Report. The underlying assumption was that, if the proposed strategy had similar storage and footprint (presumably to the 2013 WT Report), the proposed strategy would meet the water quantity and quality objectives. The 2020 WT Report states that “The water quantity and quality treatment performance of each catchment to be confirmed during the concept/detailed design”.

SWS also considers the strategy confusing as the asset definition in the 2020 WT Report does not match either the 2013 WT report or 2017 DCP definitions.

In addition, the strategy incorporated elements no longer supported by Council, primarily being:

- Bioretention systems,
- Street scape WSUD systems,
- Lot scale tanks for flood storage, and
- Assets within the downstream (outside of LENGA) Education Department land.

This report (and associated modelling and plans) addresses the issues highlighted above.

4 Assumed LENGA Revised Drainage Strategy Requirements

4.1 General Requirements

This current revised Drainage strategy aims to build on the 2020 WT Report recommendations to:

- Ensure assets not supported by Council are removed,
- Allow for assets in Council owned land outside (downstream) of the LENGA (where appropriate) to ensure the requirements of the 2013 ODP are met,
- Provide clear concept designs for proposed assets setting reserve areas which clearly show all required land take allocations,
- Ensure assets definitions match those detailed in the 2017 DCP,
- Ensure the total benefits of the strategy are modelled to required ARR2019 standards (both water quality and flood retention benefits), and
- Consider the effects of climate change regarding the strategy implementation,
- Determine the combined asset benefits on a catchment wide scale, so that a “uniform” DCP drainage levy can be applied over the whole LENGA, and
- Ensure Council can clearly provide development requirements to individual landowners, ensuring that any levy collected, or major drainage works completed, are in line with a strategy which meets the requirements of the 2013 ODP.

4.2 Development Density

This revised drainage strategy assumes the following overall catchment fraction impervious ($\mathbf{F_{imp}}$) values for the potential land uses detailed in Figure 2

- Development of LENGA catchment for residential use (including waterways, reserve allocations and roads) = 60%
- LENGA Activity Centres including allocation for significant vegetation and waterways = 65%
- Major open space areas or areas where vegetation is to be retained = 10%.

It is understood that the typical lot size in most of the LENGA will be in the order of 1,000 m^2.

It is noted that defined development areas and development density my change given any future updated ODP.

4.3 Flood Storage Requirements

The revised drainage strategy is assumed to be required to clearly show no increase in 1% AEP peak flows within the existing Lakes Entrance Township.

An appropriate model to determine flood storage/retarding basin requirements is the RORB Runoff Routing Model (**RORB**).

The only catchment NOT requiring flood retardation is Catchment W1 (Figure 3), as discharge from this catchment is essentially discharging into a gorge and then straight to the Gippsland Lakes (East Arm) and then straight to the sea.

4.4 Flood Protection Requirements

No land subject to inundation overlay (**LSIO**) currently applies in the LENGA. However, flood mapping completed before 2007 defines LSIO areas as flood affected area along Eastern Creek within the township and areas of the township inundated in the 1% AEP tidal event from the Gippsland Lakes.

Various drainage/waterway reserve will ultimately be proposed in LENGA to either convey flow (in a waterway valley) or retard and treat stormwater (in a retarding basin/wetland system).

At this stage it is assumed that due to the steep nature of the terrain (in most cases), the 1% AEP flood extent can be well contained within any drainage reserve allocated. This is required to be proven in the future functional and detailed design process for individual assets.

Appropriate models to determine flood levels are:

- RORB (for flood levels in a retarding basin), and
- Hec Ras or TuFLOW for flood levels in a channels, waterways or road reserve.

4.5 WSUD Requirements

Clause 56.07-4 of the Victorian State Planning provisions states that urban stormwater management systems must be designed to meet current best practice management performance objectives for stormwater quality management as defined within the BPEMG. The BPEMG objectives for environmental management of stormwater are:

- Total Suspended Solids (**TSS**) 80% retention of the typical urban annual load,
- Total Phosphorus (**TP**) 45% retention of the typical urban annual load,
- Total Nitrogen (**TN**) 45% retention of the typical urban annual load,
- Litter 70% retention of typical urban annual load, and
- Flows Maintain discharges for the 1.5-year ARI at pre-development levels

Regarding stormwater pollutant retention, the revised drainage strategy must be formulated to meet this requirement on a total catchment management basis. It is assumed that meeting best practice at individual outlets is not specifically required, provided the total treatment of the LENGA area meets best practice. This essentially allows for overtreatment of some catchments and under treatment of others. This is an appropriate where:

- In areas where application of WSUD assets in steep terrain is difficult, and
- All sub catchment outlets are very close to the applicable receiving body (in this case the Gippsland Lakes system and the ocean).

SWS also encourages that fit-for-purpose stormwater harvesting and re-use be used extensively within the LENGA, specifically 2,000 litre tanks for toilet flushing and laundry use on each allotment.

4.6 EPA Updated Guidance in regard to Stormwater Volume Reduction

In June 2021, the Environment Protection Authority Victoria (**EPA Vic**) released updated 'urban stormwater management guidance' (EPA Vic 2021) (referred to as the **updated guidance** herein). The updated guidance is clear that it does not impose compliance obligations. Rather, the updated guidance provides quantitative performance objectives for urban stormwater which set an objective that should be aimed to be met as far as 'reasonably practicable'.

The Mean Annual Rainfall (**MAR**) for Lakes Entrance since 2006 is 719 mm/yr. However, Lake Tyres has a MAR of 818 mm based on 70 years of data. As the Lake Tyres data set is much larger, and given the Lake Tyres proximity of Lakes Entrance, it is assumed that Lakes Entrance sits in a rainfall band of 800 – 900 mm/year.

For this rainfall band, the updated guidance provides the following performance objectives in addition to the BPEMG:

> *Reduce the mean annual runoff volume (**MARV**) generated from post-development impervious areas by:*
>
> *a. 24% using harvesting (i.e. re-use) and evapotranspiration; and*
> *b. 13% using infiltration.*

It is not deemed reasonably practicable in this instance to meet the MARV targets of the updated guidance as:

- To SWS's knowledge, all previous development in Lakes Entrance did not consider the updated guidance;
- The in-situ infiltration rates are not known;
- Specific end uses for the potential regional scale re-use (i.e. a purple pipe system) within the LENGA are not provided or identified at this time; and
- LENGA discharges to manmade township infrastructure, or essentially to the ocean (via an outfall very close to the lake/ocean outfall). As such, reducing stormwater volumes (which is targeted at providing benefits to ecological river systems) is redundant in this case.

4.7 Climate Change Implications

There are three Climate Change impacts to be considered within this revised drainage strategy being:

- Increases in the intensity of rainfall in the 1% AEP event,
- Increases in sea level affecting the design of any WSUD asset to be located in the lower areas of Lakes Entrance, and
- Increases in the length and severity of drought periods in this area of Victoria.

These are discussed further below.

4.7.1 Increases in the Intensity of Rainfall

ARR 2019 allows the modeller/designer to simulate Intensity/Frequency/Duration's (**IFD**'s) for various climate change scenarios. The most conservative (worst in regard to increase in flood flow) year 2090 RCP 8.5 IFD should be assessed, which may result in a 16.3% increase to the 2016 (current) IFD values.

As has been shown in similar projects, with a similar predicted increase in design rainfall:

- This increase will only slightly decrease the level of service in a typical pipeline or channel system, and
- The predicted rise in retarding basin flood level will be well within the freeboard provision of the asset (usually at least 300 mm) if the spillway is adequately designed.

As such, in this revised drainage strategy, the exact impact of increased rainfall has not been determined for each asset proposed. However, for completeness this should be completed at the functional design stage of each major asset of drainage conveyance system.

Notwithstanding the above, all spillway levels for retarding basins (in the revised drainage strategy) have been set above the defined 1% AEP flood level based on current rainfall estimates. As such, there is provision in the proposed retarding basin concept designs to accommodate the expected increase in 1% AEP design rainfall.

4.7.2 Increases in Sea Level

The 2014 Gippsland Lakes Assessment states that the existing 1% AEP tidal surge level for Lakes Entrance was calculated as 1.8 m AHD.

The 2009 Climate Change Study recommended that the "*Coasts Future Program to align with the Victorian Coastal Strategy 2008 (VCS) policy of planning for not less than 0.8 m sea level rise by 2100*".

Given the above, it assumed to be prudent to assume a design 1% AEP tidal surge level of 1.8 + 0.8 = 2.6 m AHD.

Although not specifically part of this project, it is understood that Council is considering their response to this threat in regard to the existing township infrastructure.

Regarding this revised drainage strategy, the main impact may be inundation of the base of any proposed wetland in the low areas of the township (such as E2_WL1 in Figure 3 (which is Wetland 11a in this revised drainage strategy)). A wetland can be inundated by tidal water infrequently, provided it is planted with salt tolerant species and the inundation is temporary. As such, it is assumed that the normal water level (**NWL**) of any wetland system should be at (or above) a relatively rare high tide level. Therefore, in this case, it is assumed that the Vic Tides 2020 Mean High High Water (**MHHW**) level be used as the definition of a rare high tide. The current MHHW level in Lakes Entrance is 0.5 m AHD. This may increase to 1.3 m AHD in a climate change scenario. As such, any new wetland proposed in the lower areas of the existing township should incorporate a normal water level of 1.3 m AHD.

4.7.3 Increases in the length and severity of drought periods

The 2022 CSIRO Bushfire and Climate Change Report stated that bush fires do directly affect the water body of receiving waters. This was highlighted by the recent 2019/2020 bushfires as reproduced below.

"*The 2019-20 bushfires affected water quality. Intense rainfall following the fires led to sediment and ash entering Gippsland Lakes via the Tambo, Nicholson and Mitchell rivers. Together with high sediment load, nutrients, carbon, and metal ions such as manganese, iron, copper and zinc flowed into the Gippsland Lakes. High sediment loads were recorded even a year after the fires*."

The 2022 CSIRO Bushfire and Climate Change Report also states that, with climate change

"*The increase in frequency and intensity of bushfires is likely to continue. Fire seasons are likely to begin earlier and last longer, meaning less recovery time between fires*."

Regarding this revised drainage strategy, the primary implication of the above is the design of the 60 metre waterway reserves.

It is noted that the future EGCMA Waterway Management Plan Guideline renewal project will form the basis of waterway design and best practice approaches to minimise bush fire risk including fully vegetated waterway buffers in accordance with the relevant Ecological Vegetation Class, sensitive lot and road layouts including use of roads bounding waterway reserves, and, where required, use of building envelopes within lots to achieve the required bushfire buffers. The principles outlined in the revised Guideline should be used to inform the road layout and lot yield within LENGA.

4.8 Stormwater Treatment Elements Concept Design

All stormwater treatment elements will be designed to (and using) the following:

- ARR2019;
- The Wetland Design Manual; and
- the MUSIC Tool Guidelines.

It should be noted, all elements designed as part of this revised drainage strategy are **HIGH LEVEL CONCEPT** designs only. These designs will need to be properly developed into functional and detailed designs design via appropriate hydrological modelling as each individual development proceeds. However, the concept design plans detailed in this revised drainage strategy do ensure that enough reserve space has been allocated to ensure functional and detailed design should not be constrained by space requirements.

In addition, provided future designs are consistent with the design parameters detailed, Council can be assured that the water quality and flood retardation functions are in line with the overall strategy. As such, additional hydrological modelling should not be required by individual developers going forward if drainage asset designs are consistent with the concept designs in this report.

4.9 Asset Ownership and Maintenance

All major drainage assets are assumed to ultimately be Council assets.

Council have indicated that they do not have the expertise to maintain:

- Bioretention systems and raingardens,
- Streetscape WSUD assets such as swales and bioretention systems, and
- Large underground tanks designs as flood storage systems.

As such, these have not been advocated in this report. The only assets not maintained by Council will be the tanks for toilet flushing and laundry (proposed on each new lot), which will be maintained by individual landowners.

4.10 Native Vegetation and Ecology

The formulation of this 2022 revised drainage strategy has considered (at a high level) Plan 4 (Native Vegetation Conservation Significance) of the 2013 ODP.

Generally large drainage assets have been placed away from areas of significant vegetation.

However, it is also clear from the site visits that some changes in vegetation extent and area have occurred since 2013. As such, any design development will require full ecological surveys (flora and fauna) going forward.

Despite this, it is expected that all assets proposed are feasible, with only minor offset provisions probably required going forward. Sediment ponds, wetlands and waterways should support the design principle of providing naturalistic assets to supplement the existing ecological attributes of the area and providing addition wildlife habitat corridors etc.

4.11 Soils and Landforms

As detailed in the 2013 ODP, the LENGA comprises valleys, slopes and waterways. These areas naturally generate a sloping and hilly landform across the area. Land in Catchment W1 (Figure 3) has significant slopes towards the gully, and it the steepest terrain in LENGA. This may limit development potential and will add to the construction complexity and cost of drainage assets.

All other catchments have similar issues, but not to the extent of Catchment W1 (Figure 3).

4.12 Aboriginal Cultural Heritage

As per the recommendations of the 2013 ODP, a Cultural Heritage Management Plan is to be prepared for all areas of Cultural Heritage Sensitivity within the LENGA.

5 Revised LENGA Drainage Strategy

The revised drainage strategy is detailed as in SWS drawings 2245/SWS/1 to 7. These are replicated in Appendix D of this report. Various aspects of the strategy are discussed below.

This revised drainage strategy:

- Fully considers all site outfall constraints,
- Details the concept design of various retarding basins, sediment ponds and wetlands considering actual physical constraints such as the required:
    - Normal Water Level (**NWL**), and
    - Top of Extended Detention (**TED**),
- Details the estimated 1% Annual Exceedance Probability (**AEP**) flood level and flood storage requirements of each retarding basin,
- Defines the 1% AEP flood storage requirements of the retarding basins; and
- Denotes applicable batters, cut lines and embankments for sediment ponds, wetlands and retarding basins.

5.1 Primary Drainage Strategy Elements

The primary drainage elements of this strategy are as detailed in Figure 4, being:

DR1 Sediment Basin
DR7 Sediment Basin and Retarding Basin
DR8 Wetland
DR9 Wetland and Retarding Basin
DR9a Sediment Basin and Retarding Basin
DR13 Sediment Basin
DR14 Wetland and Retarding Basin
DR11a Sediment Ponds (2) and Wetland

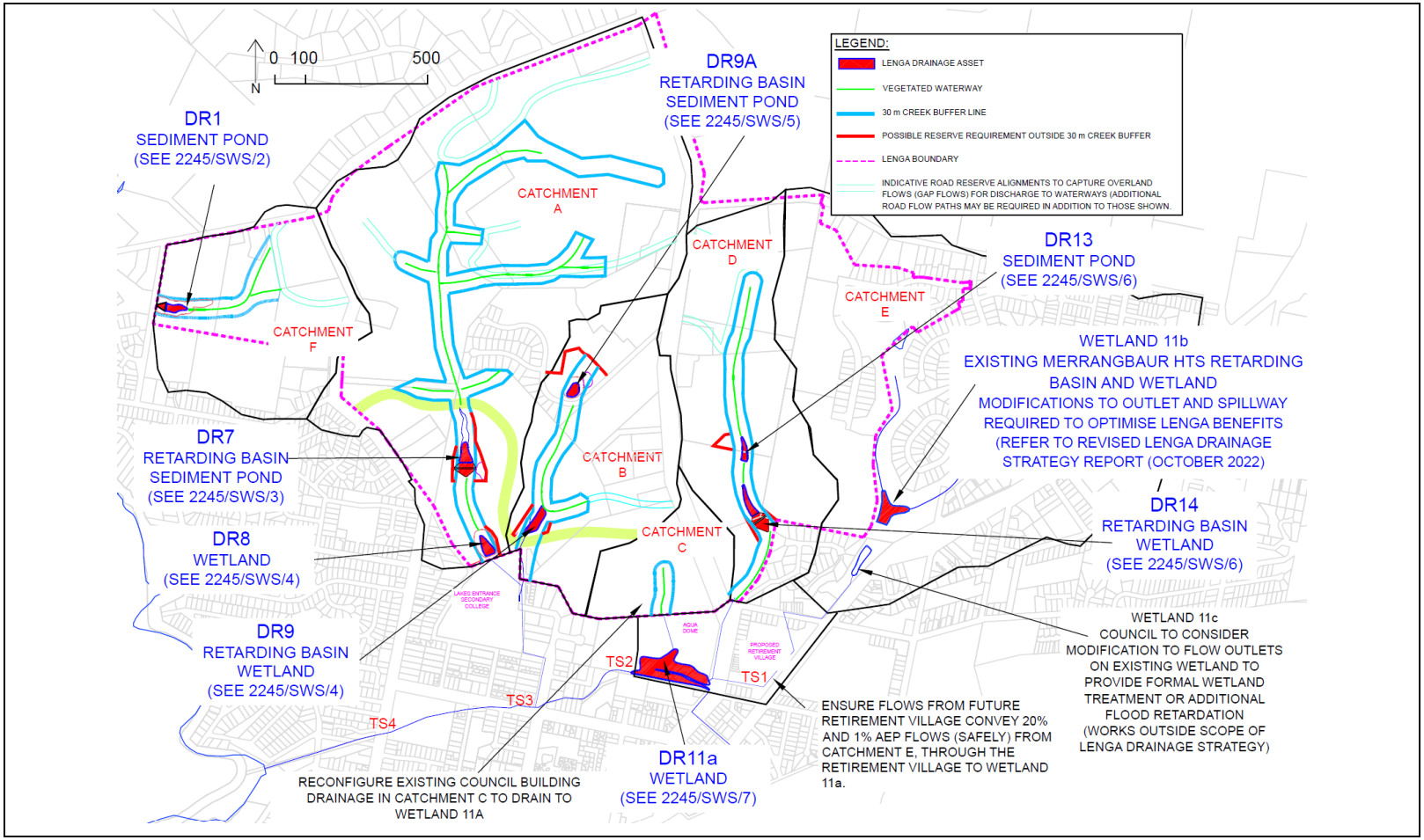


Figure 4 Proposed Revised LENGA Drainage Strategy (April 2024)

Note: Gross Pollutant Traps (Continuous Separation Deflection devices) or similar, are to be placed on all piped outlets to waterways, wetlands or sediment ponds. SWS Drawing 2245/SWS/1 to be referred to for more detail.

The parameters in regard to the WSUD requirements of the elements are detailed in Table 1 below.

Table 1 Revised LENGA Strategy WSUD parameters

Asset	Type	NWL (m AHD)	Area (m^2)	Volume (m^3)	ED Depth (m)	ED time (hrs)
DR1	Sediment Basin	16.0	1,370	1,740	N/A	N/A
DR7	Sediment Basin	22.0	1,930	1,544	N/A	N/A
DR8	Wetland	14.0	1,830	549	0.5	48
DR9	Wetland	19.0	2,555	767	0.5	48
DR9a	Sediment Basin	37.5	1,335	1,068	N/A	N/A
DR13	Sediment Basin	31.0	1,125	900	N/A	N/A
DR14	Wetland	27.0	1,740	522	0.5	48
DR11a	Sediment Ponds (2)	1.3	2,000	1,600	0.5	6
DR11a	Wetland	1.3	14,000	4,200	0.5	24

The parameters regarding the flood storage requirements of assets defined as retarding basins are detailed in Table 2 below.

Table 2 Flood Storage Characteristics of the LENGA Retarding Basins

Asset	Maximum 1% AEP Flood Storage (m^3)	Maximum 1% AEP Flood Storage Water Level (m AHD)
DR7	26,650	25.0
DR9a	3,100	39.05
DR9	14,450	22.05
DR14	14,400	30.45
Modified Merrangbaur Heights RB	39,800	23.45

All of the above parameters have been captured in the concept design drawing set detailed in SWS drawing set 2245/SWS/1-7.

Figures 5 and 6 below detail typical forms of wetlands and sediment ponds with retarding basin sites.



Figure 5 **Typical Envisaged Wetland Forms within Retarding Basins**



Figure 6 Typical Sediment Pond Forms within Retarding Basins

5.2 Waterways

Declared waterways exist across LENGA. As detailed in the 2013 WT report, the presence of declared waterways creates several obligations for the individual developments. These requirements are discussed below.

5.2.1 Stormwater Treatment and Flood Retardation Protection

Typically, each development site will require a site-specific Stormwater Management Strategy which details how the waterways will be protected via flood retardation and WSUD site infrastructure. These

two requirements would be assumed to be met in this case if levies are paid and/or site works completed in line with the revised LENGA Drainage Strategy.

In addition to the above, this revised strategy assumes that gross pollutant traps (**GPT**'s, continuous deflection separation structures or similar) will be required on all development pipe outlets prior to discharge to a waterway.

5.2.2 Offset Requirements

It is assumed that the EGCMA would require a Waterway Management Plan (**WMP**) that would include the design of best practice waterway management options and maintenance requirements to ensure the short- and long-term health and function of the designated waterways.

In a planning sense, it is understood that the EGCMA promotes a minimum buffer distance of 30m either side of the waterway centre line (or waterway top of bank for larger waterways). This revised LENGA drainage strategy defines these 60 metre reserve requirements with the consideration of:

- The offsets being taken from the actual valley invert levels (rather than the erroneous DELWP declared waterway locations), and
- Offsets not being required in valleys in the upper portions of catchments where it can be shown that:
  1. The valley has no existing environmental attributes, and
  2. The 1% AEP gap flow in roads aligned within the valleys can be safety conveyed as per the 2019 DELWP Guidelines.

The suggested waterway reserves detailed in the revised LENGA drainage strategy drawings are based on the above 2 considerations. Regarding consideration 2., preliminary Hec Ras analysis of typical road sections indicate that the crucial flow parameter in steep catchments in regard to meeting the criteria is flow velocity. The analysis indicates that 2019 DELWP Guidelines cannot be met (in regard to low-risk velocities in roads), when the surface slope is greater than 1 (vertical) in 15 (horizontal). As such, in essence, the plans detail waterway reserves as being required once valleys start to exhibit this steepness in slope. Of course, any new development must clearly show that the 2019 DELWP Guidelines can be met via detailed pipe and road hydraulic calculations.

In addition to the above, once a valley has a catchment in the order of 15 ha (or so), flows may become hard to control in road reserves, and will be required to be discharged into a waterway.

It is noted that the above has been generally applied in relation to the EGCMA requirements for the developments at 54 Thorpes Lane (Stage 1) and 121 Princes Highway. In both these cases, the EGCMA has recognised that the full 60 m reserve was not required on small, upper catchment valleys, even if the DELWP layer has described them as "waterways".

The proposed waterway reserves detailed in the revised LENGA drainage strategy drawings can be taken as a reasonable estimation of the waterway reserve areas required to meet the above requirements. Therefore, application of the waterway requirement, regarding land take, can be used to estimated areas applicable for development (and therefore definition of possible development levies).

Of course, adjustments to the waterway extents may occur due to details hydraulic calculations relating the future drainage design of each individual development site.

5.2.3 Waterway Protection and Enhancement

This revised drainage strategy allows for waterway connection works (e.g. rock chutes etc) from development pipelines to waterways. These can be designed to minimise local erosion issues at pipe inlets. All waterway connections will require completion of a Works on Waterways permit process, submitted to and approved by the EGCMA.

It is noted that the future CMA Waterway Management Plan Guideline renewal project will form the basis of waterway design and best practice approaches to minimise bush fire risk including fully vegetated waterway buffers in accordance with the relevant Ecological Vegetation Class, sensitive lot and road layouts including use of roads bounding waterway reserves, and, where required, use of building envelopes within lots to achieve the required bushfire buffers. The principles outlined in the revised Guideline should be used to inform the road layout and lot yield within LENGA.

The future landscape design of the waterway reserves should take the above into consideration (in consultation with the EGCMA and Council) at the functional design stage of individual waterway sections.

As informally agreed between Council and the EGCMA in 2022, a preferred “waterway form and vision” should be developed as soon as possible, so that this can be captured in development permit conditions going forward.

5.2.4 Waterway Form

The ultimate waterway reserve form is envisaged to be very naturalistic as detailed in the constructed waterway examples below.



Figure 6 **Typical Constructed and Naturalistic Waterway Forms**

5.3 Internal Development Requirements

This revised LENGA drainage strategy assumes that:

- All development pipes will ultimately be sized for the 20% AEP flow estimates applicable to each development and sub catchment,
- 1% AEP gap flow road overland flow paths will be designed to generally flow along roads located in the current valley forms, for ultimate conveyance to the waterways,
- Pipe outfalls to waterways, sediment ponds or wetlands will require GPT's prior to the outfall point and will be appropriately designed with erosion protection mechanisms (for example, as per Melbourne Water standards waterway connection requirements etc).

The above should be captured in individual planning permit conditions going forward.

6 Strategy Performance

6.1 Flood Impact Benefits

As detailed in Appendix A, all retarding basins detailed in Table 2 have been designed to act together to decrease mitigate the flood impact downstream of LENGA and in the Lakes Entrance township. These 1% AEP results are detailed in Table 3.

Table 3 1% AEP RORB Results - Post Development Conditions

Group	Location	Pre-development		Post-development		Difference (m^3/s)
		1% AEP Flow Estimate (m^3/s)	Critical Duration	1% AEP Flow Estimate (m^3/s)	Critical Duration	
Internal LENGA	DI_DR_9a Country Club Development Southern Outfall	1.05	1-hour	0.55	2-hour	-0.50
LENGA Outfalls	DI_DR_8 Catchment A Outfall	6.35	3-hour	5.15	12-hour	-1.20
	DI_DR_9 Catchment B Outfall	2.80	1.5-hour	1.45	12-hour	-1.35
	DI_DR_14_Outfall Catchment D Outfall	2.65	2-hour	1.75	12-hour	-0.90
	Existing Merrangbaur Hts RB	5.45	9-hour	5.20	12-hour	-0.25
Township Flow Points	TS_1	5.35	12-hour	5.35	12-hour	0.00
	TS_2	7.35	12-hour	7.45	12-hour	0.10
	TS_3	14.50	12-hour	13.90	12-hour	-0.60
	TS_4	14.95	12-hour	14.20	12-hour	-0.75

As detailed in Table A.13, 1% AEP design flow estimates decrease at all locations, except a marginal increase at TS_2 within Eastern Creek. However:

- There are significant reductions in the 1% AEP flood flows at the LENGA outfall points (where there is a significant flooding impact currently), and
- There are significant reductions in the 1% AEP flood flow estimates along Eastern Creek though the township.

In the 20 % AEP event, there are significant reductions in the 20% AEP flood flows at the LENGA outfall points (where there is a significant flooding impact currently).

The slight increase in the 1% AEP flood flow estimate at location TS_2 should be somewhat mitigated due to the construction of Wetland DR11a. This wetland should decrease local flood levels in the vicinity of TS_1 and TS_2 by substantially increasing the conveyance flow area between TS_1 and TS_2. This should be confirmed at the functional design stage of Wetland DR11a.

At this concept design stage of the project, the flood storage provisions detailed are considered to adequately mitigate the flood impacts of development of the LENGA.

Finally, the construction of Retarding Basin DR9a allows the proposed Country Club development to development “out of sequence” by:

- Ensuring post development 1% AEP flows at the development southern boundary are less than predevelopment AEP flows,
- Ensuring 1% AEP flows do not occur across the Country Club Drive, thus allowing safe access during this event to existing and future development along this road, and
- Providing flood storage in the catchment which complements and contributes to the overall flood mitigation benefits of the revised LENGA drainage strategy.

6.2 Stormwater Treatment Benefits

MUSIC Modelling was completed (Appendix B) to assess the stormwater pollutant retention benefits of the revised drainage strategy.

The WSUD initiatives proposed in this revised drainage strategy are:

- Gross Pollutant Traps (**GPT's**), being continuous deflective structures (**CDS**), or equivalent located on leach pipe outfall directly into a waterway, sediment pond or wetland,
- 2,000 litre stormwater harvesting tanks for toilet flushing and laundry use on ALL new lots in LENGA, and
- Sediment ponds and wetlands as presented in SWS Drawing set 2245.SWS/1 – 7 and detailed in Table 1 above.

Modelling assumptions are as detailed in Appendix B.

It is noted that the total area modelled in MUSIC is not the same as the RORB model, as the MUSIC model:

- Includes Catchment F (as this catchment does require stormwater treatment, but not flood retardation), and
- Is only extended to the LENGA boundaries and/or to where the LENGA WSUD elements are located (as in the case of Wetland 11a).

In addition, 127.5 ha of the total 401.5 ha MUSIC catchment is deemed "NOT LENGA". This 127.5 ha represents existing undeveloped and developed catchments discharging to LENGA WSUD treatment elements, but not contributing to the LENGA levy etc.

Table 4 details the overall performance of the total treatment train

Table 4 MUSIC Results – Total Catchment Analysis

Pollutant	Loads Generated within total catchment - External Catchment + LENGA (kg/yr)	Loads Retained within LENGA WSUD Elements (kg/yr)	Pollutant Reduction (%)
Total Suspended Solids TSS (kg/yr)	299,000	209,600	70.1%
Total Phosphorus TP (kg/yr)	645	369	57.2%
Total Nitrogen TN (kg/yr)	4,780	1,560	32.6%
Gross Pollutants GP (kg/yr)	59,100	58,699	99.3%

As detailed above, on a catchment scale, the proposed WSUD initiatives are not meeting best practice being 80% reduction of TSS, 45% reduction of TP and 45% reduction of TN.

However, the WSUD initiatives proposed ARE treating a significant external catchment. When the total asset treatment performance is apportioned to the LENGA pollutant loads generated, the equivalent best practice can be deemed to be met as per Table 5 below.

Table 5 MUSIC Results – Equivalent Treatment of LENGA Catchments

Pollutant	Loads Generated by LENGA (kg/yr)	Loads Retained within LENGA (kg/yr)	Equivalent Reduction in stormwater Pollutant Loads generated in LENGA (%)
Total Suspended Solids	202,720	209,600	103.4%
Total Phosphorus	437	369	84.5%
Total Nitrogen	3,248	1,560	48.0%
Gross Pollutants	38,146	58,699	153.9%

As detailed above, the proposed WSUD initiates, as per this revised drainage strategy are estimated to result in equivalent treatment of the LENGA to best practice requirements. However, crucial to this in the addition of Wetland 11a, to be constructed outside of the LENGA are, on existing Council land, but with funding via LENGA levies.

The MUSIC model predicts that Wetland 11a will retain in the order of 750 kg/yr of nitrogen. With this level of treatment Wetland 11a can offset approximately 150 ha of development (excluding drainage and waterway reserve areas) anywhere in LENGA regarding stormwater pollutant retention requirements.

6.3 Flood Impact and Filling Requirements

Due to the hilly landform in LENGA, no filling is proposal required to protect development from flooding. All development lines should be well above the 1% AEP flood effect in adjacent waterways.

This may be required to be proven for individual development via appropriate hydraulic modelling (Hec Ras, TuFLOW or the like).

7 Preliminary Cost Estimates

Preliminary cost estimate of major LENGA drainage works is based on the assumptions detailed in Appendix C. Estimates are for planning purposes only, noting that SWS are not quantity surveyors. Costs may vary considerably form ultimate construction costs.

The costs below have been reviewed "2024 Version 2" report given:

- EGCMA advice in December 2023 regarding waterway revegetation costs,
- Council advice in December 2024 advising that it was their opinion that the Melbourne Waer August 2022 costs were probably an underestimate of expected total costs going forward, and
- Including a 20% allowance for other investigations going forward such as surveys, ecological assessment, soil assessments etc.

Table 6 Overall Preliminary Cost estimate of LENGA Drainage Assets.

Item	Preliminary Cost Estimate ($M)
Waterway - Costs including access paths, pipe connections, GPT's and Merrangbaur Heights RB(Structural Changes to optimise LENGA benefits).	$8.51
Wetland /Sediment Pond DR1	$1.12
Retarding Basin /Sediment Pond DR7	$1.22
Wetland DR8	$0.61
Retarding Basin Wetland DR9	$1.06
Retarding Basin /Sediment Pond DR9a	$0.97
Wetland DR11a	$2.52
Sediment Pond DR13	$0.40
Retarding Basin /Wetland DR14	$1.17
TOTAL (including Engineering and Contingencies).	**$17.59**

The above costs can be used by Council to aid in staging and funding considerations going forward.

It is noted that the AutoCAD "Concept Designs" detailed in this report are of sufficient standard to be imported into an appropriate civil engineering design program (12 D or similar) to "more" accurately define asset cut/fill volumes, planting areas etc. It is recommended that Council undertake this process (to better inform the expected quantities), in conjunction with an internal review of the cost rates assumed, to have more confidence regarding the final costs of the revised drainage strategy.

Notwithstanding this, the cost of drainage works is obviously a major consideration regarding strategy implementation going forward.

8 East Gippsland Catchment Management Authority Input

Council has consulted with the East Gippsland regarding the 2024 Version 2 of this report.

Council received formal input from the EGCMA regarding the 2022 Version 1 of this report in a letter dated 29 November 2023 (Reference: EGCMA-F-2023-00257). This advice was clarified in a series of emails in November and December 2023.

The EGCMA input is summarised below

1. EGCMA is supportive of an in-line stormwater treatment system as an overall Drainage Strategy for LENGA as described in this report.

2. Notwithstanding Point 1, the EGCMA requires best practice being met prior to discharge to a designated waterway if interim works are required (because the “in-line” strategy assets are not in place at the time of the subdivision application). This may require a significant number of interim stormwater treatment and retardation drainage assets, depending on the timing of the construction of the reginal assets described in this report.

3. The EGCMA is supportive of the upfront construction of Wetland 11a as this will negate the need for interim water quality works for most of the development of LENGA. It however may not negate the need for interim flood mitigation works and interim stormwater detention may be required for any subdivisions that increase flows in those catchments which have existing properties which are subject to flooding.

4. State planning policy requires the enhancement and revegetation of 30 metre buffers either side of waterways to protect and improve waterway health. Council understands that, to meet this state policy, that setbacks for bushfire protection need to be **in addition** to the required waterway buffers.

5. The EGCMA is supportive of the inclusion of maintenance tracks within the waterway reserves to ensure adequate maintenance can take place.

6. The EGCMA agree that, due to several inconsistencies with the mapped waterways within LENGA, 30 metre waterway buffers should be calculated from the actual valley invert levels.

7. The EGCMA identified an additional unnamed waterway immediately to the north of Country Club Drive which shows significant wet areas and regeneration of vegetation. This waterway is likely to have existing environmental attributes requiring protection. This 2024 Version 2 of this report includes defining a 30 metre buffers on either side of this waterway.

8. Council note that the future CMA Waterway Management Plan Guideline renewal project will form the basis of waterway design and best practice approaches to minimise bush fire risk. This will include fully vegetated waterway buffers in accordance with the relevant Ecological Vegetation Class, sensitive lot and road layouts (including use of roads bounding waterway reserves), and, where required, use of building envelopes within lots to achieve the required bushfire buffers. The principles outlined in the revised CMA Guideline should be used to inform the road layout and lot yield within LENGA.

9. The EGCMA note that due to the steep terrain and propensity for erosion the existing natural waterway alignment and form should be retained. This has been captured in the design of the LENGA drainage strategy. If erosion is present, a geomorphologic assessment should be done to determine an appropriate erosion treatment with vegetation and monitoring the preferred design response.

10. The EGCMA advised that the LENGA cost estimates need to allow $160,000 per hectare (or $960 per lineal metre) to cover the cost of full revegetation of the 60 metre wide waterway reserves.

Council notes that the EGCMA advice is in line with best practice. However, many of the requirements above do directly affect the ease of implementation of the LENGA drainage strategy. This is further discussed in Section 9 of this report.

9 Strategy Implementation and Timing Considerations

At this stage Council have advised that they will adopt the revised drainage strategy (As detailed in Version 2 of this report (April 2024)) as a 'preferred' drainage solution for the LENGA and any (to be) revised Outline Development Plan (**ODP**).

9.1 Optimal Staging Outcome

Council and SWS have determined that Wetland 11a will retain in the order of 750 kg/yr of nitrogen. At this level of pollutant retention, Wetland 11a can offset approximately 150 ha of development (excluding drainage and waterway reserve areas) anywhere in LENGA regarding stormwater pollutant retention requirements.

Regarding the flood storge/retardation requirement, Wetland 11a provides no significant flood mitigation benefit (although it will reduce local flood levels due to its "cut" construction.

Therefore, an optimal staging to implement the regional LENGA strategy may be for:

- Council to construct Wetland 11a upfront (funding arrangement to be determined), and then
- Council to require flood storage/retardation assets to be constructed as development occurs in the catchment in line with
    - Construction of Asset DR9a to facilitate development upstream of Country Club Drive in Catchment B,
    - Construction of Asset DR9 (at least the embankment and outlet work) to facilitate development downstream of Country Club Drive in Catchment B,
    - Construction of Asset DR7 (at least the embankment and outlet work) to facilitate development in Catchment A,
    - Construction of Asset DR14 (at least the embankment and outlet work) to facilitate development in Catchment D, and
    - Construction of minor outlet works on the existing Merrangbaur Heights RB to facilitate development in Catchment E.

The above assumes that:

- GPT's will be required on all outfalls to waterways, and
- 60-metre-wide waterway reserves will be allocated and designed in line with the future CMA Waterway Management Plan Guideline renewal project guidelines and required as permit conditions for each individual development affected by waterway(s).

9.2 Strategy Implementation Issues

It is recognised that the Development Contributions Plan (**DCP**) and implementation of the preferred drainage strategy has a range of implementation challenges that were not foreseen in 2014.

Council acknowledge that the drainage strategy as detailed in this report represents the most efficient longer-term strategy for the precinct from the perspective of minimising the overall number of assets (and hence ongoing Council maintenance responsibilities, reserve land take etc). However, the strategy as detailed may be very hard to implement for Council given:

- Drainage assets being required for development of a particular land parcel being in a separate land parcel,
- The EGCMA requirements for interim stormwater pollutant and retardation assets if regional assets cannot be delivered (due to cost or timing issues),
- The very slow development rates in LENGA resulting in uncertainly regarding construction of regional assets and (possibly) resulting in interim assets being required for significant time periods,
- There being a lack of ability to implement the current DCP (no public acquisition overlays, no land owner coordination, Council will not be constructing drainage on behalf of developers etc), and
- There currently being no formal land sequencing or staging in LENGA

In the current drainage strategy, it is recognised that 31 land parcels are reliant on a small number of shared drainage assets, the implication being that they can't develop until the asset is in place (when a DCP has locked down the precise outcome). Interim solutions may be possible, but equally an expense on top of potential developer contributions (for the regional strategy) and an uncertain future regarding the slow development update in the areas.

The viability of any DCP for the LENGA precinct is severely challenged by the slow construction rates being experienced and the sheer quantum of land that was rezoned (in turn creating a significant infrastructure demand). It is anticipated that this challenge would never allow a DCP to balance (financially) at the end of its period. This would result in a significant financial shortfall and an obligation on Council (as a development agency) to deliver the infrastructure projects across the entire precinct before development occurs.

The current DCP also 'locks in' a single outcome for any infrastructure item (location, design, costing) with no alternative for variations or alternatives.

9.3 Possible Way Forward

Greater flexibility is required to consider drainage solutions than the current DCP provides. This is necessary given the multiple land ownerships, timing, and likely pace of development.

Without a regional drainage strategy, ordinarily Council would anticipate drainage works to be undertaken by the developer on site. Sometimes this may require land consolidation in some instances. This this is not an abnormal situation to anywhere else in terms of developer responsibilities.

Currently, Council has advised that:

- The drainage strategy as detailed in this report is the preferred drainage strategy,

- Council will work with developers to facilitate (if possible) construction of the required drainage infrastructure as per the drainage strategy detailed in this report, but
- Council in acknowledging the challenges, could, adopt a flexible approach to drainage implementation including:
    - Working with developers to deliver regional assets,
    - Allowing development at a site scale via the use of "traditional" site scale retardation and stormwater pollutants treatment assets and require stormwater drainage to be provided through subdivision applications (as would normally occur if DCP didn't apply), or
    - A combination of the two dot points above, as determined on a case by case basis.

Notwithstanding the above, landowners should be encouraged to work toward a preferred shared drainage strategy wherever possible.

9.4 Strategy Funding Considerations

As detailed in Section 7, delivering the preferred drainage stray has significant financial implications.

A major "strategy" cost outlay are the waterway costs required. It is anticipated that, primarily, these could be delivered as a requirement of permit conditions of applicable developments. However, this still leaves the major wetland and retarding basin assets to be delivered via appropriate funding/planning arrangements.

At this stage Council recognise that removal of the current DCP (via removal of Schedule1 to Clause 45.06 of the Planning Scheme, via formal planning scheme amendment) may be required.

Any future Planning Scheme must provide greater options for flexibility via a refreshed Development Plan Overlay (DPO) in the Planning Scheme.

This will should allow Council to maximise facilitation of the preferred drainage strategy, while recognising (and allowing) development via site scale solutions if required.

10 Further Work Required

This section details the design and planning work required to implements the preferred drainage strategy going forward. Additional work may be required depending on how Council ultimately plans to facilitate development in LENGA.

The revised drainage strategy detailed is required to be integrated into the overall development proposals for the entire LENGA and individual developments (as they occur). This is a complex process. Regarding ensuring all drainage issues are adequately considered going forward, the following further work is required to be considered and any relevant outcomes incorporated into:

- The requirements of the functional and detailed design of the drainage assets (including ANCOLD embankment assessments if applicable) as required going forward, and
- Development permit requirements on a site by site basis.

For each site proposed to contain a major drainage asset:

a. A full detailed site survey should occur to inform the functional and detailed design of the drainage infrastructure going forward.
b. Full services check of each site in relation to the surrounds is required.
c. Detailed soil tests within the proposed drainage reserve should occur to:
    - Determine any soil contamination issues; and
    - Detail the soil type, the amount of rock present and the resultant impact regarding construction of the drainage assets.
d. Ecological surveys of the site and surrounds are required to:
    - Determine any ecological offsets required due to the drainage (and development) proposals; and to
    - Determine any potential issues (and if required, mitigation requirements) in regard to habitat for the State and Commonwealth listed threatened and rare species.
e. A Cultural Heritage Management Plan should be conducted for the areas affected by the major drainage proposals.

The above investigations should be conducted as part of the permit conditions on a development (if the asset is being delivered by a developer), or by Council (if the asset is being delivered by Council using DCP levy payment (or additional council funds)).

At this stage, to ensure timely implementation of LENGA (given current development demand), Council should undertake the following tasks.

- Consult with landowners and the EGCMA regarding the overall agreement to the proposals of this Revised LENGA Drainage Strategy.

- Allocate budget and time in the short term (including budget for background investigations above) for the functional design of:

- The structural outlet changes proposed for the Existing Merrangbaur Heights Retarding basin,
- Retarding Basin /Sediment Pond DR7, and
- Wetland DR11a.

- Revise the preliminary cost estimates detailed in this report noting that the AutoCAD “Concept Designs” detailed in this report are of sufficient standard to be imported into an appropriate civil engineering design program (12 D or similar) to “more” accurately define asset cut/fill volumes, planting areas etc. It is recommended that Council undertake this process (to better inform the expected quantities), in conjunction with an internal review of the cost rates assumed, to have more confidence regarding the final costs of the revised drainage strategy.

- Ensure the revised drainage proposals in this report are captured in any revised ODP and DCP plans and documents and estimates so that appropriate levies can be calculated and collected and/or and that appropriate planning permit conditions can be issued as developments occur. The changes to developable area allocations and drainage system costs (and reserve extents) should be captured.

It is recognised that this version of the Revised LENGA Drainage Strategy will be required to be updated when if (or when) any future LENGA planning scheme amendment occurs.

11 Abbreviations, Descriptions and Definitions

The following table lists some common abbreviations and drainage system descriptions and their definitions which are referred to in this report.

Abbreviation Descriptions	Definition
AHD - Australian Height Datum	Common base for all survey levels in Australia. Height in metres above mean sea level.
ARI - Average Recurrence Interval.	The average length of time in years between two floods of a given size or larger. A 100 Year ARI event has a 1 in 100 chances of occurring in any one year.
AEP – Annual Exceedance Probability	The chance of a storm (flow) of that magnitude (or larger) occurring in a given year. $\mathbf{AEP} = \mathbf{1} - \mathbf{e}^{(\frac{-1}{\mathbf{ARI}})}$. i.e. 18.13% AEP = 5 Year ARI
ANCOLD	Australian National Committee on Large Dams
BPEMG	Best Practice Environmental Management Guidelines. Available from: https://www.epa.vic.gov.au/business-and-industry/guidelines/water-guidance/urban-stormwater-bpemg
Bioretention system (raingarden)	WSUD elements which are used to collect TSS, TP and TN. Incorporates a horizontal vegetated base over which ponded water (to TED) infiltrates a sand filter for treatment.
DSS or DS	Development Services Scheme (DSS) or Drainage Scheme (DS) is a master plan developed my MWC for drainage within a catchment area.
EY – Exceedances per year	The number of times a storm (flow) of that magnitude is expected to be exceeded per year. i.e. 4 EY = 3 Month ARI
Hectare (ha)	10,000 square metres
HECRAS	A hydraulic software package that enables the calculations of flood levels and velocities along a waterway given a specified flow.
Kilometre (km)	1000 metres
m3/s -cubic metre/second	Unit of discharge usually referring to a design flood flow along a stormwater conveyance system
Megalitre (ML) (1000 cubic metres)	1,000,000 litres = 1000 cubic metres. Often a unit of water body (e.g. pond) size
MUSIC	Hydrologic computer program used to calculate stormwater pollutant generation in a catchment and the amount of treatment which can be attributed to the WSUD elements placed in that catchment
MWC	Melbourne Water Corporation
Retarding basin	A flood storage dam which is normally empty. May contain a lake or wetland in its base
NWL - Normal Water Level	Water level of a wetland or pond defined by the lowest invert level of the outlet structure
RORB	Hydrologic computer program used to calculate the design flood flow (in m3/s) along a stormwater conveyance system (e.g. waterway)
Sediment basin (Sediment pond)	A pond that is used to remove coarse sediments from inflowing water mainly by Settlement processes.
TSS	Total Suspended Solids – a term for a particular stormwater pollutant parameter
TP	Total Phosphorus – a term for a particular stormwater pollutant parameter
TN	Total Nitrogen – a term for a particular stormwater pollutant parameter
WSUD - Water Sensitive Urban Design	Term used to describe the design of drainage systems used to Convey stormwater safely Retain stormwater pollutants Enhance local ecology Enhance the local landscape and social amenity of built areas
Wetland	WSUD elements which are used to collect TSS, TP and TN. Usually incorporated at normal water level (NWL) below which the system is designed as shallow marsh, marsh, deep marsh and open water areas.

Appendix A Hydrological Modelling and Design

The RORB Runoff Routing Program – version 6.45, developed at Monash University by E. M. Laurenson and R. G. Mein was used for the hydrological modelling in this project. RORB is a general runoff and stream flow routing program used to calculate flood hydrographs from rainfall and other channel inputs. It subtracts losses from rainfall to produce rainfall excess and routes this through catchment storage to produce the hydrograph.

RORB has been used to assess "**Existing**" and "**Future**" design flows at key locations of interest in the catchment being:

- Proposed retarding basin sites,
- Outfall points from the LENGA, and
- Key locations of interest along Eastern Creek though the Lakes Entrance township.

The "**Future**" development scenario includes the proposed LENGA development, with the retarding basins as detailed in SWS concept design drawing set 2245/SWS/1 to 7.

The analysis below also references a previous RORB model as detailed in a memo from SWS to Council (18 April 2022) entitled "54 Thorpes Lane, Lakes Entrance – Stage 2 Analysis" (the **2022 SWS Thorpes Lane Memo**).

A.1 Existing Conditions Model

A.1.1 Model Setup

Figure A.1 details the RORB model developed, and Tables A.1 summarises the RORB model inputs.

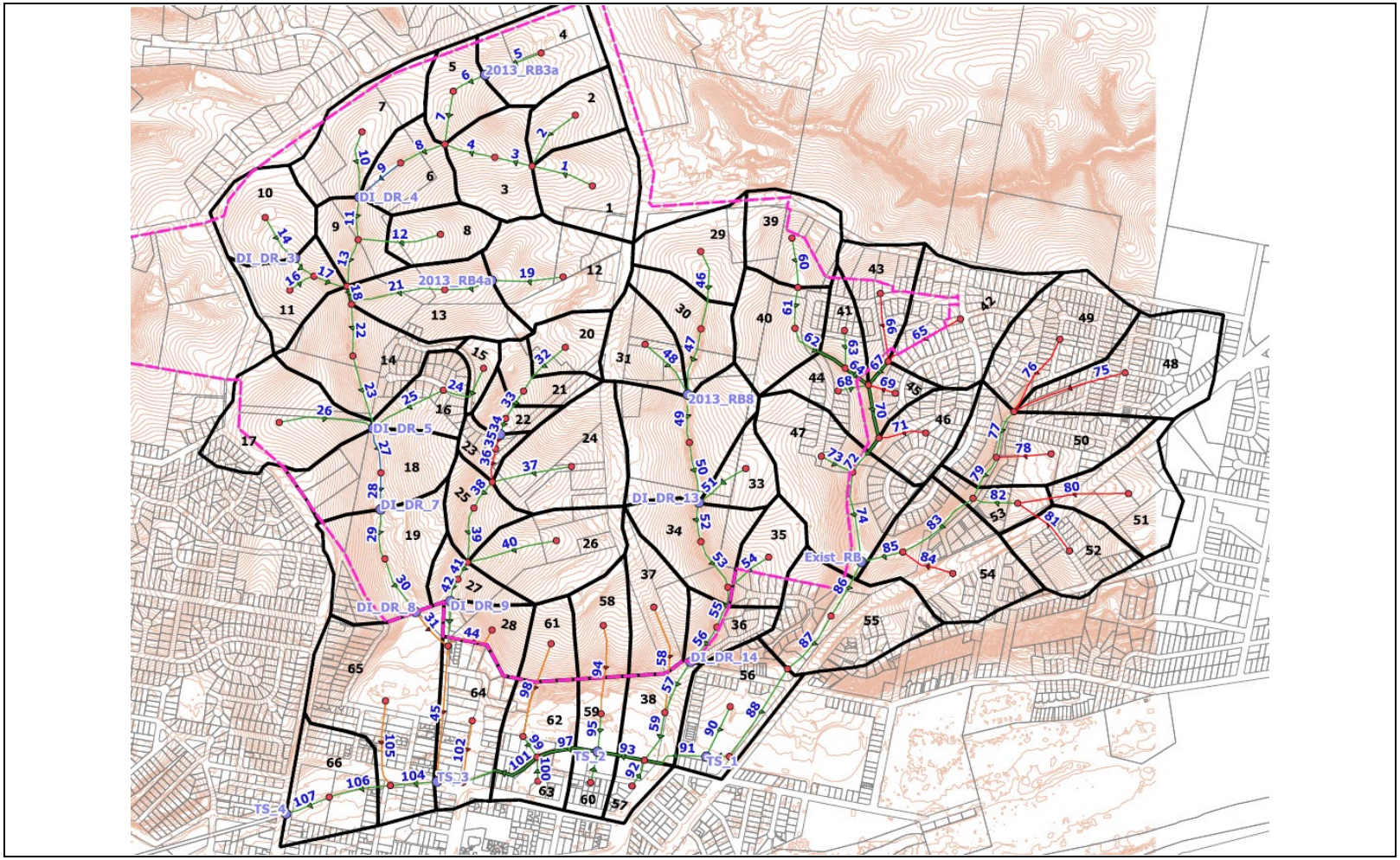


Figure A.1 RORB Model Layout – Existing Conditions

Table A.1 RORB Catchments

Sub Area	Area (ha)	Fraction Imperviousness
1	7.3	0.10
2	4.6	0.10
3	6.5	0.10
4	7.7	0.10
5	4.3	0.10
6	5.1	0.10
7	8.1	0.10
8	4.4	0.10
9	4.4	0.10
10	6.4	0.10
11	5.0	0.10
12	9.9	0.10
13	8.4	0.10
14	9.3	0.10
15	1.5	0.10
16	4.3	0.10
17	9.7	0.15
18	8.4	0.10
19	10.1	0.15
20	3.6	0.10
21	3.0	0.10
22	2.1	0.10
23	1.8	0.10
24	9.9	0.10
25	3.7	0.10
26	8.6	0.10
27	2.8	0.10
28	3.6	0.10
29	6.2	0.10
30	5.4	0.10
31	5.0	0.10
32	10.8	0.10
33	3.3	0.10

Sub Area	Area (ha)	Fraction Imperviousness
34	6.8	0.10
35	4.5	0.30
36	3.4	0.30
37	5.9	0.10
38	4.5	0.60
39	6.6	0.10
40	6.9	0.10
41	2.5	0.10
42	10.7	0.60
43	5.7	0.60
44	3.8	0.10
45	2.0	0.60
46	5.1	0.60
47	13.2	0.20
48	11.0	0.60
49	9.5	0.60
50	9.9	0.40
51	7.6	0.40
52	6.4	0.40
53	2.9	0.40
54	11.7	0.40
55	10.9	0.40
56	8.4	0.30
57	2.0	0.60
58	4.6	0.20
59	2.8	0.60
60	2.2	0.60
61	3.2	0.20
62	4.8	0.50
63	2.7	0.60
64	8.3	0.90
65	16.2	0.75
66	7.5	0.60
Total	**409.3**	**0.28**

Reach lengths are as measured off the GIS plan detailed in Figure A.1. Reach types are (in reference to Figure A.1):

- Green – Natural (or exhibiting vegetation growth)
- Orange – excavated unlined (grassed, cleared or similar)
- Red – piped

A.1.2 Inputs and Parameters

Australian Rainfall and Runoff (ARR) 2019 Data hub was used to extract rainfall depths, rainfall temporal patterns (for 24 durations ranging from 10-minutes to 168-hours).

The effective impervious area (**EIA**) and indirectly connected area (**ICA**) surface type splitting's recommended in ARR 2019 have not been used. These splitting's rely on the information being estimated from GIS sources, which is not available given this modelling is (mostly) for design of new development, not existing land uses. Further, the EIA and ICA concepts introduce an additional complexity into the modelling, which (given the many uncertainties with these estimates) may not

produce better final design outcomes. Modelling without EIA and ICA will likely produce conservative results (i.e. higher flows and volumes) (Chapter 5.3.4.1.2, Book 5, ARR 2019).

Ideally, the parameters within the RORB model should be calibrated to gauged data. Unfortunately, there is no gauge within this catchment. Thus, in this instance, it is suitable to utilise regional parameter sets. SWS investigated various parameter sets as detailed below in Table A.2.

Table A.2 Parameter Sets Investigated

	Parameter Set	K_c	D_{av} (km)	K_c/d_{av}	IL (mm)	RoC or CL
1	WT 2022 Thorpes Lane Drainage Support	2.51	2.01	1.25	12.04 mm	CL = 2.5 mm/hr
2	HARC 2020 Benchmarking ARR for Victoria - Mitchell River	1.41	2.01	0.70	18 mm	CL = 3.9 mm/hr
3	MWC - ROC	$K_c = 1.53 \times A^{0.55} = 3.32$	2.01	1.65	15 mm	$RoC_{1\%} = 0.6$
4	MWC - CL	$K_c = 1.53 \times A^{0.55} = 3.32$	2.01	1.65	15 mm	CL = 2 mm/hr
5	MWC - CL	$K_c = 1.53 \times A^{0.55} = 3.32$	2.01	1.65	18 mm	CL = 3.9 mm/hr

Notes:
*Runoff Coefficient = **RoC** for the proportional loss model*
*Continuing loss =**CL** for the continuing loss model*
*Melbourne Water Corporation = **MWC***

The resultant flows at various catchment locations were compared to various "rougher" flow estimates being the rational method, the Nikoloau/vont Steen Equation Estimate for rural catchments ($Q_{1\%} = 4.67 \times A^{0.763}$), and the ARR19 Reginal Flood Frequency Estimator (**RFFE**), noting that the RFFE is the roughest "rule of thumb" estimate in the table.

Table A.3 Flow Estimates (m^3/s) for Various RORB parameter sets and Compared to the Rational Method, Nikoloau/vont Steen Equation Estimate and RFFE Estimates.

1% AEP								
Flow Location	1	2	3	4	5	Rational	Regression Curve	RFFE
DI_DR_8	9.14	12.22	4.60	7.16	6.34	4.60	5.55	
DI_DR_9	3.92	5.00	1.91	3.08	2.78	2.10	2.10	
DI_DR_14	3.79	5.04	1.89	2.97	2.66	2.20	2.55	
Exist_RB	13.60	18.88	7.59	10.56	9.93	7.60	5.20	
End of Model	25.00	35.16	14.30	20.20	18.32	17.10	13.70	19.40

Given the above, parameter set 5 was adopted as it is achieving reasonable results thought the catchment compared to other estimation techniques.

The adopted parameter set is:

- d_{av} = 2.01 km
- k_c= 3.32 (MW Regional Equation, $k_c = 1.53\ A^{0.55}$)
- k_c / d_{av} = 1.65
- m = 0.8
- Initial loss = 18 mm
- CL = 3.9 mm/hr
- IFD Data location: 37.8625 S, 148.0125 E

A.1.3 Flood Storage Models

There is one existing retarding basin in the catchment. This is the Existing Merrangbaur Heights, Retarding Basin (Exist_RB, Figure A.1). As per the 2022 SWS Thorpes Lane Memo, the Stage/Storage/Discharge relationship for the existing retarding basin was based on the original design plans and is detailed in Table A.4 below. This relationship allows for the existing throttle on the 900 mm dia high flow outlet and the existing 8-metre-long spillway at 23.05 m AHD.

Table A.4 Stage/Storage/Discharge Relationship of the Existing Merrangbaur Heights, Retarding Basin

Stage (m AHD)	Storage (m^3)	Discharge (m^3/s)	
18	0	0.00	Invert of 375 mm dia Low Flow Pipe
18.5	100	0.18	
19	379	0.24	
19.4	967	0.28	
19.75	1925	0.31	Invert of 900 mm dia High Flow Pipe
20	2835	0.33	
20.4	4718	0.36	
20.5	5286	0.40	
20.7	6543	0.55	
21	8697	0.67	
22	18477	0.93	
23.05	33117	1.12	Spillway Level
23.5	40992	6.03	Embankment Level

A.1.4 Existing Design Flow Estimates

The Existing RORB flow estimates are detailed below in Table A.5. Note that all flow estimates are rounded to the nearest 0.05 m^3/s.

Table A.5 1% AEP RORB Results - Existing Conditions

Group	Location	Pre-development	
		1% AEP Flow Estimate (m^3/s)	Critical Duration
Internal LENGA	DI_DR_9a	1.05	1-hour
LENGA Outfalls	DI_DR_8	6.35	3-hour
	DI_DR_9	2.80	1.5-hour
	DI_DR_14_Outfall	2.65	2-hour
	Existing_RB_Outfall	5.45	9-hour
Township Points	TS_1	5.35	12-hour
	TS_2	7.35	12-hour
	TS_3	14.50	12-hour
	TS_4	14.95	12-hour

A.2 Future Conditions Model

A.2.1 Model Setup

Figure A.2 details the Future RORB model developed, and Table A.6 summarises the RORB model inputs.

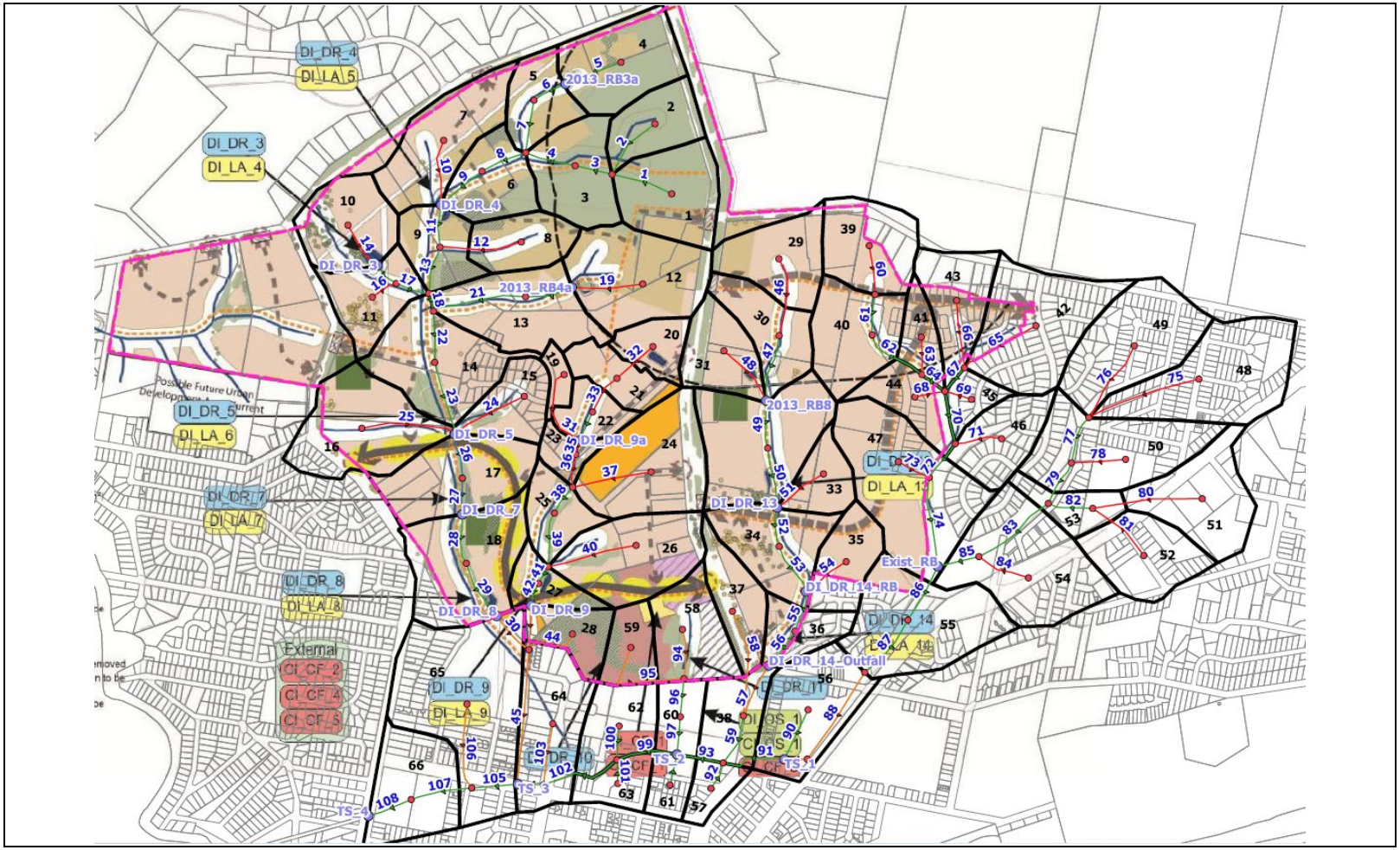


Figure A.2 RORB Model Layout – Future Conditions

Table A.6 RORB Catchments

Sub Area	Area (ha)	Fraction Imperviousness
1	7.3	0.10
2	4.6	0.10
3	6.5	0.20
4	7.7	0.20
5	4.3	0.60
6	5.1	0.60
7	8.1	0.60
8	4.4	0.60
9	4.4	0.60
10	6.4	0.60
11	5.0	0.60
12	9.9	0.60
13	8.5	0.60
14	9.2	0.60
15	4.3	0.60
16	9.7	0.60
17	8.4	0.60
18	10.1	0.60
19	1.2	0.60
20	2.9	0.60
21	3.4	0.60
22	2.7	0.20
23	1.8	0.60
24	9.9	0.30
25	3.7	0.60
26	8.6	0.60
27	2.8	0.60
28	3.6	0.65
29	6.2	0.60
30	5.4	0.60
31	5.0	0.60
32	10.8	0.60
33	3.3	0.60
34	6.8	0.60
35	4.5	0.60
36	3.4	0.50
37	4.5	0.65
38	4.5	0.60
39	6.6	0.60
40	6.9	0.60
41	2.5	0.60
42	10.7	0.60
43	5.7	0.60
44	3.8	0.60
45	2.0	0.60
46	5.1	0.60
47	13.2	0.50
48	11.0	0.60
49	9.5	0.60
50	9.9	0.40
51	7.6	0.40
52	6.4	0.40
53	2.9	0.40
54	11.7	0.40
55	10.9	0.40
56	8.4	0.60
57	2.0	0.60
58	6.0	0.65
59	3.2	0.65
60	2.8	0.60
61	2.2	0.60
62	4.8	0.50
63	2.7	0.60
64	8.3	0.90
65	16.2	0.75
66	7.5	0.60
Total	**406.0**	**0.55**

Reach lengths are as measured off the GIS plan detailed in Figure A.2. Reach types are as in Section A.1.1. It is noted that, generally within LENGA, reach types are denoted as "piped", except where naturalistic drainage lines and waterways will be retained.

A.2.2 Inputs and Parameters

The same rainfall depths, temporal patterns and effective impervious area considerations as used in Section A.1.2 were utilised in the Post Development RORB Scenario.

The post development flow estimates obtained with Parameter Set 5 (Section A.1.2) were compared to the rational method (for the developed catchment) and the Nikoloau/vont Steen Equation Estimate for urban catchments ($Q_{1\%} = 10.29 \times A^{0.71}$). These results are detailed in Table A.7 below.

Table A.7 Post Development Flow estimates (m^3/s) for Various RORB parameter sets and Compared to the Rational Method and the Nikoloau/vont Steen Equation Estimate.

1% AEP - Post			
Flow Location	Data Set 5	Rational	Regression Curve
DI_DR_8	7.64	11.45	12.05
DI_DR_9	4.64	5.25	4.95
DI_DR_14	3.68	5.45	5.85
Exist_RB	10.68	13.30	11.40
End of Model	21.61	34.20	28.00

Although flow estimates are slightly less than the "rule of thumb" checks, data set 5 was retained as:

- This provides consistency between the post development and predevelopment scenarios, and
- The "lesser" flows than the rule of thumb estimates are probably due to the large amount of flow attenuation received in the natural waterways retained in the LENGA strategy.

Given the above, Parameter Set 5 was adopted as it is achieving reasonable results throughout the catchment.

The adopted parameter set is as detailed in Section A.1.2 above.

A.2.3 Flood Storage Models

The primary flood mitigation technique utilised in the LENGA strategy is utilising retarding basins to offset the increase in flood flows from the LENGA.

The post development retarding basin models are detailed below. These are based on the concept design areas, flood volumes and levels detailed in SWS Drawing Set 2245/SWS/1-7 and the outlet configuration detail assumptions below.

It is noted, that once actual 1% AEP flood extents were considered (based on detailed site by site assessment), the flood storage provided in each retarding basin tended to be higher than previous LENGA assumptions. This is the main reason SWS agreed with the 2020 WT report conclusion, that the upper retarding basin sites (previously advocated) were no longer required.

A.2.3.1 Modified Merrangbaur Heights, Retarding Basin

SWS slightly changed the Stage/Storage/Discharge relationship for the Existing Merrangbaur Heights, Retarding Basin (Exist_RB, Figure A.2) to optimise the storage available (as per the recommendations of the 2022 SWS Thorpes Lane Memo). This included:

- Increasing the "gap" in the 900 mm diameter throttled high flow outlet to 450 mm, and providing this "gap" in the bottom portion of the pipe (to optimise early discharge of flows from the site), and
- Reducing the 8 metre spillway to 6 metres to reduce peak 1% AEP flows from the site (given the 1% AEP flow engages the existing spillway).

Both these retrofit changes should be very easy and cost effective to implement on site. The resultant Future Stage/Storage/Discharge relationship is detailed in Table A.8.

Table A.8 Stage/Storage/Discharge Relationship of the Retrofitted, Future Merrangbaur Heights, Retarding Basin

Stage (m AHD)	Storage (m^3)	Discharge (m^3/s)	
18	0	0.00	Invert of 375 mm dia Low Flow Pipe
18.5	100	0.18	
19	379	0.24	
19.4	967	0.28	
19.75	1925	0.31	Invert of 900 mm dia High Flow Pipe
20	2835	0.41	(with 450 mm gap at IL = 19.75)
20.4	4718	0.89	
20.5	5286	0.96	
20.7	6543	1.08	
21	8697	1.24	
22	18477	1.65	
23.05	33117	1.98	Spillway Level - spillway reduced to 6 metres
23.5	40992	5.74	Embankment Level

A.2.3.2 DR7 – Retarding Basin/Sediment Pond

Based on the Concept design the Stage/Storge Relationship for DR7 is as per Table A.9

Table A.9 Stage /Storage Relationship for DR7

Stage (m AHD)	Flooded Area (m^2)	Delta X (m)	Average Flooded area (m^2)	Volume (m^3)	Cumulative Volume (m^3)	
22	3600				0	NWL of sediment pond - RN outlet sill
23	5900	1.0	4750	4750	4750	
24	10600	1.0	8250	8250	13000	
25.2	17700	1.2	14150	16980	29980	Spillway level = max 1% AEP flood level
25.5	19400	0.3	18550	5565	35545	
25.7	19400	0.2	19400	3880	39425	

The RORB outflows were modeled as per the following outflow relationships.

Above 22.00 m AHD	Outflows via a 2 x 1.5 metre drop pit, with a sill at 22.00 m AHD containing a 675 mmØ conduit at an invert of 19.80 m AHD. Generally, as per MWC SD 7251/12/4004.
Above 24.00 m AHD	Outflows via a second 2 x 1.5 metre drop pit, with a sill at 24.00 m AHD containing an 825 mmØ conduit at an invert of 19.80 m AHD. Generally, as per MWC SD 7251/12/4004.
Above 25.00 m AHD	Overflows via a 20 metre long spillway at 25.00 m AHD (noting the spillway length is subject to ANCOLD recommendations).

A.2.3.3 DR9a – Retarding Basin/Sediment Pond

Based on the Concept design the Stage/Storge Relationship for DR9a is as per Table A.10

Table A.10 Stage /Storage Relationship for DR9a

Stage (m AHD)	Flooded Area (m^2)	Delta X (m)	Average Flooded area (m^2)	Volume (m^3)	Cumulative Volume (m^3)	
37.5	1340				0	NWL of sediment pond - RN outlet sill
39.2	2700	1.7	2020	3434	3434	Spillage over exiting road at cut line (slightly higher than road)
39.5	3040	0.3	2870	861	4295	
39.705	3040	0.2	3040	623	4918	

The RORB outflows were modeled as per the following outflow relationships.

Above 37.00 m AHD	Outflows via a 1.5 x 1 metre drop pit, with a sill at 37.50 m AHD containing a 375 mmØ conduit at an invert of 37.00 m AHD. Generally, as per MWC SD 7251/12/4004.
Above 39.00 m AHD	Overflows informally over the existing road at 39.00 m AHD (a 20 metre overflow length assumed, subject to ANCOLD recommendations).

A.2.3.4 DR9 – Retarding Basin/Wetland

Based on the Concept design the Stage/Storge Relationship for DR9 is as per Table A.11

Table A.11 Stage /Storage Relationship for DR9

Stage (m AHD)	Flooded Area (m^2)	Delta X (m)	Average Flooded area (m^2)	Volume (m^3)	Cumulative Volume (m^3)	
19	2558				0	NWL
19.5	3200	0.5	2879	1440	1440	TED - RB sill outlet
20	3800	0.5	3500	1750	3190	
21	5400	1.0	4600	4600	7790	
22	7150	1.0	6275	6275	14065	
22.5	9000	0.5	8075	4038	18102	Spillway level = Future road level in dip
23	9600	0.5	9300	4650	22752	
23.2	9600	0.2	9600	1920	24672	

The RORB outflows were modeled as per the following outflow relationships.

Above 19.00 m AHD	Outflows via a wetland control pit. Generally, as per MWC SD 7251/12/006 but with 0.5 metres ED.
Above 19.50 m AHD	Outflows via a 1.5 x 1 metre drop pit, with a sill at 19.50 m AHD containing a 375 mmØ conduit at an invert of 17.50 m AHD. Generally, as per MWC SD 7251/12/4004.
Above 21.75 m AHD	Outflows via a second 2 x 1.5 metre drop pit, with a sill at 21.75 m AHD containing a 525 mmØ conduit at an invert of 18.00 m AHD. Generally, as per MWC SD 7251/12/4004.
Above 22.20 m AHD	Overflows informally over the future road at 22.20 m AHD (a 20 metre overflow length assumed, subject to ANCOLD recommendations).

A.2.3.5 DR14 – Retarding Basin/Wetland

Based on the Concept design the Stage/Storge Relationship for DR14 is as per Table A.12

Table A.12 Stage /Storage Relationship for DR14

Stage (m AHD)	Flooded Area (m^2)	Delta X (m)	Average Flooded area (m^2)	Volume (m^3)	Cumulative Volume (m^3)	
27	1740				0	NWL
27.5	2300	0.5	2020	1010	1010	TED - RB sill outlet
29	4300	1.5	3300	4950	5960	
30	6000	1.0	5150	5150	11110	
31	9100	1.0	7550	7550	18660	Spillway level
31.5	9600	0.5	9350	4675	23335	
31.6	9600	0.1	9600	960	24295	

The RORB outflows were modeled as per the following outflow relationships.

Above 27.00 m AHD	Outflows via a wetland control pit. Generally, as per MWC SD 7251/12/006 but with 0.5 metres ED.
Above 27.50 m AHD	Outflows via a 1.5 x 1 metre drop pit, with a sill at 27.50 m AHD containing a 375 mmØ conduit at an invert of 25.50 m AHD. Generally, as per MWC SD 7251/12/4004.
Above 21.75 m AHD	Outflows via a second 2 x 1.5 metre drop pit, with a sill at 29.75 m AHD containing a 525 mmØ conduit at an invert of 26.25 m AHD. Generally, as per MWC SD 7251/12/4004.
Above 22.20 m AHD	Overflows via a 20 metre long spillway at 31.00 m AHD (noting the spillway length is subject to ANCOLD recommendations)

A.2.4 Post Development RORB Results

The Post Development RORB flow estimates are detailed below in Table A.13. Note that all flow estimates are rounded to the nearest 0.05 m^3/s.

Table A.13 1% AEP RORB Results - Post Development Conditions

Group	Location	Pre-development		Post-development		Difference (m^3/s)
		1% AEP Flow Estimate (m^3/s)	Critical Duration	1% AEP Flow Estimate (m^3/s)	Critical Duration	
Internal LENGA	DI_DR_9a Country Club Development Southern Outfall	1.05	1-hour	0.55	2-hour	-0.50
LENGA Outfalls	DI_DR_8 Catchment A Outfall	6.35	3-hour	5.15	12-hour	-1.20
	DI_DR_9 Catchment B Outfall	2.80	1.5-hour	1.45	12-hour	-1.35
	DI_DR_14_Outfall Catchment D Outfall	2.65	2-hour	1.75	12-hour	-0.90
	Existing Merrangbaur Hts RB	5.45	9-hour	5.20	12-hour	-0.25
Township Points	TS_1	5.35	12-hour	5.35	12-hour	0.00
	TS_2	7.35	12-hour	7.45	12-hour	0.10
	TS_3	14.50	12-hour	13.90	12-hour	-0.60
	TS_4	14.95	12-hour	14.20	12-hour	-0.75

As detailed in Table A.14, 1% AEP design flow estimates decrease at all locations, except a marginal increase at TS_2 within Eastern Creek. However:

- There are significant reductions in the 1% AEP flood flows at the LESC LENGA outfall points (where there is a significant flooding impact currently),
- There are significant reductions in the 1% AEP flood flow estimates along Eastern Creek though the township, and
- The slight increase in flow estimates at TS_2 should be somewhat mitigated due to the construction of Wetland DR11a, which should decrease local flood levels in the vicinity of TS_1 and TS_2. This should be confirmed at the functional design stage of Wetland DR11a.

At this concept design stage of the project, the flood storage provisions detailed are considered to adequately mitigate the flood impacts of development of the LENGA.

For completeness, Table A.14 details the flood storage characteristics of the retarding basins modelled.

Table A.14 Flood Storage Characteristics of the LENGA Retarding Basins

Asset	Maximum 1% AEP Flood Storage (m^3)	Maximum 1% AEP Flood Storage Water Level (m AHD)
DR7	26,650	25.0
DR9a	3,100	39.05
DR9	14,450	22.05
DR14	14,400	30.45
Modified Merrangbaur Heights RB	39,800	23.45

It is also noted that the outflow from DR9a restricts the 1% AEP outflow flow estimates to well below existing flow estimates and that no retardation is provided on Catchment F, as this catchment is essentially draining directly to the Gippsland Lakes, and then directly to the ocean.

Appendix B Stormwater Treatment Modelling and Design

MUSIC modelling was completed to assess the stormwater pollutant retention benefits of the revised drainage strategy.

It is noted that the MUSIC model and results have are slightly different to the 2022 Version 1 of this report due to a very minor change in catchment configuration included after an early 2024 review.

The WSUD initiatives proposed in this revised drainage strategy are:

- Gross Pollutant Traps (**GPT's**) be continuous deflective structures (**CDS**), or equivalent located on leach pipe outfall directly into a waterway, sediment pond or wetland,
- 2,000 litre stormwater harvesting tanks for toilet flushing and laundry use on ALL new lots in LENGA, and
- Sediment ponds and wetlands as presented in SWS Drawing set 2245.SWS/1 – 7.

GPT's have not been modelled in MUSIC as they primary treatment elements collecting rubbish, leaf litter and large sediments. Any treatment of the finer pollutants such as TSS, TP and TN (in GPT's) will only add to the pollutant reduction benefits predicted in this report.

The modelling of the 2000 litre tanks assumes:

- A Lot Density within each sub catchment where development is proposed of 1,000 m^2, which accounts for reserves, roads and the like,
- A Roof Size of 300 m^2 on each lot which is plumbed to stormwater harvesting tanks (for toilet flushing and laundry,
- A Laundry Demand = 11.9 KL/person/yr, and
- A Toilet Demand = 7.3 KL/person/yr (as per *WSUD Engineering Procedures)*

The major WSUD elements are as summarised in Table B.1 below.

Table B.1 Major WSUD Element Parameters

Asset	Type	NWL (m AHD)	Area (m^2)	Volume (m^3)	ED Depth (m)	ED time (hrs)
DR1	Sediment Basin	16.0	1,370	1,740	N/A	N/A
DR7	Sediment Basin	22.0	1,930	1,544	N/A	N/A
DR8	Wetland	14.0	1,830	549	0.5	48
DR9	Wetland	19.0	2,555	767	0.5	48
DR9a	Sediment Basin	37.5	1,335	1,068	N/A	N/A
DR13	Sediment Basin	31.0	1,125	900	N/A	N/A
DR14	Wetland	27.0	1,740	522	0.5	48
DR11a	Sediment Ponds (2)	1.3	2,000	1,600	0.5	6
DR11a	Wetland	1.3	14,000	4,200	0.5	24

Although the existing wetlands (or wetland like features at DR11b and DR11c) will provide some treatments, as they have not formally been designed at WSUD elements, they have not been included in the analysis.

Table B.2 details the MUSIC Model catchments. As detailed, these are based on the RORB catchments, each sub catchment has then been further delineated to define (with consideration of the overall fraction imperviousness detailed in Table B.2) into:

- Impervious rood areas discharging to stormwater harvesting tanks,
- Impervious areas not discharging to tanks, and
- Pervious areas.

Table B.2 MUSIC Model catchments.

MUSIC Model Node	Area (Ha)	F_{imp}
1-17	113.8	0.50
18	10.1	0.60
19-22	10.2	0.49
23-27	26.8	0.49
28	3.6	0.65
29-33	30.6	0.60
34-35 (LENGA)	9.8	0.60
34-35 (Not LENGA)	1.4	0.60
36-37 (LENGA)	6.1	0.60
36-37 (Not LENGA)	1.8	0.60
39-55 (LENGA)	24.8	0.60
54_Thorps_Stage2	3.6	0.60
Thorps_Existing	2.8	0.60
39-55 (Not LENGA)	95.2	0.60
58-59	9.2	0.60
38/56/60 (not LENGA)	15.8	0.60
Catchment F (LENGA)	22.6	0.60
Catchment F (Not LENGA)	13.3	0.20
Total	**401.5**	**0.548**

Note that the total area is not the same at the RORB model, as the MUSIC model:

- Includes Catchment F,
- Is only extended to the LENGA boundaries, or to where the LENGA WSUD elements are located (as in the case of Wetland 11a).

In addition, 127.5 ha of the MUSIC catchment is deemed “NOT LENGA”, representing existing undeveloped and developed “external” catchments discharging to LENGA WSUD treatment elements, but not located within the LENGA boundary.

The MUSIC Model is detailed in Figure B.1 below.

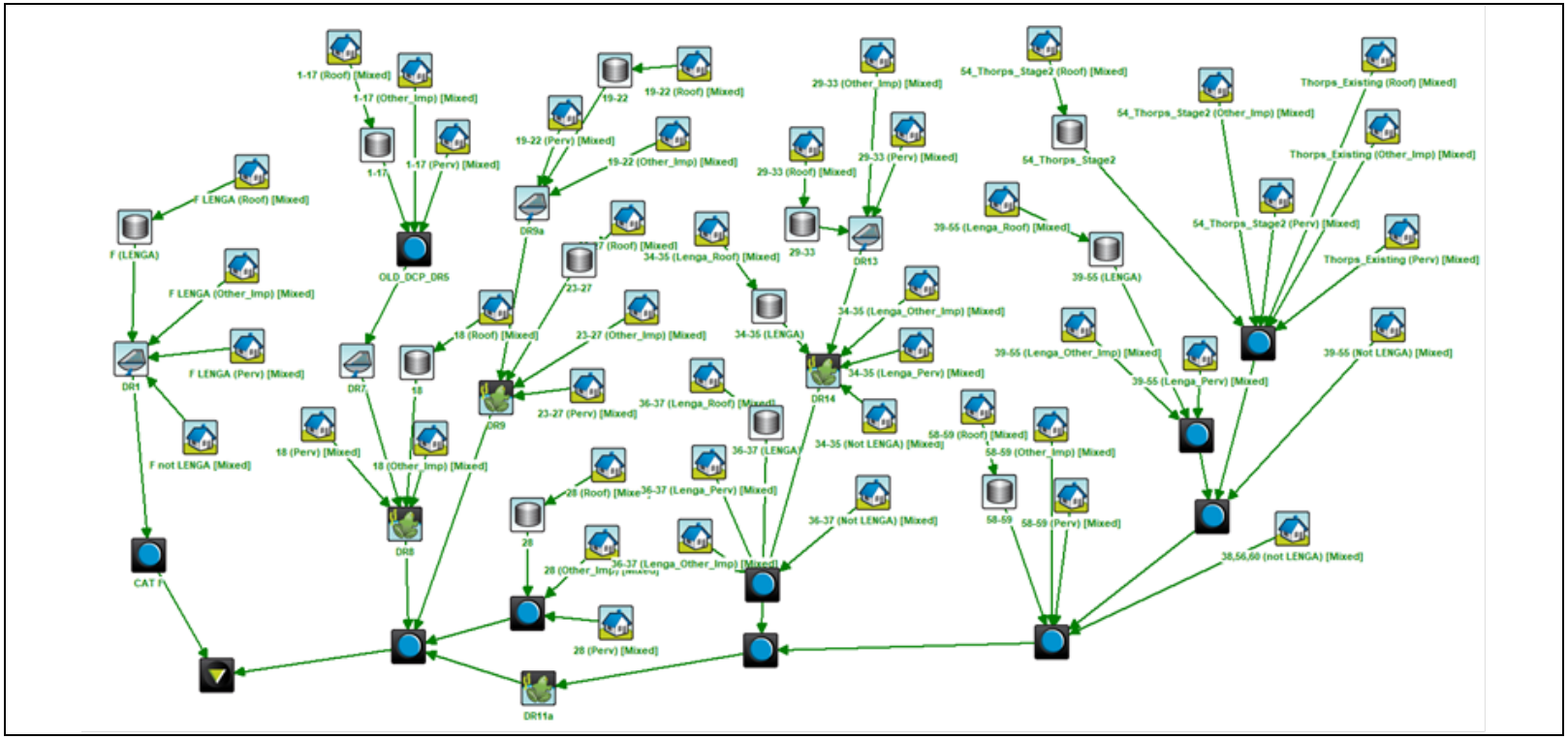


Figure B.1 Revised LENGA Strategy MUSIC Model - 2024

Six minute Dandenong rainfall and evaporation data (1/1/1967 – 31/12/1976, Mean annual Rainfall (**MAR**) = 773 mm/yr, evaporation = 1027 mm/yr) was used in the analysis. This is the Melbourne Water data set areas for south east Melbourne and West Gippsland for the rainfall band of 750 mm – 850 mm. This rainfall set was used as it reasonably matches the Lakes Entrance MAR of 818 mm (See Section 4.6).

Table B.2 details the overall performance of the total treatment train

Table B.2 MUSIC Results – Total Catchment Analysis (2024)

Pollutant	Loads Generated within total catchment - External Catchment + LENGA (kg/yr)	Loads Retained within LENGA WSUD Elements (kg/yr)	Pollutant Reduction (%)
Total Suspended Solids TSS (kg/yr)	299,000	209,600	70.1%
Total Phosphorus TP (kg/yr)	645	369	57.2%
Total Nitrogen TN (kg/yr)	4,780	1,560	32.6%
Gross Pollutants GP (kg/yr)	59,100	58,699	99.3%

As detailed above, on a catchment scale, the proposed WSUD initiatives are not meeting best practice at a catchment scale being 80% reduction of TSS, 45% reduction of TP and 45% reduction of TN.

However, the WSUD initiatives proposed are treating a significant external catchment. When treatment of pollutant loads from external catchment is apportioned to the LENGA, best practice can be deemed to be met as per Table B.3 below.

Table B.3 MUSIC Results – Equivalent Treatment of LENGA Catchments (2024)

Pollutant	Loads Generated by LENGA (kg/yr)	Loads Retained within LENGA (kg/yr)	Equivalent Reduction in stormwater Pollutant Loads generated in LENGA (%)
Total Suspended Solids	202,720	209,600	103.4%
Total Phosphorus	437	369	84.5%
Total Nitrogen	3,248	1,560	48.0%
Gross Pollutants	38,146	58,699	153.9%

As detailed above, the proposed WSUD initiates, as per this revised drainage strategy are estimated to result in equivalent treatment of the LENGA to best practice requirements. However, crucial to this is the addition of Wetland 11a, to be constructed outside of the LENGA, on existing Council land, but with funding (possibly) via LENGA levies.

The MUSIC model above predicts that Wetland 11a will retain in the order of 750 kg/yr of nitrogen. With this level of pollutant retention Wetland 11a can offset approximately 150 ha of development (excluding drainage and waterway reserve areas) anywhere in LENGA regarding stormwater pollutant retention requirements.

Appendix C Preliminary Cost Estimates

Preliminary cost estimates detailed below are based on:

- The current Melbourne Water drainage scheme of rates (https://www.melbournewater.com.au/building-and-works/developer-guides-and-resources/conditions-and-policies/reimbursements-18, downloaded in August 2022), taking into account local conditions, and
- Typical rural Council drainage rates provided to SWS by Bass Coast Shire Council in September 2021,
- EGCMA advice in December 2023 regarding waterway revegetation costs,
- Council advice in December 2024 advising that it was their opinion that the Melbourne Waer August 2022 costs were probably an underestimate of expected total costs going forward,
- Including a 20% allowance for other investigations going forward such as surveys, ecological assessment, soil assessments etc.

The following should also be noted:

- All wetlands will be a “treatment wetlands”. Although ecological benefits will arise, they are not being designed for specific ecological attributes, so additional costs to address ecological considerations should not be significant,
- SWS has specifically placed this Wetland 11a (the most important wetland in the strategy in terms of pollutant reduction), where there only a “cut” construction to minimise costs. Spoil removal will be the largest cost, but if the “cut” can be used on (or near to) site (to create mounds etc) costs may be able to be minimised,
- Soil tests may be required to determine where/how the spoil can be disposed,
- All wetlands (especially Wetland 11a) have been sited to minimise the impact on existing significant vegetation on site (given current mapping). As such, no (or little) offset costs should be required for the proposed designs. Updated ecological surveys would be required going forward as part of the functional design process, and
- The design of Wetland 11a does not specially require clearing of Eastern Creek. Eastern Creek itself included in the wetland construction through the site. The main low flow outlet is though the existing drop pit in the southeastern corner of the site, so a “free” outlet is guaranteed (at minimal cost).

Notwithstanding the above, estimates are for planning purposes only. Costs may vary considerably form ultimate construction costs.

Preliminary cost estimates for each asset are detailed below. Table C.1 details the overall preliminary cost estimate of LENGA Drainage Assets. It is noted, that due to the considerations above, estimate costs have increased relative to those detailed in the 2022 Version 1 of this report.

Table C.1 Overall Preliminary Cost estimate of LENGA Drainage Assets.

Item	Preliminary Cost Estimate ($M)
Waterway - Costs including access paths, pipe connections, GPT's and Merrangbaur Heights RB(Structural Changes to optimise LENGA benefits).	$8.51
Wetland /Sediment Pond DR1	$1.12
Retarding Basin /Sediment Pond DR7	$1.22
Wetland DR8	$0.61
Retarding Basin Wetland DR9	$1.06
Retarding Basin /Sediment Pond DR9a	$0.97
Wetland DR11a	$2.52
Sediment Pond DR13	$0.40
Retarding Basin /Wetland DR14	$1.17
TOTAL (including Engineering and Contingencies).	**$17.59**

Waterway Costs					
Notes:					
Number of connections and structures may vary than those detailed below.					
Pipe costs based on an approximate cost of a 600 mm outfall given local cost implications. Actual pipe sizes and costs will vary at each outfall into a waterway.					
"Planting waterway and reserve" cost rates as per EGCMA advice (December 2024)					
Item	**Quantity**		**Rate**		**Cost**
Catchment A					
1. GPT's	6	No.	$35,000	each	$210,000
2. Pipe connections to creek (to MWC requirements)	6	No.	$13,000	each	$78,000
3. 3 metre wide gravel access tracks in drainage reserves	2500	m	200	/m	$500,000
4. Planting waterway and reserve	2000	m	960	/m	$1,920,000
Catchment B					
1. GPT's	2	No.	$35,000	each	$70,000
2. Pipe connections to creek (to MWC requirements)	2	No.	$13,000	each	$26,000
3. 3 metre wide gravel access tracks in drainage reserves	1200	m	200	/m	$240,000
4. Planting waterway and reserve	500	m	960	/m	$480,000
Catchment C					
1. GPT's	1	No.	$35,000	each	$35,000
23. 3 metre wide gravel access tracks in drainage reserves	160	m	960	/m	$153,600
Catchment D					
1. GPT's	4	No.	$35,000	each	$140,000
2. Pipe connections to creek (to MWC requirements)	4	No.	$13,000	each	$52,000
3. 3 metre wide gravel access tracks in drainage reserves	1500	m	200	/m	$300,000
4. Planting waterway and reserve	800	m	960	/m	$768,000
Catchment E (excluding Stage 1 54 Thorpes Road)					
1. GPT's	3	No.	$35,000	each	$105,000
2. Pipe connections to creek (to MWC requirements)	3	No.	$13,000	each	$39,000
3. 3 metre wide gravel access tracks in drainage reserves (in addition to existing creek track)	300	m	200	/m	$60,000
4. Planting waterway and reserve	Not required due to existing vegetated waterway				
5. Merrangbaur Heights, Retarding Basin - Structural Changes to optimise LENGA benefits	Item				$20,000
Catchment F					
1. GPT's	3	No.	$35,000	each	$105,000
2. Pipe connections to creek (to MWC requirements)	2	No.	$13,000	each	$26,000
3. 3 metre wide gravel access tracks in drainage reserves (in addition to existing creek track)	1000	m	200	/m	$200,000
4. Planting waterway and reserve	400	m	960	/m	$384,000
			TOTAL		**$5,911,600**
Allowance for Design & Survey and other specialist reports (20%)					$1,182,320
				Sub-total	**$7,093,920**
			Contingencies (20%)		$1,418,784
				Total	**$8,512,704**

Sediment Pond DR1					
Item	**Quantity**		**Rate**		**Cost**
1. Embankment					
1. Removing and storing topsoil	550	m^2	$4.00	$/m^2$	$2,200
2. Fill Construction of Clay Embankment	2,200	m^3	$50.00	$/m^3$	$110,000
3. Topsoiling and grass hydroseeding	550	m^2	$10.00	$/m^2$	$5,500
2. Sediment Pond					
1. Removing and storing topsoil	1,300	m^2	$4.00	$/m^2$	$5,200
2. Fill Construction of base (with onsite cut)	300	m^3	$30.00	$/m^3$	$9,000
3. Cut construction of batters and path (approximately). Disposal of spoil close to site assumed	3,500	m^3	$25.00	$/m^3$	$87,500
4. Forming Sediment pond bathymetry	Allowed for in excavation costs above				
5. Aquatic planting (edges)	700	m^2	$30.00	$/m^2$	$21,000
6. Concrete access paths to sediment pond	15	m	$400.00	/m	$6,000
7. Concrete base of sediment pond	350	m^2	$150.00	$/m^2$	$52,500
8. Allowance for Maintenance/drawdown pipe network	100	m	$250.00	/m	$25,000
9. Topsoiling and hydroseeding surrounds	2,500	m^2	$10.00	$/m^2$	$25,000
10. Gabions to ensure safe batters	800	m	$300.00	/m	$240,000
11. General Landscaping	Item				$75,000
3. Hydraulic structures					
1. Allowance for Maintenance/drawdown pipe network	100	m	$250.00	/m	$25,000
2. Rock protection at spillway outlet	200	m^2	$200.00	$/m^2$	$40,000
3. Allowance for Structural Spillway (yet to be designed)	Item				$50,000
			TOTAL		**$778,900**
Allowance for Design & Survey and other specialist reports (20%)					$155,780
				Sub-total	**$934,680**
			Contingencies (20%)		$186,936
				Total	**$1,121,616**

Retarding Basin /Sediment Pond DR7					
Item	**Quantity**		**Rate**		**Cost**
1. Embankment					
1. Removing existing embankment	840	m^3	$30.00	$/m^3$	$25,200
2. Fill Construction of Clay Embankment	6,500	m^3	$50.00	$/m^3$	$325,000
3. Topsoiling and grass hydroseeding	2,300	m^2	$10.00	$/m^2$	$23,000
2. Forming Sediment Pond	Using existing pond form				
1. Filling base of existing pond/or excavating as required	500	m^3	$30.00	$/m^3$	$15,000
2. Concrete access paths to sediment pond	50	m	$400.00	/m	$20,000
3. Concrete base of sediment pond	700	m^2	$200.00	$/m^2$	$140,000
4. Allowance for Maintenance/drawdown pipe network	100	m	$250.00	/m	$25,000
3. Planting Sediment Pond					
1. Aquatic planting (edges)	1,000	m^2	$30.00	$/m^2$	$30,000
2. Grassing Dewatering area	1,100	m^2	$10.00	$/m^2$	$11,000
3. General Landscaping	Item				$100,000
4. Hydraulic structures					
1. Inlet and outlet structures	2	no	$15,000		$30,000
2. Rock protection at outlet	30	m^2	$200.00	$/m^2$	$6,000
3. Pipes and culverts (roughly - yet to be designed)	50	m	$1,000.00	/m	$50,000
4. Allowance for Structural Spillway (yet to be designed)	Item				$50,000
			TOTAL		**$850,200**
Allowance for Design & Survey and other specialist reports (20%)					$170,040
				Sub-total	**$1,020,240**
			Contingencies (20%)		$204,048
				Total	**$1,224,288**

Wetland DR8					
Item	**Quantity**		**Rate**		**Cost**
1. Forming Wetland					
1. Removing and storing topsoil	5,000	m^2	$4.00	$/m^2$	$20,000
2. Approximate Cut to NWL (assumed spoil lost close to site) and forming wetland bathymetry	6,000	m^3	$25.00	$/m^3$	$150,000
3. Topsoiling and grass hydroseeding of banks	3,000	m^2	$10.00	$/m^2$	$30,000
3. Planting					
1. Aquatic planting (edges and 80% wetland)	1,500	m^2	$30.00	$/m^2$	$45,000
2. General Landscaping					$100,000
4. Hydraulic structures					
1. Inlet and outlet structures	2	no	$15,000		$30,000
2. Rock protection at outlet	30	m^2	$200.00	$/m^2$	$6,000
3. Pipes and culverts (roughly - yet to be designed)	20	m	$1,000.00	/m	$20,000
4. Allowance for Maintenance/drawdown pipe network	100	m	$250.00	/m	$25,000
			TOTAL		**$426,000**
Allowance for Design & Survey and other specialist reports (20%)					$85,200
				Sub-total	**$511,200**
				Contingencies (20%)	$102,240
				Total	**$613,440**

Retarding Basin Wetland DR9					
Item	**Quantity**		**Rate**		**Cost**
1. Forming Embankment	Assumed as "Road construction" costs				
2. Forming Wetland					
1. Removing and storing topsoil	9,000	m^2	$4.00	$/m^2$	$36,000
2. Approximate Fill to form lower portion of wetland	500	m^3	$30.00	$/m^3$	$15,000
2. Approximate Cut to NWL (assumed spoil lost close to site) and forming wetland bathymetry	4,000	m^3	$25.00	$/m^3$	$100,000
3. Topsoiling and grass hydroseeding of banks	6,000	m^2	$10.00	$/m^2$	$60,000
3. Planting					
1. Aquatic planting (edges and 80% wetland)	2,000	m^2	$30.00	$/m^2$	$60,000
2. General Landscaping	Item				$100,000
4. Hydraulic structures					
1. Inlet and outlet structures	5	no	$15,000		$75,000
2. Pipes and culverts (roughly - yet to be designed)	200	m	$1,000.00	/m	$200,000
3. Allowance for Maintenance/drawdown pipe network	150	m	$250.00	/m	$37,500
4. Allowance for Structural Spillway (yet to be designed)	Item				$50,000
			TOTAL		**$733,500**
Allowance for Design & Survey and other specialist reports (20%)					$146,700
				Sub-total	**$880,200**
				Contingencies (20%)	$176,040
				Total	**$1,056,240**

Retarding Basin /Sediment Pond DR9a					
Item	**Quantity**		**Rate**		**Cost**
1. Forming Sediment Pond					
1. Removing and storing topsoil	1,500	m^3	$25.00	$/m^3$	$37,500
2. Approximate Cut to NWL (assumed spoil lost close to site) and forming sediment pond	14,000	m^3	$25.00	$/m^3$	$350,000
3. Topsoiling and grass hydroseeding of banks	3,800	m^2	$10.00	$/m^2$	$38,000
4. Concrete access paths to sediment pond	50	m	$400.00	/m	$20,000
5. Concrete base of sediment pond	600	m^2	$120.00	$/m^2$	$72,000
6. Allowance for Maintenance/drawdown pipe network	100	m	$250.00	/m	$25,000
2. Planting Sediment Pond					
1. Aquatic planting (edges)	700	m^2	$30.00	$/m^2$	$21,000
2. Grassing Dewatering area	1,230	m^2	$10.00	$/m^2$	$12,300
3. General Landscaping					$30,000
3. Hydraulic structures					
1. Inlet and outlet structures	3	no	$15,000		$45,000
2. Pipes and culverts (roughly - yet to be designed)	20	m	$1,000.00	/m	$20,000
3. Allowance for Structural Spillway (yet to be designed)	Not required - designed into road				
			TOTAL		**$670,800**
Allowance for Design & Survey and other specialist reports (20%)					$134,160
				Sub-total	**$804,960**
			Contingencies (20%)		$160,992
				Total	**$965,952**

Wetland DR11a					
Item	**Quantity**		**Rate**		**Cost**
1. Forming Wetland and sediment ponds					
1. Removing and storing topsoil	20,000	m^2	$4.00	$/m^2$	$80,000
2. Approximate Cut to NWL (assumed spoil lost close to site) and forming wetland bathymetry	20,000	m^3	$25.00	$/m^3$	$500,000
3. Topsoiling and grass hydroseeding of banks	3,000	m^2	$10.00	$/m^2$	$30,000
4. Concrete access paths to sediment pond	200	m	$400.00	/m	$80,000
5. Concrete base of sediment pond	1,000	m^2	$120.00	$/m^2$	$120,000
6. Allowance for Maintenance/drawdown pipe network	700	m	$250.00	/m	$175,000
3. Planting					
1. Aquatic planting (edges and 80% wetland)	12,000	m^2	$30.00	$/m^2$	$360,000
2. General landscaping	Item				$150,000
4. Hydraulic structures					
1. Inlet and outlet structures	5	no	$15,000		$75,000
2. Rock protection at outlet	30	m^2	$200.00	$/m^2$	$6,000
3. Wetland Pipes and culverts (roughly - yet to be designed)	50	m	$1,000.00	/m	$50,000
4. Allowance for possible new pipe though Aqua Dome to Wetland 11a (yet to be sized)	125	m	$1,000.00	/m	$125,000
			TOTAL		**$1,751,000**
Allowance for Design & Survey and other specialist reports (20%)					$350,200
				Sub-total	**$2,101,200**
			Contingencies (20%)		$420,240
				Total	**$2,521,440**

Sediment Pond DR13					
Item	**Quantity**		**Rate**		**Cost**
1. Embankment					
1. Removing existing embankment	570	m^3	$25.00	$/m^3$	$14,250
2. Forming Sediment Pond					
2.1 Assumed earthworks	1,000	m^3	$25.00	$/m^3$	$25,000
4. Concrete access paths to sediment pond	100	m	$400.00	/m	$40,000
5. Concrete base of sediment pond	450	m^2	$120.00	$/m^2$	$54,000
6. Allowance for Maintenance/drawdown pipe network	100	m	$250.00	/m	$25,000
3. Planting Sediment Pond					
1. Aquatic planting (edges)	900	m^2	$30.00	$/m^2$	$27,000
2. Grassing Dewatering area	1,600	m^2	$10.00	$/m^2$	$16,000
3. General Landscaping	Item				$50,000
4. Hydraulic structures					
1. Inlet and outlet structures	2	no	$1,500		$3,000
2. Rock protection at outlet	30	m^2	$200.00	$/m^2$	$6,000
3. Pipes and culverts (roughly - yet to be designed)	20	m	$1,000.00	/m	$20,000
			TOTAL		**$280,250**
Allowance for Design & Survey and other specialist reports (20%)					$56,050
				Sub-total	**$336,300**
			Contingencies (20%)		$67,260
				Total	**$403,560**

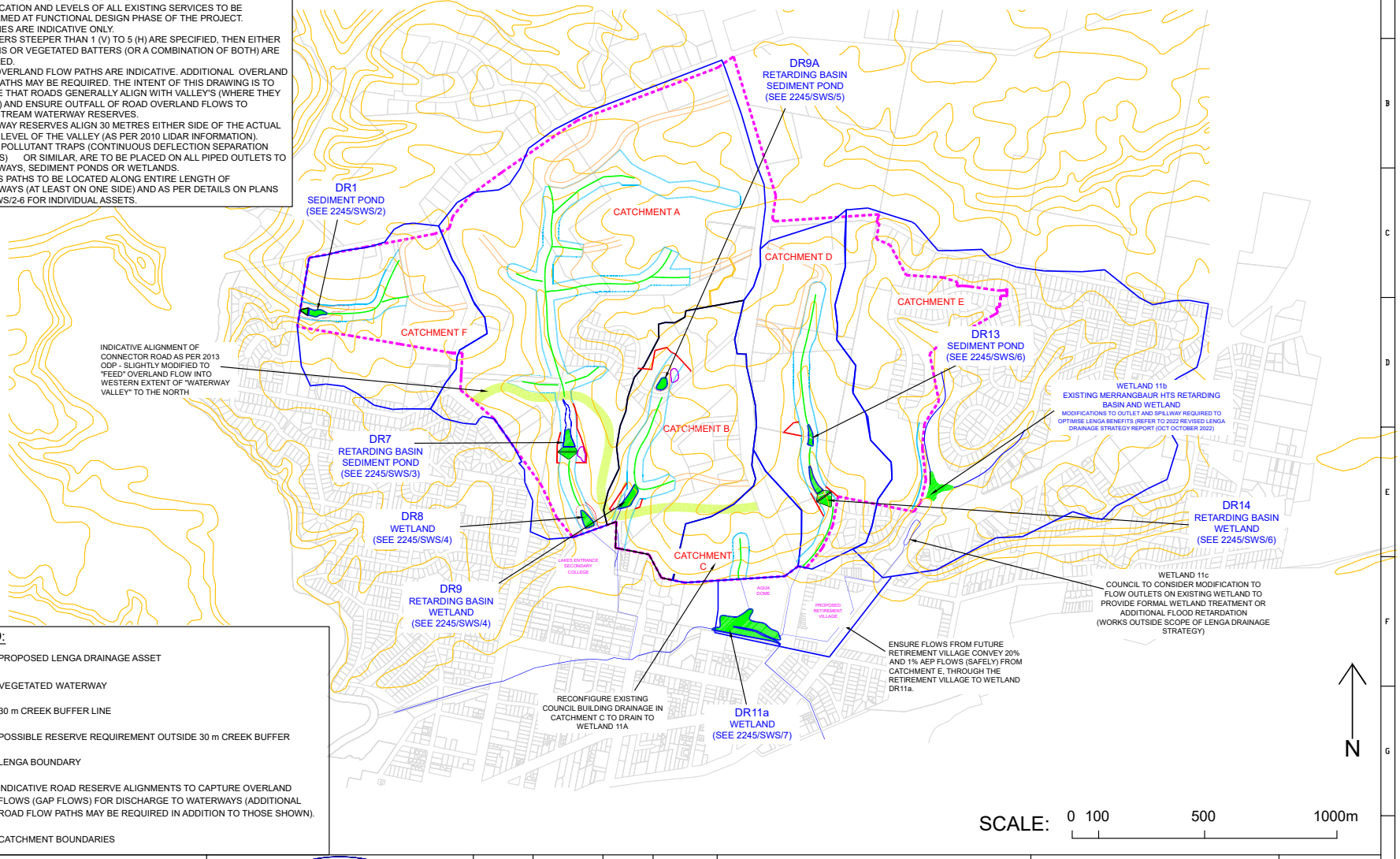
Retarding Basin /Wetland DR14					
Item	**Quantity**		**Rate**		**Cost**
1. Embankment					
1. Fill Construction of Clay Embankment	12,000	m^3	$30.00	$/m^3$	$360,000
2. Topsoiling and grass hydroseeding	1,600	m^2	$10.00	$/m^2$	$16,000
2. Forming Wetland					
1. Removing and storing topsoil	2,300	m^2	$4.00	$/m^2$	$9,200
2. Approximate Fill to form lower portion of wetland	500	m^3	$25.00	$/m^3$	$12,500
3. Planting Wetland					
1. Aquatic planting (edges)	1,400	m^2	$30.00	$/m^2$	$42,000
2. General Landscaping	Item				$100,000
4. Hydraulic structures					
1. Inlet and outlet structures	3	no	$15,000		$45,000
2. Rock protection at outlet	30	m^2	$200.00	$/m^2$	$6,000
3. Pipes and culverts (roughly - yet to be designed)	100	m	$1,000.00	/m	$100,000
4. Allowance for Maintenance/drawdown pipe network	300	m	$250.00	/m	$75,000
5. Allowance for Structural Spillway (yet to be designed)	Item				$50,000
			TOTAL		**$815,700**
Allowance for Design & Survey and other specialist reports (20%)					$163,140
				Sub-total	**$978,840**
			Contingencies (20%)		$195,768
				Total	**$1,174,608**

Appendix D Revised Drainage Strategy Drawings

The following is a reproduction of the associated Revised LENGA Drainage strategy (Version 2, April 2024) drawing sets for this report for reference. The pdf or AutoCAD drawing files should be used for future design development, noting that designs presented are to the Concept Design stage only.

NOTES:
1. THIS DRAWING HAS BEEN PREPARED FOR DISCUSSION PURPOSES ONLY AS IS SUBJECT TO CHANGE.
2. THIS DRAWING SET SHOULD BE READ IN CONJUNCTION WITH THE REVISED LENGA DRAINAGE STRATEGY REPORT, V2 (STORMY WATER SOLUTIONS, APRIL 2024).
3. DESIGN LAYOUT SUBJECT TO CHANGE.
4. THE LOCATION AND LEVELS OF ALL EXISTING SERVICES TO BE CONFIRMED AT FUNCTIONAL DESIGN PHASE OF THE PROJECT.
5. CUT LINES ARE INDICATIVE ONLY.
6. IF BATTERS STEEPER THAN 1 (V) TO 5 (H) ARE SPECIFIED, THEN EITHER GABIONS OR VEGETATED BATTERS (OR A COMBINATION OF BOTH) ARE REQUIRED.
7. ROAD OVERLAND FLOW PATHS ARE INDICATIVE. ADDITIONAL OVERLAND FLOW PATHS MAY BE REQUIRED. THE INTENT OF THIS DRAWING IS TO ENSURE THAT ROADS GENERALLY ALIGN WITH VALLEY'S (WHERE THEY OCCUR) AND ENSURE OUTFALL OF ROAD OVERLAND FLOWS TO DOWNSTREAM WATERWAY RESERVES.
8. WATERWAY RESERVES ALIGN 30 METRES EITHER SIDE OF THE ACTUAL INVERT LEVEL OF THE VALLEY (AS PER 2010 LIDAR INFORMATION).
9. GROSS POLLUTANT TRAPS (CONTINUOUS DEFLECTION SEPARATION DEVICES) OR SIMILAR, ARE TO BE PLACED ON ALL PIPED OUTLETS TO WATERWAYS, SEDIMENT PONDS OR WETLANDS.
10. ACCESS PATHS TO BE LOCATED ALONG ENTIRE LENGTH OF WATERWAYS (AT LEAST ON ONE SIDE) AND AS PER DETAILS ON PLANS 2245/SWS/2-6 FOR INDIVIDUAL ASSETS.

CONCEPT DESIGN STAGE ONLY
SUBJECT TO CHANGE



LEGEND:
- PROPOSED LENGA DRAINAGE ASSET
- VEGETATED WATERWAY
- 30 m CREEK BUFFER LINE
- POSSIBLE RESERVE REQUIREMENT OUTSIDE 30 m CREEK BUFFER
- LENGA BOUNDARY
- INDICATIVE ROAD RESERVE ALIGNMENTS TO CAPTURE OVERLAND FLOWS (GAP FLOWS) FOR DISCHARGE TO WATERWAYS (ADDITIONAL ROAD FLOW PATHS MAY BE REQUIRED IN ADDITION TO THOSE SHOWN).
- CATCHMENT BOUNDARIES

SCALE: 0 100 500 1000m

REVISION	DATE
VERSION 2	24 APRIL 2024
VERSION 1	4 OCTOBER 2022

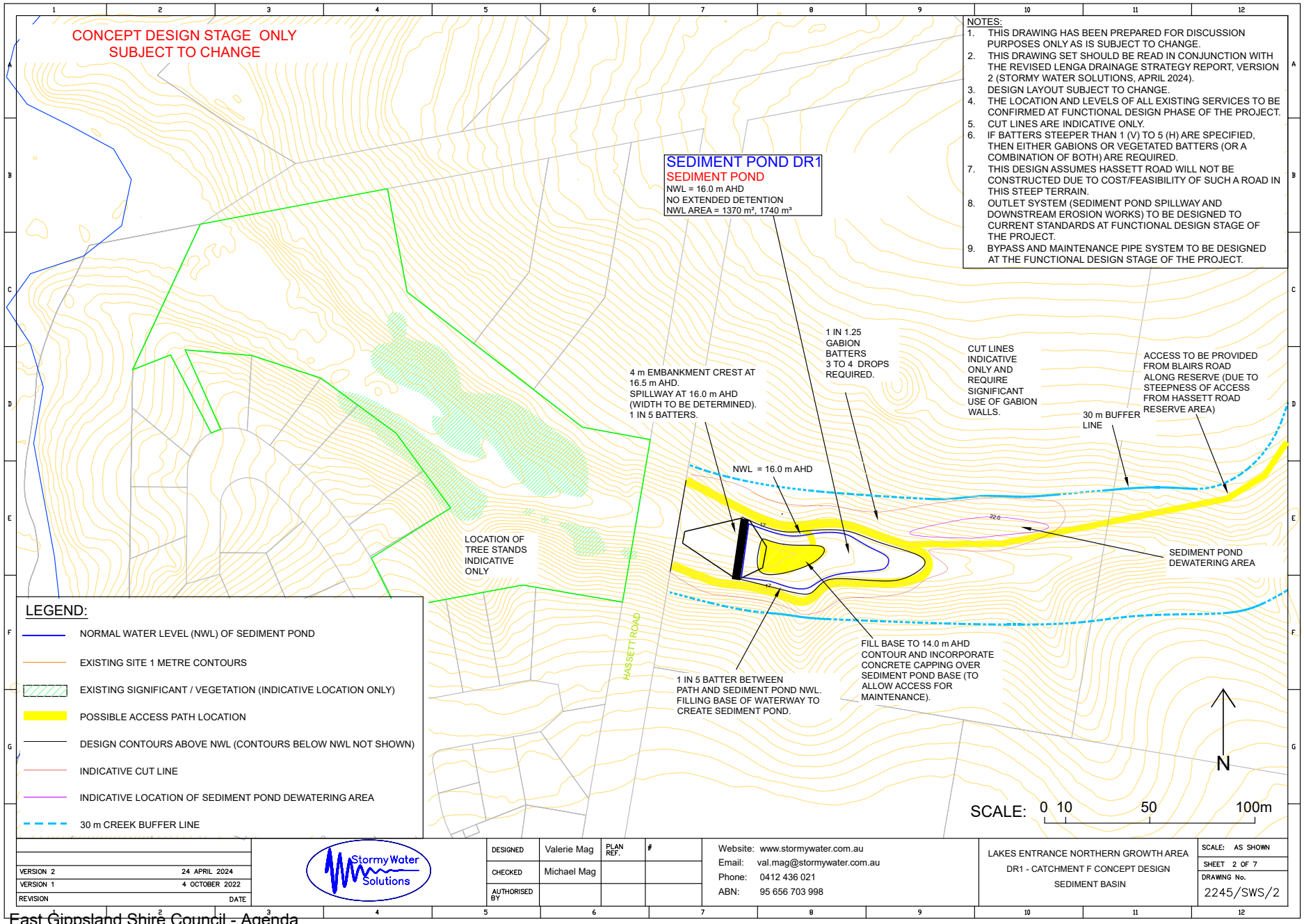
Stormy Water Solutions

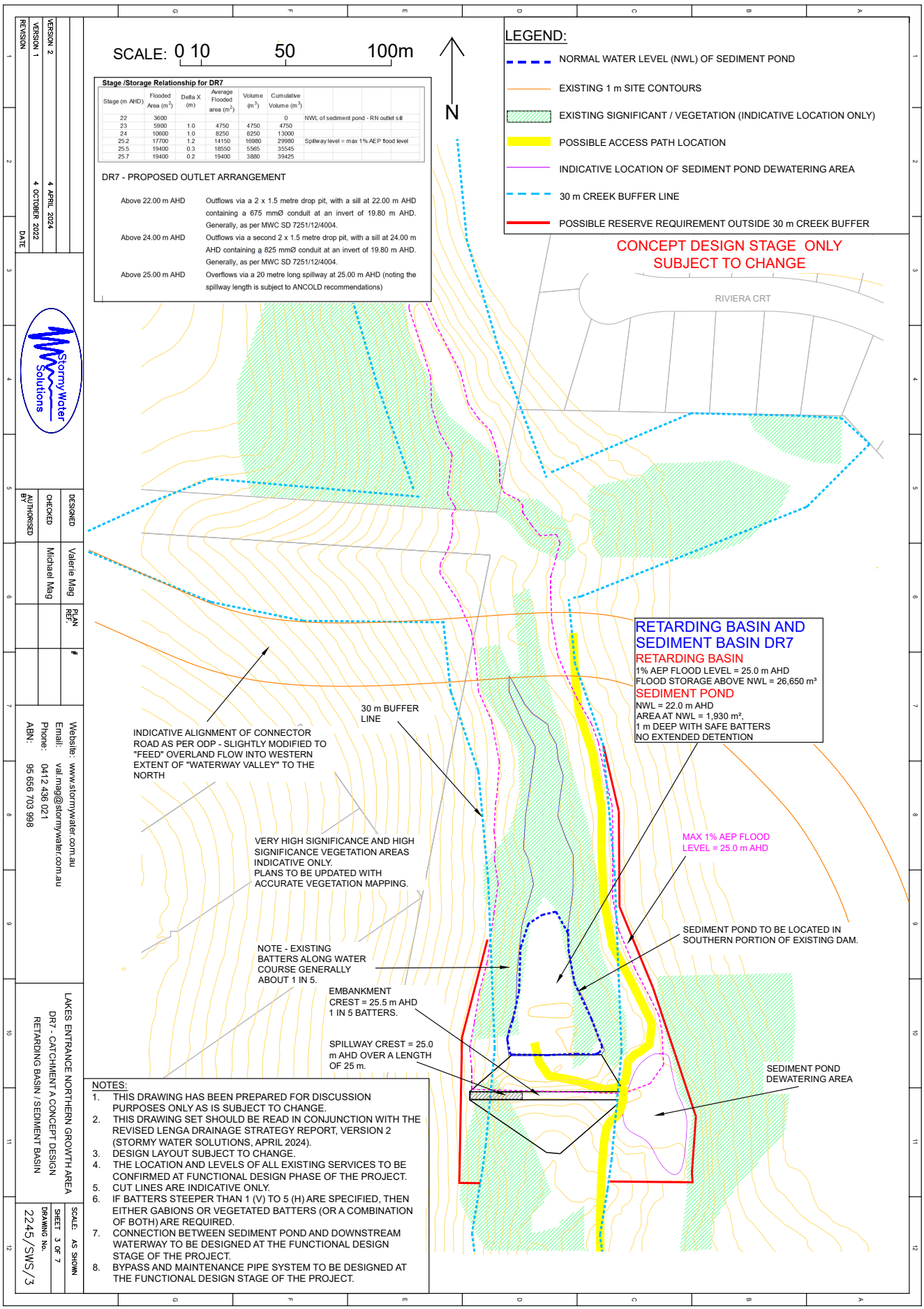
DESIGNED	Valerie Mag	PLAN REF.	#
CHECKED	Michael Mag		
AUTHORISED BY			

Website: www.stormywater.com.au
Email: val.mag@stormywater.com.au
Phone: 0412 436 021
ABN: 95 656 703 998

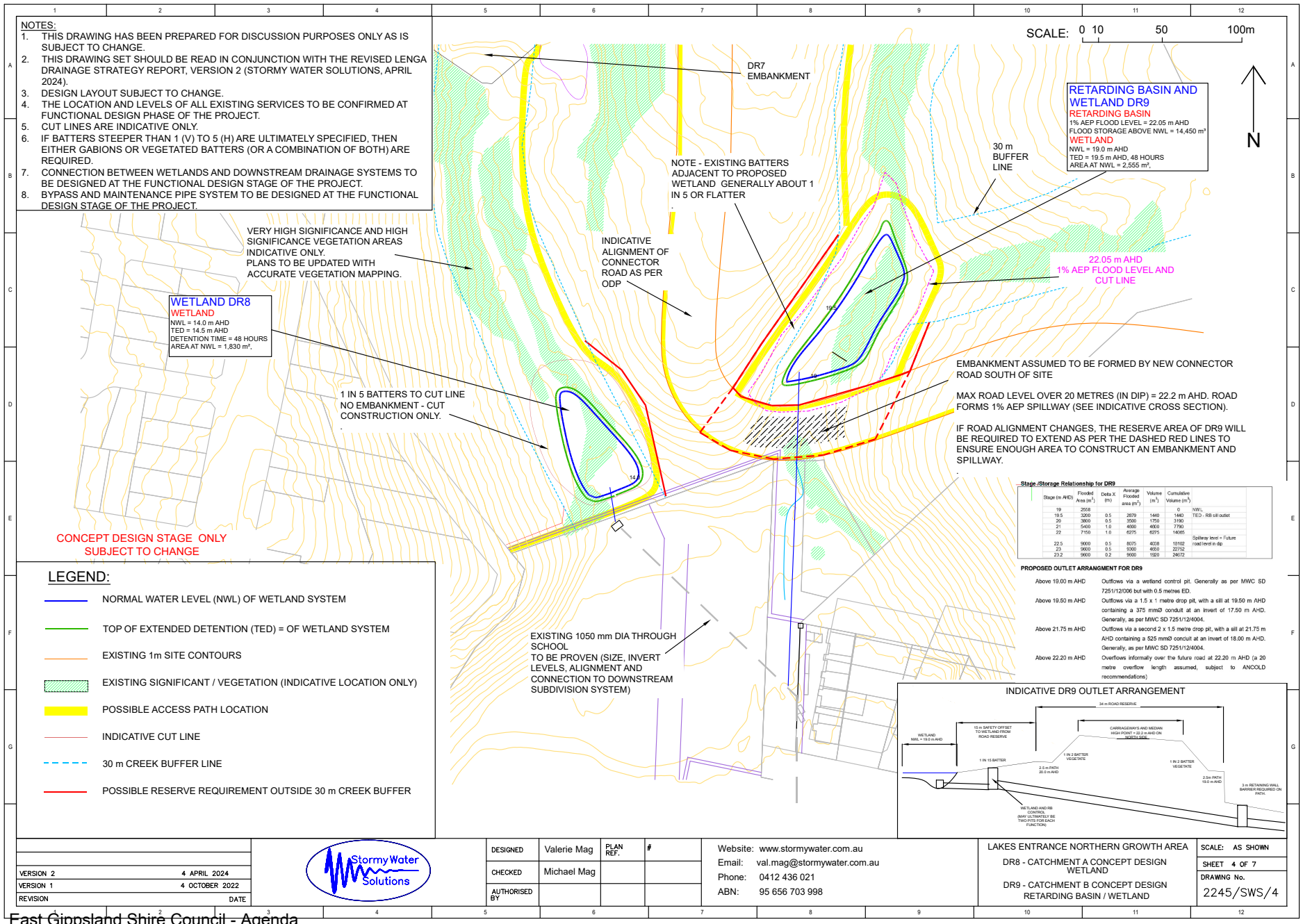
LAKES ENTRANCE NORTHERN GROWTH AREA
2022 REVISED DRAINAGE STRATEGY
OVERALL PLAN

SCALE: AS SHOWN
SHEET 1 OF 7
DRAWING No. 2245/SWS/1


CONCEPT DESIGN STAGE ONLY
SUBJECT TO CHANGE
NOTES:
1. THIS DRAWING HAS BEEN PREPARED FOR DISCUSSION PURPOSES ONLY AS IS SUBJECT TO CHANGE.
2. THIS DRAWING SET SHOULD BE READ IN CONJUNCTION WITH THE REVISED LENGA DRAINAGE STRATEGY REPORT, VERSION 2 (STORMY WATER SOLUTIONS, APRIL 2024).
3. DESIGN LAYOUT SUBJECT TO CHANGE.
4. THE LOCATION AND LEVELS OF ALL EXISTING SERVICES TO BE CONFIRMED AT FUNCTIONAL DESIGN PHASE OF THE PROJECT.
5. CUT LINES ARE INDICATIVE ONLY.
6. IF BATTERS STEEPER THAN 1 (V) TO 5 (H) ARE SPECIFIED, THEN EITHER GABIONS OR VEGETATED BATTERS (OR A COMBINATION OF BOTH) ARE REQUIRED.
7. THIS DESIGN ASSUMES HASSETT ROAD WILL NOT BE CONSTRUCTED DUE TO COST/FEASIBILITY OF SUCH A ROAD IN THIS STEEP TERRAIN.
8. OUTLET SYSTEM (SEDIMENT POND SPILLWAY AND DOWNSTREAM EROSION WORKS) TO BE DESIGNED TO CURRENT STANDARDS AT FUNCTIONAL DESIGN STAGE OF THE PROJECT.
9. BYPASS AND MAINTENANCE PIPE SYSTEM TO BE DESIGNED AT THE FUNCTIONAL DESIGN STAGE OF THE PROJECT.
SEDIMENT POND DR1
SEDIMENT POND
NWL = 16.0 m AHD
NO EXTENDED DETENTION
NWL AREA = 1370 m², 1740 m³
4 m EMBANKMENT CREST AT 16.5 m AHD.
SPILLWAY AT 16.0 m AHD (WIDTH TO BE DETERMINED).
1 IN 5 BATTERS.
1 IN 1.25 GABION BATTERS 3 TO 4 DROPS REQUIRED.
CUT LINES INDICATIVE ONLY AND REQUIRE SIGNIFICANT USE OF GABION WALLS.
ACCESS TO BE PROVIDED FROM BLAIRS ROAD ALONG RESERVE (DUE TO STEEPNESS OF ACCESS FROM HASSETT ROAD RESERVE AREA)
30 m BUFFER LINE
NWL = 16.0 m AHD
LOCATION OF TREE STANDS INDICATIVE ONLY
HASSETT ROAD
SEDIMENT POND DEWATERING AREA
1 IN 5 BATTER BETWEEN PATH AND SEDIMENT POND NWL. FILLING BASE OF WATERWAY TO CREATE SEDIMENT POND.
FILL BASE TO 14.0 m AHD CONTOUR AND INCORPORATE CONCRETE CAPPING OVER SEDIMENT POND BASE (TO ALLOW ACCESS FOR MAINTENANCE).
LEGEND:
NORMAL WATER LEVEL (NWL) OF SEDIMENT POND
EXISTING SITE 1 METRE CONTOURS
EXISTING SIGNIFICANT / VEGETATION (INDICATIVE LOCATION ONLY)
POSSIBLE ACCESS PATH LOCATION
DESIGN CONTOURS ABOVE NWL (CONTOURS BELOW NWL NOT SHOWN)
INDICATIVE CUT LINE
INDICATIVE LOCATION OF SEDIMENT POND DEWATERING AREA
30 m CREEK BUFFER LINE
N
SCALE: 0 10 50 100m
VERSION 2 24 APRIL 2024
VERSION 1 4 OCTOBER 2022
REVISION DATE
Stormy Water Solutions
DESIGNED Valerie Mag
CHECKED Michael Mag
AUTHORISED BY
PLAN REF. #
Website: www.stormywater.com.au
Email: val.mag@stormywater.com.au
Phone: 0412 436 021
ABN: 95 656 703 998
LAKES ENTRANCE NORTHERN GROWTH AREA
DR1 - CATCHMENT F CONCEPT DESIGN
SEDIMENT BASIN
SCALE: AS SHOWN
SHEET 2 OF 7
DRAWING No. 2245/SWS/2


SCALE: 0 10 50 100m
N
LEGEND:
NORMAL WATER LEVEL (NWL) OF SEDIMENT POND
EXISTING 1 m SITE CONTOURS
EXISTING SIGNIFICANT / VEGETATION (INDICATIVE LOCATION ONLY)
POSSIBLE ACCESS PATH LOCATION
INDICATIVE LOCATION OF SEDIMENT POND DEWATERING AREA
30 m CREEK BUFFER LINE
POSSIBLE RESERVE REQUIREMENT OUTSIDE 30 m CREEK BUFFER
CONCEPT DESIGN STAGE ONLY
SUBJECT TO CHANGE
RIVIERA CRT
Stage /Storage Relationship for DR7
Stage (m AHD) | Flooded Area (m²) | Delta X (m) | Average Flooded area (m²) | Volume (m³) | Cumulative Volume (m³)
22 | 3600 | | | | 0 | NWL of sediment pond - RN outlet sill
23 | 5900 | 1.0 | 4750 | 4750 | 4750
24 | 10600 | 1.0 | 8250 | 8250 | 13000
25.2 | 17700 | 1.2 | 14150 | 16980 | 29980 | Spillway level = max 1% AEP flood level
25.5 | 19400 | 0.3 | 18550 | 5565 | 35545
25.7 | 19400 | 0.2 | 19400 | 3880 | 39425
DR7 - PROPOSED OUTLET ARRANGEMENT
Above 22.00 m AHD: Outflows via a 2 x 1.5 metre drop pit, with a sill at 22.00 m AHD containing a 675 mmØ conduit at an invert of 19.80 m AHD. Generally, as per MWC SD 7251/12/4004.
Above 24.00 m AHD: Outflows via a second 2 x 1.5 metre drop pit, with a sill at 24.00 m AHD containing a 825 mmØ conduit at an invert of 19.80 m AHD. Generally, as per MWC SD 7251/12/4004.
Above 25.00 m AHD: Overflows via a 20 metre long spillway at 25.00 m AHD (noting the spillway length is subject to ANCOLD recommendations)
RETARDING BASIN AND SEDIMENT BASIN DR7
RETARDING BASIN
1% AEP FLOOD LEVEL = 25.0 m AHD
FLOOD STORAGE ABOVE NWL = 26,650 m³
SEDIMENT POND
NWL = 22.0 m AHD
AREA AT NWL = 1,930 m²,
1 m DEEP WITH SAFE BATTERS
NO EXTENDED DETENTION
INDICATIVE ALIGNMENT OF CONNECTOR ROAD AS PER ODP - SLIGHTLY MODIFIED TO "FEED" OVERLAND FLOW INTO WESTERN EXTENT OF "WATERWAY VALLEY" TO THE NORTH
30 m BUFFER LINE
VERY HIGH SIGNIFICANCE AND HIGH SIGNIFICANCE VEGETATION AREAS INDICATIVE ONLY. PLANS TO BE UPDATED WITH ACCURATE VEGETATION MAPPING.
MAX 1% AEP FLOOD LEVEL = 25.0 m AHD
SEDIMENT POND TO BE LOCATED IN SOUTHERN PORTION OF EXISTING DAM.
NOTE - EXISTING BATTERS ALONG WATER COURSE GENERALLY ABOUT 1 IN 5.
EMBANKMENT CREST = 25.5 m AHD 1 IN 5 BATTERS.
SPILLWAY CREST = 25.0 m AHD OVER A LENGTH OF 25 m.
SEDIMENT POND DEWATERING AREA
NOTES:
1. THIS DRAWING HAS BEEN PREPARED FOR DISCUSSION PURPOSES ONLY AS IS SUBJECT TO CHANGE.
2. THIS DRAWING SET SHOULD BE READ IN CONJUNCTION WITH THE REVISED LENGA DRAINAGE STRATEGY REPORT, VERSION 2 (STORMY WATER SOLUTIONS, APRIL 2024).
3. DESIGN LAYOUT SUBJECT TO CHANGE.
4. THE LOCATION AND LEVELS OF ALL EXISTING SERVICES TO BE CONFIRMED AT FUNCTIONAL DESIGN PHASE OF THE PROJECT.
5. CUT LINES ARE INDICATIVE ONLY.
6. IF BATTERS STEEPER THAN 1 (V) TO 5 (H) ARE SPECIFIED, THEN EITHER GABIONS OR VEGETATED BATTERS (OR A COMBINATION OF BOTH) ARE REQUIRED.
7. CONNECTION BETWEEN SEDIMENT POND AND DOWNSTREAM WATERWAY TO BE DESIGNED AT THE FUNCTIONAL DESIGN STAGE OF THE PROJECT.
8. BYPASS AND MAINTENANCE PIPE SYSTEM TO BE DESIGNED AT THE FUNCTIONAL DESIGN STAGE OF THE PROJECT.
REVISION
VERSION 1
VERSION 2
4 OCTOBER 2022
4 APRIL 2024
DATE
Stormy Water Solutions
DESIGNED
CHECKED
AUTHORISED
BY
Valerie Mag
Michael Mag
PLAN REF.
#
Website: www.stormywater.com.au
Email: val.mag@stormywater.com.au
Phone: 0412 436 021
ABN: 95 656 703 998
LAKES ENTRANCE NORTHERN GROWTH AREA
DR7 - CATCHMENT A CONCEPT DESIGN
RETARDING BASIN / SEDIMENT BASIN
SCALE: AS SHOWN
SHEET 3 OF 7
DRAWING No.
2245/SWS/3

NOTES:
1. THIS DRAWING HAS BEEN PREPARED FOR DISCUSSION PURPOSES ONLY AS IS SUBJECT TO CHANGE.
2. THIS DRAWING SET SHOULD BE READ IN CONJUNCTION WITH THE REVISED LENGA DRAINAGE STRATEGY REPORT, VERSION 2 (STORMY WATER SOLUTIONS, APRIL 2024).
3. DESIGN LAYOUT SUBJECT TO CHANGE.
4. THE LOCATION AND LEVELS OF ALL EXISTING SERVICES TO BE CONFIRMED AT FUNCTIONAL DESIGN PHASE OF THE PROJECT.
5. CUT LINES ARE INDICATIVE ONLY.
6. IF BATTERS STEEPER THAN 1 (V) TO 5 (H) ARE ULTIMATELY SPECIFIED, THEN EITHER GABIONS OR VEGETATED BATTERS (OR A COMBINATION OF BOTH) ARE REQUIRED.
7. CONNECTION BETWEEN WETLANDS AND DOWNSTREAM DRAINAGE SYSTEMS TO BE DESIGNED AT THE FUNCTIONAL DESIGN STAGE OF THE PROJECT.
8. BYPASS AND MAINTENANCE PIPE SYSTEM TO BE DESIGNED AT THE FUNCTIONAL DESIGN STAGE OF THE PROJECT.



Stage /Storage Relationship for DR9

Stage (m AHD)	Flooded Area (m²)	Delta X (m)	Average Flooded area (m²)	Volume (m³)	Cumulative Volume (m³)	
19	2558				0	NWL
19.5	3200	0.5	2879	1440	1440	TED - RB sill outlet
20	3800	0.5	3500	1750	3190	
21	5400	1.0	4600	4600	7790	
22	7150	1.0	6275	6275	14065	
						Spillway level = Future road level in dip
22.5	9000	0.5	8075	4038	18102	
23	9600	0.5	9300	4650	22752	
23.2	9600	0.2	9600	1920	24672	

PROPOSED OUTLET ARRANGMENT FOR DR9

Above 19.00 m AHD	Outflows via a wetland control pit. Generally as per MWC SD 7251/12/006 but with 0.5 metres ED.
Above 19.50 m AHD	Outflows via a 1.5 x 1 metre drop pit, with a sill at 19.50 m AHD containing a 375 mmØ conduit at an invert of 17.50 m AHD. Generally, as per MWC SD 7251/12/4004.
Above 21.75 m AHD	Outflows via a second 2 x 1.5 metre drop pit, with a sill at 21.75 m AHD containing a 525 mmØ conduit at an invert of 18.00 m AHD. Generally, as per MWC SD 7251/12/4004.
Above 22.20 m AHD	Overflows informally over the future road at 22.20 m AHD (a 20 metre overflow length assumed, subject to ANCOLD recommendations)

INDICATIVE DR9 OUTLET ARRANGEMENT

LEGEND:
- NORMAL WATER LEVEL (NWL) OF WETLAND SYSTEM
- TOP OF EXTENDED DETENTION (TED) = OF WETLAND SYSTEM
- EXISTING 1m SITE CONTOURS
- EXISTING SIGNIFICANT / VEGETATION (INDICATIVE LOCATION ONLY)
- POSSIBLE ACCESS PATH LOCATION
- INDICATIVE CUT LINE
- 30 m CREEK BUFFER LINE
- POSSIBLE RESERVE REQUIREMENT OUTSIDE 30 m CREEK BUFFER

REVISION	DATE
VERSION 2	4 APRIL 2024
VERSION 1	4 OCTOBER 2022

Stormy Water Solutions

		PLAN REF.	#
DESIGNED	Valerie Mag		
CHECKED	Michael Mag		
AUTHORISED BY			

Website: www.stormywater.com.au
Email: val.mag@stormywater.com.au
Phone: 0412 436 021
ABN: 95 656 703 998

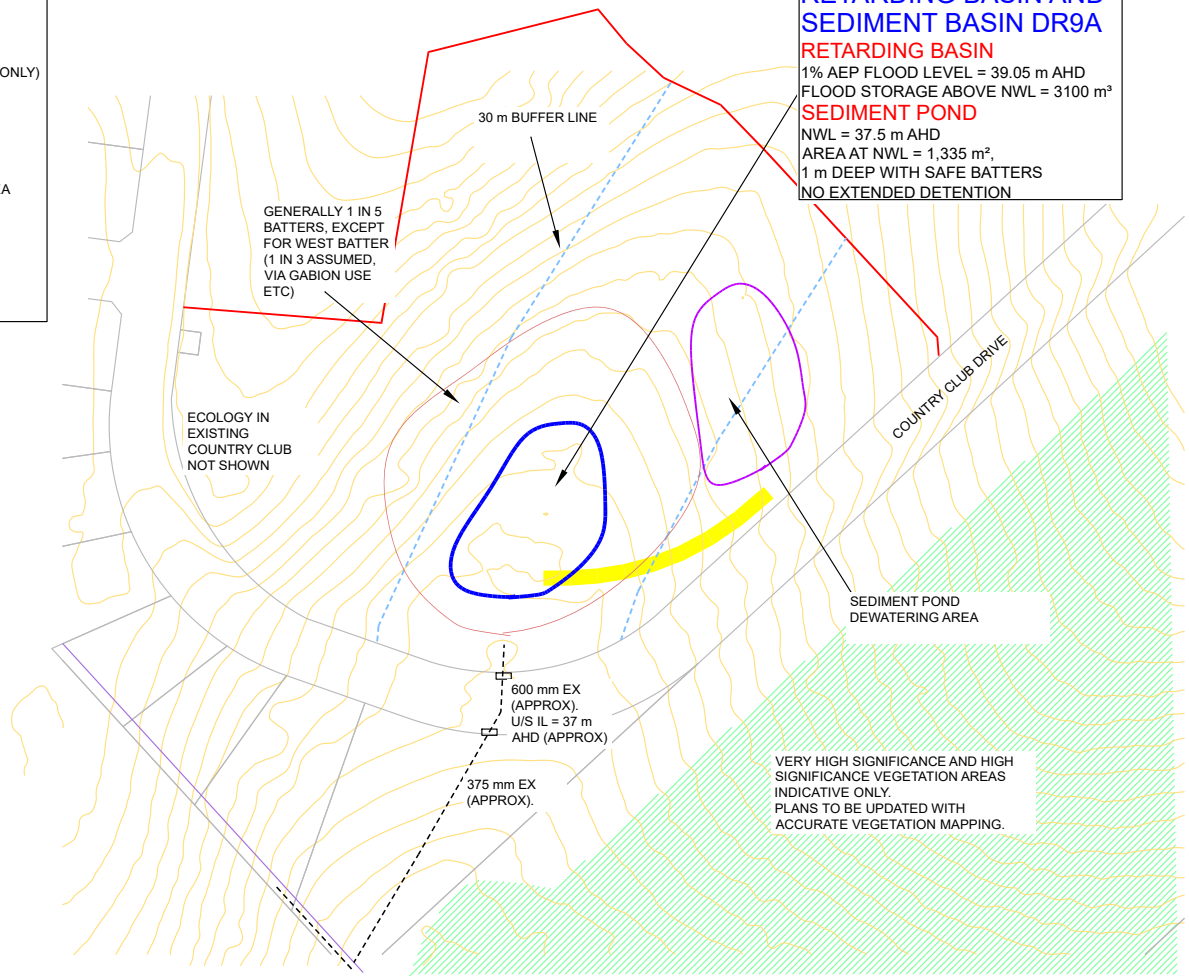
LAKES ENTRANCE NORTHERN GROWTH AREA
DR8 - CATCHMENT A CONCEPT DESIGN WETLAND
DR9 - CATCHMENT B CONCEPT DESIGN RETARDING BASIN / WETLAND

SCALE: AS SHOWN
SHEET 4 OF 7
DRAWING No. 2245/SWS/4

CONCEPT DESIGN STAGE ONLY
SUBJECT TO CHANGE

LEGEND:

- NORMAL WATER LEVEL (NWL) OF SEDIMENT POND
- EXISTING 1 m SITE CONTOURS
- EXISTING SIGNIFICANT / VEGETATION (INDICATIVE LOCATION ONLY)
- POSSIBLE ACCESS PATH LOCATION
- INDICATIVE CUT LINE
- INDICATIVE LOCATION OF SEDIMENT POND DEWATERING AREA
- 30 m CREEK BUFFER LINE
- PROPOSED RESERVE (2022 DEVELOPMENT PROPOSAL)



SCALE: 0 10 50 100m

NOTES:

1. THIS DRAWING HAS BEEN PREPARED FOR DISCUSSION PURPOSES ONLY AS IS SUBJECT TO CHANGE.
2. THIS DRAWING SET SHOULD BE READ IN CONJUNCTION WITH THE REVISED LENGA DRAINAGE STRATEGY REPORT, VERSION 2 (STORMY WATER SOLUTIONS, APRIL 2024).
3. DESIGN LAYOUT SUBJECT TO CHANGE.
4. THE LOCATION AND LEVELS OF ALL EXISTING SERVICES TO BE CONFIRMED AT FUNCTIONAL DESIGN PHASE OF THE PROJECT.
5. CUT LINES ARE INDICATIVE ONLY.
6. IF BATTERS STEEPER THAN 1 (V) TO 5 (H) ARE SPECIFIED, THEN EITHER GABIONS OR VEGETATED BATTERS (OR A COMBINATION OF BOTH) ARE REQUIRED.
7. CONNECTION BETWEEN SEDIMENT POND AND DOWNSTREAM WATERWAY TO BE DESIGNED AT THE FUNCTIONAL DESIGN STAGE OF THE PROJECT.
8. BYPASS AND MAINTENANCE PIPE SYSTEM TO BE DESIGNED AT THE FUNCTIONAL DESIGN STAGE OF THE PROJECT.
9. IMPACT ON SIGNIFICANT VEGETATION IN RESERVE AREA MAY REQUIRE MINOR OFFSET CONSIDERATIONS GOING FORWARD.

Stage /Storage Relationship for DR9a

Stage (m AHD)	Flooded Area (m^2)	Delta X (m)	Average Flooded area (m^2)	Volume (m^3)	Cumulative Volume (m^3)	
37.5	1340				0	NWL of sediment pond - RN outlet sill
39.2	2700	1.7	2020	3434	3434	Spillage over exiting road at cut line (slighlty higher than road)
39.5	3040	0.3	2870	861	4295	
39.705	3040	0.2	3040	623	4918	

DR9a PROPOSED OUTLET ARRANGEMENT

Above 37.00 m AHD	Outflows via a 1.5 x 1 metre drop pit, with a sill at 37.50 m AHD containing a 375 mmØ conduit at an invert of 37.00 m AHD. Generally, as per MWC SD 7251/12/4004.
Above 39.00 m AHD	Overflows informally over the existing road at 39.00 m AHD (a 20 metre overflow length assumed, subject to ANCOLD recommendations).

REVISION	DATE
VERSION 2	24 APRIL 2024
VERSION 1	4 OCTOBER 2022

Stormy Water Solutions

		PLAN REF.	#
DESIGNED	Valerie Mag		
CHECKED	Michael Mag		
AUTHORISED BY			

Website: www.stormywater.com.au
Email: val.mag@stormywater.com.au
Phone: 0412 436 021
ABN: 95 656 703 998

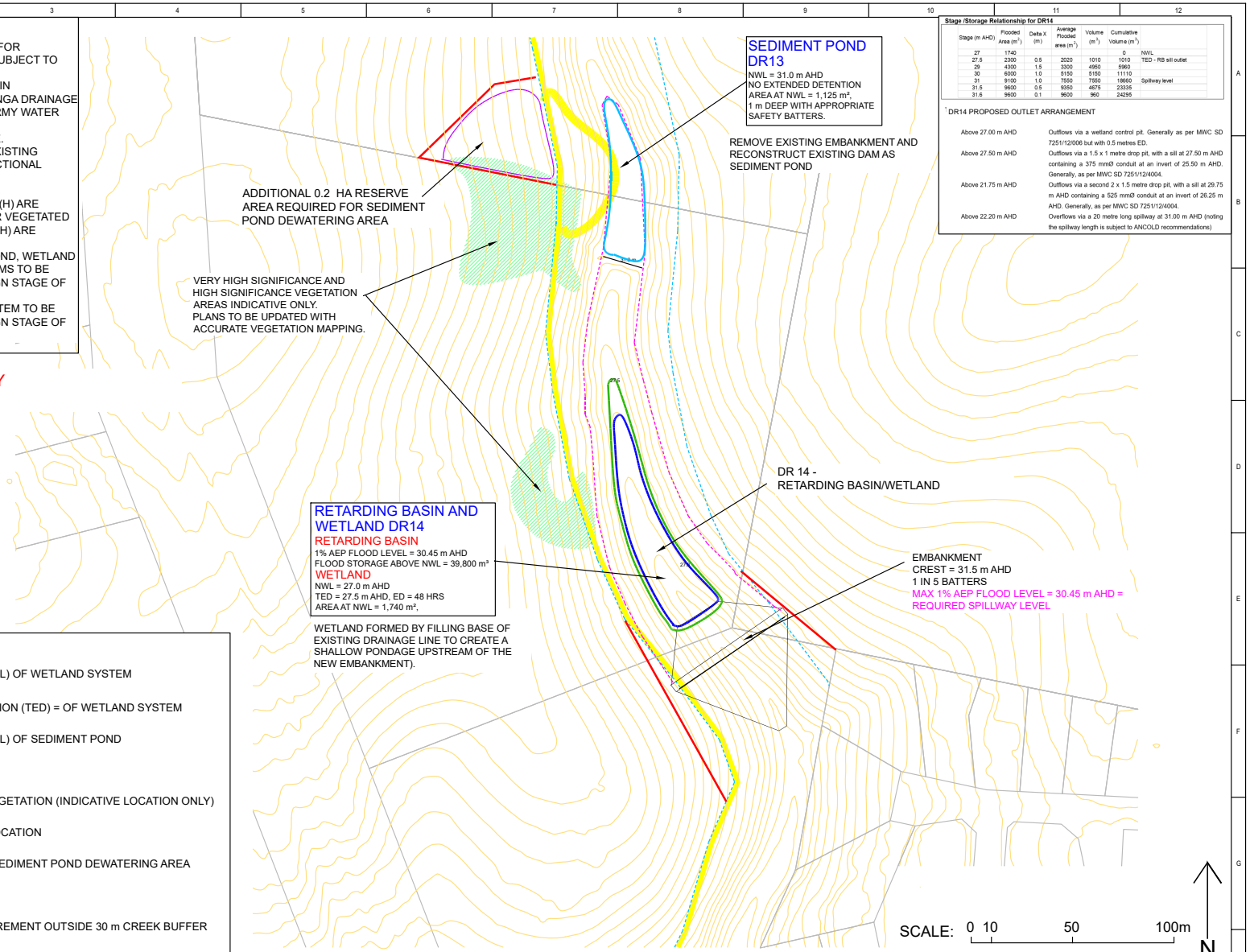
LAKES ENTRANCE NORTHERN GROWTH AREA
DR9A - CATCHMENT B CONCEPT DESIGN
SEDIMENT BASIN

SCALE: AS SHOWN
SHEET 5 OF 7
DRAWING No. 2245/SWS/5

NOTES:

1. THIS DRAWING HAS BEEN PREPARED FOR DISCUSSION PURPOSES ONLY AS IS SUBJECT TO CHANGE.
2. THIS DRAWING SET SHOULD BE READ IN CONJUNCTION WITH THE REVISED LENGA DRAINAGE STRATEGY REPORT, VERSION 2 (STORMY WATER SOLUTIONS, APRIL 2024).
3. DESIGN LAYOUT SUBJECT TO CHANGE.
4. THE LOCATION AND LEVELS OF ALL EXISTING SERVICES TO BE CONFIRMED AT FUNCTIONAL DESIGN PHASE OF THE PROJECT.
5. CUT LINES ARE INDICATIVE ONLY.
6. IF BATTERS STEEPER THAN 1 (V) TO 5 (H) ARE SPECIFIED, THEN EITHER GABIONS OR VEGETATED BATTERS (OR A COMBINATION OF BOTH) ARE REQUIRED.
7. CONNECTION BETWEEN SEDIMENT POND, WETLAND AND DOWNSTREAM DRAINAGE SYSTEMS TO BE DESIGNED AT THE FUNCTIONAL DESIGN STAGE OF THE PROJECT.
8. BYPASS AND MAINTENANCE PIPE SYSTEM TO BE DESIGNED AT THE FUNCTIONAL DESIGN STAGE OF THE PROJECT.

CONCEPT DESIGN ONLY
SUBJECT TO CHANGE



Stage /Storage Relationship for DR14

Stage (m AHD)	Flooded Area (m^2)	Delta X (m)	Average Flooded area (m^2)	Volume (m^3)	Cumulative Volume (m^3)	
27	1740				0	NWL
27.5	2300	0.5	2020	1010	1010	TED - RB sill outlet
29	4300	1.5	3300	4950	5960	
30	6000	1.0	5150	5150	11110	
31	9100	1.0	7550	7550	18660	Spillway level
31.5	9600	0.5	9350	4675	23335	
31.6	9620	0.1	9620	960	24295	

DR14 PROPOSED OUTLET ARRANGEMENT

Above 27.00 m AHD	Outflows via a wetland control pit. Generally as per MWC SD 7251/12/006 but with 0.5 metres ED.
Above 27.50 m AHD	Outflows via a 1.5 x 1 metre drop pit, with a sill at 27.50 m AHD containing a 375 mmØ conduit at an invert of 25.50 m AHD. Generally, as per MWC SD 7251/12/4004.
Above 21.75 m AHD	Outflows via a second 2 x 1.5 metre drop pit, with a sill at 29.75 m AHD containing a 525 mmØ conduit at an invert of 26.25 m AHD. Generally, as per MWC SD 7251/12/4004.
Above 22.20 m AHD	Overflows via a 20 metre long spillway at 31.00 m AHD (noting the spillway length is subject to ANCOLD recommendations)

LEGEND:

- NORMAL WATER LEVEL (NWL) OF WETLAND SYSTEM
- TOP OF EXTENDED DETENTION (TED) = OF WETLAND SYSTEM
- NORMAL WATER LEVEL (NWL) OF SEDIMENT POND
- EXISTING SITE CONTOURS
- EXISTING SIGNIFICANT / VEGETATION (INDICATIVE LOCATION ONLY)
- POSSIBLE ACCESS PATH LOCATION
- INDICATIVE LOCATION OF SEDIMENT POND DEWATERING AREA
- 30 m CREEK BUFFER LINE
- POSSIBLE RESERVE REQUIREMENT OUTSIDE 30 m CREEK BUFFER

REVISION	DATE
VERSION 2	24 APRIL 2024
VERSION 1	4 OCTOBER 2022

Stormy Water Solutions

DESIGNED	Valerie Mag	PLAN REF.	#
CHECKED	Michael Mag		
AUTHORISED BY			

Website: www.stormywater.com.au
Email: val.mag@stormywater.com.au
Phone: 0412 436 021
ABN: 95 656 703 998

LAKES ENTRANCE NORTHERN GROWTH AREA
DR13 CATCHMENT D CONCEPT DESIGN SEDIMENT BASIN
DR14 CATCHMENT D CONCEPT DESIGN RETARDING BASIN / WETLAND

SCALE: AS SHOWN
SHEET 6 OF 7
DRAWING No. 2245/SWS/6

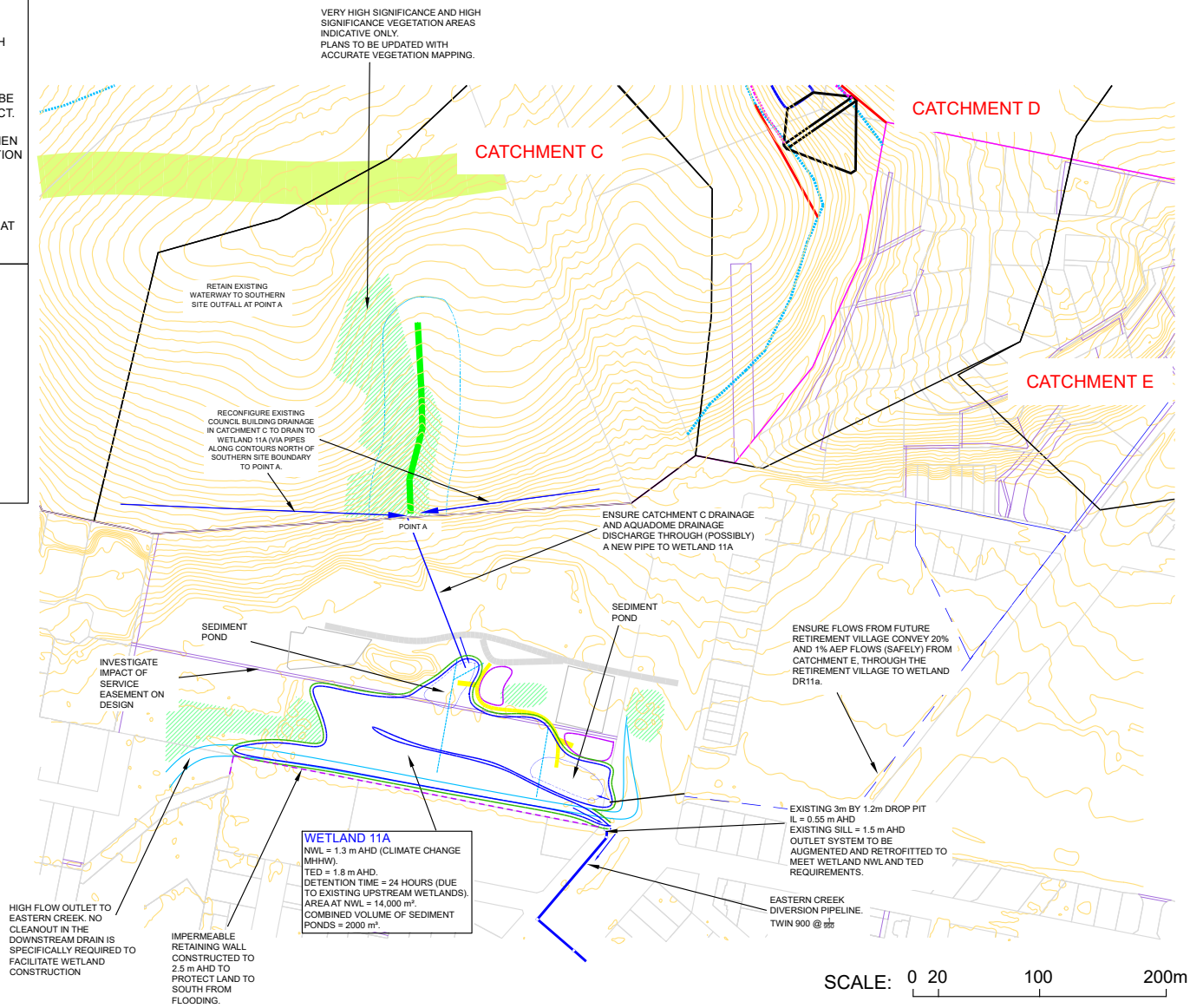
NOTES:

1. THIS DRAWING HAS BEEN PREPARED FOR DISCUSSION PURPOSES ONLY AS IS SUBJECT TO CHANGE.
2. THIS DRAWING SET SHOULD BE READ IN CONJUNCTION WITH THE ASSOCIATED REVISED LENGA DRAINAGE STRATEGY, VERSION 2 (STORMY WATER SOLUTIONS) APRIL 2024).
3. DESIGN LAYOUT SUBJECT TO CHANGE.
4. THE LOCATION AND LEVELS OF ALL EXISTING SERVICES TO BE CONFIRMED AT FUNCTIONAL DESIGN PHASE OF THE PROJECT.
5. CUT LINES ARE INDICATIVE ONLY.
6. IF BATTERS STEEPER THAN 1 (V) TO 5 (H) ARE SPECIFIED, THEN EITHER GABIONS OR VEGETATED BATTERS (OR A COMBINATION OF BOTH) ARE REQUIRED.
7. CONNECTION BETWEEN WETLAND AND DOWNSTREAM DRAINAGE SYSTEMS TO BE DESIGNED AT THE FUNCTIONAL DESIGN STAGE OF THE PROJECT.
8. BYPASS AND MAINTENANCE PIPE SYSTEM TO BE DESIGNED AT THE FUNCTIONAL DESIGN STAGE OF THE PROJECT.

LEGEND:

- NORMAL WATER LEVEL (NWL) OF WETLAND AND SEDIMENT PONDS
- TOP OF EXTENDED DETENTION (TED) = OF WETLAND SYSTEM
- EXISTING 1 METRE SITE CONTOURS
- EXISTING SIGNIFICANT / VEGETATION (INDICATIVE LOCATION ONLY)
- POSSIBLE ACCESS PATH LOCATION
- INDICATIVE LOCATION OF SEDIMENT POND DEWATERING AREA
- 30 m CREEK BUFFER LINE

CONCEPT DESIGN ONLY
SUBJECT TO CHANGE



VERSION	DATE
VERSION 2	24 APRIL 2024
VERSION 1	4 OCTOBER 2022
REVISION	DATE

Stormy Water Solutions

		PLAN REF.	#
DESIGNED	Valerie Mag		
CHECKED	Michael Mag		
AUTHORISED BY			

Website: www.stormywater.com.au
Email: val.mag@stormywater.com.au
Phone: 0412 436 021
ABN: 95 656 703 998

LAKES ENTRANCE NORTHERN GROWTH AREA
DR11A - CATCHMENT C CONCEPT DESIGN
WETLAND/SEDIMENT BASIN

SCALE: AS SHOWN
SHEET 7 OF 7
DRAWING No. 2245/SWS/7

Planning and Environment Act 1987

East Gippsland Planning Scheme Planning Scheme

Amendment C161egip

Instruction sheet

The planning authority for this amendment is the East Gippsland Shire Council.

The East Gippsland Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 3 attached map sheets.

Overlay Maps

1. Amend Planning Scheme Map No. 55DPO in the manner shown on the attached map marked “East Gippsland Planning Scheme, Amendment C161egip.
2. Delete Planning Scheme Map No. 55DCPO in the manner shown on the attached map marked East Gippsland Planning Scheme, Amendment C161egip.
3. Insert new Planning Scheme Map No. 55EAO in the manner shown on the attached map marked East Gippsland Planning Scheme, Amendment C161egip.

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

4. In **Planning Policy Framework** – replace Clause 11.01 with a new Clause 11.01 in the form of the attached document.
5. In **Overlays** – Clause 43.02, replace Schedule 13 with a new Schedule 13 in the form of the attached document.
6. In **Overlays** – delete Clause 43.04, replace Schedule 8 with a new Schedule 8 in the form of the attached document.
7. In **Overlays** – delete Clause 45.06, delete Schedule 1.
8. In **Particular Provisions** – Clause 52.16, delete the Schedule.

9. In **Operational Provisions** – Clause 72.03, replace the Schedule with a new Schedule in the form of the attached document.

10. In **Operational Provisions** – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.

11. In **Operational Provisions** – Clause 72.08, replace the Schedule with a new Schedule in the form of the attached document.

12. In **Operational Provisions** – Clause 74.01, replace the Schedule with a new Schedule in the form of the attached document.

13. In **Operational Provisions** – Clause 74.02, replace the Schedule with a new Schedule in the form of the attached document.

End of document

Planning and Environment Act 1987

East Gippsland Planning Scheme

Amendment C161egip

Explanatory Report

Overview

Amendment C161egip proposes to implement a revised and updated planning framework for the Lakes Entrance Northern Growth Area (LENGA) to guide land use, subdivision and infrastructure provision in this housing growth precinct.

The amendment proposes to remove the Development Contributions Plan Overlay Schedule 1 (DCPO1) and the Native Vegetation Precinct Plan (NVPP) from the precinct. The amendment also proposes to amend the Development Plan Overlay Schedule 8 (DPO8) to significantly simplify future development through the planning permit process. The amendment also applies the Environmental Audit Overlay (EAO) to land where there is a contamination risk, amends planning policy relating to Lakes Entrance, amends the Design and Development Overlay Schedule 13 (DDO13) and makes other changes to the operational provisions of the planning scheme.

The amendment is informed by and implements the new Lakes Entrance Northern Growth Area Strategic Framework Plan (East Gippsland Shire Council, 2026) (LENGA SFP). The amendment is also supported by updated supporting and background documents relating to bushfire, traffic, drainage and development frameworks.

Where you may inspect this amendment

The amendment can be inspected free of charge at the East Gippsland Shire Council website at https://www.eastgippsland.vic.gov.au/

And/or

The amendment is available for public inspection, free of charge, during office hours at the following places:

- Corporate Centre, 273 Main Street, Bairnsdale VIC 3875
- Service Centre, 18 Mechanics Lane, Lakes Entrance VIC 3909

The amendment can also be inspected free of charge at the Department of Transport and Planning website at http://www.planning.vic.gov.au/public-inspection or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Submissions

Any person may make a submission to the planning authority about the amendment. Submissions about the amendment must be received by [insert submissions due date].

A submission must be sent to:

- Strategic Planning Team, East Gippsland Shire Council:

  By Post: PO Box 1618, Bairnsdale VIC 3875
  In Person: 273 Main Street, Bairnsdale
  18 Mechanics Street, Lakes Entrance
  By email: strategicplanning@egipps.vic.gov.au

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions hearing: [insert directions hearing date]
- Panel hearing: [insert panel hearing date]

Details of the amendment

Who is the planning authority?

This amendment has been prepared by the East Gippsland Shire Council which is the planning authority for this amendment.

The amendment has been made at the request of East Gippsland Shire Council.

Land affected by the amendment

The amendment applies to the Lakes Entrance Northern Growth Area (LENGA) housing precinct which is shown on Figure 1 below. It is approximately 185 hectares in total area.

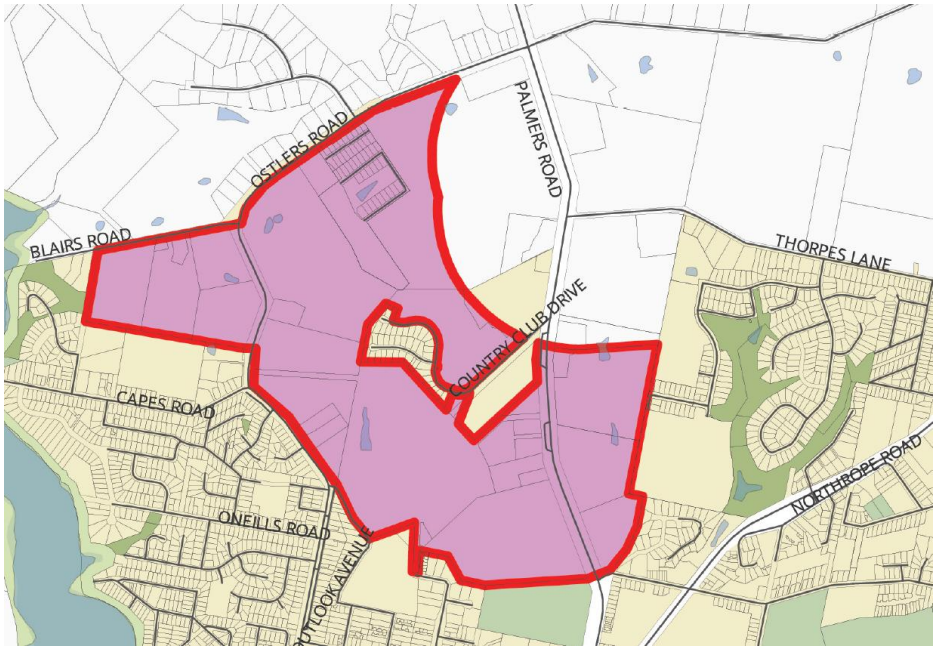


Figure 1 – Lakes Entrance Northern Growth Area

A mapping reference table has been included at Appendix 1.

What the amendment does

The amendment proposes to remove the Development Contributions Plan Overlay Schedule 1 (DCPO1) and the Native Vegetation Precinct Plan (NVPP) from the precinct. The amendment also proposes to amend the Development Plan Overlay Schedule 8 (DPO8) to significantly simplify future development through the planning permit process. The amendment also applies the Environmental Audit Overlay (EAO) to land where there is a contamination risk, amends planning policy relating to Lakes Entrance, amends the Design and Development Overlay Schedule 13 (DDO13) and makes other changes to the operational provisions of the planning scheme.

The existing General Residential Zone 1 (GRZ1) and all other existing overlays will continue to apply to the land

Specifically, the amendment makes the following changes to the East Gippsland Planning Scheme:

Overlay Maps

- Deletes Planning Scheme Maps 55DCPO.
- Inserts a new Planning Scheme Mapp 55EAO.
- Amends Planning Scheme Map 55DPO

Planning Scheme Ordinance

- Amends the Planning Policy Framework at Clause 11.01 to update policy directions for Lakes Entrance which have been derived from the updated LENGA SFP.
- Amends the Design and Development Overlay Schedule 13 at Clause 43.02 to include design and built form objectives derived from the LENGA SFP.
- Amends the Development Plan Overlay Schedule 8 at Clause 43.04 to update and streamline development plan requirements in accordance with the LENGA SFP.
- Deletes Clause 45.06 (Development Contributions Plan Overlay) from the Planning Scheme and Schedule 1 that currently applies to the LENGA precinct.
- Removes the Native Vegetation Precinct Plan (NVPP) titled *Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan* (October 2013, Amended 2023) by deleting it from Clause 1.0 of the Schedule to Clause 52.16 (Native Vegetation Precinct Plan).
- Amends the Schedule to Clause 72.03 to delete and add map references.
- Amends the Schedule to Clause 72.04 (Incorporated Documents) to:
    - Delete the *Lakes Entrance Northern Growth Area Development Contributions Plan* (Urban Enterprise, Dec 2023).
    - Delete *Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan* (October 2013, Amended 2023).
    - Delete the *Extract from the Lakes Entrance Strategy Plan (1987) Figure 4.3 Outline Development Plan.*
- Amends the Schedule to Clause 72.08 (Background Documents) to:
    - Delete *Lakes Entrance Northern Growth Area Social Impact Assessment* (East Gippsland Shire Council, August 2012).
    - Delete *Northern Growth Area Lakes Entrance Development Concept Plan Hydrology*, Water Technology (Water Technology Pty Ltd, October 2013).
    - Insert *LENGA Background Report* (East Gippsland Shire Council, 2026).
    - Insert the LENGA Strategic Framework Plan (East Gippsland Shire Council, 2026) to enable it to be relied upon for decision making purposes.
    - Insert *LENGA Outline Development Plan Review* (Beveridge Williams, 2026).
    - Insert *Lakes Entrance Northern Growth Area (LENGA) – Revised Drainage Strategy, Version 2* (Stormy Water Solutions, April 2024).
    - Insert *Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan* (October 2013, Amended 2023) to ensure that the background work contained within this report is not lost, despite its

removal from Clause 52.16.

- Amends the Schedule to Clause 74.01 (Application of Zones, Overlays and Provisions) to remove the overlays and provisions that are being removed from the planning scheme.
- Amends the Schedule to Clause 74.02 (Further Strategic Work) to remove the work listed for LENGA as it will no longer be required due to the removal of the DCPO1.

Strategic assessment of the amendment

Why is the amendment required?

The Amendment is required to update the planning framework that applies to the LENGA precinct in response to the changing development context, evidenced housing demand/construction activity, and to establish realistic expectations for infrastructure and housing delivery that are proportional to the scale and pace of the development anticipated.

L*akes Entrance Northern Growth Area 10 Year Review – Key Issues and Options Paper* (April 2024)

The strategic basis for the changes outlined above were identified following a detailed ten-year review of the performance of the planning framework applied to the LENGA. The review produced the *Lakes Entrance Northern Growth Area 10 Year Review – Key Issues and Options Paper* (the '10 Year Review'), April 2024. It is a supporting technical document.

All Councils in Victoria are expected to regularly review plans and strategies to ensure they remain fit for purpose.

In August 2014, Amendment C112 Part A put in place a planning framework to facilitate housing development in the precinct. This included rezoning of land from Farming Zone 3 (FZ3) to General Residential Zone 1 (GRZ1), applying the Development Plan Overlay Schedule 8 (DPO8), the Development Contributions Plan Overlay Schedule 1 (DCPO1) and incorporating a Native Vegetation Precinct Plan (NVPP) under the Schedule to Clause 52.16 (Native Vegetation Precinct Plan).

The purpose of the 10 Year Review was to consider whether the planning framework continued to support the intended development outcomes in the precinct and that assumptions remained valid.

The 10 Year Review found that:

- The strategic basis of planning for long-term housing land supply in Lakes Entrance continues to be generally sound and is supported by State planning policy (Clause 11.02-1S – *Supply of Urban Land* e.g. identifying minimum 15 years of housing land).
- There is a need to update the planning framework to reflect current policy and

requirements, respond to known precinct land constraints and to set reasonable expectations for development.

- There is no longer a need to apply the development contributions plan (DCPO) overlay (for the reasons summarised in the previous sub-section).

More fundamentally, the 10 Year Review evidenced a significant misalignment between the 30-year precinct build out assumptions used to inform the 2014 C112 Part A amendment and the housing land supply situation in Lakes Entrance. It found actual supply could exceed 80 years based on available land, historic construction rate data and projected slowing population growth (demand). It means there is no longer any strategic basis to apply a development contributions plan because these extensive timeframes and slow growth rates make it unworkable:

> *A DCP must include a time horizon. This time horizon should not exceed 20 to 25 years. If the time horizon is not reasonable, new development in the early years will be paying for infrastructure that will not be delivered until many years later. This is inequitable and unreasonable.*
>
> *Development Contributions Guidelines, 2007, DELWP, State Government of Victoria*

The LENGA DCP was applied on the basis that development of the precinct would be completed in 30 years to fund the development and community infrastructure included into it.

The current DCP has collected just $130,000 in ten years. No infrastructure has been delivered. 36 dwellings have been constructed in the current precinct (up to April 2024). These are in the area where the DCP does not apply (constructed under a planning permit issued prior to Amendment C112 Part A approval).

The 10 Year Review found that, on average, housing land supply in Lakes Entrance should adopt an upper rate of 23 dwellings per annum to calculate future need (for the whole township). On the basis that the LENGA precinct contributes 1021 or approximately 50% of the future identified land supply (2052 dwellings) in Lakes Entrance, it means that the LENGA should allow for 11.5 dwellings per annum to be constructed in the precinct as a proportional share of development activity (for calculation purposes, actual rates will vary). Over the 30-year period adopted by the 2014 DCP, this would equate to an actual need for 345 dwellings. To balance financially, the DCP required 1021 dwellings to be constructed at an average rate of 34 dwellings per annum in the precinct alone, notwithstanding other housing supply. This would require an increase of 47% above the township's average historic annual dwelling construction rates and no dwelling constructed outside of the LENGA precinct.

The difference between the 2014 DCP assumptions and actual construction activity is significant. In the ten years since Amendment C112 Part A was approved, an average of 3.6 dwellings have been constructed in the precinct (but exempt from the DCP). The 2007 DCP Guidelines highlight the challenge:

> *In rural areas, the amount of new development and consequently the*

levies likely to be collected may not warrant the preparation of a DCP. A further difficulty for rural councils is that growth is often unpredictable in terms of timing and location.

The 10 Year Review found that the rate of growth and housing demand in Lakes Entrance provides no strategic basis to support a DCP.

The 10 Year Review also found additional implementation challenges associated to drainage and community infrastructure included into the DCP, including:

- The design and costing of drainage infrastructure projects in the DCP did not adequately reflect on-ground challenges of constructing projects.
- The DCP drainage scheme required specific sequencing on a limited number of private land holdings.
- Made many development sites (based on landownership) reliant on third party land for drainage. This could sterilise development outcomes.
- Implementation was not considered, including limited developer interest, fragmented land ownership and lack of landowner coordination.
- Drainage can be provided more simply by each development at the time it is needed on a site-by-site basis at subdivision and without reliance on outcomes on third party land under the DCP scenario. This will provide developments with more certainty and control over outcomes and is a more flexible and scalable solution to the projected development timeframes and unpredictable development activity in the precinct. It is also consistent with the way drainage is provided in every other development setting in the municipality. Landowners will still be able to collaborate and work toward shared outcomes where this is practicable.
- The community infrastructure projects included in the DCP are no longer required by Council. Until Council undertakes rigorous community infrastructure needs planning for the township and can demonstrate a strategic basis for collecting the community infrastructure levy more equitably from all development (users) within the township, it should no longer be collected from development in the LENGA.
- The DCP also erroneously attributed 100% of demand and cost for community infrastructure projects in it to the LENGA as the main catchment area (MCA) when it should have been reflected as only a proportion of township demand.

<u>LENGA Background Report</u>

The *Lakes Entrance Northern Growth Area Background Report* (2026) provides the strategic basis for the amendment by pulling together the history, relevant background and supporting studies, relevant policy and making recommendations about the amendment. This report builds on the findings of the 10 Year Review

Paper that is discussed above.

The amendment proposes to insert the LENGA Background Report (2026) into the planning scheme as a Background Document.

LENGA Strategic Framework Plan

The LENGA Strategic Framework Plan (SFP) is the outward facing strategic document that translates all of the findings of the review, the background report and the supporting studies into one strategic document. The SFP addresses the elements of:

- Land Use and Subdivision
- Access ad Movement
- Landscape, Natural Environment and Bushfire Resilience
- Open Spaces and Recreation
- Built Form and Character

The SFP essentially completes all of the planning work that a Development Plan would do except it is on a precinct wide basis rather than being site specific. The SFP provides strategies, guidelines and some requirements which seek to address the LENGA specific development challenges and outcomes.

The amendment proposes to insert the SFP as a Background Document in the planning scheme so that it can be relied upon by applicants and decision makers.

Amending the DPO8: Streamlining planning provisions

The amendment proposes to amend DPO8 because the current version does not provide any value to the planning process and therefore just provides an unnecessary layer of planning red tape.

A thorough review of the DPO8 in its current form found that it does not require anything that wouldn't otherwise normally be required as part of a conventional planning process. It also repeats the requirements already contained in Rescode and also the DDO13.

While its original intent was ensure a specific development sequence and force coordinated development between the 30 landowners, the extremely low development rates and the lack of 'shared' infrastructure and development requirements mean that the current DPO8 is no longer an effective control.

Therefore the control has been substantially rewritten to align with the SFP in an effort to streamline and update the control and make it easier for landowners to comply with the control, while also allowing for shared infrastructure where required.

Remove the DCPO1: simplifying infrastructure planning

The LENGA Development Contributions Plan included only two types of infrastructure project: drainage and community infrastructure.

The Amendment is required to remove the Development Contributions Plan Overlay

1 (DCPO1). There is no longer a need to continue to apply a development contributions plan in the LENGA because:

  - The delivery of drainage infrastructure can be simplified and delivered by each development at subdivision stage without requiring the complexity and uncertainty (timeframes, implementation, reliance on third party land) of the cost sharing Development Contributions Plan (DCP) mechanism.
  - Community infrastructure projects are not required by development in the precinct. They also no longer exist as Council projects and need to be removed from any DCP.

- Parallel to the above, there is no strategic basis for a DCP. The DCP anticipated development in the precinct would take 30 years. It has now been evidenced that development will occur over a much longer period (possibly exceeding 80 years) because of existing land supply and lower than anticipated construction rates in the township. It means there is now a significant misalignment between the DCP timeframe and what it can reasonably expect to collect. The bulk of development in the precinct would occur beyond the DCP's already long horizon. The DCP, as an infrastructure funding mechanism, is not feasible under these low growth settings.

Council will be required to refund any monies collected under Section 46Q of the Planning and Environment Act 1987. As at May 2025 this is $130,000 in development infrastructure levy (DIL) to one/ two landowners in the LENGA precinct. No Community Infrastructure Levy (CIL) has been collected.

Removal of the Native Vegetation Precinct Plan

The continued application of the Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan (LENGA NVPP) is no longer appropriate to the much longer than anticipated development horizon of the precinct. No vegetation has been removed under the existing NVPP to-date – meaning a key purpose of providing prior approval for vegetation removal has yielded no outcome e.g. streamlining approval processes.

An NVPP doesn't account for changing circumstances being considered over such a long period. Any NVPP in this uncertain development setting will become repeatedly outdated and/ or require additional applications for permits alongside it due to the limited currency it will hold.

To remove these uncertainties, the LENGA NVPP is to be removed. The default provisions of Clause 52.17 (Native Vegetation) will apply at the time development comes forward. This embeds the same 'avoid', minimise and off-set approach toward native vegetation as applies presently. Planning decisions can then be made based on conditions of the day and the most current survey information. Property owners will have the option of preparing property vegetation plans under Clause 52.17, which may suit larger staged developments.

Despite the NVPP being removed, it is proposed that the document that forms the basis for the NVPP be placed in the scheme as a background document. There was substantial work and consultation with the relevant State Government Department of the day (Now Department of Energy, Environment and Climate Action) and it still has value as a starting point for considering native vegetation retention or removal in the precinct for future developments as they occur.

Environmental Audit Overlay

The current planning controls for the LENGA do not include an EAO however the current Outline Development Plan does identify a series of wells and boreholes across the site and specifically identifies 135 Palmers Road as containing significant well infrastructure. As part of the current DPO8, it is a requirement that potential land contamination be investigated.

Council have undertaken a thorough review as part of this amendment and found that almost all of the sites in the precinct have had some form of environmental investigation and Council is satisfied that the contamination risk is not present.

Also, as part of the amendment process, Council commissioned a Preliminary Site Investigation for three parcels which determined that the contamination risk is not present.

Therefore, 135 Palmers Road remains the only site in the precinct where contamination high is medium to high and where no investigations have been undertaken. This has led Council to decide that the application of the EAO is the best way for any site contamination to be addressed as part of any future development on this specific site.

Design & Development Overlay Schedule 13 changes

The Design and Development Overlay Schedule 13 applies to Lakes Entrance and is broken up into a number of areas. The LENGA falls into future residential area 14.

The amendment proposes minor changes to the DDO13 to uplift elements of the SFP into the overlay. Specifically, the objectives, application requirements and decision guidelines that are proposed to be added are around the design and layout of subdivision, public realm treatments, landscaping and vegetation retention or removal.

Updates to the Planning Policy Framework

The amendment also proposes to update local policy pertaining to Lakes Entrance at Clause 11.01-1L-04. Again, the changes are minor however they seek to add policy directions that have been derived from the SFP relating to housing diversity, subdivision design, walkability and connectedness.

Simplified planning framework

Overall, the Amendment is required to implement an updated and streamlined planning framework for the precinct. The amendment will set clear expectations for

development and result in a simplified planning framework with the objective of providing greater certainty to developers about infrastructure delivery and precinct specific subdivision requirements.

Removal of the DCPO does not alter the fundamental principle that it is development that pays for essential development infrastructure. Subdivision planning permits will continue to ensure this is the case. This will better reflect the development context of Lakes Entrance.

How does the amendment implement the objectives of planning in Victoria?

The amendment meets the following objectives of planning in Victoria:

a) *to provide for the fair, orderly, economic and sustainable use, and development of land;*

b) *to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*

c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*

d) *to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*

e) *….*

f) *to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e)*

fa) *…*

g) *to balance the present and future interests of all Victorians*

It could be argued that the current planning controls do not provide for fair or orderly planning and are stifling development with unnecessary controls and red tape. The proposed amendment seeks to clarify and streamline the controls which is wholly consistent with the objectives set out above.

How does the amendment address any environmental, social and economic effects?

Environmental effects

Overall, the precinct has many environmental aspects to consider including erosion, bushfire, potential contamination and native vegetation. The SFP and supporting reports have considered the environmental aspects in detail and where required,

precinct specific requirements that are not already addressed within the planning scheme have been included to ensure that environmental factors are adequately addressed in any future planning permit application for development.

It is also noted that the revised Outline Development Plan and the SFP have been amended to include the new 50 metre waterway buffers that were implemented by the State Government at the end of 2025.

Social effects

There is a housing shortage in Victoria and this amendment plays a role in housing supply for East Gippsland by streamlining the controls and making it easier to develop.

Furthermore, the SFP includes specific objectives about connectivity, walkability and open space which are important social elements to the development of growth areas.

Economic effects

The amendment will unlock land that is currently stifled by complex planning controls meaning that housing is more likely to be delivered to the market. This in turn positively affects housing choice and affordability.

There will be positive economic impacts for the Lakes Entrance township as this precinct develops.

Does the amendment address climate change?

The Lakes Entrance Northern Growth Area is an established growth area that is already zoned for residential development and the amendment does not seek to alter this. Overall, the amendment presents a significant review of the growth area which will result in less intensification overall due to significant changes since the land was rezoned, including but not limited to, bushfire considerations, waterway management buffers, native vegetation controls and drainage management practices.

The amendment seeks to prioritise the development of this already zoned area by streamlining the planning controls and making it easier for the land to be developed, albeit to a much lesser density that originally planned for. Furthermore, the supporting and background documents provided, encourage an urban structure that provides connected active transportation, protection of vegetation, protection of waterways and that considers environmental risks such as bushfire.

The revised ODP and the new SFP very clearly articulate the known environmental and climate change risks while also providing a framework for development which addresses active transport, open space, connectedness and built form outcomes.

As outlined above, while a climate change consideration report is not required because the land is already zoned for urban development, the amendment thoroughly considers and addresses climate change in accordance with Ministerial Direction 22.

Does the amendment address relevant bushfire risk?

The Amendment affects land that was rezoned for housing by Amendment C112 Part A in 2014 – where the LENGA precinct was clearly identified as the main housing growth area for Lakes Entrance township.

Amendment C161egip has, nonetheless, considered relevant bushfire policy in Clause 13.02 to ensure that planning for the precinct reflects the requirements and expectations of current policy.

The Bushfire Management Overlay (BMO) applies to northern parts of the precinct, while the remainder is in an identified Bushfire Prone Area. The BMO was applied in 2017 as part of the statewide application of the control.

Bushfire policy and requirements have continued to evolve since Amendment C112 Part A was approved. In particular, Bushfire Attack Levels (BAL) construction requirements for buildings have increased from BAL-19 to BAL-12.5.

Bushfire protection measures will be implemented through the planning permit process. Planning for the precinct identifies measures including the use of perimeter roads and setting back new homes to provide separation between identified hazards (existing and future).

The updated bushfire planning requirements aim to ensure that there will be no net increase in risk to future residents. The revised ODP and the SFP represents an improved 'baseline' by, for example, seeking to provide more clarity around hazard identification and managing future built form response in response to policy.

During the preparation of the new LENGA SFP, land capability assessments considered, amongst other matters, the impacts of BAL requirements alongside slope and vegetation (including future planted state of waterways) to apply best practice setback requirements and understand the impacts on net developable area and housing yield in the precinct. This is clearly articulated in the revised ODP prepared by Beveridge Williams.

Overall, housing yield in the precinct is significantly reduced as a response to current bushfire requirements e.g. to allow for setbacks from vegetation on sloping land and to accommodate setbacks via perimeter roads. The SFP has been updated to reflect these expectations and demonstrate compliance with bushfire planning requirements. The SFP, which will become a background document in the Planning Scheme, contains further guidance that will help to inform future development to address bushfire planning requirements.

Locating urban development adjacent to existing residential development in Lakes Entrance allows for contiguous urban development. This will help to reduce bushfire risk as the broader precinct develops, and the interfaces between urban land and vegetation decrease or become more managed. Further, the amendment continues to ensure that population growth in the precinct that can achieve a radiant heat flux of less than 12.5 kilowatts/square metre as per AS 3959-2009 '*Construction of*

Buildings in Bushfire-prone Areas' where new buildings will have to comply with relevant separation distances.

A Bushfire Assessment Report has been prepared to accompany this amendment to meet the requirements of Clause 13.02. It has been prepared in consultation with the Country Fire Authority (CFA). The Background Report, prepared by East Gippsland Shire Council (2026) also summarises how bushfire policy requirements have informed the preparation of this Amendment.

The recommendations of the Bushfire Assessment Report, along with feedback from the CFA, has been incorporated into the LENGA SFP.

Does the amendment comply with the requirements of any other Minister's Direction applicable to the amendment?

The amendment is consistent with Ministerial Direction on *The form and content of Planning Schemes* by using the correct templates and formatting in the preparation of the amendment.

The amendment complies with Ministerial Direction No. 11 (Strategic Assessment of Amendments) under section 12 of the Planning and Environment Act 1987. This direction ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces and in this case, the raft of background and supporting documents provide a clear strategic framework for the amendment.

The amendment will be consistent with the *Ministerial Direction 15 The Planning Scheme Amendment Process* under Section 12(2) of the Act. The amendment is able to meet timeframes set out by this direction. If timeframes cannot be met, exemptions will be sought.

The amendment is also consistent with Ministerial Direction 1 (Potentially Contaminated Land). The land is already zoned for residential development and the current controls seek to require potential contamination to be investigated as part of the Development Plan process. Many of the lots within the precinct have had studies done to confirm that contamination is not present and so it did not seem like good planning practice to retain this requirement in the DPO. Instead, this amendment proposes to apply the EAO one parcel where contamination risk is likely and needs further investigation.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The land is already zoned and identified in the East Gippsland Planning Scheme as a housing growth area for Lakes Entrance.

Amendment C161egip proposes changes to the planning scheme to improve the overall efficiency, clarity and operation of the planning controls that currently apply to the land.

The intended outcomes continue to be supported by State policy, which are considered in the Background Report (May 2026) that supports this Amendment.

Amendment C161egip supports the aims of Clause 11 (Settlement) to anticipate and respond to the needs of existing and future communities through the provisions of, amongst other outcomes, zoned and serviced land for housing.

Strategies in 11.01-1S (Settlement) support the intent of Amendment C161egip, which aim to:

- guide the structure, functioning and character of each settlement taking into account municipal and regional context frameworks.
- ensure land that may be required for future urban expansion is not compromised.

Clause 11.02-1S (*Development Capacity*), has the objective to 'ensure sufficient development opportunity is available to mee the needs of current and future Victorian's'. This includes ensuring that there is development capacity to meet housing targets.

The proposed amendment seeks to maintain sufficient supply of housing land while also establishing realistic development expectations based on an updated understanding of landscape considerations in response to, for example, current bushfire setback requirements.

A range of other policies are relevant to housing growth and supply, settlement planning and key environmental, landscape and environmental risks relevant to development in the LENGA. These include:

- Clause 11.01-1L-04 – *Lakes Entrance* - sets out the general intent for growth in Lakes Entrance and identifies the LENGA as 'residential supply' i.e. housing growth area, on the Lakes Entrance Framework Plan.
- Clause 12.01-2S – *Native Vegetation Management* – the principle of 'no net loss' to biodiversity.
- Clause 12.02-1S *Protection of the marine and coastal environment*
- Clause 12.03-1S and 12.03-1L– *River and riparian corridors, waterways, lakes, wetlands and billabongs* – to protect and enhance waterway systems, including river and riparian corridors, waterways, lakes, wetlands and billabongs
- Clause 13.02 – *Bushfire* – to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- Clause 15.01 – *Built Environment* & relevant sub-clauses that set up objectives and strategies for achieving positive outcomes:
    - 15.01-1S – *Urban Design*
    - 15.01-2S – *Building Design*
    - 15.01-3S – *Subdivision Design*

- 15.01-4S – *Healthy Neighbourhoods*
- 15.01-4L – *Health and Wellbeing*

Is the amendment consistent with the delivery of the relevant housing target set out in the Planning Policy Framework?

The amendment will contribute towards East Gippsland's housing target of 11,000 homes by 2051. This growth area is a significant part of the housing needed to meet this target and Lakes Entrance itself is recognised as one of East Gippsland's three main growth towns.

How does the amendment support or implement the Municipal Planning Strategy?

The Municipal Planning Strategy provides local content to support the PPF. The amendment is consistent with the MPS. In particular:

Clause 02.03 (Strategic Directions) which identifies Lakes Entrance as a growth area town. It is supported by the following relevant strategies:

- *Prioritising efficient and effective use of existing zoned urban land*
- *Supporting appropriately designed and located development that complements the built form, character, environmental, topographical and landscape values of its location.*
- *Supporting appropriately designed and located development that complements the built form, character, environmental, topographical and landscape values of its location.*
- *Supporting appropriately designed and located development that complements the built form, character, environmental, topographical and landscape values of its location.*

Does the amendment make proper use of the Victoria Planning Provisions?

As outlined throughout this report and within the supporting documents, the LENGA is a complex precinct that is currently being stifled by planning controls which add to the complexity and do not result in better development outcomes.

The amendment seeks to utilise the Victorian Planning Provisions to simplify and streamline the planning controls which in turn will enable development to occur.

How does the amendment address the views of any relevant agency?

The supporting and background documents were all prepared in consultation with relevant authorities, especially the Country Fire Authority and East Gippsland Catchment Management Authority who visited the site and assisted in the drafting of these documents.

Prior to authorisation an information referral was sent to all relevant referral authorities including Environmental Protection Authority, Country Fire Authority, Department of Transport and Planning (planning and transport units), East Gippsland Water, East Gippsland Catchment Management Authority and Department Environment, Energy and Climate Action. Feedback received has been considered and incorporated into the amendment.

The Amendment will be referred to all relevant referral authorities again as part of the exhibition of the Amendment.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The land is already zoned for the intended purpose and no further changes to the zone are proposed by Amendment C161egip. Anticipated development yield is now calculated to be much lower than originally anticipated due to site constraints and changes in policy and development standards. As such, no significant impacts to the transport system are anticipated and this has been outlined in the accompanying traffic assessment.

How does the amendment have regard to the principles set out in the *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017* in relation to Yarra River land and other land, the use or development of which may affect Yarra River land?

The amendment does not affect any Yarra River land and therefore this Act has not been considered.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

Overall, the amendment will significantly reduce the resource and administrative burden on Council. The assessment and management of Development Plans are a big undertaking for Council and so removing the current complexity will be a positive outcome in terms of time and resources.

Also, the removal of the Development Contributions Plan Overlay Schedule 1 from the subject land will remove the administrative, legal and financial resourcing and cost implications associated to the DCP and delivery of infrastructure projects.

Attachment 1 – Mapping reference table

Location	Mapping Reference	Address	Proposed Overlay changes	Proposed deletion changes
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	4 Apollo Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	17 Blairs Road LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	19 Blairs Road LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	29 Blairs Road LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	59 Blairs Road LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	41 Colquhoun Road LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	37 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	41 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	43 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	45 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO

Location	Mapping Reference	Address	Proposed Overlay changes	Proposed deletion changes
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	47 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	49 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	51 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	52 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	53 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	55 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	57 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	59 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	63 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	65 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	67 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO

Location	Mapping Reference	Address	Proposed Overlay changes	Proposed deletion changes
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	69 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	71 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	73 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	75 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	77 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	78 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	79 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	80 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	81 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	82 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	83 Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO

Location	Mapping Reference	Address	Proposed Overlay changes	Proposed deletion changes
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	52A Country Club Drive LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	3 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	5 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	19 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	20 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	22 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	23 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	24 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	25 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	26 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	27 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO

Location	Mapping Reference	Address	Proposed Overlay changes	Proposed deletion changes
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	28 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	29 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	30 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	31 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	32 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	33 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	34 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	35 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	36 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	37 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	38 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO

Location	Mapping Reference	Address	Proposed Overlay changes	Proposed deletion changes
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	39 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	45 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	54 Lady Harriet Drive LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	3 Latrobe Street LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	4 Latrobe Street LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	3 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	5 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	9 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	11 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	13 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	14 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08

Location	Mapping Reference	Address	Proposed Overlay changes	Proposed deletion changes
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	15 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	16 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	17 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	18 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	19 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	20 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	22 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	24 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	25 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	26 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	27 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08

Location	Mapping Reference	Address	Proposed Overlay changes	Proposed deletion changes
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	28 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	29 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	30 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	31 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	32 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	33 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	34 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	35 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	36 Lawson Drive LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	4 Lochard Terrace LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	8 Lochard Terrace LAKES ENTRANCE VIC 3909		D-DPO08

Location	Mapping Reference	Address	Proposed Overlay changes	Proposed deletion changes
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	10 Lochard Terrace LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	12 Lochard Terrace LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	14 Lochard Terrace LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	15 Lochard Terrace LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	16 Lochard Terrace LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	18 Lochard Terrace LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	20 Lochard Terrace LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	22 Lochard Terrace LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	15A Lochard Terrace LAKES ENTRANCE VIC 3909		D-DPO08
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	3 Luke Court LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	4 Luke Court LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO

Location	Mapping Reference	Address	Proposed Overlay changes	Proposed deletion changes
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	5 Luke Court LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	6 Luke Court LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	7 Luke Court LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	8 Luke Court LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	10 Luke Court LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	11 Luke Court LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	12 Luke Court LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	156 Myer Street LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	162 Myer Street LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	170 Myer Street LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	176 Myer Street LAKES ENTRANCE VIC 3909		D-DCPO

Location	Mapping Reference	Address	Proposed Overlay changes	Proposed deletion changes
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	176A Myer Street LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	16 Ostlers Road LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	38 Ostlers Road LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	39 Ostlers Road LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	51 Ostlers Road LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	59 Ostlers Road LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	106 Ostlers Road LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	112 Ostlers Road LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	55 Palmers Road LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	90 Palmers Road LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	97 Palmers Road LAKES ENTRANCE VIC 3909		D-DCPO

Location	Mapping Reference	Address	Proposed Overlay changes	Proposed deletion changes
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	107 Palmers Road LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	110 Palmers Road LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	125 Palmers Road LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	129 Palmers Road LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	131 Palmers Road LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO Map 55EAO	135 Palmers Road LAKES ENTRANCE VIC 3909	Apply EAO	D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	139 Palmers Road LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	189 Palmers Road LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	189 Palmers Road LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO	191 Palmers Road LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	2 Riviera Court LAKES ENTRANCE VIC 3909		D-DCPO

Location	Mapping Reference	Address	Proposed Overlay changes	Proposed deletion changes
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	3 Riviera Court LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	4 Riviera Court LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	5 Riviera Court LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	6 Riviera Court LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	7 Riviera Court LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	8 Riviera Court LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	9 Riviera Court LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	10 Riviera Court LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	11 Riviera Court LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	12 Riviera Court LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	13 Riviera Court LAKES ENTRANCE VIC 3909		D-DCPO

Location	Mapping Reference	Address	Proposed Overlay changes	Proposed deletion changes
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	14 Riviera Court LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	15 Riviera Court LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	16 Riviera Court LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	17 Riviera Court LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	18 Riviera Court LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	19 Riviera Court LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	19 Riviera Court LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	20 Riviera Court LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	21 Riviera Court LAKES ENTRANCE VIC 3909		D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	4 Stirling Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	55 Stirling Drive LAKES ENTRANCE VIC 3909		D-DPO08 D-DCPO

Location	Mapping Reference	Address	Proposed Overlay changes	Proposed deletion changes
Lakes Entrance Northern Growth Area East Gippsland	East Gippsland C161egip Map 55DPO Map 55DCPO	30 Thorpes Lane LAKES ENTRANCE VIC 3909		D-DCPO

11.01 VICTORIA

31/07/2018
VC148

11.01-1S Settlement

02/09/2025
VC283

Objective

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

Strategies

Plan for the delivery of 2.24 million homes across Victoria by 2051.

Develop sustainable communities through a settlement framework that:

- Offers a range of housing choices.
- Provides convenient access to jobs, services, infrastructure and community facilities.
- Takes into account regional and municipal contexts and frameworks.

Focus investment and growth in:

- Melbourne Central City.
- Metropolitan Activity Centres and Suburban Rail Loop Precincts in Metropolitan Melbourne.
- Priority Precincts (including the Suburban Rail Loop East Precincts).
- Major regional cities of Ballarat, Bendigo and Geelong.
- Regional cities of Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.

Manage the expansion of settlements by:

- Creating and reinforcing settlement boundaries. Where no settlement boundary is identified, limit the expansion of a settlement to the extent of existing urban zoned land.
- Promoting and capitalising on opportunities for urban renewal and infill redevelopment.
- Limiting urban sprawl and directing growth into existing settlements.
- Ensuring land that may be required for future urban expansion is not compromised.

Provide for growth in population and development of facilities and services across a regional or sub-regional network in accordance with housing targets.

Plan for development and investment opportunities that make best use of existing and planned transport infrastructure.

Coordinate transport, communications and economic linkages between settlements through the identification of servicing priorities.

Strengthen transport links on national networks for the movement of commodities.

Deliver networks of high-quality integrated settlements, suburbs and towns that:

- Are great places with a strong identity and sense of place.
- Are inclusive, prosperous, liveable and sustainable.
- Comprise a form and density that supports healthy, active and sustainable transport.
- Are based around compact existing or planned activity centres to maximise accessibility to facilities and services.
- Concentrate retail, office-based employment, community facilities and services in central locations.

Facilitate environmentally resilient settlements by:

- Integrating the management of water resources into the urban environment in a way that supports water security, public health, environment and amenity outcomes.

- Minimising exposure to natural hazards.
- Contributing to net zero greenhouse gas emissions through renewable energy infrastructure and energy efficient urban layout and urban design.
- Supporting metropolitan and regional climate change adaption and mitigation measures.
- Supporting cooling and greening measures for urban areas.

Policy guidelines

Consider as relevant:

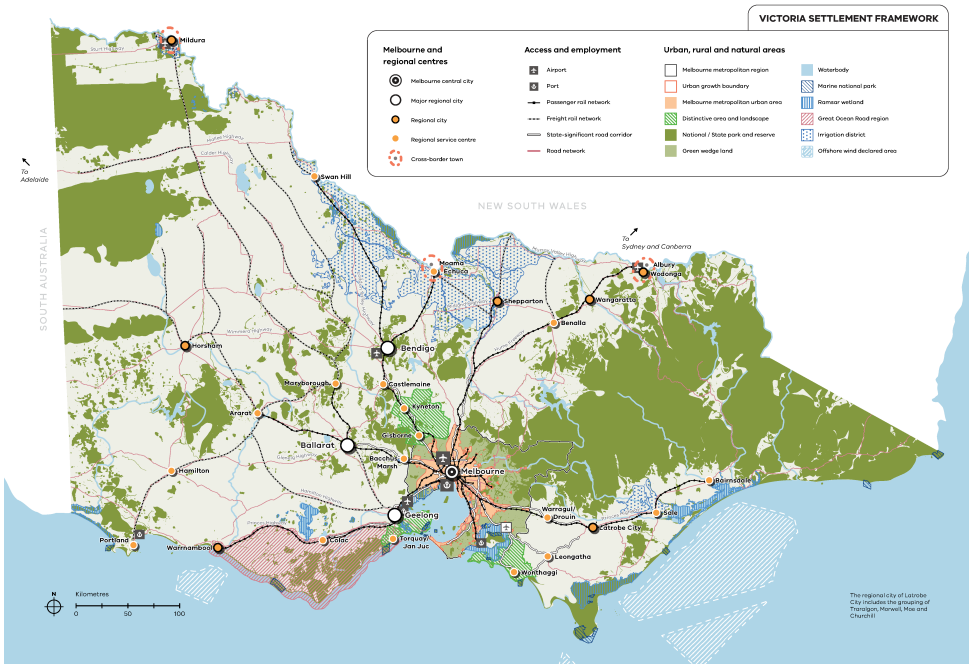
- Any settlement boundary identified in a document incorporated into this planning scheme.

Policy documents

Consider as relevant:

- *Plan for Victoria* (Department of Transport and Planning, 2025)
- *Victoria's housing Statement - The Decade Ahead 2024-2034* (Department of Premier and Cabinet, 2023)

Victoria Settlement Framework Plan



11.01-1R Settlement - Regional Victoria

02/09/2025
VC283

Strategies

Focus regional investment and growth in:

- Major regional cities of Ballarat, Bendigo, Geelong.
- Regional cities of Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.

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

Deliver networks of high-quality integrated regional settlements by:

- Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.
- Developing settlements that will support resilient communities and their ability to adapt and change.
- Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.
- Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.
- Encouraging an integrated planning response between settlements in regions and in adjoining regions and states.
- Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs.
- Improving transport network connections in and between Major regional cities, Regional cities and Melbourne.
- Maintaining distinctive breaks and open rural landscapes between settlements.
- Planning for increased seasonal demand on services and infrastructure in towns with significant visitor accommodation and high holiday home ownership or periodic influxes of workers.

11.01-1R Settlement - Gippsland

02/09/2025
VC283

Strategies

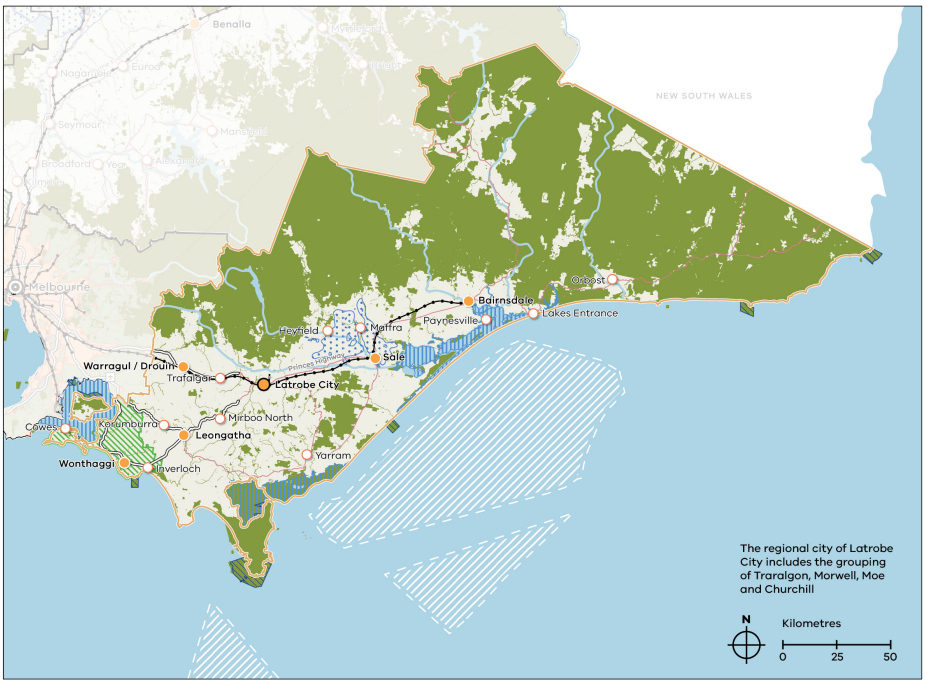
Support urban growth in Latrobe City as Gippsland's Regional city and at Bairnsdale, Leongatha, Sale, Warragul/Drouin and Wonthaggi as Regional service centres.

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

Support the continuing role of Cowes, Yarram, Lakes Entrance, Orbost, Paynesville, Maffra, Heyfield, Trafalgar, Inverloch, Mirboo North, Korumburra and small settlements in providing services to their districts, recognising their relationships and dependencies with larger towns.

EAST GIPPSLAND PLANNING SCHEME

Gippsland Settlement Framework



Gippsland Settlement Framework

Regional cities and towns
- Regional city
- Regional service centre
- District town

Access and employment
- Passenger rail network
- State-significant road corridor
- Road network

Urban, rural and natural areas
- Gippsland region
- National / State park and reserve
- Waterbody
- Distinctive area and landscape
- Marine national park
- Irrigation district
- Ramsar wetland
- Offshore wind declared area

11.01-1L-01 East Gippsland settlements

08/01/2026
C169egip

Strategies

Support settlement growth in accordance with the East Gippsland Settlement Framework Plan at Clause 02.04.

Encourage settlement growth within existing settlement boundaries to enable the efficient, coordinated and sustainable use of land and infrastructure.

Maintain and enhance the distinctive character of towns and settlements across East Gippsland.

Manage the growth of settlements to address natural hazards and protect natural resources, areas of environmental significance and significant landscapes.

Protect the separation between settlements by preserving intervening areas of rural land.

11.01-1L-02 Bairnsdale

08/01/2026
C169egip

Policy application

This policy applies to all land shown in Map 1 to this clause

Strategies

Encourage infill industrial development on serviced industrial land and encourage expansion around Bosworth Road, Holloway Street and Kyle Street.

Avoid further linear expansion of commercial use and development adjacent to the Princes Highway outside the township boundary.

Encourage enhancement of the Mitchell River corridor, restoration of the Port of Bairnsdale and development of a Botanical Gardens in the area between Clifton Creek backwater and the Mitchell River.

Encourage transport businesses and light industry in the Mixed-Use Zone south of the Princes Highway.

Encourage medical related uses and offices in the Mixed-Use Zone at Main Street and Gould Street.

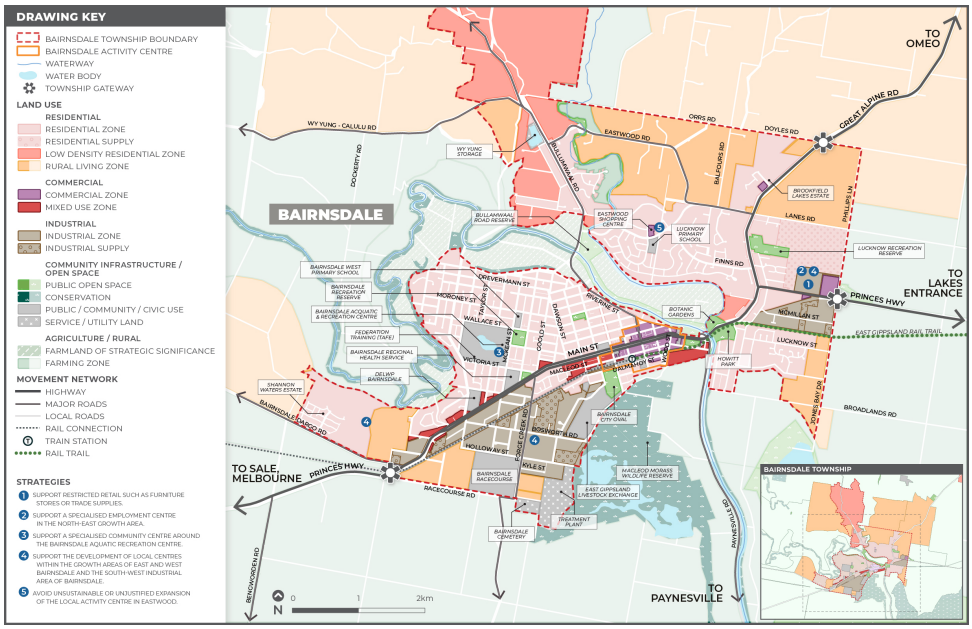
Protect Macleods Morass from adverse impacts of urban uses.

Encourage a consolidated community and recreation node with opportunities for medium density housing and neighbourhood activity centre within 400 metres walking distance of the Bairnsdale Aquatic Recreation Centre.

Consider expansion of the local activity centre in Eastwood where it can be justified and will not detract from the primary activity centre of Bairnsdale or other neighbourhood activity centres.

Support opportunities for low density residential development located close to existing towns where access to infrastructure is available and environmental constraints can be appropriately managed.

Map 1 - Bairnsdale Framework Plan



11.01-1L-03 East Bairnsdale/Lucknow

08/01/2026
C169egip

Policy application

This policy applies to all land shown in Map 1 to this clause.

Objective

To implement the East Bairnsdale/Lucknow Structure Plan.

General strategies

Promote the East Bairnsdale and Lucknow precinct for urban growth with a mix of residential, local scale commercial and industrial uses.

Encourage a diversity of dwelling types to meet a range of housing needs.

Encourage housing renewal along Great Alpine Road.

Ensure development along Princes Highway and at the eastern township gateway provides an attractive entrance to Bairnsdale.

Ensure development positively addresses waterways, passive open space areas, East Gippsland Rail Trail and the Lucknow Recreation Reserve.

Ensure residential development is compatible with land use activities in commercial and industrial areas.

Improve connectivity by providing a movement network that integrates with existing neighbourhoods, employment and recreation facilities.

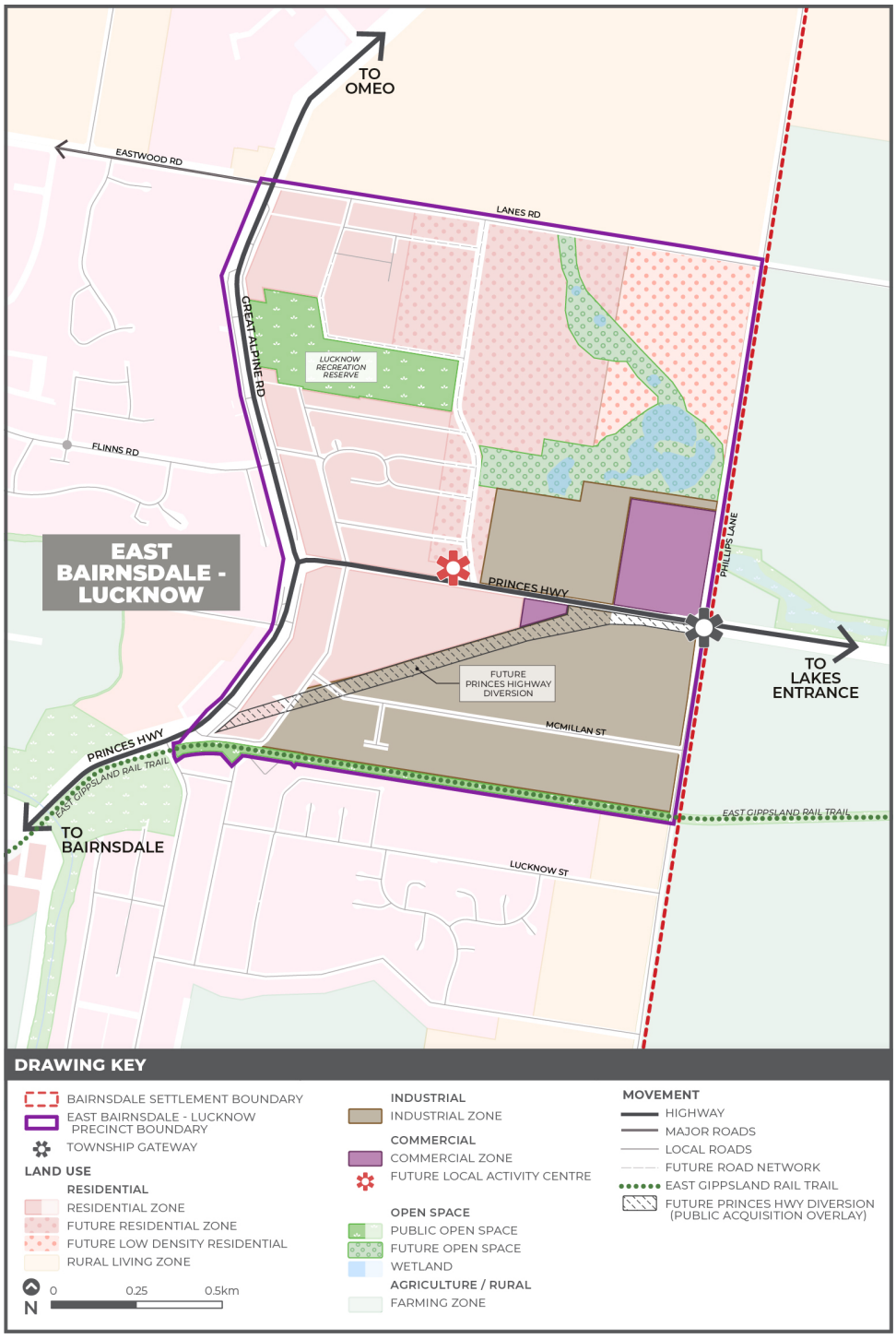
Plan for community and recreation infrastructure, including a multipurpose community centre.

Policy document

East Bairnsdale/Lucknow Structure Plan (2013)

EAST GIPPSLAND PLANNING SCHEME

Map 1 - East Bairnsdale and Lucknow Precinct Plan



11.01-1L-04 Lakes Entrance

08/01/2026 -/-/---- C169egip Proposed C161egip

Policy application

This policy applies to all land shown in Map 1 to this clause and the Rural Living Zones in the Colquhoun area.

Strategies

~~Provide~~Investigate potential sites for additional industrial land in Lakes Entrance ~~as identified on Map 1 to this clause~~.

Ensure subdivision, use and development in the Colquhoun area protects and enhances environmental values through revegetation and rehabilitation.

Improve the town entry by the use of enhanced landscape ~~treatment~~treatments.

Improve linkages between the town centre and the Kalimna residential area.

Encourage the development of the large rural holding north of Kalimna (adjoining North Arm) either for a resort-style development or an integrated residential development with recreational/tourist components.

Improve pedestrian connections in the retail centre between Church Street, The Esplanade, and the foreshore.

Protect and enhance foreshore views along The Esplanade through sensitive building design.

Encourage a variety of recreational and tourism use and development that is well connected to the commercial centre.

Support recreational and tourist opportunities to be located in the western portion of Bullock Island and provide improved linkages between Bullock Island and Lakes Entrance commercial centre.

Encourage housing diversity and development which responds to the topography and natural landscape that is characteristic of Lakes Entrance.

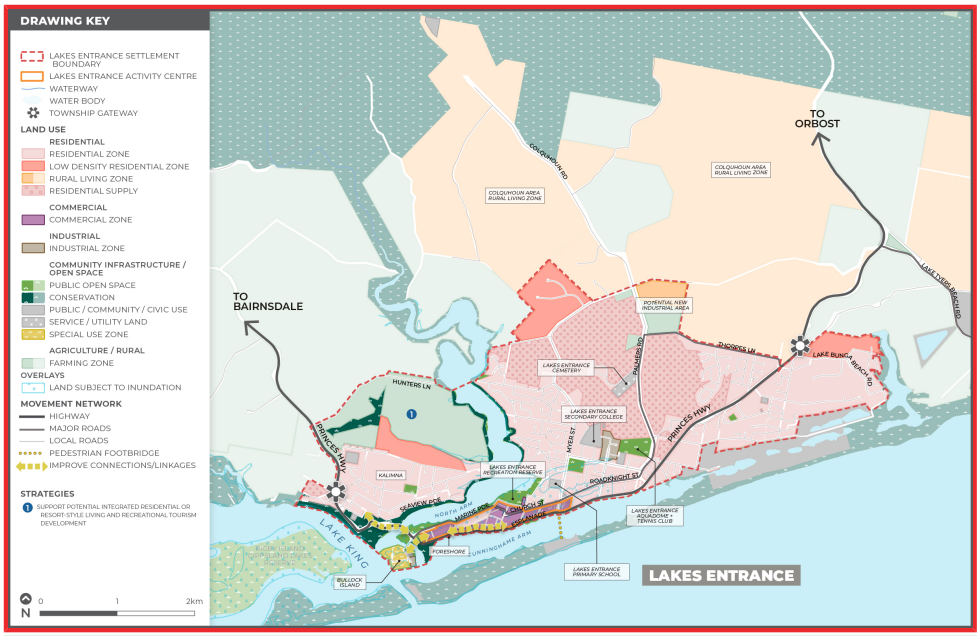
Encourage well designed neighbourhoods which are connected, walkable and create meaningful open space.

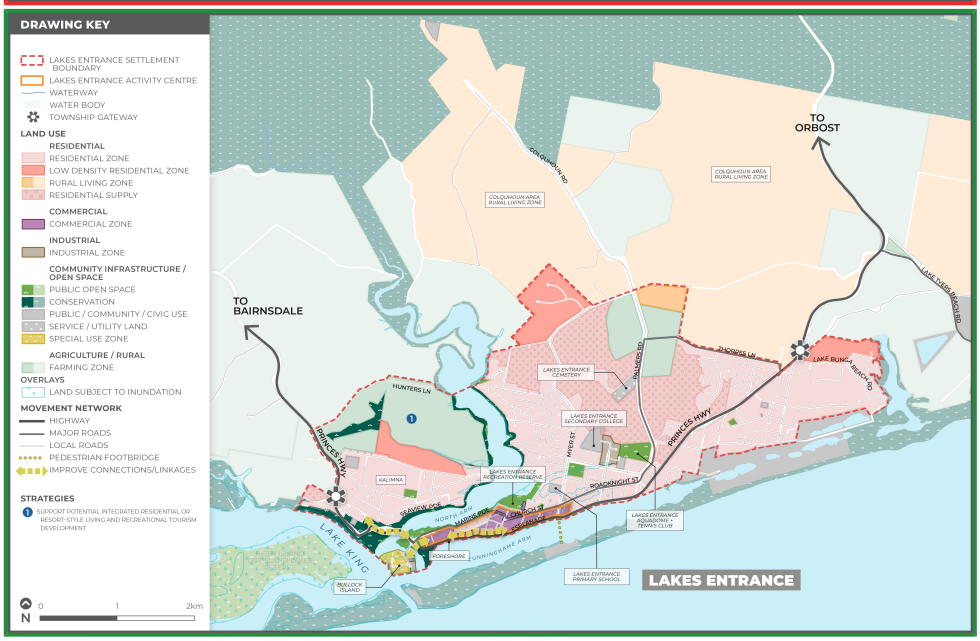
Policy guideline

Consider as relevant:

- Preserving environmental values through revegetation, rehabilitation or fencing on land in the Rural Living Zones in the Colquhoun area.
- The need for an agreement under Section 173 of the Planning and Environment Act 1987 to implement or control future use and maintenance of the rural residential land in the Colquhoun area.
- The strategies and guidelines contained within the *LENGA Strategic Framework Plan* (East Gippsland Shire Council, 2026).

Map 1 - Lakes Entrance Framework Plan





11.01-1L-05 Paynesville

13/01/2026
C172egip

Policy application

This policy applies to all land shown in Map 1 to this clause.

Strategies

Provide a variety of lot sizes and housing types to meet community needs.

Expansion of the town westwards should occur generally in accordance with the Paynesville Framework Plan to this clause.

Promote higher residential densities in proximity to areas of high amenity in particular the activity centre, open space and recreational areas.

Provide network linkages between residential, commercial, recreation, activity centre areas, the foreshore, the waterfront and the rural hinterland.

Provide coordinated, orderly and integrated serviced development within growth areas with appropriate developer contributions.

Encourage high quality tourism and eco-tourism facilities that facilitate year-round visitation.

Promote a high quality, integrated tourist accommodation facility at the township entrance generally in accordance with the Paynesville Framework Plan to this clause.

Encourage the maritime industry (including marinas and workshop facilities) and service industry to locate in the Slip Road precinct.

Ensure retail and commercial activities located outside the Paynesville Town Centre do not adversely affect its primary role.

Provide a distinct separation between the townships of Eagle Point and Paynesville incorporating extensive open space areas.

Provide a distinctive visual transition into Paynesville by establishing expansive green edges abutting entry roads while maintaining vistas to the Gippsland Lakes.

Protect and enhance Paynesville's significant landscapes, wetland and foreshore areas and the environmental values of the Gippsland Lakes.

Policy document

Paynesville Growth Area Structure Plan (East Gippsland Shire Council, 2016 updated 2025).

Map 1 - Paynesville Framework Plan



11.01-1L-06 Nicholson

08/01/2026
C169egip

Policy application

This policy applies to all land shown in Map 1 to this clause.

Strategies

Manage township growth to protect and enhance the environmental and landscape values of Nicholson.

Encourage consolidation of undeveloped and underutilised land in the Township Zone.

Encourage the development of infill commercial and tourism opportunities on sites with frontage to the Princes Highway.

Improve pedestrian connections adjacent to the Princes Highway from residential areas to the rural living areas, including to the Nicholson Primary School.

Improve entry treatments adjacent to the Princes Highway.

Improve linkages between the East Gippsland Rail Trail and the township.

Protect vegetation on road reserves, streamlines and habitat corridors, including Princes Highway.

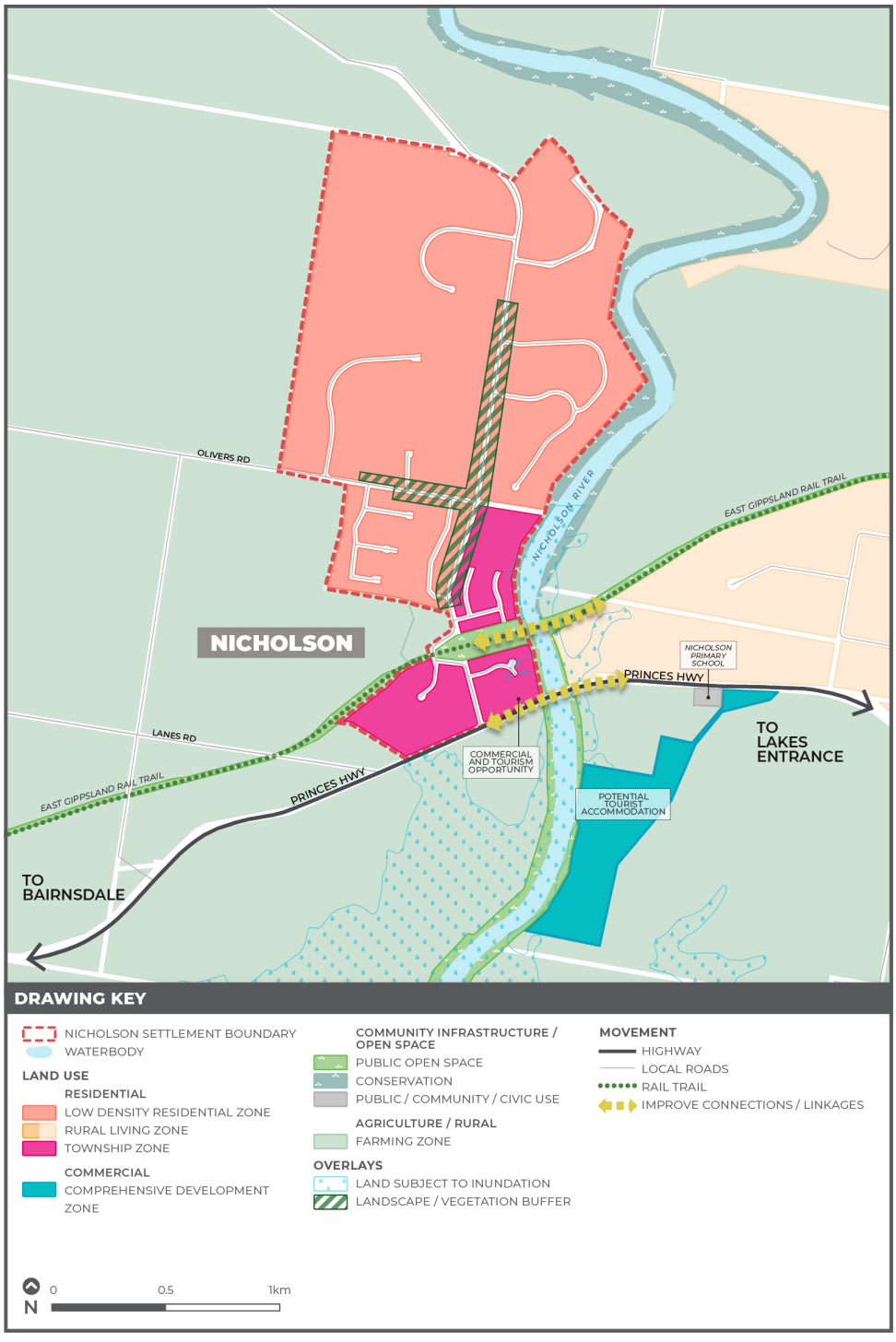
Policy documents

Consider as relevant:

- *Twin Rivers Land Use Plan* (Meinhardt Infrastructure and Environment and Essential Economics, 2012)

EAST GIPPSLAND PLANNING SCHEME

Map 1 - Nicholson Framework Plan



11.01-1L-07 Johnsonville

08/01/2026
C169egip

Policy application

This policy applies to all land shown in Map 1 to this clause.

Strategies

Manage township growth to protect and enhance the environmental and landscape values of Johnsonville.

Protect corridors of vegetation on road reserves, streamlines and habitat corridors including Bumberrah Road, Punt Road and the Tambo River.

Encourage consolidation of land in the Township Zone.

Improve pedestrian connectivity along Princes Highway and between the Princes Highway and the Tambo River.

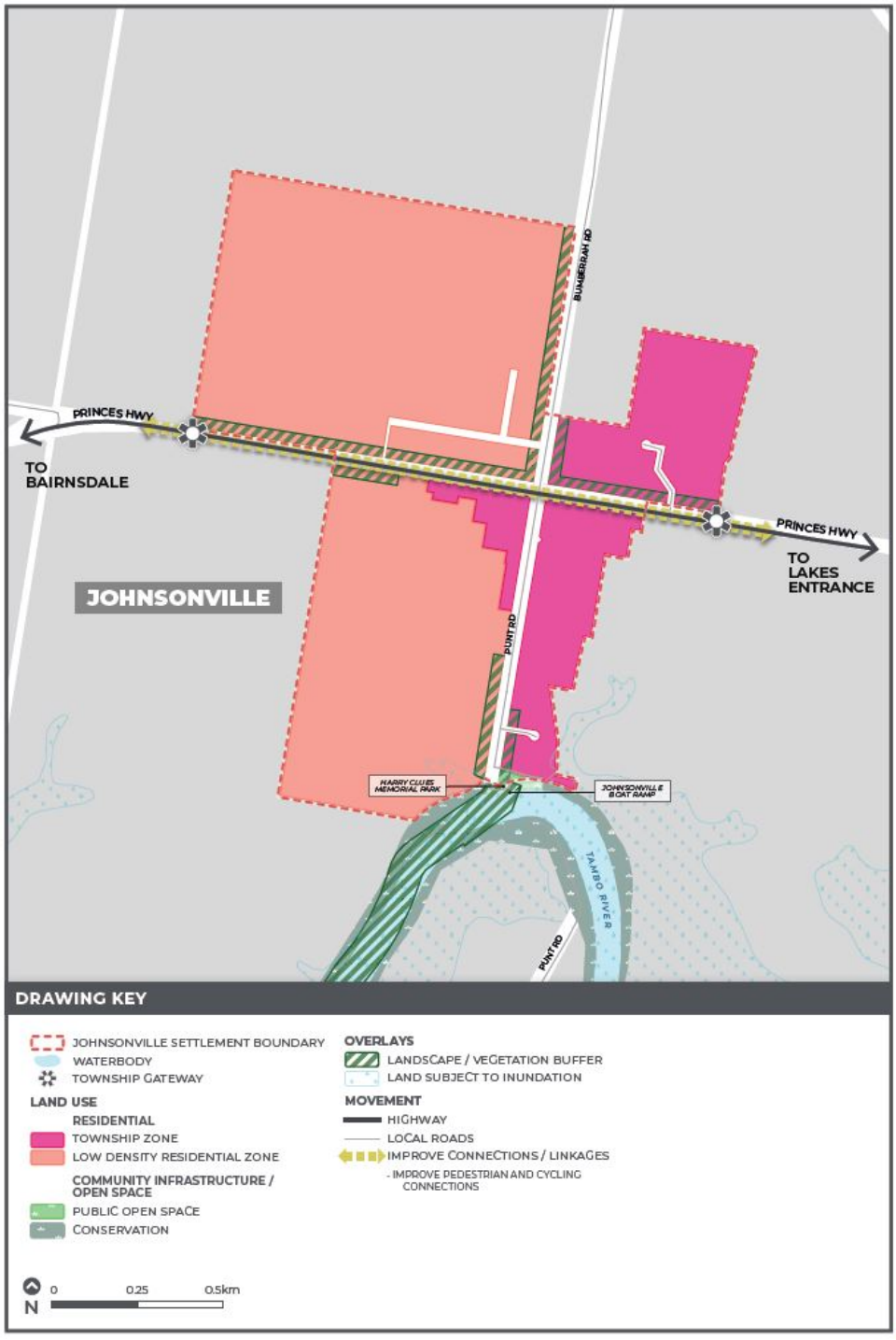
Improve township entry treatments adjacent to the Princes Highway.

Policy documents

Consider as relevant:

- *Twin Rivers Land Use Plan* (Meinhardt Infrastructure and Environment and Essential Economics, 2012)

Map 1 - Johnsonville Framework Plan



11.01-1L-08 Swan Reach

08/01/2026
C169egip

Policy application

This policy applies to all land shown in Map 1 to this clause.

Strategies

Manage township growth to protect and enhance the environmental and landscape values of Swan Reach.

Protect corridors of vegetation in road reserves, streamlines and habitat corridors including Mossiface Swan Reach Road, Old Orbost Road and the Tambo River.

Encourage consolidation of land in the Township Zone.

Improve pedestrian connectivity along Princes Highway and to the Tambo River.

Improve township entry treatments adjacent to the Princes Highway.

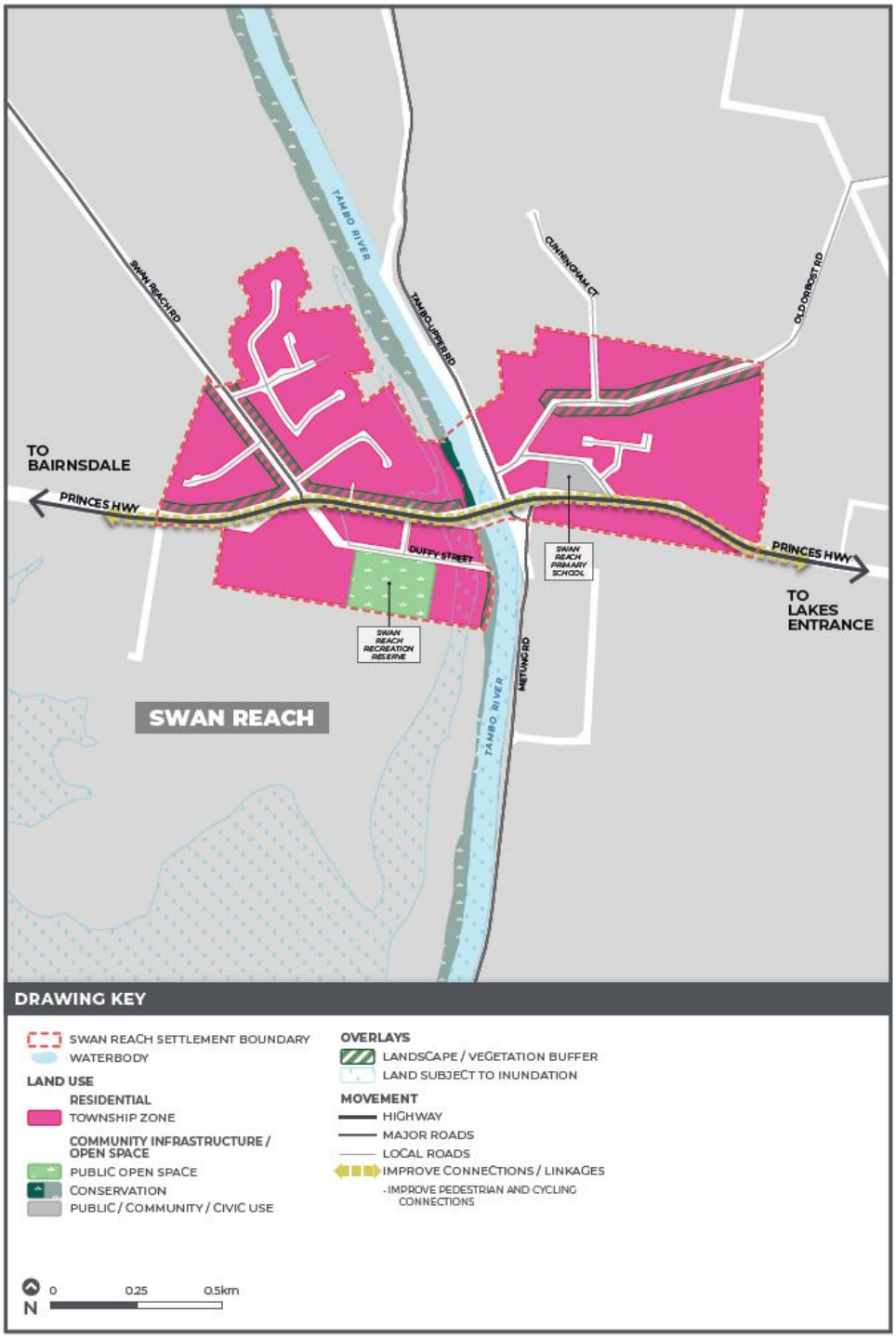
Policy documents

Consider as relevant:

- *Twin Rivers Land Use Plan* (Meinhardt Infrastructure and Environment and Essential Economics, 2012)

EAST GIPPSLAND PLANNING SCHEME

Map 1 - Swan Reach Framework Plan



11.01-1L-09 Omeo

08/01/2026
C169egip

Policy application

This policy applies to all land shown in Map 1 to this clause.

Strategies

Support Omeo as a service town for agricultural activities, rural industry and tourism.

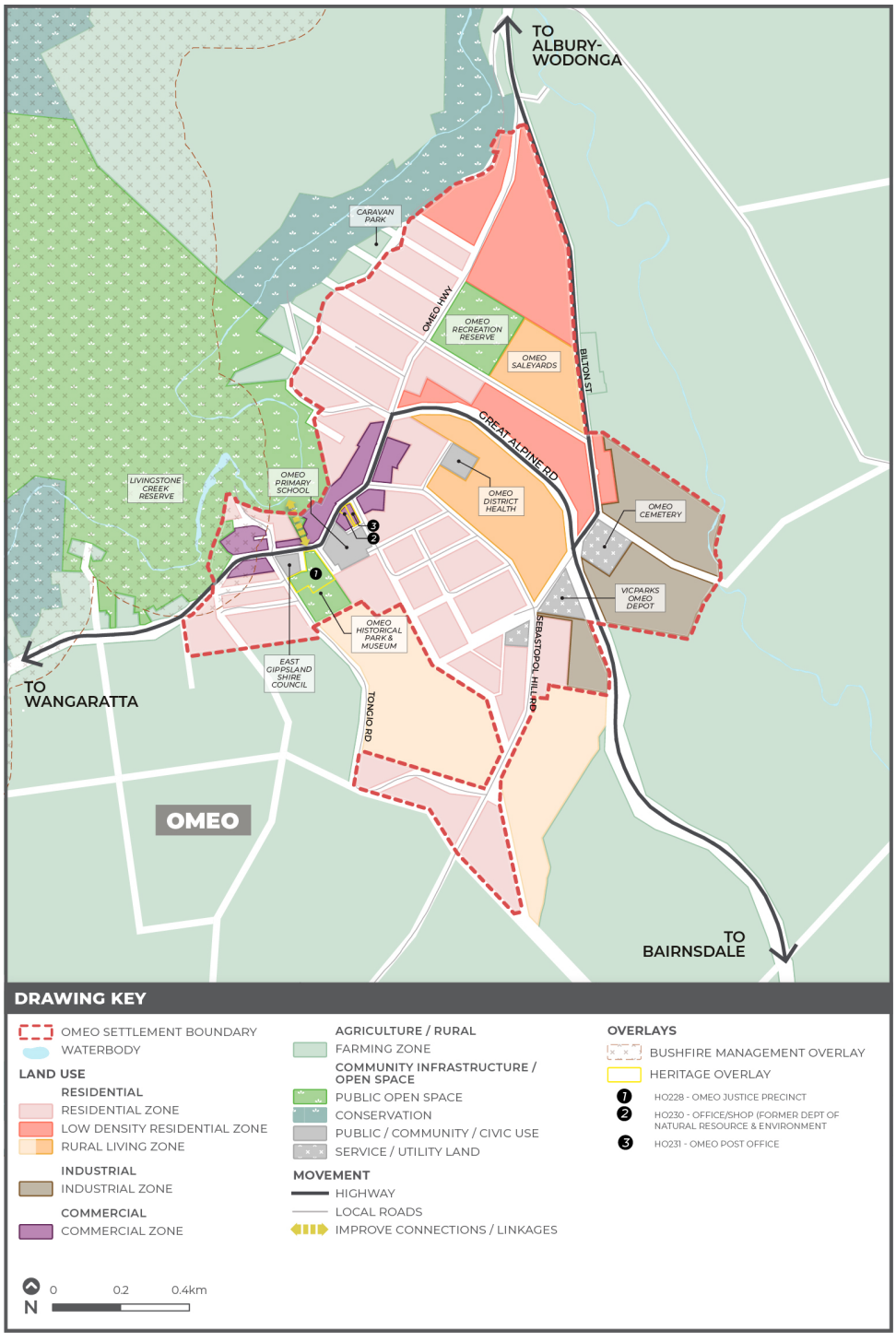
Discourage ribbon development.

Preserve and enhance the character, cultural heritage and landscape values of Omeo and its environs.

Improve linkages between the town and Livingstone Creek.

EAST GIPPSLAND PLANNING SCHEME

Map 1 - Omeo Framework Plan



11.01-1L-10 Orbost/Newmerella

08/01/2026
C169egip

Policy application

This policy applies to all land shown in Map 1 to this clause.

Strategies

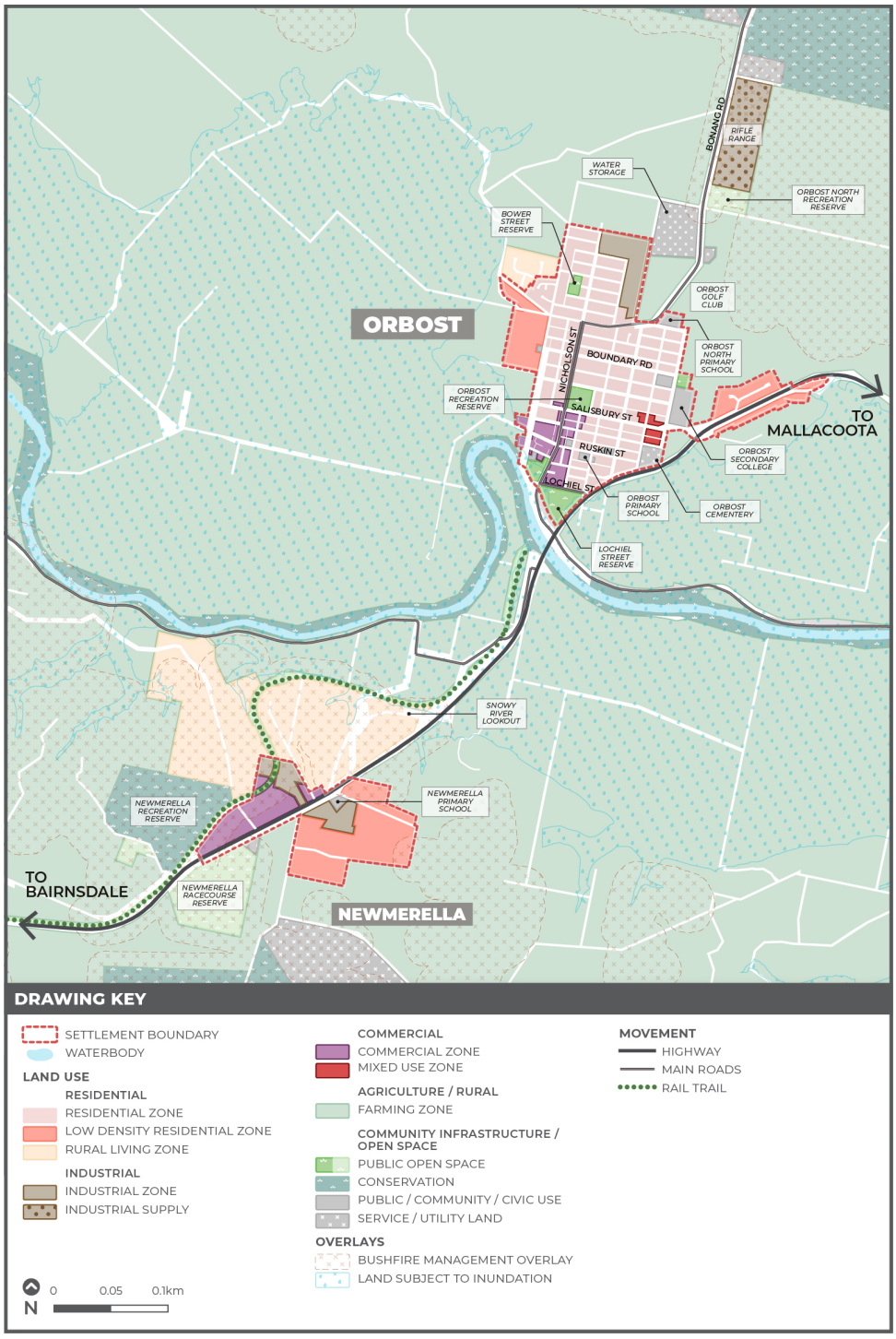
Support Orbost as a service town for agricultural activities and rural industries.

Avoid long term expansion east of Arnold Street until existing infill opportunities are taken up and reticulated sewerage and drainage are available.

Accommodate industrial activities on existing industrial zoned land including the Rifle Range.

EAST GIPPSLAND PLANNING SCHEME

Map 1 - Orbost/Newmerella Framework Plan



11.01-1L-11 Lindenow

08/01/2026
C169egip

Policy application

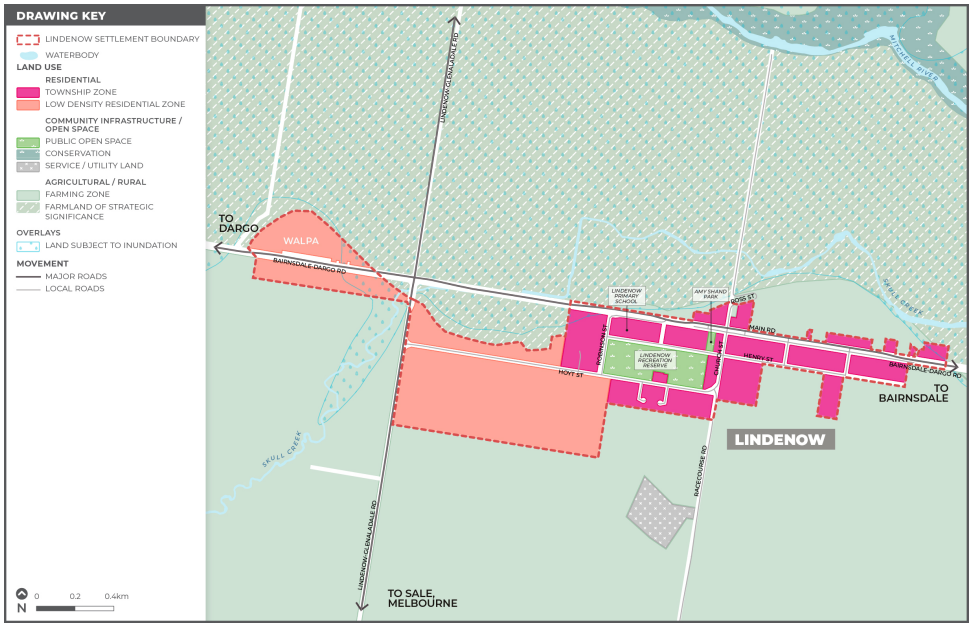
This policy applies to all land shown in Map 1 to this clause.

Strategies

Support development in the local service/commercial centre.

Encourage land uses that facilitate the processing of produce which complement existing agricultural activities in the Lindenow area.

Map 1 - Lindenow Framework Plan



10/10/2019
C153egip

SCHEDULE 13 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO13.**

RESIDENTIAL DEVELOPMENT IN COASTAL SETTLEMENTS: LAKES ENTRANCE

1.0 Design objectives

~~10/10/2019~~ ~~-/-/----~~
~~C153egip~~Proposed C161egip

The following design objectives apply to all areas shown on Map 1 forming part of this clause, including the character areas.

All areas

To protect and manage the township character of coastal settlements.

To ensure that the height and visual bulk of new development is compatible with the coastal neighbourhood setting.

To ensure that new development is designed to minimise visual impacts on the natural landscape.

To ensure that new development is visually and physically integrated with the site and surrounding landscape.

To ensure that new development is sited and designed to be visually unobtrusive through and above the surrounding tree canopy when viewed from the public realm, lakes, coastal areas, or other distant viewpoints.

To protect the vegetated character of the landscape, particularly where it is a dominant visual and environmental feature.

To maintain the generally small mass of buildings in the landscape.

Kalimna (area 3)

To ensure that the design of buildings on prominent ridgelines minimises the impact of the development when viewed from distant viewpoints.

To encourage the planting of indigenous tree species.

Northern residential (area 5)

To encourage the visual enhancement of private land facing the North Arm with natural landscaping.

Inner residential (area 7)

To support intensification while protecting and managing the older character of the area.

Eastern Lakes Entrance tourist accommodation (area 9)

To ensure that new development retains and reinforces the distinctive character of the area which is shaped by single and double storey development and nine (9) metre front garden setbacks.

To ensure that car parking spaces and structures are sited behind the line of the dwelling.

To ensure that the width of crossovers and driveways is minimised.

Princes Highway residential (area 10)

To encourage the development of well-designed medium density development in suitable locations close to the town and water to assist in unifying the area.

Eastern residential (area 11)

To protect existing vegetation on steep slopes.

To ensure that new buildings on steep slopes are designed and sited to minimise impact on the topography and visual impact.

To ensure that development on newly subdivided lots is designed to be sympathetic to the landscape, and to protect and enhance indigenous vegetation.

Eastern low density residential (area 12)

To protect and retain the existing rural residential character of the area and large lot sizes.

To ensure that new buildings are recessive in the landscape.

To encourage further revegetation of the precinct along drainage lines, on steep slopes and around buildings in order to unify the area.

North eastern residential (area 13)

To encourage re-establishment of indigenous vegetation along drainage lines.

Future residential (area 14)

To encourage development of the precinct that minimises visual and environmental impacts.

~~To encourage development of the precinct in discreet stages, working away from the town.~~

To encourage ~~revegetation of the precinct~~ retention of vegetation along drainage lines and on steep slopes.

To encourage shared path connections to town through the precinct.

To ensure that new ~~housing and gardens are~~ development is well integrated with the natural landscape.

To ensure that new subdivisions consider significant landscape features to inform the design and layout of new development.

2.0 Buildings and works

10/10/2019
C153egip

A permit is not required to construct a building or carry out works other than for:

- A building with a height of more 7.5 metres from natural ground level measured within the building footprint.
- A development where the total building area proposed on a site is greater than 300 square metres, except within an approved building envelope.
- A development where the slope of land where the building or works are to be carried out is greater than 15 percent.

For the purpose of this provision, 'total building area' is inclusive of existing buildings to be retained.

3.0 Subdivision

10/10/2019
C153egip

None specified.

4.0 Advertising signs

10/10/2019
C153egip

None specified.

5.0 Application requirements

~~10/10/2019~~ -/-/----
~~C153egip~~Proposed C161egip

An application for buildings and works must include the following information:

- The location of any proposed buildings clearly dimensioned on its allotment.
- Information that describes how the proposal achieves the design outcomes for the settlement as outlined in the decision guidelines of this schedule, in the form of a neighbourhood and site description, and design response.
- The location, type and size of any vegetation to be removed.
- Sufficient spot heights to enable the slope of the site and the slope of the works area(s) to be determined.

- The location, dimensions and depth of any proposed earthworks involving excavations or fill.
- The colour, finishes and materials to be used on all external surfaces, including the roof.
- Proposed new planting or site landscaping works.
- ~~An application for subdivision must include the location, type and size of trees to be removed.~~

An application for subdivision must include following information:

- The location, type and size of any vegetation to be removed.
- Details of the public realm treatments including street trees, lighting, furniture and gateway entry points.
- Proposed landscaping works in open space areas, streetscapes and drainage reserves.

6.0 Decision guidelines

~~10/10/2019 -/-/----~~
~~C153egip~~Proposed C161egip

Before deciding on an application, the responsible authority must consider, where appropriate, the following decision guidelines that apply to the areas shown on Map 1 forming part of this clause.

All areas

- The design objectives of this schedule.
- ~~The vision statements, objectives and strategies at Clause 21.06-2, Strategies for Sub-regions, Towns and Localities (Lakes & Coastal).~~
- ~~Any relevant siting and design guidelines prepared by the Victorian Coastal Council or the Gippsland Coastal Board.~~
- Any design guidelines established for the site through covenants, Section 173 Agreements or similar statutory mechanisms.
- The extent of any vegetation to be cleared and the impact of that clearance on the landscape setting of the locality.
- ~~The need for and purpose of proposed vegetation removal.~~
- Whether the buildings and works are sited and designed to avoid impacts from retained vegetation.
- Whether the proposal is well integrated with the landscape through the planting of new and replacement indigenous or native trees and understorey.
- Whether the form, design and details of the building are compatible with the landscape setting, and the character of nearby or adjacent buildings.
- Whether the building materials and colours are low-reflective and reduce contrast with the landscape and distant visibility.
- The effect of the bulk, siting and design of any proposed building on the general appearance of the area, particularly when viewed from adjacent waterways, beaches, tourist routes or viewpoints.
- Whether the roof form of the building sits generally below the prevailing tree canopy.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms that follow the natural slope of the land and reduce the need for site excavation and filling.
- Whether, in locations adjacent to the coast or the coastal reserve, the building demonstrates a high standard of 'light weight' contemporary design (i.e. avoiding predominantly heavy masonry

construction, utilising a mix of visually lighter building materials, and using elements such as timber decks and balconies etc.), and is well screened from the water and beach areas.

- The impact of any new development on adjoining public land.

In relation to a proposed subdivision:

- The effect of any proposed subdivision or development on the environmental and landscape values of the site and of the local area, including the effect on streamlines, foreshores, wetlands, areas of remnant vegetation or areas prone to erosion.
- The need to contribute, where practicable, to the development of pedestrian walkways, to link residential areas and to provide access to community focal points, public land and activity areas such as commercial or community precincts, recreation areas or foreshore areas.
- Whether the proposed subdivision layout provides for the protection of existing natural vegetation, drainage lines, wetland areas and sites of cultural or heritage significance.
- Whether the potential for wildlife corridors through the area has been retained or created by limiting fencing and maintaining indigenous and native vegetation.
- The provision for water sensitive urban design.
- Provision in the design for the impact of coastal processes (the impacts from wind, waves, floods, storms, tides, erosion) on foreshore areas.
- Whether the allotment frontage width is consistent with the typical width of existing allotments in the locality.
- Whether the proposed subdivision layout relates sympathetically to the topography of the site and the surrounding land uses.

Kalimna (area 3)

- On prominent ridgelines, whether the design any proposed buildings minimises the impact of the development from distant viewpoints.
- Whether the proposal includes the planting of indigenous tree species.

Northern residential (area 5)

- On properties facing the North Arm, whether the proposal includes natural landscaping.
- Inner residential (area 7)
- Whether the proposal facilitates the protection and enhancement of the older character of the area.

Eastern Lakes Entrance (area 9)

- Whether the proposed development retains and reinforces the existing character of the area.
- Whether the proposal minimises the dominance of any car parking spaces and structures by siting them behind the line of the dwelling.
- Whether the proposal minimises the width of crossovers and driveways.

Princes Highway residential (area 10)

- Whether the proposed development serves to unify the area and is appropriate to the location.

Eastern residential (area 11)

- On steep slopes, whether the proposal protects existing vegetation.

- On steep slopes, whether proposed buildings are designed and sited to minimise impact on the topography and visual impact.
- On newly subdivided lots, whether the design of proposed buildings and landscaping is sympathetic to the landscape, and whether the protection and enhancement of indigenous vegetation is provided.

Eastern low density residential (area 12)

- Whether the proposal protects and retains the existing rural residential character of the area.
- Whether any proposed buildings are recessive in the landscape.
- Whether the proposal includes further revegetation of the precinct along drainage lines, on steep slopes and around buildings.

North eastern residential (area 13)

- Whether the re-establishment of indigenous vegetation along drainage lines is included in the proposal.

Future residential (area 14)

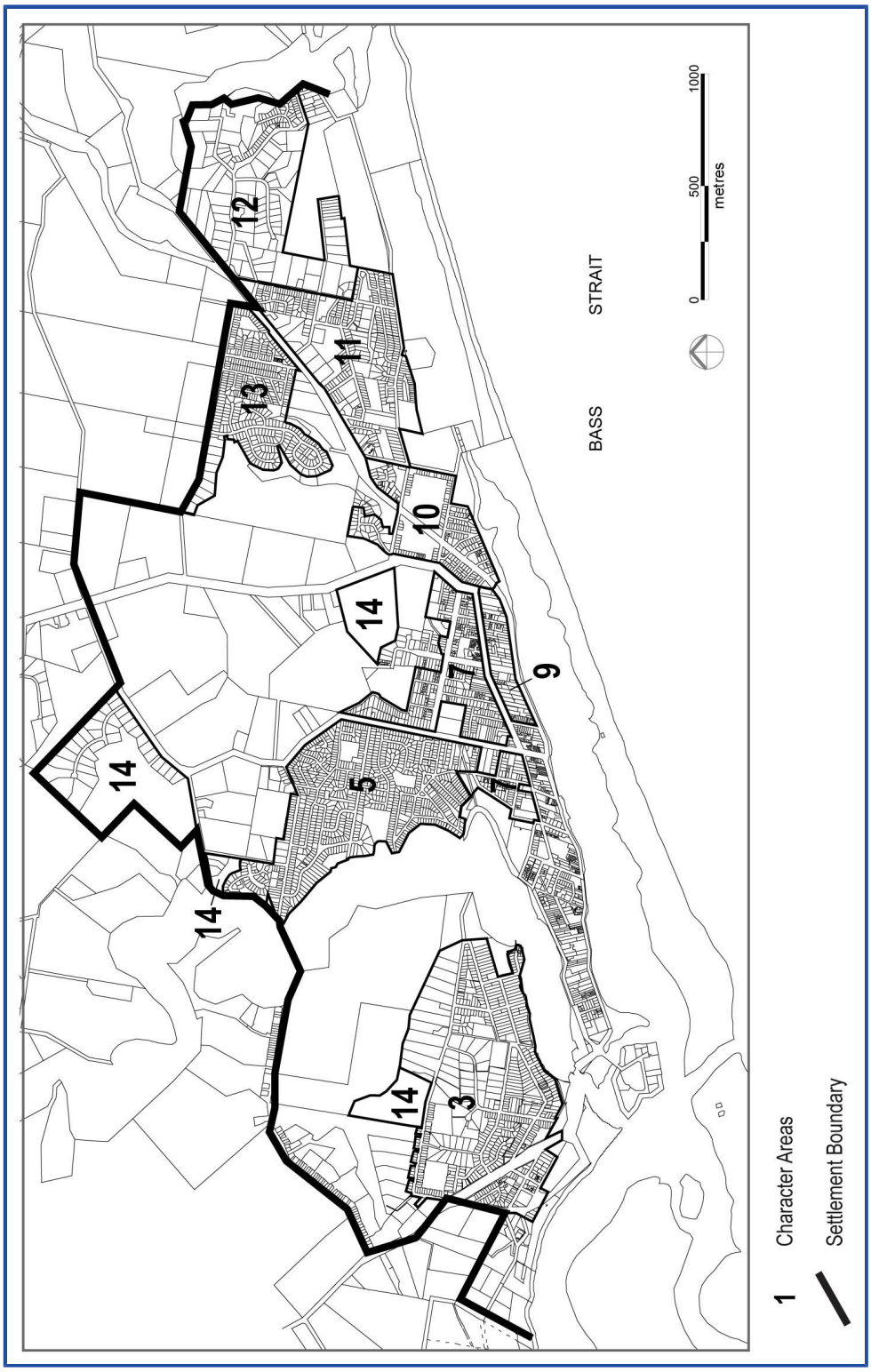
- Whether development minimises visual and environmental impacts and is well integrated with the natural landscape.
- ~~Whether the proposal facilitates the development of the precinct in discreet stages.~~
- Whether revegetation along drainage lines and on steep slopes is included in the proposal.
- Whether shared path connections to town are included in the proposal.
- Whether the proposal has responded to significant landscape features in its design and layout.

~~7.0~~ ~~Background documents~~

~~*Lakes Entrance Urban Design Framework*,~~ ~~(Meinhardt Infrastructure and Environment, March 2007).~~

Map 1 to the Schedule to Clause 42.03

EAST GIPPSLAND PLANNING SCHEME



EAST GIPPSLAND PLANNING SCHEME

10/10/2019 C153egip

SCHEDULE 8 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO8**.

LAKES ENTRANCE NORTHERN GROWTH AREA

1.0 Objectives

10/10/2019 -/-/---- C153egip Proposed C161egip ~~None specified.~~ To create a series of connected, diverse and sustainable residential neighbourhoods.

To establish a safe, legible and connected movement network.

To create a network of open spaces that support active lifestyles and preserve natural features.

To ensure that development integrates with the natural features of the area.

To create distinctive streetscapes which reflect the natural landscape character of the growth area.

2.0 Requirement before a permit is granted

10/10/2019 -/-/---- C153egip Proposed C161egip ~~The responsible authority may grant a permit before a development plan has been prepared to:~~

- ~~subdivide land provided that each lot is not less than 10,000m2 (1ha) in area.~~
- ~~Remove or lop native vegetation.~~
- ~~Construct a building or construct or carry out works associated with an existing use.~~

A permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority.

~~Any permit granted before a development plan has been prepared must not compromise the strategic objectives of the development plan.~~

3.0 Conditions and requirements for permits

10/10/2019 -/-/---- C153egip Proposed C161egip ~~**Conditions and requirements for permits**~~

~~None specified.~~

~~**Application requirements**~~

The following ~~information must be provided with any permit application for subdivision, as appropriate~~requirements apply to permits:-

- ~~A site analysis plan.~~
- ~~The proposed subdivision layout.~~
- ~~A plan showing existing and proposed levels to Australian Height Datum (AHD), including levels at the top and base of any cut and fill.~~
- ~~An assessment demonstrating that the proposal is generally in accordance with the approved background document Lakes Entrance Northern Growth Area Outline Development Plan (October 2013).~~
- ~~A vegetation plan identifying any vegetation to be removed is generally in accordance with Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan (October 2013).~~
- ~~A site contamination assessment.~~
- ~~An assessment against the requirements of Clause 56.~~
- ~~A stormwater management plan.~~
- ~~A traffic report.~~
- ~~A landscape plan, which identifies existing vegetation proposed to be retained and removed.~~

- ~~A Cultural Heritage Management Plan, if required by the Aboriginal Heritage Act 2006.~~
- ~~Any other relevant requirements.~~

~~Development requirements~~

~~The following development requirements should be achieved with a permit application for subdivision, as appropriate:~~

- ~~The subdivision shall not cause any land outside of the application area to be liable to flooding.~~
- ~~The subdivision shall not result in any additional stormwater flows outside the Lakes Entrance Northern Growth Area.~~
- ~~Stormwater design must be generally in accordance with the background document Northern Growth Area Lakes Entrance Development Concept Plan Hydrology, Water Technology (October 2013).~~
- ~~Any land required for drainage purposes must be transferred to the drainage authority or municipal council at no cost and will not be credited as public open space.~~
- ~~Any land required for passive open space must be transferred, at no cost, to the municipal Council.~~

~~Permit conditions~~

~~All permits to subdivide the land must include conditions to satisfy the following requirements:~~

~~Environmental Management Plan~~ Public Infrastructure Plan Delivery

- ~~Provision of an Environmental Management Plan, to the satisfaction of the responsible authority, that outlines methods to be adopted on site during the construction stage, addressing public safety, amenity, site security, vegetation protection, operating hours, noise and emission control, stormwater and sediment runoff, waste, material reuse, and traffic management.~~

Before a plan of subdivision is certified, the Owners of the land to be subdivided must enter into an Agreement under Section 173 of the Planning and Environment Act 1987 and make application to the Registrar of Titles to have the agreement registered on the title to the land under section 181 of the Act.

~~Landscaping of public land~~ The Agreement must give effect to the Public Infrastructure Plan insofar as it relates to those projects which necessitate contributions from multiple landowners as relevant to the land and specify:

- The timing and responsibility for the delivery of the projects required to support the proposed future development of the land, where those projects require contributions to be made from multiple landowners.
- ~~Prior to the issue of a Statement of Compliance for any subdivision of the land, all public land (this includes public open space and tree, road and drainage reserves) is to be landscaped to a standard to the satisfaction of the responsible authority, which includes, but is not limited to, the following:~~ If relevant, the arrangements for cash contributions to be made to the responsible authority in respect of projects contemplated in the Public Infrastructure Plan to be delivered by other landowners.
  - ~~earthworks to create the final form of the land;~~
  - ~~seeding of grass on all exposed surfaces; and~~
  - ~~tree planting in accordance with a landscape plan approved by the responsible authority.~~

~~Bicycle and pedestrian paths~~

- ~~Prior to the issue of a Statement of Compliance for any subdivision of the land, shared use paths (providing for bicycles and pedestrians) must be provided to the following specifications:~~

- ~~constructed of gravel (or other material suitable to the site) with a minimum width of 2.5 metres and is to the satisfaction of the responsible authority; and~~
- ~~connect externally to other development in the area to avoid paths being isolated.~~

The Agreement must be prepared at the cost of the Owner and be to the satisfaction of the responsible authority.

4.0 Requirements for a development plan

~~10/10/2019 -/-/----~~
~~C153egip~~Proposed C161egip~~**Components of the development plan in accordance with the Lakes Entrance Northern Growth Area Outline Development Plan (October, 2013)**~~A development plan must include the following requirements:

Land use and subdivision

- ~~The development plan should show:~~
  - ~~The opportunities and constraints of the land based on a site analysis, that gives consideration to:~~
  - ~~topography and other natural features;~~
  - ~~existing and new contours and levels;~~
  - ~~existing easements including the overhead electricity transmission lines;~~
  - ~~the existing overlays;~~
  - ~~adjacent land use and development patterns;~~
  - ~~views to and from the land; and~~
  - ~~existing open space, road, bicycle and pedestrian networks.~~

  Site and context analysis.
- ~~The proposed lot and layout pattern that demonstrates:~~
  - ~~the provision of a safe and practical road hierarchy network showing connections to local and arterial roads are generally in accordance with the background document *Lakes Entrance Northern Growth Area Outline Development Plan (October 2013)*;~~
  - ~~a variety of lot sizes to cater for a diversity of housing type and design opportunities are generally in accordance with the background document *Lakes Entrance Northern Growth Area Outline Development Plan (October 2013);*~~
  - ~~the provision of public open space are generally in accordance with background document *Lakes Entrance Northern Growth Area Outline Development Plan (October 2013);*~~
  - ~~the provision of a bicycle and pedestrian path network that is legible and permeable throughout the area are generally in accordance with the background document *Lakes Entrance Northern Growth Area Outline Development Plan (October 2013);*~~
  - ~~the location of any land required for drainage purposes are generally in accordance with the background document *Lakes Entrance Northern Growth Area Outline Development Plan (October 2013), Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan (October, 2013),* and the background document *Northern Growth Area Lakes Entrance Development Concept Plan Hydrology, Water Technology (October 2013);* and~~
  - ~~land provided for community services are generally in accordance with the background document Lakes Entrance Northern Growth Area Outline Development Plan (October 2013) and the background document Lakes Entrance Northern Growth Area Social Impact Assessment (August, 2012).~~

- ~~A road network which is supported by a Traffic Impact Assessment and gives consideration to the location of local roads, road access points onto arterial roads and vehicular access/egress points for properties fronting Palmers Road and Ostlers Road are generally in accordance with the background document *Lakes Entrance Northern Growth Area Outline Development Plan (October 2013).*~~
- ~~A hydrology report that identifies all flow paths, flood extents, flood levels and velocities for existing and proposed conditions are generally in accordance with the background document *Northern Growth Area Lakes Entrance Development Concept Plan Hydrology, Water Technology October 2013)*~~
- ~~A geotechnical assessment of the land to determine the presence of tunnel or gully erosion or would be triggered by the development. If the assessment finds any evidence of this, mitigation measures to prevent erosion should be undertaken.~~
- ~~An assessment of all heritage values (Aboriginal and non-Aboriginal) of the land and an indication of how any such values can be protected and managed.~~
- A ~~Landscape Master Plan to achieve:~~ plan showing the overall layout for the area including developable area, waterways and waterway buffers, drainage networks, vegetation to be
  - ~~streets that are safe and friendly for residents and users;~~
  - ~~entrance treatments and features;~~
  - ~~planting themes that are suitable to the area and will help establish a local identity; and~~
  - ~~a tree planting schedule and~~
  - ~~any vegetation to be retained as part of the Native Vegetation Precinct Plan, offset vegetation, retained vegetation or vegetation is to be managed for the purpose of providing defendable space.~~

  retained, open space, land use and any other notable features.
- ~~Consideration of the findings of a flora and fauna assessment for the land.~~
- ~~A buffer zone of 30m each side of waterways in accordance with the *Water Act 1989* under which identifies the 100 year flood study extent must be set aside for ecological purposes~~
  - ~~The buffer must include a core riparian zone extending to 10 metres on both sides of the waterway which includes riparian vegetation consistent with the relevant Ecological Vegetation Class for the location,~~
  - ~~The remainder of the buffer must include a second outer zone consisting of ground covers, sedges and grasses consistent with the relevant Ecological Vegetation Class for the location~~
  - ~~This buffer zone should also generally accord with the *Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan (October, 2013).*~~
- ~~For land identified in the Neighbourhood Activity Centre, an economic assessment is required to establish the appropriate mix of commercial and retail uses in this area.~~
- ~~The staging of the development.~~

~~Background documents~~Access and Movement

- A Traffic and Movement Assessment.
- A plan showing roads, shared paths and any other connections.

Landscape, Natural Environment & Bushfire Resilience

- A bushfire Assessment Report.
- A drainage strategy.

Open space and recreation

- An open space plan.

Public Infrastructure Plan

A public infrastructure Plan which addresses the following as they relate to drainage and road infrastructure:

~~*Lakes Entrance Northern Growth Area Outline Development Plan (SMEC Urban Pty Ltd, October 2013).*~~

- Identification and sequencing of public infrastructure projects which require contributions from multiple landowners within the growth area.
- Arrangements for coordination between landowners including how the equalisation of land and contributions for infrastructure is to operate.
- Arrangements for public infrastructure to be delivered through works in kind, where relevant.

~~*Northern Growth Area Lakes Entrance Development Concept Plan Hydrology, Water Technology* (Water Technology Pty Ltd, October 2013).~~
~~*Lakes Entrance Northern Growth Area Social Impact Assessment* (East Gippsland Shire Council, August 2012).~~

09/11/2017 GC75

SCHEDULE 1 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as **DCPO1.**

LAKES ENTRANCE NORTHERN GROWTH AREA DEVELOPMENT CONTRIBUTIONS PLAN

1.0

07/08/2014 C112(Part 1)

Area covered by this development contributions plan

This Development Contributions Plan (DCP) applies to Part 1 of the Lakes Entrance Northern Growth Area. This area is shown as DCPO1 in the East Gippsland Planning Scheme maps.

2.0

07/08/2014 C112(Part 1)

Summary of costs

Facility	Total cost $	Time of provision	Actual cost contribution attributable to development $	Proportion of cost attributable to development %
Land Acquisition	$83,800	Refer to DCP	$83,800	100%
Drainage	$4,442,000	Refer to DCP	$4,442,000	100%
Open space- DIL	$1,837,602	Refer to DCP	$1,837,602	100%
Open Space - CIL	$444,000	Refer to DCP	$444,000	100%
Community - CIL	$2,850,000	Refer to DCP	$2,850,000	100%
Community - DIL	$875,000	Refer to DCP	$875,000	100%
Planning	$250,000	Refer to DCP	$250,000	100%
TOTAL	**$10,782,402**		**$10,782,402**	**100%**

Note:	*Contributions are listed in July 2012 values. Under the DCP the contributions are to be adjusted following annual indexation. These figures exclude GST.*

3.0

09/11/2017 GC75

Summary of contributions

Levy type	Types of development contributing	Levy
Development Infrastructure - Residential	*Residential only*	$28,175.46
Development Infrastructure - Commercial	*Commercial only*	$2,336.23
Drainage Levy Catchment A	*All development*	$49,099.72
Drainage Levy Catchment B	*All development*	$43,479.09
Drainage Levy Catchment C	*All development*	$28,243.11
Drainage Levy Catchment D	*All development*	$4,806.41
Drainage Levy Catchment E	*All development*	$67,986.47
Drainage Levy Catchment F	*(Separate drainage scheme and levy, not included in DCP)*	
*Community Infrastructure Levy**	*Residential only*	$3,226.25
Community Infrastructure Levy (after cap)	*Residential only*	$1,150

Levy type	Types of development contributing	Levy
		00

Note:	Contributions are listed in July 2012 values. Under the DCP the contributions are to be adjusted following annual indexation. These figures exclude GST.

The Development Contribution for each demand unit must be adjusted as follows:

- In relation to the costs associated with all infrastructure items other than land, the cost must be adjusted and the contribution amounts recalculated according to the following method:
  - The capital costs of each infrastructure item must be adjusted by reference to the Producer Price Indexes Australia, Victoria (Table 15 Selected Output of Division E - Construction industry, Building Construction Victoria (for buildings) and Road and Bridge Construction Victoria (for roads, bridges, trails, etc) published by the ABS (Series 6427.0) or similar index;
  - The revised infrastructure costs and the adjustment of the contributions must be calculated as at 1 July in each year.
- In relation to the cost of land required under the DCP, the land value must be adjusted by adopting a revised land value for each parcel to be acquired based on the same valuation principles.
- The revised land value and the adjustment of the contributions must be calculated as of 1 July in each year.
- Within 14 days of the adjustments being made, the Responsible Authority must publish a notice of the amended contributions on its website.

The Community Infrastructure Levy (CIL) payable under this Development Contributions Plan (DCP)

Section 46L of the *Planning and Environment Act 1987* sets the maximum CIL amount that can be collected under an approved DCP

If the maximum amount of the CIL which may be collected under an approved DCP is varied under section 46L of the *Planning and Environment Act 1987*, the collecting agency may adjust the amount of the CIL payable under this DCP in accordance with section 46L of the *Planning and Environment Act 1987*.

If the collecting agency adjusts the amount of the CIL payment under this DCP, the collecting agency will publish the adjusted amount of the CIL payable under this DCP on its website.

4.0 Land or development excluded from development contributions plan

15/01/2024
VC249

The Development Contributions Plan applies to all land within Part 1 of the Lakes Entrance Northern Growth Area Main Catchment Area for a period of 30 years, with the exception of any land or development identified in Section 1.7 of the DCP.

The development of land for a small second dwelling is exempt from the requirement to pay a development infrastructure levy and a community infrastructure levy.

Note:	This schedule sets out a summary of the costs and contributions prescribed in the development contributions plan. Refer to the incorporated development contributions plan for full details

EAST GIPPSLAND PLANNING SCHEME

10/10/2019 C153egip

SCHEDULE TO CLAUSE 52.16 NATIVE VEGETATION PRECINCT PLAN

1.0

15/08/2024 C168egip

Native vegetation precinct plan

Name of plan
Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan (October 2013, Amended October 2023)

EAST GIPPSLAND PLANNING SCHEME

31/07/2018
VC148

SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

1.0 Maps comprising part of this planning scheme:

~~13/01/2026~~ ~~--/--/----~~
~~C172egip~~Proposed C161egip

- 1, 1EMO 1ESO1, 1HO, 1RO, 1BMO
- 2, 2EMO, 2ESO1, 2BMO
- 3, 3EMO, 3ESO1
- 4, 4EMO, 4ESO1, 4BMO
- 5, 5EMO, 5ESO1, 5BMO
- 6, 6DDO, 6EMO, 6ESO1, 6HO, 6BMO
- 7, 7DDO, 7EMO, 7HO, 7BMO
- 8, 8DDO, 8EMO, 8ESO1, 8HO, 8BMO
- 9, 9EMO, 9ESO1, 9VPO, 9BMO
- 10, 10EMO, 10ESO1, 10ESO3, 10BMO
- 11, 11EMO, 11ESO1, 11HO, 11BMO
- 12, 12EMO, 12ESO1, 12HO, 12 BMO
- 13, 13EMO, 13BMO
- 14, 14EMO, 14ESO1, 14HO, 14VPO, 14BMO
- 15, 15DDO, 15EMO, 15ESO1, 15HO, 15VPO, 15BMO
- 16, 16EMO, 16ESO1, 16VPO, 16BMO
- 17, 17EMO, 17ESO1, 17ESO3, 17LSIO, 17BMO
- 18, 18DDO, 18EMO, 18ESO1, 18HO, 18BMO
- 19, 19DDO, 19EMO, 19ESO1, 19BMO
- 20, 20DDO, 20BMO
- 21, 21DDO, 21EMO, 21ESO1, 21HO, 21SLO, 21BMO
- 22, 22DDO, 22ESO1, 22HO, 22BMO
- 23, 23DDO, 23EMO, 23EAO, 23SLO, 23VPO, 23BMO
- 24, 24ESO1, 24ESO3, 24BMO
- 25, 25VPO, 25BMO
- 26, 26EMO, 26VPO, 26BMO
- 27, 27EMO, 27ESO1, 27ESO2, 27LSIO, 27VPO, 27BMO
- 28, 28DDO, 28DPO, 28EMO, 28ESO1, 28ESO2, 28HO, 28LSIO, 28SMO, 28VPO, 28BMO
- 29, 29EMO, 29ESO1, 29ESO2, 29LSIO, 29VPO
- 30, 30DDO, 30DPO, 30EMO, 30ESO1, 30ESO2, 30HO, 30LSIO, 30SCO, 30SMO, 30VPO
- 31, 31DDO, 31DPO, 31EMO, 31ESO1, 31ESO3, 31LSIO, 31SCO, 31SLO, 31SMO, 31VPO, 31BMO
- 32, 32DDO, 32EMO, 32ESO1, 32SMO, 32VPO, 32BMO
- 33, 33DDO, 33DPO, 33EMO, 33ESO1, 33ESO2, 33HO, 33LSIO, 33PAO, 33SCO, 33SLO, 33SMO, 33VPO

- 34, 34DDO, 34EAO, 34EMO, 34ESO1, 34ESO3, 34HO, 34LSIO, 34SLO, 34SMO, 34VPO, 34BMO
- 35, 35DDO, 35EMO, 35ESO1, 35VPO, 35BMO
- 36, 36DDO, 36EMO, 36ESO1, 36LSIO, 36VPO, 36BMO
- 37, 37DDO, 37DPO, 37EMO, 37ESO1, 37HO, 37SLO, 37VPO, 37BMO
- 38, 38DDO, 38EMO, 38BMO, 38PAO
- 39, 39DDO, 39EMO, 39ESO1, 39BMO
- 40, 40DDO, 40EMO, 40ESO1, 40LSIO, 40SLO, 40BMO
- 41, 41DDO, 41LSIO, 41SLO, 41BMO
- 42, 42DDO, 42EMO, 42ESO1, 42ESO3, 42LSIO, 42RO, 42SLO, 42BMO
- 43, 43DDO, 43DPO, 43ESO1, 43LSIO, 43SLO, 43BMO
- 44, 44DDO, 44EMO, 44ESO1, 44BMO
- 45, 45DDO, 45BMO
- 46, 46ESO1, 46HO. 46BMO
- 47, 47BMO
- 48, 48DDO, 48EMO, 48ESO1, 48ESO3, 48LSIO, 48RO, 48SMO, 48VPO, 48BMO
- 49, 49DDO, 49EMO, 49ESO1, 49ESO3, 49LSIO, 49SMO, 49VPO, 49BMO
- 50, 50DDO, 50EMO, 50ESO1, 50LSIO, 50SLO, 50SMO, 50VPO, 50BMO
- 51, 51BMO, 51DDO, 51DPO, 51EMO, 51ESO1, 51HO, 51LSIO, 51PAO, 51RO, 51SLO, 51VPO
- 52, 52DDO, 52EMO, 52ESO1, 52LSIO, 52SLO, 52VPO, 52BMO
- 53, 53DDO, 53EMO, 53ESO1, 53IPO, 53LSIO, 53RO, 53SLO, 53VPO, 53PAO, 53BMO
- 54, 54DDO, 54DPO, 54EMO, 54ESO1, 54ESO3, 54HO, 54LSIO, 54VPO, 54BMO
- 55, 55DDO, 55DPO, ~~55DCPO~~55EAO, 55EMO, ~~55EMO,~~ 55ESO1, 55LSIO, 55PAO, 55VPO, 55BMO
- 56, 56DDO, 56EMO, 56ESO1, 56SLO, 56VPO, 56BMO,
- 57, 57DDO, 57EMO, 57ESO1, 57SLO, 57VPO, 57BMO
- 58, 58LSIO, 58SMO
- 59, 59DDO, 59EMO, 59ESO1, 59BMO

EAST GIPPSLAND PLANNING SCHEME

25/11/2022
C162egip

SCHEDULE TO CLAUSE 74.01 APPLICATION OF ZONES, OVERLAYS AND PROVISIONS

1.0 Application of zones, overlays and provisions

~~25/11/2022~~ --/--/----
~~C162egip~~Proposed C161egip

This planning scheme applies the following zones, overlays and provisions to implement the Municipal Planning Strategy and the objectives and strategies in Clauses 11 to 19:

ZONES

- **Low Density Residential Zone** to residential areas not serviced by reticulated sewerage systems.
- **Mixed Use Zone** to areas with a mixed use character.
- **Township Zone** to provide for residential development and a range of commercial, industrial and other uses in a small rural town context.
- **General Residential Zone** to be applied in new or established residential areas where there are minimal constraints to residential development. It provides for moderate growth and diversity of housing.
- **Industrial 1 Zone** to be applied in industrial areas and allows a range of industrial uses and appropriate non-industrial uses
- **Industrial 3 Zone** to areas that provide a buffer zone between Industrial 1 or 2 zones and residential areas including the Maritime industry (including marinas and workshop facilities) and service industry.
- **Commercial 1 Zone** to areas in mixed use commercial centres for retail, office, business, residential, entertainment and community uses.
- **Commercial 2 Zone** to areas that encourage offices and associated business and commercial services.
- **Rural Living Zone** to provide for predominantly residential uses in a rural setting where appropriate land management is exercised.
- **Rural Conservation Zone** to protect and enhance the natural environment for its historic, archaeological, scientific, landscape, faunal habitat and cultural values. Agriculture is allowed, provided it is consistent with the environmental and landscapes values of the area.
- **Farming Zone** to encourage the retention of productive agricultural land and encourage the retention of employment and population to support rural communities.
- **Public Use Zone** to recognise public land use for public utility and community services and facilities.
- **Public Park and Recreation Zone** to areas for public recreation and open space and conserving areas of significance, where appropriate.
- **Public Conservation and Resource Zone** to areas where the primary intention is to conserve and protect the natural environment or resources and also allows associated educational activities and resource-based uses.
- **Transport Zone** to provide for an integrated and sustainable transport system where the use and development of land complements, or is consistent with, the transport system or public land reservation.
- **Special Use Zone** to provide the use of land and development for specific purposes as identified in a schedule to the zone.
- **Comprehensive Development Zone** to provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in the scheme.

EAST GIPPSLAND PLANNING SCHEME

OVERLAYS

- **Environmental Significance Overlay** to areas where the development of land may be affected by environmental constraints such as effects from noise or industrial buffer areas.
- **Vegetation Protection Overlay** to protect significant native and exotic vegetation in an urban or rural environment.
- **Significant Landscape Overlay** to identify, conserve and enhance the character of significant landscapes
- **Heritage Overlay** to conserve and enhance heritage places of natural and cultural significance and ensure that development does not adversely affect the significance of heritage places.
- **Design and Development Overlay** to implement requirements based on a demonstrated need to control built form and the built environment, using performance-based rather than prescriptive controls.
- **Incorporated Plan Overlay** to specify requirements over the development of an area and the plan is incorporated in to the planning scheme after the consideration of third party notice.
- **Development Plan Overlay** to specify requirements over the development of an area.
- **Erosion Management Overlay** to identify land subject to significant erosion hazard.
- **Salinity Management Overlay** to identify land subject to significant salinity and encourage revegetation of areas which contribute to salinity.
- **Land Subject to Inundation Overlay** to land in either rural or urban areas that is subject to inundation from mainstream flooding, but is not part of the primary floodway].
- **Bushfire Management Overlay** to areas identified as having a high bushfire hazard.
- **Public Acquisition Overlay** to land that is proposed to be acquired for a public purpose.
- **Environmental Audit Overlay** to land identified, known or reasonably suspected of being contaminated and that has not satisfied one of the two requirements of the overlay.
- **Restructure Overlay** applies a restructure plan to old and inappropriate subdivisions as a condition of development approval.
- ~~**Development Contributions Plan Overlay** to areas where a Development Contributions Plan is required or is in place.~~
- **Specific Controls Overlay** to allow land to be identified and subject to specific controls to achieve land use or development outcomes that may otherwise be prohibited or restricted under other provisions of the planning scheme.

EAST GIPPSLAND PLANNING SCHEME

20/04/2020
GC112

SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS

1.0 Background documents

06/03/2026 -/-/----
C171egip Proposed C161egip

Name of background document	Amendment number - clause reference
A Land Capability Study of the Cassilis Valley, Swifts Creek. Technical Report No. 27, Centre for Land Protection Research, D. M. Rees (Department of Conservation and Natural Resources, Victoria, 1995)	Clause 44.01s
Draft East Gippsland Native Vegetation Plan (Government of Victoria and East Gippsland Catchment Management Authority, 2000)	Clause 42.02s8
East Gippsland Housing and Settlement Strategy (SGS Economics and Planning, 2023)	C169egip Clause 02.01 Clause 02.03-1 Clause 02.03-6 Clause 11.01-1L Clause 16.01-1L Clause 16.01-2L Clause 16.01-3L Clause 18.01-3L Clause 18.02-4L
Eagle Point Structure Plan (Mesh Urban Planning and Design, 2019 updated 2025)	C171egip - Clause 11.03-4L-12
East Gippsland Shire Municipal Reference Document, Coastal Spaces Landscape Assessment Study (Planisphere, 2006)	Clause 42.03s1 Clause 42.03s2 Clause 42.03s3 Clause 42.03s4 Clause 42.03s5 Clause 42.03s6
East Gippsland Sites of Biological Significance (Department of Natural Resources and Environment, 1997)	Clause 42.01
East Gippsland Soil Erosion Management Plan (Department of Primary Industries, 2009)	Clause 44.01s
Erosion Hazard Map, Bairnsdale Region (1:100,000) based on Aldrick, J. M. et al., A study of the land in the catchment of the Gippsland Lakes (Vols. 1& 2) (Department of Conservation and Natural Resources, Victoria, 1992)	Clause 44.01s
Gippsland Lakes Coastal Action Plan (Gippsland Coastal Board, 1999)	Clause 42.02s2 Clause 42.02s4 Clause 42.02s5 Clause 42.02s6
Gippsland Lakes Environs Survey. D. F. Howe and T. Poutsma (Department of Conservation, Forests and Lands, unpublished)	Clause 44.01s
Infrastructure Design Manual (2020, Local Government Infrastructure Design Association)	GC112 Clause 21.11-6

EAST GIPPSLAND PLANNING SCHEME

Name of background document	Amendment number - clause reference
Input to Twin Rivers Land Use Plan – Economic Assessment of Future land Requirements (Essential Economics Pty Ltd, August 2011)	Clause 43.04s9
Lakes Entrance Northern Growth Area ~~Social Impact Assessment~~Background Report (East Gippsland Shire Council, ~~August 2012~~March 2026)	C161egip Clause ~~43.04s8~~ 11.01-1L Clause 43.02s13 Clause 43.04s8
Lakes Entrance Northern Growth Area Drainage Strategy (Stormy Water Solutions, April 2024)	C161egip Clause 43.04s8
Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan (East Gippsland Shire Council, updated 2023)	C168egip
Lakes Entrance Northern Growth Area Outline Development Plan (Beveridge Williams, 2026)	C161egip Clause 43.04s8
Lakes Entrance ~~Urban Design Framework~~ Northern Growth Area Strategic Framework Plan (~~Meinhardt Infrastructure and Environment, March 2007~~East Gippsland Shire Council, 2026)	C161egip Clause ~~43.02s13~~ 43.04s8
Mallacoota Urban Design Framework (Meinhardt Infrastructure and Environment, March 2007)	Clause 43.02s12
North Arm Action Plan. Friends of North Arm (East Gippsland Shire and Department of Natural Resources and Environment, 1996)	Clause 42.02s7
~~*Northern Growth Area Lakes Entrance Development Concept Plan Hydrology, Water Technology* (Water Technology Pty Ltd, October 2013)~~	~~Clause 43.04s8~~
Paynesville Growth Area Structure Plan (East Gippsland Shire Council, 2016 updated 2025)	Clause 11.01-1L-05
Paynesville Urban Design Framework (Meinhardt Infrastructure and Environment, March 2007)	Clause 43.02s14
Raymond Island Strategy (Shire of Bairnsdale, 1992)	Clause 42.02s2
Revegetation Planting Standards	Clause 43.04s4 Clause 43.04s7
Roadside Management Plan (East Gippsland Shire Council, 1995)	Clause 42.02s1
Salinity Hazard Map, Bairnsdale Region (1:100,000) based on Aldrick, J. M. et al., A study of the land in the catchment of the Gippsland Lakes (Vols. 1& 2) (Department of Conservation and Natural Resources, Victoria, 1992)	Clause 44.02s
The Siting and Design Guidelines for Structures on the Victorian Coast (Victorian Coastal Council, 1998)	Clause 42.03s1 Clause 42.03s2 Clause 42.03s3 Clause 42.03s4 Clause 42.03s5 Clause 42.03s6
Social Impact Assessment Guidelines for Development Applications (East Gippsland Shire Council, 2013).	Clause 15.01-4L
State Overview Report, Coastal Spaces Landscape Assessment Study (Planisphere, 2006)	Clause 42.03s1

EAST GIPPSLAND PLANNING SCHEME

Name of background document	Amendment number - clause reference
	Clause 42.03s2 Clause 42.03s3 Clause 42.03s4 Clause 42.03s5 Clause 42.03s6
Twin Rivers Land Use Plan – Final Report (Meinhardt Infrastructure & Environment Pty Ltd, May 2012)	Clause 43.04s9
Twin Rivers Land Use Plan, Nicholson – Options for future Township Zone growth Desktop Analysis (Meinhardt, 2012)	Clause 43.04s9
Victoria's Native Vegetation Management – A Framework for Action	Clause 43.04s3 Clause 43.04s4 Clause 43.04s7
*Urban Design Frameworks for Bemm River, Eagle Point, Gipsy Point, Lake Tyers Beach, Marlo, Metung, Newlands Arm, Nungurner, Raymond Island and Tambo Bluff (*Meinhardt Infrastructure and Environment, March 2007)	Clause 43.02s11
Urban Waterway Guidelines (East Gippsland Shire Council, March 2013)	Clause 43.04s9

EAST GIPPSLAND PLANNING SCHEME

15/01/2024
VC249

SCHEDULE TO CLAUSE 72.04 INCORPORATED DOCUMENTS

1.0 Incorporated documents

~~08/01/2026~~ ~~--/--/----~~
~~C169egip~~Proposed C161egip

Name of document	Introduced by:
220 Baades Road Subdivision of Approved Development (June 1999)	NPS1
598-610 Main Street, Bairnsdale (November 2021)	C163egip
Bullock Island - Lakes Entrance Concept Plan (November 2011)	C88
Ellasville Road, Nicholson, Subdivision Process	C1
Extract from Lake Tyers Beach and Surrounding Strategy Plan being Plan 4 Residential Opportunities (1991)	C32
~~*Extract from Lakes Entrance Strategy Plan Figure 4.3 Outline Development Plan* (1987)~~	~~C33~~
Fernbank Restructure Plan	NPS1
Glen Wills Restructure Plan (1995, updated 2013)	C116
Healeys Road Overall Development Plan	C63
Hospital Emergency Medical Services - Helicopter Flight Path Protection Areas (Victorian Health Building Authority, October 2024)	GC242
~~*Lakes Entrance Northern Growth Area Development Contributions Plan* (Urban Enterprise, December 2023)~~	~~VC249~~
~~*Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan* (East Gippsland Shire Council, October 2023)~~	~~C168egip~~
Newlands Arm Estate Restructure Plan, Version 7 (March 2017)	C138
Patricia Baleen Gas Plant (June 2014)	C120
Resort Hotel/Motel and Convention Facility Development (May 1999)	NPS1
Stockman Base Metals Project Incorporated Document (2020)	C130
Storth Ryes Boat Harbour and Marina Development (May 1999)	NPS1
Storth Ryes Incorporated Plan (June 2000)	C2
Storth Ryes Service Commercial Centre (May 1999)	NPS1
Tambo Bluff Restructure Plan (2018)	C139egip
Township of Sunnyside Restructure Plan	NPS1

EAST GIPPSLAND PLANNING SCHEME

25/11/2022
C162egip

SCHEDULE TO CLAUSE 74.02 FURTHER STRATEGIC WORK

1.0 Further strategic work

~~06/03/2026~~ ~~-/-/----~~
~~C471egip~~Proposed C161egip

Review of the Coastal Settlements Design and Development Overlays.

Review Heritage Gap Study, prepare local planning policy and update schedule to the Heritage Overlay.

Prepare and implement into the planning scheme the Rural Land Use Strategy.

Monitor the demand and supply of land in the Rural Living and Low Density Residential Zones and review schedules to these zones to increase supply within existing zoned areas, where appropriate.

Review Coastal Inundation and Erosion Policy as part of any update to the flood mapping, policy and schedules, including consideration of the implications of climate change and sea level rise.

Prepare a Planning Scheme Amendment to implement planning controls to protect landfill and water infrastructure.

Investigate rezoning land to facilitate the Paynesville Employment and Emergency Services Precinct in accordance with the Paynesville Growth Area Structure Plan.

Implement rezoning of land parcels immediately adjacent to Lake King from Farming Zone to Public Conservation and Resource Zone upon the completion of the transfer of land process to a Public Land Manager.

Prepare and implement a review of the Bairnsdale Growth Strategy.

Prepare Structure Plans for Lindenow, Omeo, Orbost and Mallacoota.

Review and update the Erosion Management Overlay mapping, schedules and local policy.

Prepare an Industrial land demand and supply analysis.

Review and update the mapping and schedules to the Environmental Significance Overlay.

~~Review and update the development contributions plans for Lakes Entrance Northern Growth Area.~~

Develop built form and development guidelines for medium density housing.

Review and implement East Bairnsdale Lucknow Precinct Structure Plan (November 2013).

In association with the relevant catchment management authority, review and update flood mapping, schedules and policy using best available data and with consideration of climate change, sea level rise and increased rainfall intensity.

11.01 VICTORIA

31/07/2018
VC148

11.01-1S Settlement

02/09/2025
VC283

Objective

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

Strategies

Plan for the delivery of 2.24 million homes across Victoria by 2051.

Develop sustainable communities through a settlement framework that:

- Offers a range of housing choices.
- Provides convenient access to jobs, services, infrastructure and community facilities.
- Takes into account regional and municipal contexts and frameworks.

Focus investment and growth in:

- Melbourne Central City.
- Metropolitan Activity Centres and Suburban Rail Loop Precincts in Metropolitan Melbourne.
- Priority Precincts (including the Suburban Rail Loop East Precincts).
- Major regional cities of Ballarat, Bendigo and Geelong.
- Regional cities of Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.

Manage the expansion of settlements by:

- Creating and reinforcing settlement boundaries. Where no settlement boundary is identified, limit the expansion of a settlement to the extent of existing urban zoned land.
- Promoting and capitalising on opportunities for urban renewal and infill redevelopment.
- Limiting urban sprawl and directing growth into existing settlements.
- Ensuring land that may be required for future urban expansion is not compromised.

Provide for growth in population and development of facilities and services across a regional or sub-regional network in accordance with housing targets.

Plan for development and investment opportunities that make best use of existing and planned transport infrastructure.

Coordinate transport, communications and economic linkages between settlements through the identification of servicing priorities.

Strengthen transport links on national networks for the movement of commodities.

Deliver networks of high-quality integrated settlements, suburbs and towns that:

- Are great places with a strong identity and sense of place.
- Are inclusive, prosperous, liveable and sustainable.
- Comprise a form and density that supports healthy, active and sustainable transport.
- Are based around compact existing or planned activity centres to maximise accessibility to facilities and services.
- Concentrate retail, office-based employment, community facilities and services in central locations.

Facilitate environmentally resilient settlements by:

- Integrating the management of water resources into the urban environment in a way that supports water security, public health, environment and amenity outcomes.

- Minimising exposure to natural hazards.
- Contributing to net zero greenhouse gas emissions through renewable energy infrastructure and energy efficient urban layout and urban design.
- Supporting metropolitan and regional climate change adaption and mitigation measures.
- Supporting cooling and greening measures for urban areas.

Policy guidelines

Consider as relevant:

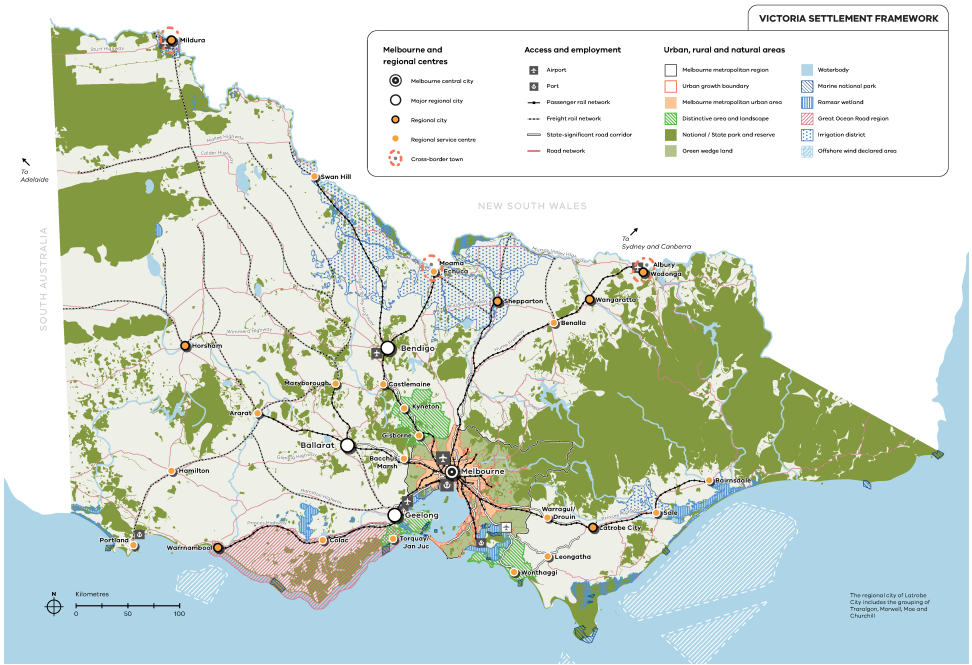
- Any settlement boundary identified in a document incorporated into this planning scheme.

Policy documents

Consider as relevant:

- *Plan for Victoria* (Department of Transport and Planning, 2025)
- *Victoria's housing Statement - The Decade Ahead 2024-2034* (Department of Premier and Cabinet, 2023)

Victoria Settlement Framework Plan



11.01-1R Settlement - Regional Victoria

02/09/2025
VC283

Strategies

Focus regional investment and growth in:

- Major regional cities of Ballarat, Bendigo, Geelong.
- Regional cities of Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.

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

Deliver networks of high-quality integrated regional settlements by:

- Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.
- Developing settlements that will support resilient communities and their ability to adapt and change.
- Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.
- Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.
- Encouraging an integrated planning response between settlements in regions and in adjoining regions and states.
- Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs.
- Improving transport network connections in and between Major regional cities, Regional cities and Melbourne.
- Maintaining distinctive breaks and open rural landscapes between settlements.
- Planning for increased seasonal demand on services and infrastructure in towns with significant visitor accommodation and high holiday home ownership or periodic influxes of workers.

11.01-1R Settlement - Gippsland

02/09/2025
VC283

Strategies

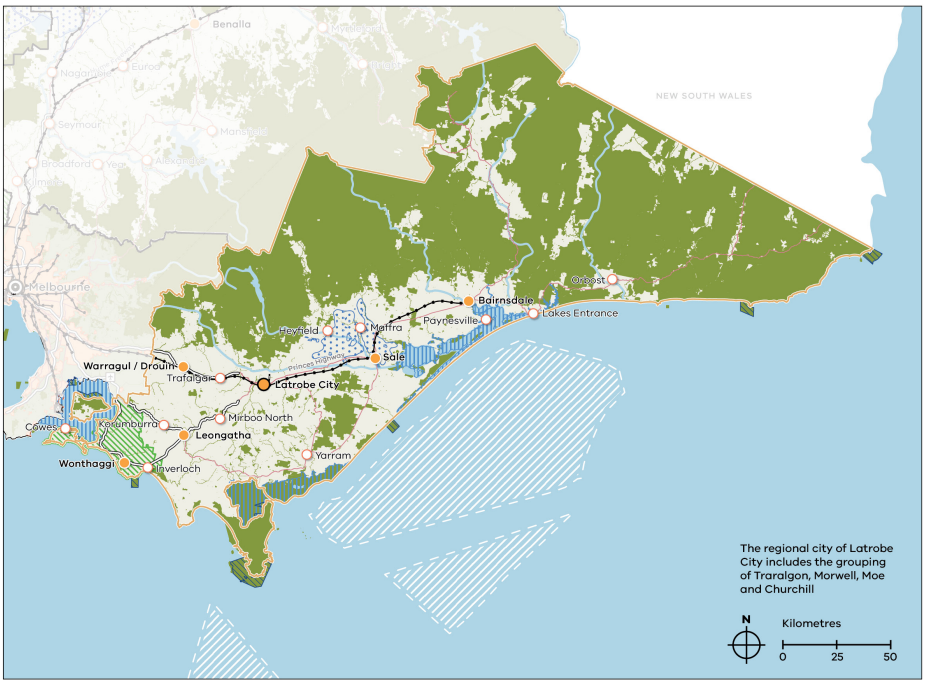
Support urban growth in Latrobe City as Gippsland's Regional city and at Bairnsdale, Leongatha, Sale, Warragul/Drouin and Wonthaggi as Regional service centres.

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

Support the continuing role of Cowes, Yarram, Lakes Entrance, Orbost, Paynesville, Maffra, Heyfield, Trafalgar, Inverloch, Mirboo North, Korumburra and small settlements in providing services to their districts, recognising their relationships and dependencies with larger towns.

EAST GIPPSLAND PLANNING SCHEME

Gippsland Settlement Framework



Gippsland Settlement Framework

Regional cities and towns
- Regional city
- Regional service centre
- District town

Access and employment
- Passenger rail network
- State-significant road corridor
- Road network

Urban, rural and natural areas
- Gippsland region
- National / State park and reserve
- Waterbody
- Distinctive area and landscape
- Marine national park
- Irrigation district
- Ramsar wetland
- Offshore wind declared area

11.01-1L-01 East Gippsland settlements

08/01/2026
C169egip

Strategies

Support settlement growth in accordance with the East Gippsland Settlement Framework Plan at Clause 02.04.

Encourage settlement growth within existing settlement boundaries to enable the efficient, coordinated and sustainable use of land and infrastructure.

Maintain and enhance the distinctive character of towns and settlements across East Gippsland.

Manage the growth of settlements to address natural hazards and protect natural resources, areas of environmental significance and significant landscapes.

Protect the separation between settlements by preserving intervening areas of rural land.

11.01-1L-02 Bairnsdale

08/01/2026
C169egip

Policy application

This policy applies to all land shown in Map 1 to this clause

Strategies

Encourage infill industrial development on serviced industrial land and encourage expansion around Bosworth Road, Holloway Street and Kyle Street.

Avoid further linear expansion of commercial use and development adjacent to the Princes Highway outside the township boundary.

Encourage enhancement of the Mitchell River corridor, restoration of the Port of Bairnsdale and development of a Botanical Gardens in the area between Clifton Creek backwater and the Mitchell River.

Encourage transport businesses and light industry in the Mixed-Use Zone south of the Princes Highway.

Encourage medical related uses and offices in the Mixed-Use Zone at Main Street and Gould Street.

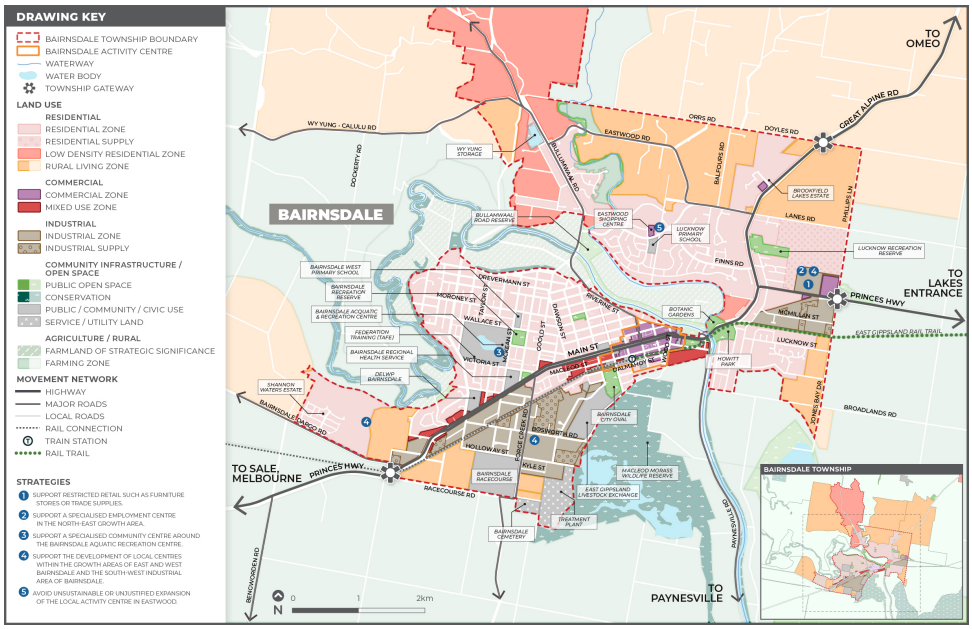
Protect Macleods Morass from adverse impacts of urban uses.

Encourage a consolidated community and recreation node with opportunities for medium density housing and neighbourhood activity centre within 400 metres walking distance of the Bairnsdale Aquatic Recreation Centre.

Consider expansion of the local activity centre in Eastwood where it can be justified and will not detract from the primary activity centre of Bairnsdale or other neighbourhood activity centres.

Support opportunities for low density residential development located close to existing towns where access to infrastructure is available and environmental constraints can be appropriately managed.

Map 1 - Bairnsdale Framework Plan



11.01-1L-03 East Bairnsdale/Lucknow

08/01/2026
C169egip

Policy application

This policy applies to all land shown in Map 1 to this clause.

Objective

To implement the East Bairnsdale/Lucknow Structure Plan.

General strategies

Promote the East Bairnsdale and Lucknow precinct for urban growth with a mix of residential, local scale commercial and industrial uses.

Encourage a diversity of dwelling types to meet a range of housing needs.

Encourage housing renewal along Great Alpine Road.

Ensure development along Princes Highway and at the eastern township gateway provides an attractive entrance to Bairnsdale.

Ensure development positively addresses waterways, passive open space areas, East Gippsland Rail Trail and the Lucknow Recreation Reserve.

Ensure residential development is compatible with land use activities in commercial and industrial areas.

Improve connectivity by providing a movement network that integrates with existing neighbourhoods, employment and recreation facilities.

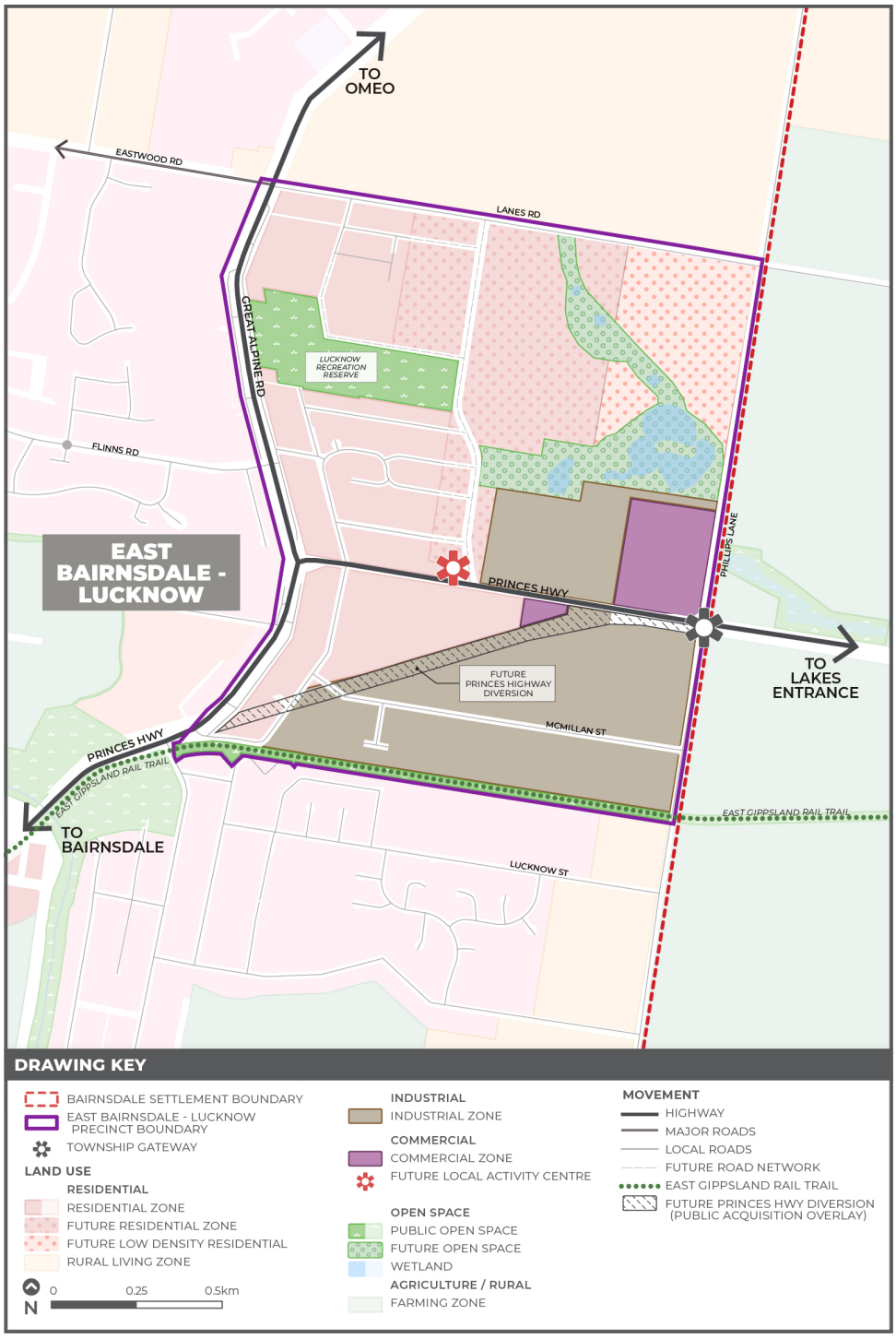
Plan for community and recreation infrastructure, including a multipurpose community centre.

Policy document

East Bairnsdale/Lucknow Structure Plan (2013)

EAST GIPPSLAND PLANNING SCHEME

Map 1 - East Bairnsdale and Lucknow Precinct Plan



11.01-1L-04 Lakes Entrance

--/--/----
Proposed C161egip

Policy application

This policy applies to all land shown in Map 1 to this clause and the Rural Living Zones in the Colquhoun area.

Strategies

Investigate potential sites for additional industrial land in Lakes Entrance.

Ensure subdivision, use and development in the Colquhoun area protects and enhances environmental values through revegetation and rehabilitation.

Improve the town entry by the use of enhanced landscape treatments.

Improve linkages between the town centre and the the Kalimna residential area.

Encourage the development of the large rural holding north of Kalimna (adjoining North Arm) either for a resort-style development or an integrated residential development with recreational/tourist components.

Improve pedestrian connections in the retail centre between Church Street, The Esplanade, and the foreshore.

Protect and enhance foreshore views along The Esplanade through sensitive building design.

Encourage a variety of recreational and tourism use and development that is well connected to the commercial centre.

Support recreational and tourist opportunities to be located in the western portion of Bullock Island and provide improved linkages between Bullock Island and Lakes Entrance commercial centre.

Encourage housing diversity and development which responds to the topography and natural landscape that is characteristic of Lakes Entrance.

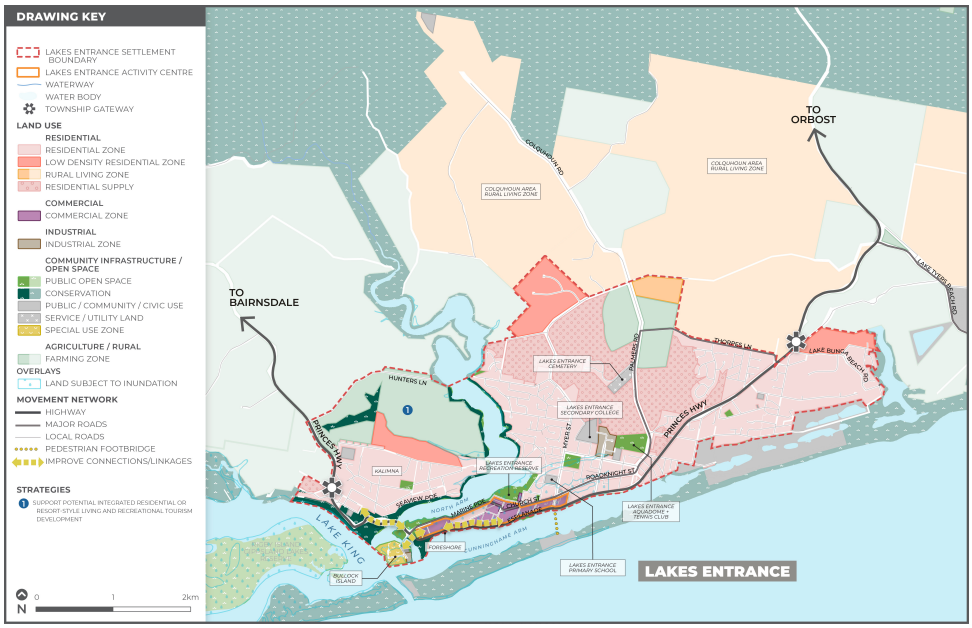
Encourage well designed neighbourhoods which are connected, walkable and create meaningful open space.

Policy guideline

Consider as relevant:

- Preserving environmental values through revegetation, rehabilitation or fencing on land in the Rural Living Zones in the Colquhoun area.
- The need for an agreement under Section 173 of the Planning and Environment Act 1987 to implement or control future use and maintenance of the rural residential land in the Colquhoun area.
- The strategies and guidelines contained within the *LENGA Strategic Framework Plan* (East Gippsland Shire Council, 2026).

Map 1 - Lakes Entrance Framework Plan



11.01-1L-05 Paynesville

13/01/2026
C172egip

Policy application

This policy applies to all land shown in Map 1 to this clause.

Strategies

Provide a variety of lot sizes and housing types to meet community needs.

Expansion of the town westwards should occur generally in accordance with the Paynesville Framework Plan to this clause.

Promote higher residential densities in proximity to areas of high amenity in particular the activity centre, open space and recreational areas.

Provide network linkages between residential, commercial, recreation, activity centre areas, the foreshore, the waterfront and the rural hinterland.

Provide coordinated, orderly and integrated serviced development within growth areas with appropriate developer contributions.

Encourage high quality tourism and eco-tourism facilities that facilitate year-round visitation.

Promote a high quality, integrated tourist accommodation facility at the township entrance generally in accordance with the Paynesville Framework Plan to this clause.

Encourage the maritime industry (including marinas and workshop facilities) and service industry to locate in the Slip Road precinct.

Ensure retail and commercial activities located outside the Paynesville Town Centre do not adversely affect its primary role.

Provide a distinct separation between the townships of Eagle Point and Paynesville incorporating extensive open space areas.

Provide a distinctive visual transition into Paynesville by establishing expansive green edges abutting entry roads while maintaining vistas to the Gippsland Lakes.

Protect and enhance Paynesville's significant landscapes, wetland and foreshore areas and the environmental values of the Gippsland Lakes.

Policy document

Paynesville Growth Area Structure Plan (East Gippsland Shire Council, 2016 updated 2025).

Map 1 - Paynesville Framework Plan



11.01-1L-06 Nicholson

08/01/2026
C169egip

Policy application

This policy applies to all land shown in Map 1 to this clause.

Strategies

Manage township growth to protect and enhance the environmental and landscape values of Nicholson.

Encourage consolidation of undeveloped and underutilised land in the Township Zone.

Encourage the development of infill commercial and tourism opportunities on sites with frontage to the Princes Highway.

Improve pedestrian connections adjacent to the Princes Highway from residential areas to the rural living areas, including to the Nicholson Primary School.

Improve entry treatments adjacent to the Princes Highway.

Improve linkages between the East Gippsland Rail Trail and the township.

Protect vegetation on road reserves, streamlines and habitat corridors, including Princes Highway.

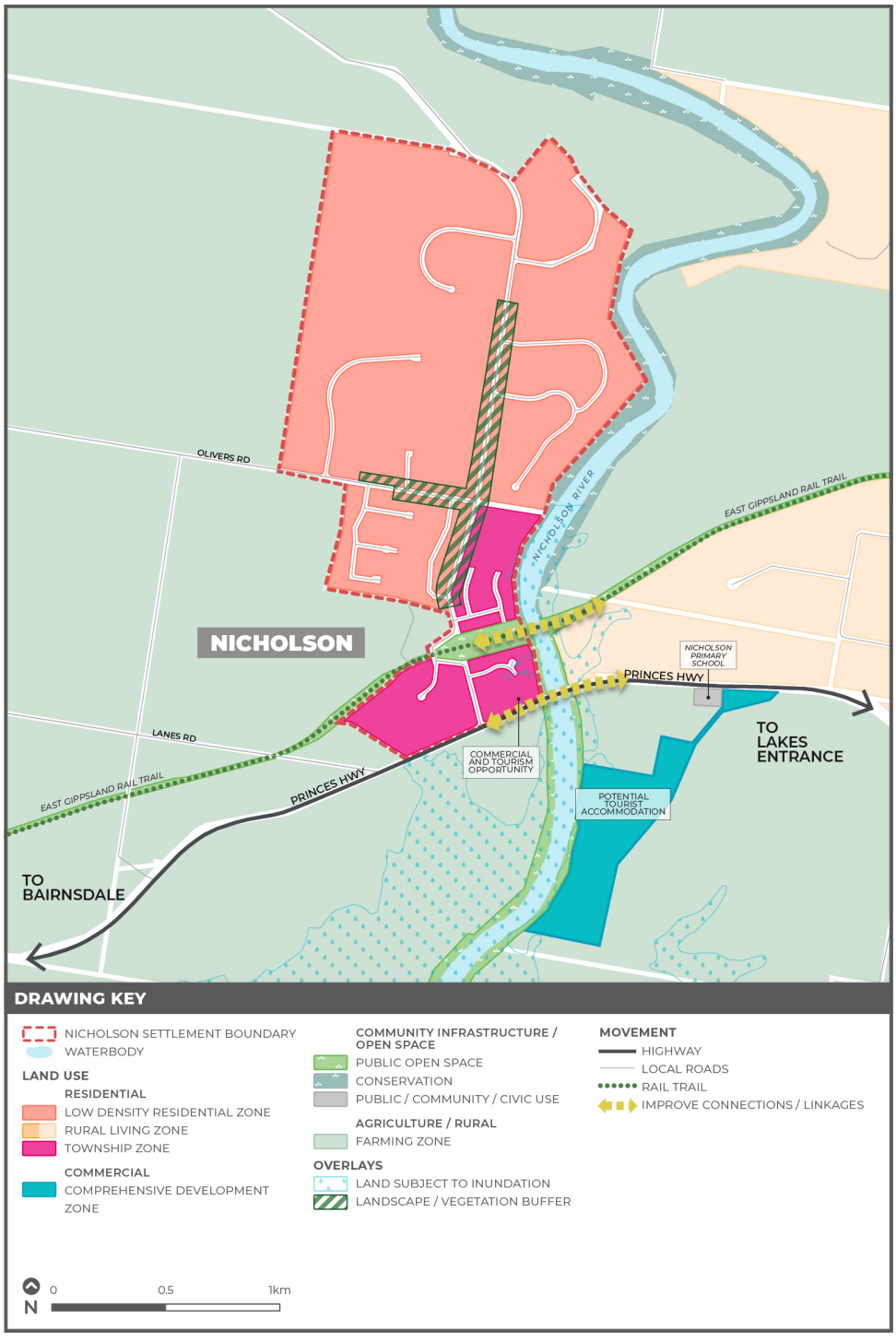
Policy documents

Consider as relevant:

- *Twin Rivers Land Use Plan* (Meinhardt Infrastructure and Environment and Essential Economics, 2012)

EAST GIPPSLAND PLANNING SCHEME

Map 1 - Nicholson Framework Plan



11.01-1L-07 Johnsonville

08/01/2026
C169egip

Policy application

This policy applies to all land shown in Map 1 to this clause.

Strategies

Manage township growth to protect and enhance the environmental and landscape values of Johnsonville.

Protect corridors of vegetation on road reserves, streamlines and habitat corridors including Bumberrah Road, Punt Road and the Tambo River.

Encourage consolidation of land in the Township Zone.

Improve pedestrian connectivity along Princes Highway and between the Princes Highway and the Tambo River.

Improve township entry treatments adjacent to the Princes Highway.

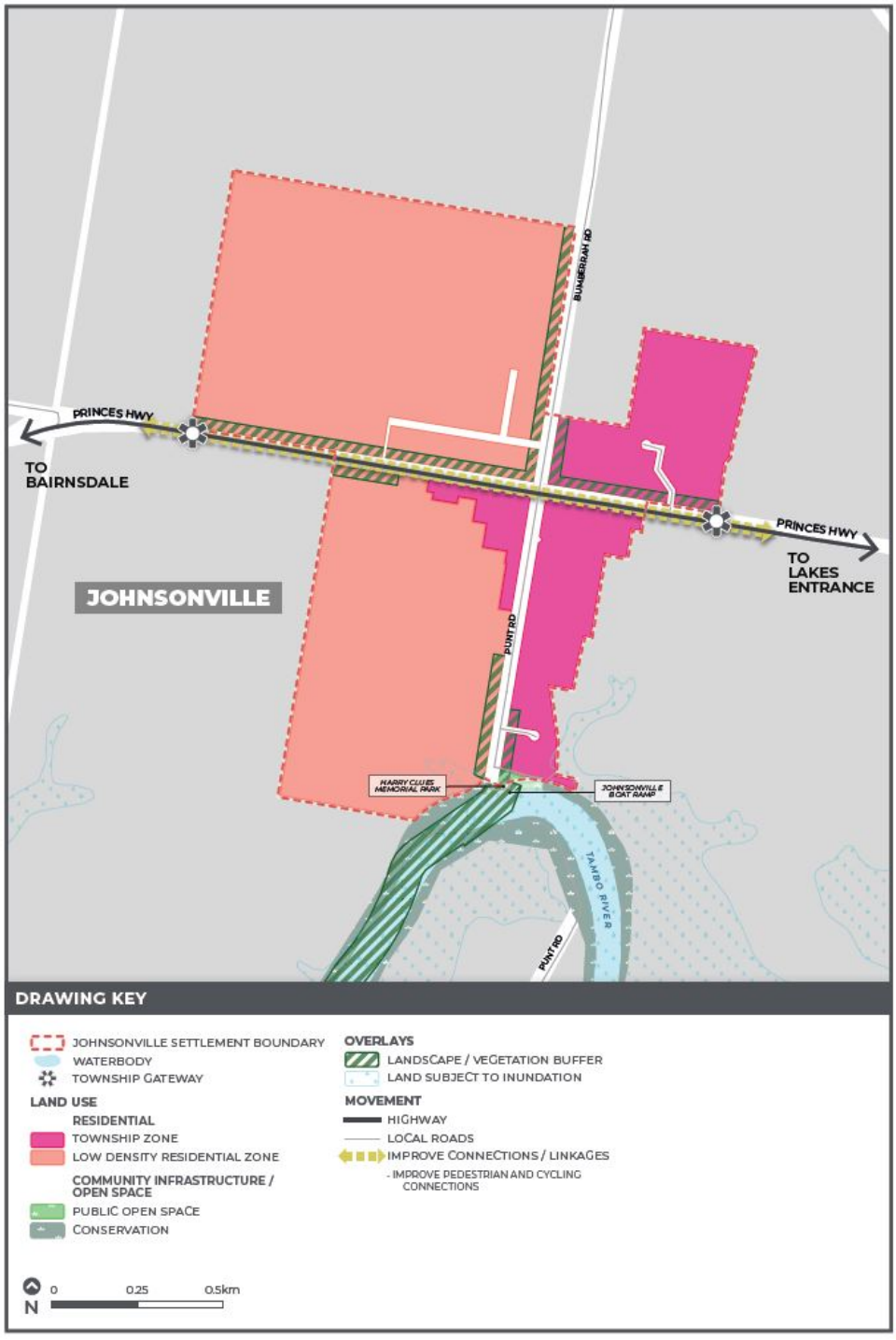
Policy documents

Consider as relevant:

- *Twin Rivers Land Use Plan* (Meinhardt Infrastructure and Environment and Essential Economics, 2012)

EAST GIPPSLAND PLANNING SCHEME

Map 1 - Johnsonville Framework Plan



11.01-1L-08 Swan Reach

08/01/2026
C169egip

Policy application

This policy applies to all land shown in Map 1 to this clause.

Strategies

Manage township growth to protect and enhance the environmental and landscape values of Swan Reach.

Protect corridors of vegetation in road reserves, streamlines and habitat corridors including Mossiface Swan Reach Road, Old Orbost Road and the Tambo River.

Encourage consolidation of land in the Township Zone.

Improve pedestrian connectivity along Princes Highway and to the Tambo River.

Improve township entry treatments adjacent to the Princes Highway.

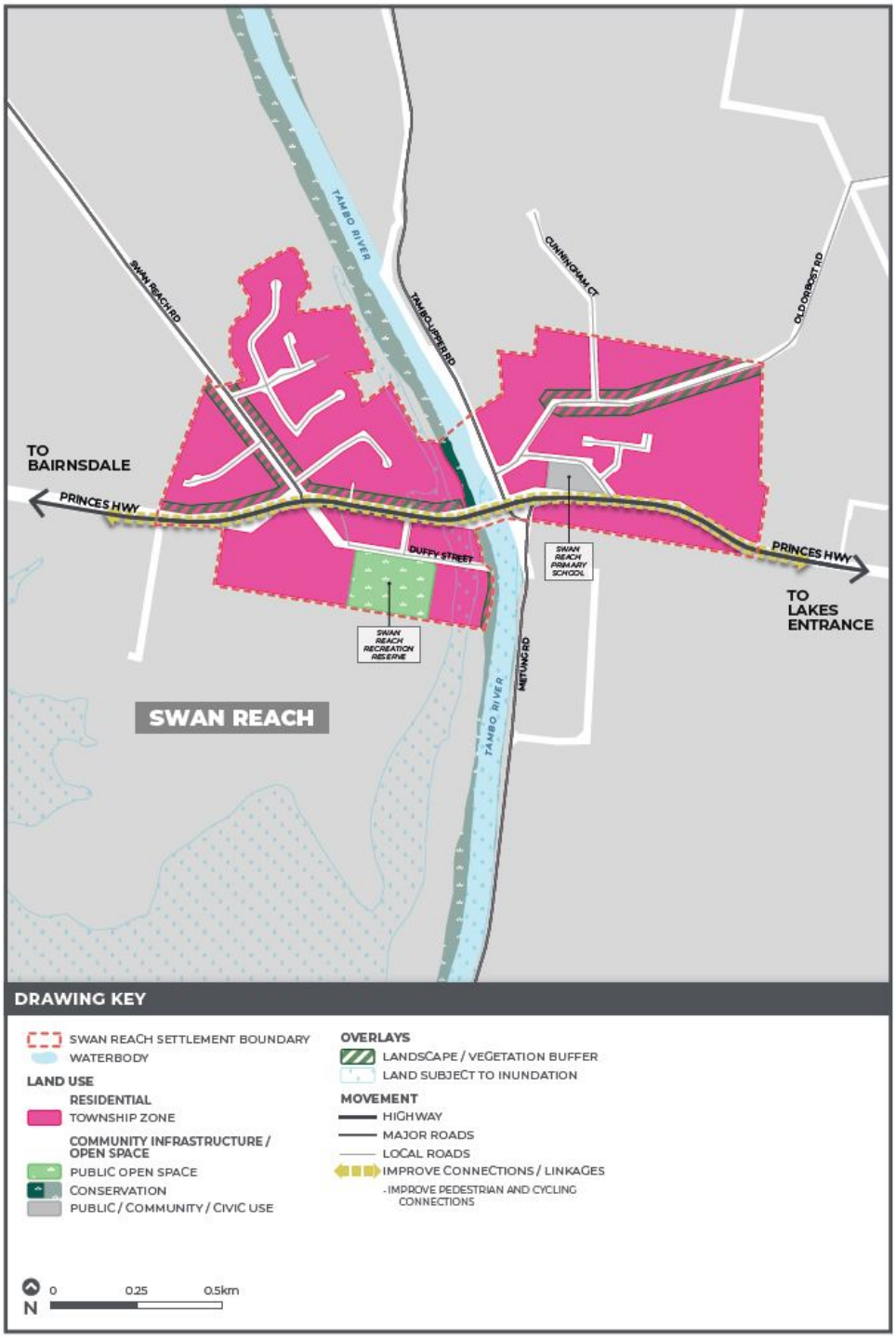
Policy documents

Consider as relevant:

- *Twin Rivers Land Use Plan* (Meinhardt Infrastructure and Environment and Essential Economics, 2012)

EAST GIPPSLAND PLANNING SCHEME

Map 1 - Swan Reach Framework Plan



11.01-1L-09 Omeo

08/01/2026
C169egip

Policy application

This policy applies to all land shown in Map 1 to this clause.

Strategies

Support Omeo as a service town for agricultural activities, rural industry and tourism.

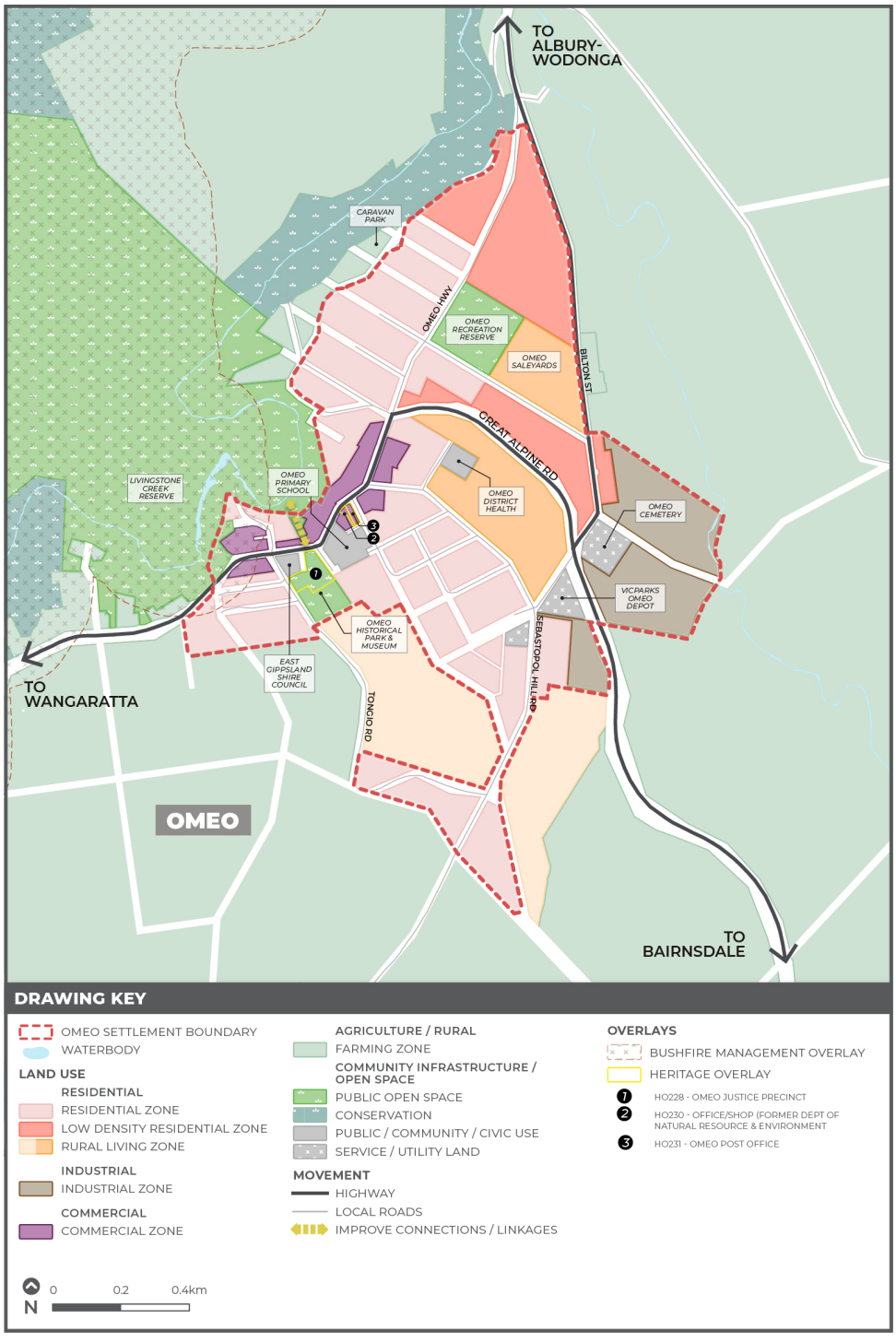
Discourage ribbon development.

Preserve and enhance the character, cultural heritage and landscape values of Omeo and its environs.

Improve linkages between the town and Livingstone Creek.

EAST GIPPSLAND PLANNING SCHEME

Map 1 - Omeo Framework Plan



11.01-1L-10 Orbost/Newmerella

08/01/2026
C169egip

Policy application

This policy applies to all land shown in Map 1 to this clause.

Strategies

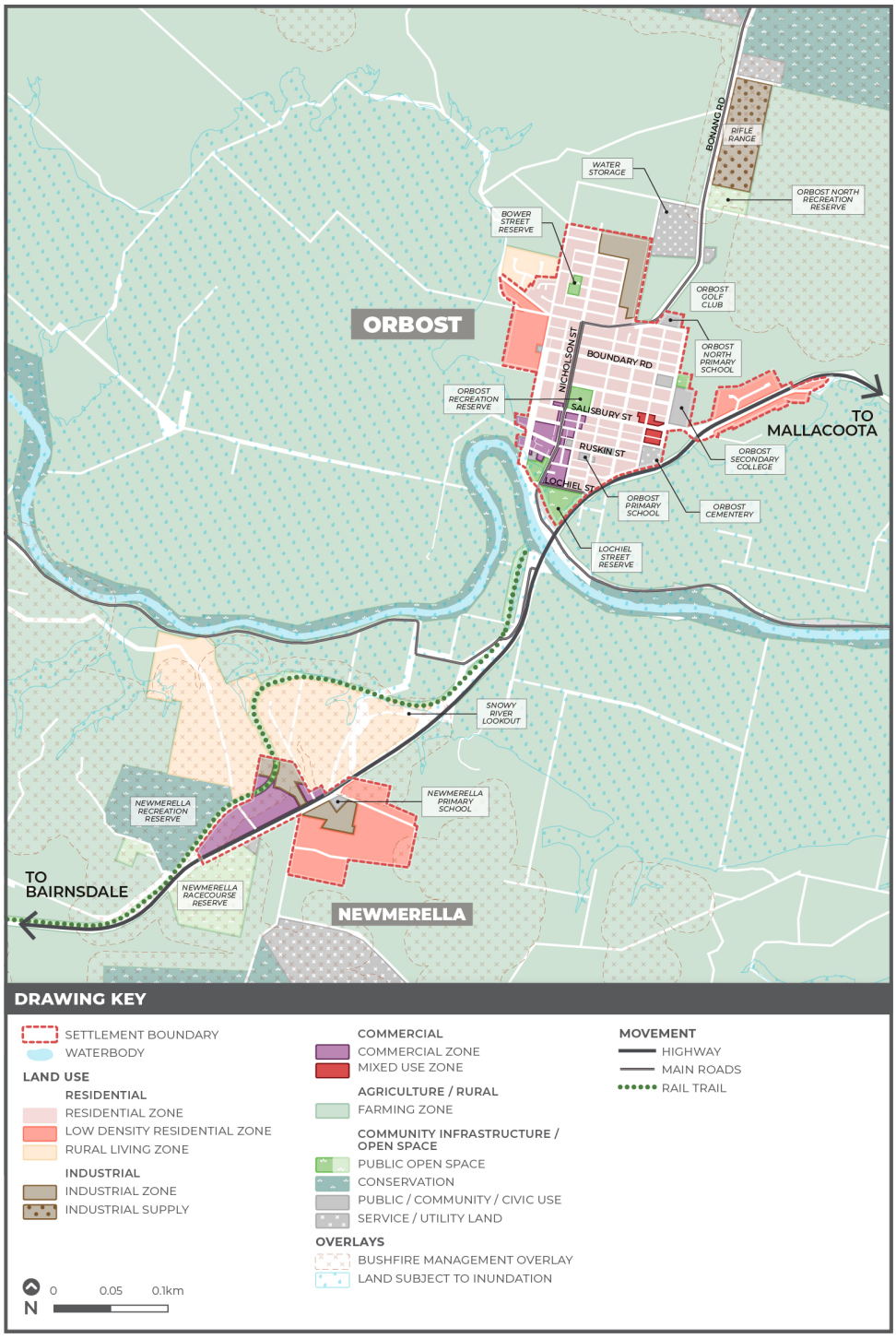
Support Orbost as a service town for agricultural activities and rural industries.

Avoid long term expansion east of Arnold Street until existing infill opportunities are taken up and reticulated sewerage and drainage are available.

Accommodate industrial activities on existing industrial zoned land including the Rifle Range.

EAST GIPPSLAND PLANNING SCHEME

Map 1 - Orbost/Newmerella Framework Plan



11.01-1L-11 Lindenow

08/01/2026
C169egip

Policy application

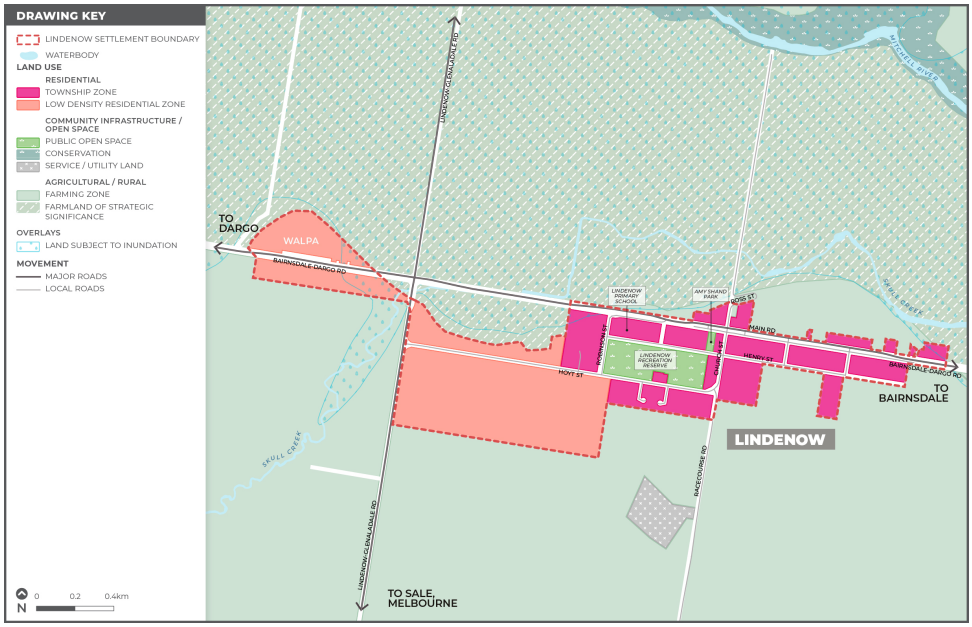
This policy applies to all land shown in Map 1 to this clause.

Strategies

Support development in the local service/commercial centre.

Encourage land uses that facilitate the processing of produce which complement existing agricultural activities in the Lindenow area.

Map 1 - Lindenow Framework Plan



EAST GIPPSLAND PLANNING SCHEME

10/10/2019
C153egip

SCHEDULE 13 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO13.**

RESIDENTIAL DEVELOPMENT IN COASTAL SETTLEMENTS: LAKES ENTRANCE

1.0 Design objectives

--/--/----
Proposed C161egip

The following design objectives apply to all areas shown on Map 1 forming part of this clause, including the character areas.

All areas

To protect and manage the township character of coastal settlements.

To ensure that the height and visual bulk of new development is compatible with the coastal neighbourhood setting.

To ensure that new development is designed to minimise visual impacts on the natural landscape.

To ensure that new development is visually and physically integrated with the site and surrounding landscape.

To ensure that new development is sited and designed to be visually unobtrusive through and above the surrounding tree canopy when viewed from the public realm, lakes, coastal areas, or other distant viewpoints.

To protect the vegetated character of the landscape, particularly where it is a dominant visual and environmental feature.

To maintain the generally small mass of buildings in the landscape.

Kalimna (area 3)

To ensure that the design of buildings on prominent ridgelines minimises the impact of the development when viewed from distant viewpoints.

To encourage the planting of indigenous tree species.

Northern residential (area 5)

To encourage the visual enhancement of private land facing the North Arm with natural landscaping.

Inner residential (area 7)

To support intensification while protecting and managing the older character of the area.

Eastern Lakes Entrance tourist accommodation (area 9)

To ensure that new development retains and reinforces the distinctive character of the area which is shaped by single and double storey development and nine (9) metre front garden setbacks.

To ensure that car parking spaces and structures are sited behind the line of the dwelling.

To ensure that the width of crossovers and driveways is minimised.

Princes Highway residential (area 10)

To encourage the development of well-designed medium density development in suitable locations close to the town and water to assist in unifying the area.

Eastern residential (area 11)

To protect existing vegetation on steep slopes.

To ensure that new buildings on steep slopes are designed and sited to minimise impact on the topography and visual impact.

To ensure that development on newly subdivided lots is designed to be sympathetic to the landscape, and to protect and enhance indigenous vegetation.

Eastern low density residential (area 12)

To protect and retain the existing rural residential character of the area and large lot sizes.

To ensure that new buildings are recessive in the landscape.

To encourage further revegetation of the precinct along drainage lines, on steep slopes and around buildings in order to unify the area.

North eastern residential (area 13)

To encourage re-establishment of indigenous vegetation along drainage lines.

Future residential (area 14)

To encourage development of the precinct that minimises visual and environmental impacts.

To encourage retention of vegetation along drainage lines and on steep slopes.

To encourage shared path connections to town through the precinct.

To ensure that new development is well integrated with the natural landscape.

To ensure that new subdivisions consider significant landscape features to inform the design and layout of new development.

2.0 Buildings and works

10/10/2019
C153egip

A permit is not required to construct a building or carry out works other than for:

- A building with a height of more 7.5 metres from natural ground level measured within the building footprint.
- A development where the total building area proposed on a site is greater than 300 square metres, except within an approved building envelope.
- A development where the slope of land where the building or works are to be carried out is greater than 15 percent.

For the purpose of this provision, 'total building area' is inclusive of existing buildings to be retained.

3.0 Subdivision

10/10/2019
C153egip

None specified.

4.0 Advertising signs

10/10/2019
C153egip

None specified.

5.0 Application requirements

--/--/----
Proposed C161egip

An application for buildings and works must include the following information:

- The location of any proposed buildings clearly dimensioned on its allotment.
- Information that describes how the proposal achieves the design outcomes for the settlement as outlined in the decision guidelines of this schedule, in the form of a neighbourhood and site description, and design response.
- The location, type and size of any vegetation to be removed.
- Sufficient spot heights to enable the slope of the site and the slope of the works area(s) to be determined.
- The location, dimensions and depth of any proposed earthworks involving excavations or fill.

- The colour, finishes and materials to be used on all external surfaces, including the roof.
- Proposed new planting or site landscaping works.

An application for subdivision must include following information:

- The location, type and size of any vegetation to be removed.
- Details of the public realm treatments including street trees, lighting, furniture and gateway entry points.
- Proposed landscaping works in open space areas, streetscapes and drainage reserves.

6.0 Decision guidelines

--/--/----
Proposed C161egip

Before deciding on an application, the responsible authority must consider, where appropriate, the following decision guidelines that apply to the areas shown on Map 1 forming part of this clause.

All areas

- The design objectives of this schedule.
- Any design guidelines established for the site through covenants, Section 173 Agreements or similar statutory mechanisms.
- The extent of any vegetation to be cleared and the impact of that clearance on the landscape setting of the locality.
- Whether the buildings and works are sited and designed to avoid impacts from retained vegetation.
- Whether the proposal is well integrated with the landscape through the planting of new and replacement indigenous or native trees and understorey.
- Whether the form, design and details of the building are compatible with the landscape setting, and the character of nearby or adjacent buildings.
- Whether the building materials and colours are low-reflective and reduce contrast with the landscape and distant visibility.
- The effect of the bulk, siting and design of any proposed building on the general appearance of the area, particularly when viewed from adjacent waterways, beaches, tourist routes or viewpoints.
- Whether the roof form of the building sits generally below the prevailing tree canopy.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms that follow the natural slope of the land and reduce the need for site excavation and filling.
- Whether, in locations adjacent to the coast or the coastal reserve, the building demonstrates a high standard of 'light weight' contemporary design (i.e. avoiding predominantly heavy masonry construction, utilising a mix of visually lighter building materials, and using elements such as timber decks and balconies etc.), and is well screened from the water and beach areas.
- The impact of any new development on adjoining public land.

In relation to a proposed subdivision:

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

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

Kalimna (area 3)

- On prominent ridgelines, whether the design any proposed buildings minimises the impact of the development from distant viewpoints.
- Whether the proposal includes the planting of indigenous tree species.

Northern residential (area 5)

- On properties facing the North Arm, whether the proposal includes natural landscaping.
- Inner residential (area 7)
- Whether the proposal facilitates the protection and enhancement of the older character of the area.

Eastern Lakes Entrance (area 9)

- Whether the proposed development retains and reinforces the existing character of the area.
- Whether the proposal minimises the dominance of any car parking spaces and structures by siting them behind the line of the dwelling.
- Whether the proposal minimises the width of crossovers and driveways.

Princes Highway residential (area 10)

- Whether the proposed development serves to unify the area and is appropriate to the location.

Eastern residential (area 11)

- On steep slopes, whether the proposal protects existing vegetation.
- On steep slopes, whether proposed buildings are designed and sited to minimise impact on the topography and visual impact.
- On newly subdivided lots, whether the design of proposed buildings and landscaping is sympathetic to the landscape, and whether the protection and enhancement of indigenous vegetation is provided.

Eastern low density residential (area 12)

- Whether the proposal protects and retains the existing rural residential character of the area.
- Whether any proposed buildings are recessive in the landscape.
- Whether the proposal includes further revegetation of the precinct along drainage lines, on steep slopes and around buildings.

North eastern residential (area 13)

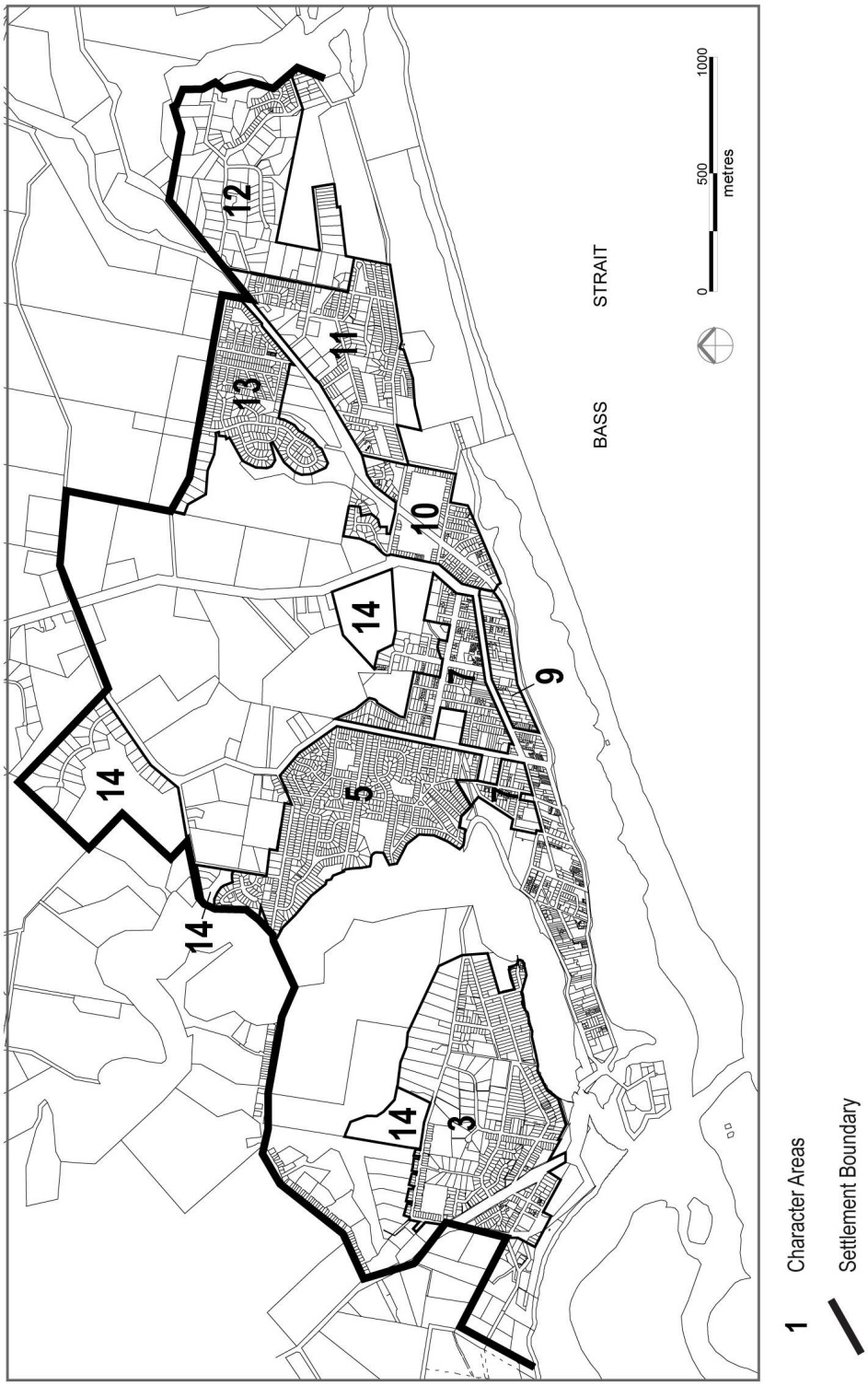
- Whether the re-establishment of indigenous vegetation along drainage lines is included in the proposal.

Future residential (area 14)

- Whether development minimises visual and environmental impacts and is well integrated with the natural landscape.
- Whether revegetation along drainage lines and on steep slopes is included in the proposal.
- Whether shared path connections to town are included in the proposal.
- Whether the proposal has responded to significant landscape features in its design and layout.

Map 1 to the Schedule to Clause 42.03

EAST GIPPSLAND PLANNING SCHEME



EAST GIPPSLAND PLANNING SCHEME

10/10/2019
C153egip

SCHEDULE 8 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO8**.

LAKES ENTRANCE NORTHERN GROWTH AREA

1.0 Objectives

--/--/----
Proposed C161egip

To create a series of connected, diverse and sustainable residential neighbourhoods.

To establish a safe, legible and connected movement network.

To create a network of open spaces that support active lifestyles and preserve natural features.

To ensure that development integrates with the natural features of the area.

To create distinctive streetscapes which reflect the natural landscape character of the growth area.

2.0 Requirement before a permit is granted

--/--/----
Proposed C161egip

A permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority.

3.0 Conditions and requirements for permits

--/--/----
Proposed C161egip

The following requirements apply to permits:

Public Infrastructure Plan Delivery

Before a plan of subdivision is certified, the Owners of the land to be subdivided must enter into an Agreement under Section 173 of the Planning and Environment Act 1987 and make application to the Registrar of Titles to have the agreement registered on the title to the land under section 181 of the Act.

The Agreement must give effect to the Public Infrastructure Plan insofar as it relates to those projects which necessitate contributions from multiple landowners as relevant to the land and specify:

- The timing and responsibility for the delivery of the projects required to support the proposed future development of the land, where those projects require contributions to be made from multiple landowners.
- If relevant, the arrangements for cash contributions to be made to the responsible authority in respect of projects contemplated in the Public Infrastructure Plan to be delivered by other landowners.

The Agreement must be prepared at the cost of the Owner and be to the satisfaction of the responsible authority.

4.0 Requirements for a development plan

--/--/----
Proposed C161egip

A development plan must include the following requirements:

Land use and subdivision

- Site and context analysis.
- A plan showing the overall layout for the area including developable area, waterways and waterway buffers, drainage networks, vegetation to be retained, open space, land use and any other notable features.

Access and Movement

- A Traffic and Movement Assessment.
- A plan showing roads, shared paths and any other connections.

Landscape, Natural Environment & Bushfire Resilience

- A bushfire Assessment Report.
- A drainage strategy.

Open space and recreation

- An open space plan.

Public Infrastructure Plan

A public infrastructure Plan which addresses the following as they relate to drainage and road infrastructure:

- Identification and sequencing of public infrastructure projects which require contributions from multiple landowners within the growth area.
- Arrangements for coordination between landowners including how the equalisation of land and contributions for infrastructure is to operate.
- Arrangements for public infrastructure to be delivered through works in kind, where relevant.

31/07/2018
VC148

SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

1.0 Maps comprising part of this planning scheme:

--/--/----
Proposed C161egip

- 1, 1EMO 1ESO1, 1HO, 1RO, 1BMO
- 2, 2EMO, 2ESO1, 2BMO
- 3, 3EMO, 3ESO1
- 4, 4EMO, 4ESO1, 4BMO
- 5, 5EMO, 5ESO1, 5BMO
- 6, 6DDO, 6EMO, 6ESO1, 6HO, 6BMO
- 7, 7DDO, 7EMO, 7HO, 7BMO
- 8, 8DDO, 8EMO, 8ESO1, 8HO, 8BMO
- 9, 9EMO, 9ESO1, 9VPO, 9BMO
- 10, 10EMO, 10ESO1, 10ESO3, 10BMO
- 11, 11EMO, 11ESO1, 11HO, 11BMO
- 12, 12EMO, 12ESO1, 12HO, 12 BMO
- 13, 13EMO, 13BMO
- 14, 14EMO, 14ESO1, 14HO, 14VPO, 14BMO
- 15, 15DDO, 15EMO, 15ESO1, 15HO, 15VPO, 15BMO
- 16, 16EMO, 16ESO1, 16VPO, 16BMO
- 17, 17EMO, 17ESO1, 17ESO3, 17LSIO, 17BMO
- 18, 18DDO, 18EMO, 18ESO1, 18HO, 18BMO
- 19, 19DDO, 19EMO, 19ESO1, 19BMO
- 20, 20DDO, 20BMO
- 21, 21DDO, 21EMO, 21ESO1, 21HO, 21SLO, 21BMO
- 22, 22DDO, 22ESO1, 22HO, 22BMO
- 23, 23DDO, 23EMO, 23EAO, 23SLO, 23VPO, 23BMO
- 24, 24ESO1, 24ESO3, 24BMO
- 25, 25VPO, 25BMO
- 26, 26EMO, 26VPO, 26BMO
- 27, 27EMO, 27ESO1, 27ESO2, 27LSIO, 27VPO, 27BMO
- 28, 28DDO, 28DPO, 28EMO, 28ESO1, 28ESO2, 28HO, 28LSIO, 28SMO, 28VPO, 28BMO
- 29, 29EMO, 29ESO1, 29ESO2, 29LSIO, 29VPO
- 30, 30DDO, 30DPO, 30EMO, 30ESO1, 30ESO2, 30HO, 30LSIO, 30SCO, 30SMO, 30VPO
- 31, 31DDO, 31DPO, 31EMO, 31ESO1, 31ESO3, 31LSIO, 31SCO, 31SLO, 31SMO, 31VPO, 31BMO
- 32, 32DDO, 32EMO, 32ESO1, 32SMO, 32VPO, 32BMO
- 33, 33DDO, 33DPO, 33EMO, 33ESO1, 33ESO2, 33HO, 33LSIO, 33PAO, 33SCO, 33SLO, 33SMO, 33VPO

- 34, 34DDO, 34EAO, 34EMO, 34ESO1, 34ESO3, 34HO, 34LSIO, 34SLO, 34SMO, 34VPO, 34BMO
- 35, 35DDO, 35EMO, 35ESO1, 35VPO, 35BMO
- 36, 36DDO, 36EMO, 36ESO1, 36LSIO, 36VPO, 36BMO
- 37, 37DDO, 37DPO, 37EMO, 37ESO1, 37HO, 37SLO, 37VPO, 37BMO
- 38, 38DDO, 38EMO, 38BMO, 38PAO
- 39, 39DDO, 39EMO, 39ESO1, 39BMO
- 40, 40DDO, 40EMO, 40ESO1, 40LSIO, 40SLO, 40BMO
- 41, 41DDO, 41LSIO, 41SLO, 41BMO
- 42, 42DDO, 42EMO, 42ESO1, 42ESO3, 42LSIO, 42RO, 42SLO, 42BMO
- 43, 43DDO, 43DPO, 43ESO1, 43LSIO, 43SLO, 43BMO
- 44, 44DDO, 44EMO, 44ESO1, 44BMO
- 45, 45DDO, 45BMO
- 46, 46ESO1, 46HO. 46BMO
- 47, 47BMO
- 48, 48DDO, 48EMO, 48ESO1, 48ESO3, 48LSIO, 48RO, 48SMO, 48VPO, 48BMO
- 49, 49DDO, 49EMO, 49ESO1, 49ESO3, 49LSIO, 49SMO, 49VPO, 49BMO
- 50, 50DDO, 50EMO, 50ESO1, 50LSIO, 50SLO, 50SMO, 50VPO, 50BMO
- 51, 51BMO, 51DDO, 51DPO, 51EMO, 51ESO1, 51HO, 51LSIO, 51PAO, 51RO, 51SLO, 51VPO
- 52, 52DDO, 52EMO, 52ESO1, 52LSIO, 52SLO, 52VPO, 52BMO
- 53, 53DDO, 53EMO, 53ESO1, 53IPO, 53LSIO, 53RO, 53SLO, 53VPO, 53PAO, 53BMO
- 54, 54DDO, 54DPO, 54EMO, 54ESO1, 54ESO3, 54HO, 54LSIO, 54VPO, 54BMO
- 55, 55DDO, 55DPO, 55EAO, 55EMO, 55ESO1, 55LSIO, 55PAO, 55VPO, 55BMO
- 56, 56DDO, 56EMO, 56ESO1, 56SLO, 56VPO, 56BMO,
- 57, 57DDO, 57EMO, 57ESO1, 57SLO, 57VPO, 57BMO
- 58, 58LSIO, 58SMO
- 59, 59DDO, 59EMO, 59ESO1, 59BMO

EAST GIPPSLAND PLANNING SCHEME

15/01/2024
VC249

SCHEDULE TO CLAUSE 72.04 INCORPORATED DOCUMENTS

1.0 Incorporated documents

--/--/----
Proposed C161egip

Name of document	Introduced by:
220 Baades Road Subdivision of Approved Development (June 1999)	NPS1
598-610 Main Street, Bairnsdale (November 2021)	C163egip
Bullock Island - Lakes Entrance Concept Plan (November 2011)	C88
Ellasville Road, Nicholson, Subdivision Process	C1
Extract from Lake Tyers Beach and Surrounding Strategy Plan being Plan 4 Residential Opportunities (1991)	C32
Fernbank Restructure Plan	NPS1
Glen Wills Restructure Plan (1995, updated 2013)	C116
Healeys Road Overall Development Plan	C63
Hospital Emergency Medical Services - Helicopter Flight Path Protection Areas (Victorian Health Building Authority, October 2024)	GC242
Newlands Arm Estate Restructure Plan, Version 7 (March 2017)	C138
Patricia Baleen Gas Plant (June 2014)	C120
Resort Hotel/Motel and Convention Facility Development (May 1999)	NPS1
Stockman Base Metals Project Incorporated Document (2020)	C130
Storth Ryes Boat Harbour and Marina Development (May 1999)	NPS1
Storth Ryes Incorporated Plan (June 2000)	C2
Storth Ryes Service Commercial Centre (May 1999)	NPS1
Tambo Bluff Restructure Plan (2018)	C139egip
Township of Sunnyside Restructure Plan	NPS1

EAST GIPPSLAND PLANNING SCHEME

20/04/2020
GC112

SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS

1.0 Background documents

--/--/----
Proposed C161egip

Name of background document	Amendment number - clause reference
A Land Capability Study of the Cassilis Valley, Swifts Creek. Technical Report No. 27, Centre for Land Protection Research, D. M. Rees (Department of Conservation and Natural Resources, Victoria, 1995)	Clause 44.01s
Draft East Gippsland Native Vegetation Plan (Government of Victoria and East Gippsland Catchment Management Authority, 2000)	Clause 42.02s8
East Gippsland Housing and Settlement Strategy (SGS Economics and Planning, 2023)	C169egip Clause 02.01 Clause 02.03-1 Clause 02.03-6 Clause 11.01-1L Clause 16.01-1L Clause 16.01-2L Clause 16.01-3L Clause 18.01-3L Clause 18.02-4L
Eagle Point Structure Plan (Mesh Urban Planning and Design, 2019 updated 2025)	C171egip - Clause 11.03-4L-12
East Gippsland Shire Municipal Reference Document, Coastal Spaces Landscape Assessment Study (Planisphere, 2006)	Clause 42.03s1 Clause 42.03s2 Clause 42.03s3 Clause 42.03s4 Clause 42.03s5 Clause 42.03s6
East Gippsland Sites of Biological Significance (Department of Natural Resources and Environment, 1997)	Clause 42.01
East Gippsland Soil Erosion Management Plan (Department of Primary Industries, 2009)	Clause 44.01s
Erosion Hazard Map, Bairnsdale Region (1:100,000) based on Aldrick, J. M. et al., A study of the land in the catchment of the Gippsland Lakes (Vols. 1& 2) (Department of Conservation and Natural Resources, Victoria, 1992)	Clause 44.01s
Gippsland Lakes Coastal Action Plan (Gippsland Coastal Board, 1999)	Clause 42.02s2 Clause 42.02s4 Clause 42.02s5 Clause 42.02s6
Gippsland Lakes Environs Survey. D. F. Howe and T. Poutsma (Department of Conservation, Forests and Lands, unpublished)	Clause 44.01s
Infrastructure Design Manual (2020, Local Government Infrastructure Design Association)	GC112 Clause 21.11-6

EAST GIPPSLAND PLANNING SCHEME

Name of background document	Amendment number - clause reference
Input to Twin Rivers Land Use Plan – Economic Assessment of Future land Requirements (Essential Economics Pty Ltd, August 2011)	Clause 43.04s9
Lakes Entrance Northern Growth Area Background Report (East Gippsland Shire Council, March 2026)	C161egip Clause 11.01-1L Clause 43.02s13 Clause 43.04s8
Lakes Entrance Northern Growth Area Drainage Strategy (Stormy Water Solutions, April 2024)	C161egip Clause 43.04s8
Lakes Entrance Northern Growth Area Native Vegetation Precinct Plan (East Gippsland Shire Council, updated 2023)	C168egip
Lakes Entrance Northern Growth Area Outline Development Plan (Beveridge Williams, 2026)	C161egip Clause 43.04s8
Lakes Entrance Northern Growth Area Strategic Framework Plan (East Gippsland Shire Council, 2026)	C161egip Clause 43.04s8
Mallacoota Urban Design Framework (Meinhardt Infrastructure and Environment, March 2007)	Clause 43.02s12
North Arm Action Plan. Friends of North Arm (East Gippsland Shire and Department of Natural Resources and Environment, 1996)	Clause 42.02s7
Paynesville Growth Area Structure Plan (East Gippsland Shire Council, 2016 updated 2025)	Clause 11.01-1L-05
Paynesville Urban Design Framework (Meinhardt Infrastructure and Environment, March 2007)	Clause 43.02s14
Raymond Island Strategy (Shire of Bairnsdale, 1992)	Clause 42.02s2
Revegetation Planting Standards	Clause 43.04s4 Clause 43.04s7
Roadside Management Plan (East Gippsland Shire Council, 1995)	Clause 42.02s1
Salinity Hazard Map, Bairnsdale Region (1:100,000) based on Aldrick, J. M. et al., A study of the land in the catchment of the Gippsland Lakes (Vols. 1& 2) (Department of Conservation and Natural Resources, Victoria, 1992)	Clause 44.02s
The Siting and Design Guidelines for Structures on the Victorian Coast (Victorian Coastal Council, 1998)	Clause 42.03s1 Clause 42.03s2 Clause 42.03s3 Clause 42.03s4 Clause 42.03s5 Clause 42.03s6
Social Impact Assessment Guidelines for Development Applications (East Gippsland Shire Council, 2013).	Clause 15.01-4L
State Overview Report, Coastal Spaces Landscape Assessment Study (Planisphere, 2006)	Clause 42.03s1 Clause 42.03s2 Clause 42.03s3 Clause 42.03s4 Clause 42.03s5 Clause 42.03s6

EAST GIPPSLAND PLANNING SCHEME

Name of background document	Amendment number - clause reference
Twin Rivers Land Use Plan – Final Report (Meinhardt Infrastructure & Environment Pty Ltd, May 2012)	Clause 43.04s9
Twin Rivers Land Use Plan, Nicholson – Options for future Township Zone growth Desktop Analysis (Meinhardt, 2012)	Clause 43.04s9
Victoria's Native Vegetation Management – A Framework for Action	Clause 43.04s3 Clause 43.04s4 Clause 43.04s7
*Urban Design Frameworks for Bemm River, Eagle Point, Gipsy Point, Lake Tyers Beach, Marlo, Metung, Newlands Arm, Nungurner, Raymond Island and Tambo Bluff (*Meinhardt Infrastructure and Environment, March 2007)	Clause 43.02s11
Urban Waterway Guidelines (East Gippsland Shire Council, March 2013)	Clause 43.04s9

EAST GIPPSLAND PLANNING SCHEME

25/11/2022
C162egip

SCHEDULE TO CLAUSE 74.01 APPLICATION OF ZONES, OVERLAYS AND PROVISIONS

1.0 Application of zones, overlays and provisions

--/--/----
Proposed C161egip

This planning scheme applies the following zones, overlays and provisions to implement the Municipal Planning Strategy and the objectives and strategies in Clauses 11 to 19:

ZONES

- **Low Density Residential Zone** to residential areas not serviced by reticulated sewerage systems.
- **Mixed Use Zone** to areas with a mixed use character.
- **Township Zone** to provide for residential development and a range of commercial, industrial and other uses in a small rural town context.
- **General Residential Zone** to be applied in new or established residential areas where there are minimal constraints to residential development. It provides for moderate growth and diversity of housing.
- **Industrial 1 Zone** to be applied in industrial areas and allows a range of industrial uses and appropriate non-industrial uses
- **Industrial 3 Zone** to areas that provide a buffer zone between Industrial 1 or 2 zones and residential areas including the Maritime industry (including marinas and workshop facilities) and service industry.
- **Commercial 1 Zone** to areas in mixed use commercial centres for retail, office, business, residential, entertainment and community uses.
- **Commercial 2 Zone** to areas that encourage offices and associated business and commercial services.
- **Rural Living Zone** to provide for predominantly residential uses in a rural setting where appropriate land management is exercised.
- **Rural Conservation Zone** to protect and enhance the natural environment for its historic, archaeological, scientific, landscape, faunal habitat and cultural values. Agriculture is allowed, provided it is consistent with the environmental and landscapes values of the area.
- **Farming Zone** to encourage the retention of productive agricultural land and encourage the retention of employment and population to support rural communities.
- **Public Use Zone** to recognise public land use for public utility and community services and facilities.
- **Public Park and Recreation Zone** to areas for public recreation and open space and conserving areas of significance, where appropriate.
- **Public Conservation and Resource Zone** to areas where the primary intention is to conserve and protect the natural environment or resources and also allows associated educational activities and resource-based uses.
- **Transport Zone** to provide for an integrated and sustainable transport system where the use and development of land complements, or is consistent with, the transport system or public land reservation.
- **Special Use Zone** to provide the use of land and development for specific purposes as identified in a schedule to the zone.
- **Comprehensive Development Zone** to provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in the scheme.

OVERLAYS

- **Environmental Significance Overlay** to areas where the development of land may be affected by environmental constraints such as effects from noise or industrial buffer areas.
- **Vegetation Protection Overlay** to protect significant native and exotic vegetation in an urban or rural environment.
- **Significant Landscape Overlay** to identify, conserve and enhance the character of significant landscapes
- **Heritage Overlay** to conserve and enhance heritage places of natural and cultural significance and ensure that development does not adversely affect the significance of heritage places.
- **Design and Development Overlay** to implement requirements based on a demonstrated need to control built form and the built environment, using performance-based rather than prescriptive controls.
- **Incorporated Plan Overlay** to specify requirements over the development of an area and the plan is incorporated in to the planning scheme after the consideration of third party notice.
- **Development Plan Overlay** to specify requirements over the development of an area.
- **Erosion Management Overlay** to identify land subject to significant erosion hazard.
- **Salinity Management Overlay** to identify land subject to significant salinity and encourage revegetation of areas which contribute to salinity.
- **Land Subject to Inundation Overlay** to land in either rural or urban areas that is subject to inundation from mainstream flooding, but is not part of the primary floodway].
- **Bushfire Management Overlay** to areas identified as having a high bushfire hazard.
- **Public Acquisition Overlay** to land that is proposed to be acquired for a public purpose.
- **Environmental Audit Overlay** to land identified, known or reasonably suspected of being contaminated and that has not satisfied one of the two requirements of the overlay.
- **Restructure Overlay** applies a restructure plan to old and inappropriate subdivisions as a condition of development approval.
- **Specific Controls Overlay** to allow land to be identified and subject to specific controls to achieve land use or development outcomes that may otherwise be prohibited or restricted under other provisions of the planning scheme.

EAST GIPPSLAND PLANNING SCHEME

25/11/2022
C162egip

SCHEDULE TO CLAUSE 74.02 FURTHER STRATEGIC WORK

1.0 Further strategic work

--/--/----
Proposed C161egip

Review of the Coastal Settlements Design and Development Overlays.

Review Heritage Gap Study, prepare local planning policy and update schedule to the Heritage Overlay.

Prepare and implement into the planning scheme the Rural Land Use Strategy.

Monitor the demand and supply of land in the Rural Living and Low Density Residential Zones and review schedules to these zones to increase supply within existing zoned areas, where appropriate.

Review Coastal Inundation and Erosion Policy as part of any update to the flood mapping, policy and schedules, including consideration of the implications of climate change and sea level rise.

Prepare a Planning Scheme Amendment to implement planning controls to protect landfill and water infrastructure.

Investigate rezoning land to facilitate the Paynesville Employment and Emergency Services Precinct in accordance with the Paynesville Growth Area Structure Plan.

Implement rezoning of land parcels immediately adjacent to Lake King from Farming Zone to Public Conservation and Resource Zone upon the completion of the transfer of land process to a Public Land Manager.

Prepare and implement a review of the Bairnsdale Growth Strategy.

Prepare Structure Plans for Lindenow, Omeo, Orbost and Mallacoota.

Review and update the Erosion Management Overlay mapping, schedules and local policy.

Prepare an Industrial land demand and supply analysis.

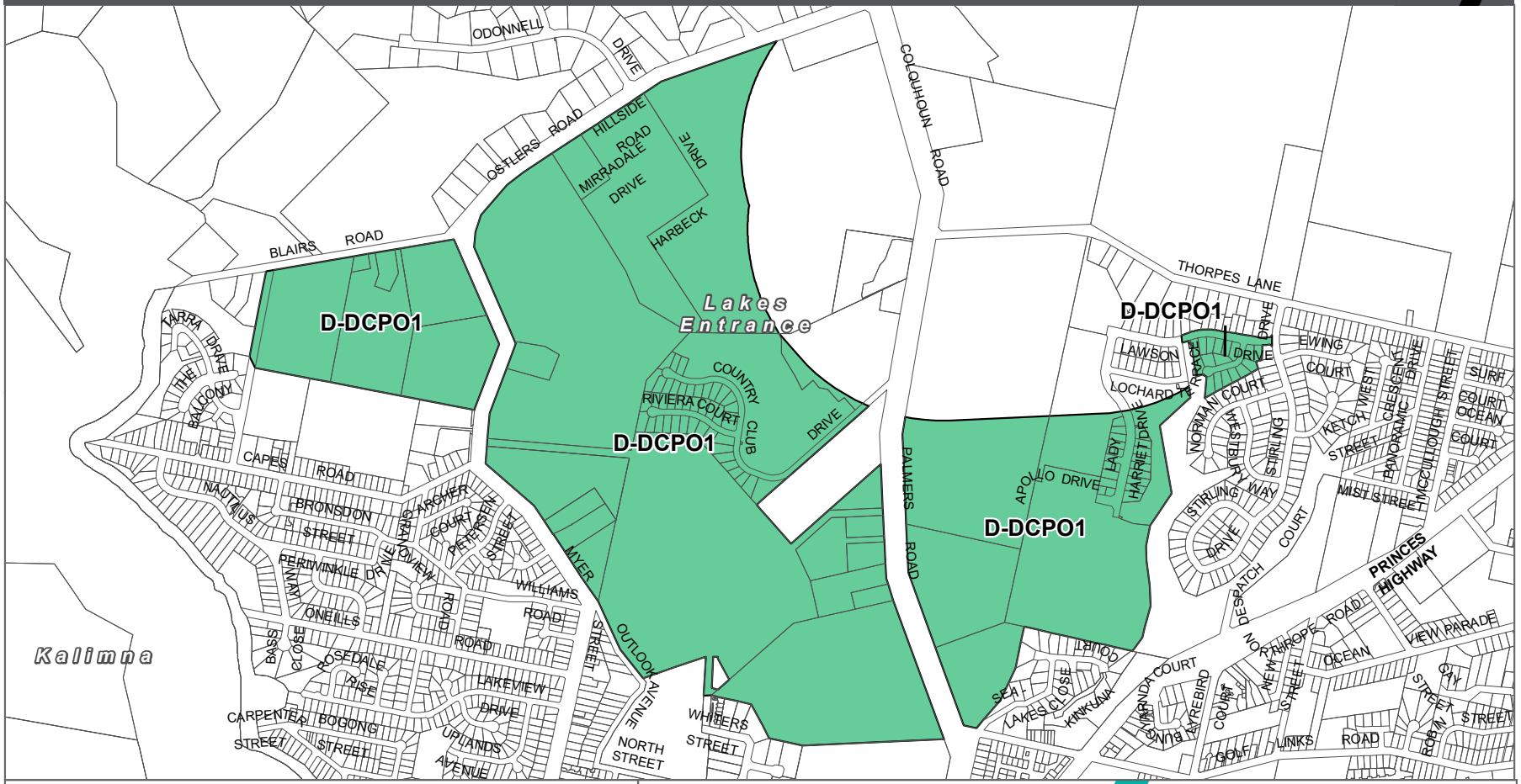
Review and update the mapping and schedules to the Environmental Significance Overlay.

Develop built form and development guidelines for medium density housing.

Review and implement East Bairnsdale Lucknow Precinct Structure Plan (November 2013).

In association with the relevant catchment management authority, review and update flood mapping, schedules and policy using best available data and with consideration of climate change, sea level rise and increased rainfall intensity.

EAST GIPPSLAND PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C161egip



LEGEND

D-DCPO - Area to be deleted from a Development Contributions Plan Overlay

Local Government Area

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

© The State of Victoria Department of Transport and Planning 2025

Planning Group
Print Date: 06/06/2025
Amendment Version: 1

Part of Planning Scheme Map 55DCPO

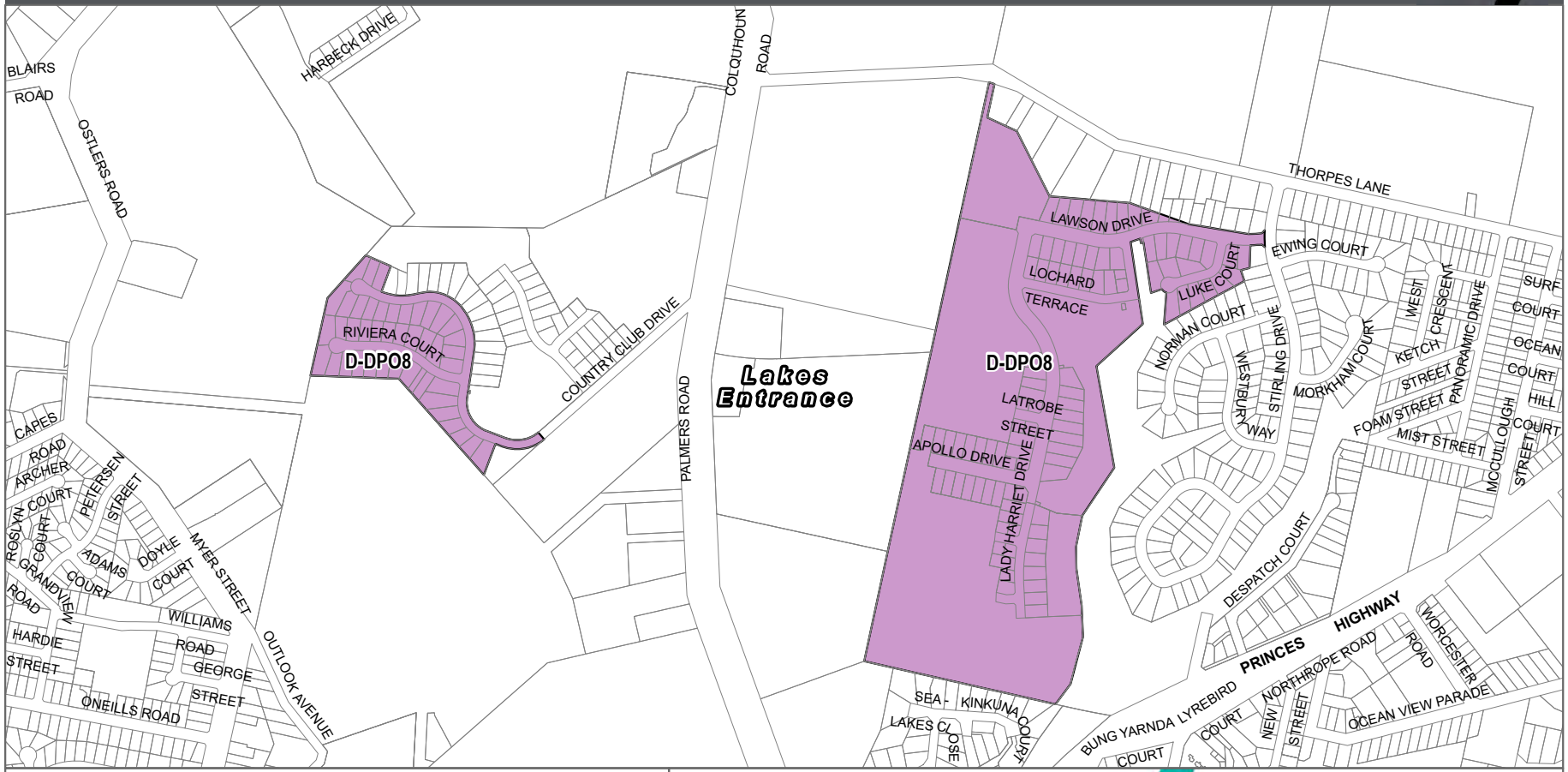
0 230 460
Metres

VICTORIA State Government
Department of Transport and Planning

001

EAST GIPPSLAND PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C161egip



LEGEND

D-DPO - Area to be deleted from a Development Plan Overlay

Local Government Area

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

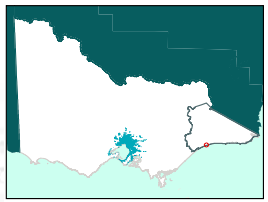
© The State of Victoria Department of Transport and Planning 2026

Planning Spatial Services
Print Date: 17/03/2026
Amendment Version: 3

0 80 160 240
Meters

VICTORIA State Government | Department of Transport and Planning

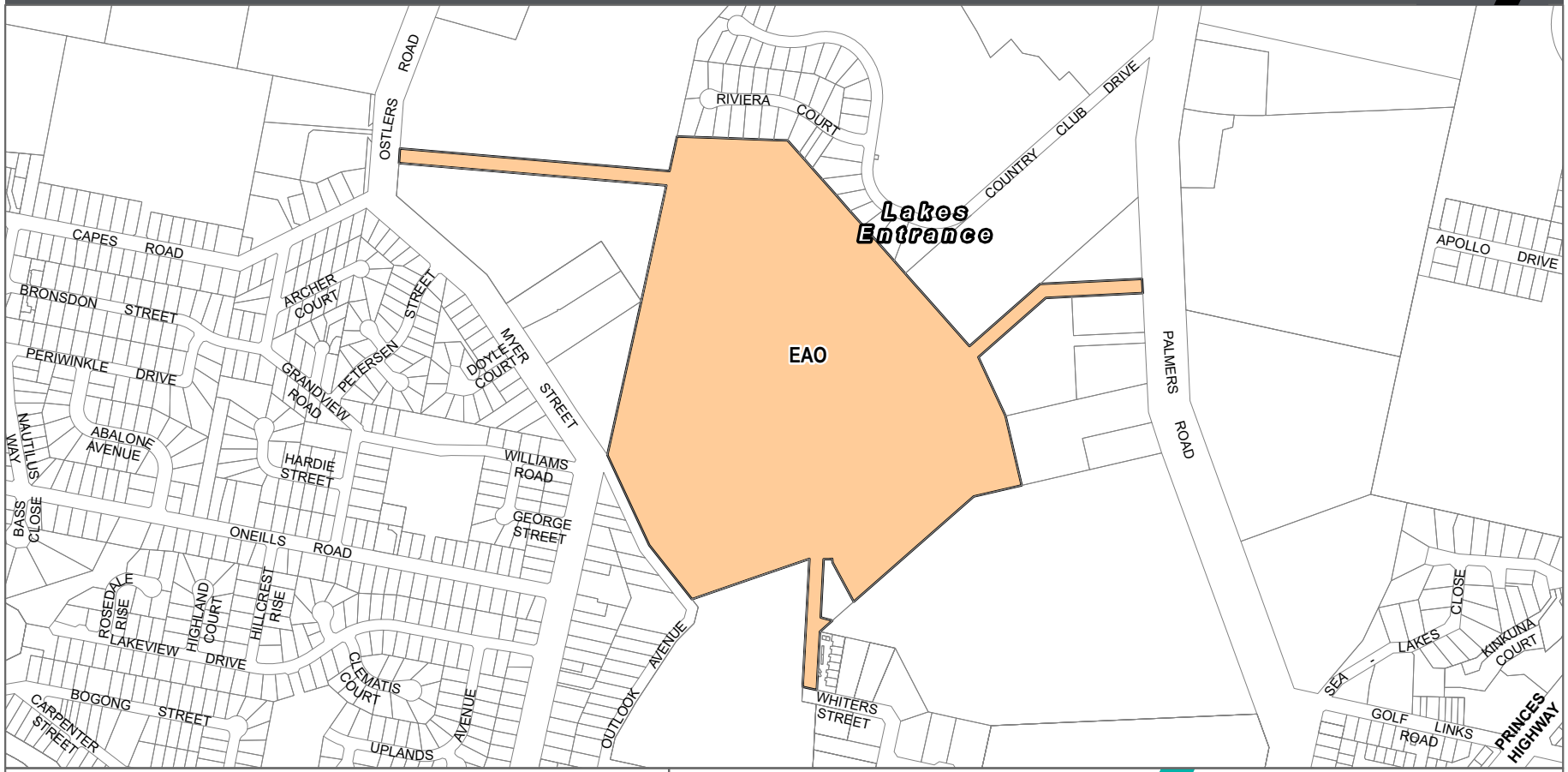
Part of Planning Scheme Map 55DPO



002

EAST GIPPSLAND PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C161egip



LEGEND

- EAO - Environmental Audit Overlay
- Local Government Area

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

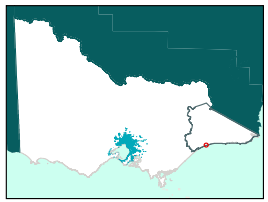
© The State of Victoria Department of Transport and Planning 2025

Planning Spatial Services
Print Date: 29/07/2025
Amendment Version: 1

0 60 120 180
Meters

VICTORIA State Government | Department of Transport and Planning

Part of Planning Scheme Map 55EAO



003

5.2 Chief Executive Officer

5.2.1 Nicholson Street Mall

Authorised by Chief Executive Officer

Purpose

This report responds to a petition received by Council at its meeting of 17 March 2026 (item 1.7.1.1) calling on Council to open the Nicholson Street Mall (Mall) for the safety of pedestrians, shoppers, workers and business owners, to stop congestion in Nicholson/Bailey Streets and Nicholson/Service Streets and to improve traffic flow in the area.

Key Points

The Mall in the heart of the Bairnsdale CBD has undergone a range of changes in the trader profile and the way the Mall operates since it was upgraded over a decade ago.

In addition to this, towns in East Gippsland, including the Bairnsdale CBD are experiencing an unprecedented level of anti-social behaviour. The nature of the mall as a traffic-free area, coupled with the lower levels of activation changes in use of the buildings has brought, now make the mall a popular location for rough-sleepers and anti-social behaviour.

Council has been meeting with trader representatives since January about this issue and empathises with their recent experiences and the impact this is having on both them and their customers.

Community safety in and around the Mall is a priority, and Council has on multiple occasions liaised with the local Victoria Police representatives about the need for a police presence at the Mall and other key locations on a regular basis. In addition to this Council has initiated a range of responses to the immediate impact which are detailed in the body of this report.

Council has also been requested to form a taskforce to bring all the parties with an interest in this matter together, with the first meeting of this group scheduled for later this month.

Opening the Mall to vehicle traffic would be a major project for Council, requiring careful design, engagement with the community and consideration of both the short and long-term impacts on the area of reintroducing traffic to the area. As such there is further investigative and scoping work to be undertaken before Council considers undertaking such a significant project and change.

That Council:

1. ***notes the actions Council Officers have initiated as short term mechanisms to address safety and amenity issues within the Nicholson Street Mall precinct;***

2. ***supports the establishment of a Nicholson Street Taskforce as requested by traders, and supports Officers to work with this group and the broader community to identify both short-term and longer-term improvement opportunities for the area;***

3. ***continues to advocate for an increased police presence both in the Nicholson Street Mall and other areas across East Gippsland where antisocial behaviour is a recognised issue; and***

4. ***notes that Council Officers have recently provided the head petitioner with an update on the actions outlined in the report.***

Strategic Context

The Mall precinct is a long-standing focal point within the Bairnsdale CBD, shaped by a series of strategic plans and investments over more than a decade. These include the Bairnsdale Growth Plan (2009), Reimagining Bairnsdale (2013), the mall upgrade works undertaken between 2013 and 2015, and the Bairnsdale Parking Strategy (2015). Incremental implementation of these initiatives has occurred alongside significant structural changes within the CBD, including the relocation of major retailers, partial reintroduction of parking, completion of the Arts Precinct feasibility study, and engagement with key landowners and funding bodies. Together, these actions provide the context for current discussions about the future reactivation of the Mall precinct.

Changes in the trader profile over the past few years including the relocation of Woolworths and Spotlight away from the Mall and the closure of a range of other retail outlets have seen the use of the Mall change significantly, with the space being used less by pedestrians and shoppers, creating a space that can at times feel unsafe and attract anti-social behaviour.

Councill has received several reports of such antisocial behaviour from traders and community members with Victoria Police confirming that the Mall is currently one of the primary areas of antisocial behaviour in Bairnsdale.

Whilst the call to reopen the Mall to traffic may be part of the solution to addressing the change in use and behaviour in the Mall, this must be considered within a wider context of improving activation in the area and not losing the potential this area also presents to act as a key civic space for the community and link the CBD to the Mitchell River.

In the short term, Council has focused on operational and risk management responses aimed at improving amenity and safety within the Mall. Actions to date include closure of the frequently vandalised public toilets, increased collaboration with Victoria Police, continued support for activation through events, art installations and music, improvements to maintenance and cleaning, vegetation management, confirmation of CCTV functionality, and progressing options for relocation of the taxi rank. Consultation with taxi operators has identified preferred alternative locations, recognising both the needs of elderly users and the implications of removing passive surveillance and activity from the mall itself.

Officers are therefore partway through an engagement process with Traders and the broader public to support the potential relocation of the taxi rank to the Eastern side of Nicholson Street, close to the Pyke Street intersection.

To support a more coordinated and evidence based approach, Council has engaged local consultants to assist in developing a strategic framework that integrates short-term actions with longer-term opportunities. The scope includes defining the key issues affecting the precinct, assessing practical options to improve its economic, social, and functional performance, and providing advice to support Council decision-making. This work is intended to inform future considerations and underpin the discussions of a stakeholder taskforce later this month.

Looking to the longer term, the Nicholson Street precinct presents significant opportunities to reconnect the town centre with the river, support development of a night-time economy, expand cultural and civic uses within the CBD, and showcase heritage assets through adaptive reuse. However, these opportunities are contingent on further investigation and design.

The potential reopening of Nicholson Street between Bailey and Service Streets, either fully or as a shared use zone, should be considered within this context and as part of this broader planned work.

Opening Nicholson Street between Service and Bailey Streets (Mall Area)

Whilst this report does not propose to open the Mall area for traffic, that does not mean that the concept put forward in the petition has been disregarded. Such works would need to be treated as a major project and fully planned and designed. Investigation work such as the structural integrity of the underground services would need to be undertaken to inform such decisions.

The work described in the strategic context section of this report provides the opportunity to more fully investigate the opportunities to potentially open the street for traffic as either a shared zone, a one-way system, or a full two-way street. These options would then be tested via community consultation, designed and costed and presented to Council for consideration as a future project.

Strategic Alignment

This report has been prepared and aligned with the following theme in the Council Plan 2025-2029:

Theme 2: Prosperity
Outcome – Thriving, self-sufficient communities with strong local businesses and social enterprises

Consultation/Community Engagement/Impacts

Council is currently undertaking consultation on the relocation of the Taxi rank.

Consultation on the future use of the Mall and anu reopening of the mall would also require comprehensive consultation as well as technical investigation.

Opportunities and Risks

Changes to the Mall bring both opportunities and risks, it is for this reason that an initial piece of scoping work has been commissioned to clearly define the problem and identify a range of both short-term and longer-term actions to address this and optimise the site.

Opening a road without firstly setting the strategic context and then developing a well-planned infrastructure upgrade project is considered a risk.

Climate Change

This report is assessed as having no direct impact on climate change.

Conflicts of Interest

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

Attachments

Nil

5.3 Assets and Environment

5.3.1 CON2026 1755 WORLD Soccer Pavilion and Pitches Construction Works

Authorised by General Manager Assets and Environment

Confidentiality Notice

The information contained in **Confidential Attachment 1 - CON2026 1755 Contract Award Summary, Confidential Attachment 2 - CON2026 1755 Tender Evaluation Report, Confidential Attachment 3 Probity Report** and **Confidential Attachment 4 – Life To Date Financials** are confidential under section 3(1) of the *Local Government Act* 2020 because it relates to: (g) Private Commercial Information, being information provided by a business, commercial or financial undertaking that—(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Pursuant to section 66(5)(b) of the *Local Government Act* 2020, if released, the information discussed or considered in relation to this agenda item would unreasonably expose the business, commercial or financial undertaking to disadvantage, by disclosing financial information to competitors.

Purpose

This report seeks Council approval to award Contract CON2026 1755 – WORLD Soccer Pavilion and Pitches Construction Works.

Key Points

This report recommends the award of a contract for construction of the soccer precinct within the WORLD Sporting Precinct, a significant community sporting hub incorporating facilities for netball, hockey and soccer.

Delivery of the soccer pavilion and pitches represents the final stage of the WORLD Sporting Precinct redevelopment, completing a longstanding community aspiration for a permanent “home for soccer” in East Gippsland.

For completeness, a consolidated summary of the total cost of the WORLD Sporting Precinct across all stages is provided at **Confidential Attachment 4 – Life To Date Financials**, for Councillors’ information and context.

Although delivered as the final stage, provision of soccer facilities has been a key driver of the overall WORLD project since adoption of the Bairnsdale Sporting Facilities Plan (2018), which identified soccer as the highest priority sporting infrastructure need in East Gippsland due to high participation levels and the lack of fit-for-purpose facilities limiting growth and competition quality.

The works to be delivered in this contract include delivery of a new soccer pavilion and two soccer pitches - one synthetic and one turf - including irrigation, drainage, player benches and sports lighting. The pavilion incorporates change rooms, referee rooms, a social room, kitchen/canteen, storage areas, public toilets and spectator benches, along with associated works such as fencing and pathway connections within the precinct.

The pavilion has been designed in accordance with Football Victoria's Local and Community Competition Level Double Pitch concept and relevant State and Commonwealth legislative and policy requirements, including accessibility standards. The construction footprint as provided at **Attachment 5 – WORLD Soccer Site Plan.**

Recommendation

That Council:

1. ***notes the current status of Environmental Protection and Biodiversity Conservation Act Approval, Town Planning and East Gippsland Water approvals for the WORLD Soccer Precinct project;***

2. ***awards the tender for CON2026 1755 WORLD Soccer Pavilion and Pitches Construction Works to the tenderer identified as the preferred tenderer in the Contract Award Summary provided at Confidential Attachment 1, structured as two separable portions that are contingent on relevant approvals for each portion (1. Site preparation and drainage and 2. Pavillion, pitches and external works) for the contract amount specified in that attachment;***

3. ***authorises the Chief Executive Officer or delegated General Manager to approve variations to CON2026 1755 WORLD Soccer Pavilion and Pitches Construction Works up to the contingency amount specified in the Contract Award Summary provided at Confidential Attachment 1, subject to the conditions specified in that summary;***

4. ***authorises the Chief Executive Officer to include conditions in the contract to make the awarding subject to any necessary final approvals including approval from the Department of Climate Change, Energy, the Environment and Water under the Environment Protection and Biodiversity Conservation Act 1999. This approval relates to environmental vegetation offset management and the impact of removing native vegetation from the site;***

5. ***authorises the Chief Executive Officer or delegate to finalise the terms and to execute the necessary contract documents, for each separable portion without further resolution of Council;***

6. ***authorises the Chief Executive Officer to approve a Deed of Variation, if required, to provide for fuel cost recovery in accordance with Road Transport Contractual Chain Order made under Part3B-2 of the Fair Work Act 2009;***

7. ***notes that the successful tenderer and contract amount will be published on Council's website following execution of the contract documents and after unsuccessful tenderers have been formally notified; and***

8. ***resolves that the Confidential Attachments to this report and all discussions relating to them remain confidential.***

Project Background:

Delivery of the soccer pavilion and pitches represents the final stage of the WORLD Sporting Precinct redevelopment, completing a long-standing community aspiration for a permanent ‘home for soccer’ reflecting Council’s sustained investment in inclusive, high quality sporting infrastructure that supports participation, social connection and community wellbeing.

Soccer participation in East Gippsland is already high and continues to grow, with the East Gippsland United Football Club supporting approximately 500 participants in the summer season and 120 participants in the winter season, and the East Gippsland United Soccer Club supporting approximately 340 participants. Despite this demand, soccer currently operates across multiple venues without a permanent single ground home, resulting in ongoing capacity and scheduling constraints. This fragmented arrangement places significant pressure on volunteers and administrators coordinating competitions, officials, canteen services and safety requirements across multiple sites and limits participation and competition outcomes to a greater extent than is experienced by other sporting codes. Local soccer stakeholders, led by East Gippsland United Football Club, have consistently and passionately advocated for a purpose built facility for many years and have remained engaged and supportive throughout the development of the WORLD Sporting Precinct.

The preferred tenderer was selected based on their demonstrated capability to deliver both a compliant, accessible pavilion and specialist sports field works, including engagement of an experienced specialist subcontractor for the sports field components.

Rationale for Project Delivery

The delivery of the WORLD Soccer Pavilion and Pitches Construction Works will provide significant and lasting health and wellbeing outcomes for the East Gippsland community by supporting increased participation in organised sport, physical activity, and social connection. The project delivers inclusive, fit-for-purpose sporting infrastructure that responds to demonstrated demand and addresses long standing capacity constraints impacting local soccer participation, volunteers and administrators.

The project has been progressed during a period of sustained market volatility and cost escalation arising from COVID-19 impacts, including increased material costs, labour shortages and supply chain disruptions affecting the construction sector nationally. These conditions have resulted in higher tender prices compared to pre-COVID estimates. Council officers have actively managed these impacts through staged delivery, design refinement and extensive value management while ensuring the project continues to meet functional, accessibility and compliance requirements.

Despite these challenges, the project represents a strong overall outcome, delivering the final stage of the WORLD Sporting Precinct and realising a long-standing community aspiration for a permanent home for soccer. Extensive value management has been undertaken throughout the design and procurement phases, with no further scope reductions achievable without compromising functionality, compliance or intended community outcomes.

Council has completed the necessary assessments to inform delivery; however, the outcome of an Environmental Protection and Biodiversity Conservation Act (1999) referral process remains pending. Therefore, the recommendation being made to Council includes a clause to ensure that this approval is obtained before the contract is executed.

Project Funding:

The overall WORLD project received significant funding from both the Victorian and Australian Governments. Whilst this funding has been spent and acquitted, it was tied to the delivery of the entire project – including the soccer component. Delivery of the Soccer Pavillion and Pitches is therefore required, if Council is not to repay components of these grants.

Strategic Alignment

This report has been prepared and aligned with the following themes in the Council Plan 2025-2029:

Theme 3: Making the most of what we've got
Outcome – Our assets are well maintained, utilised and meet community needs.

Theme 4: Managing Council well
Outcome – Decision-making is streamlined, efficient, and responsive to community needs.

The Council adopted Bairnsdale Sporting Facilities Plan (2018), identified the development of soccer facilities as the highest priority sporting infrastructure project in East Gippsland.

Collaborative Procurement

Pursuant of section 109(2) of the *Local Government Act* 2020 this report has not been prepared in collaboration with other agencies given the bespoke nature of the contract.

This project was subject to probity examination due to the value of the contract a copy of the Probity report is provided at **Confidential Attachment 3 - CON2026 1755 WORLD Probity Report.**

Consultation/Community Engagement/Impacts

Extensive community engagement over several years has informed the development of the Bairnsdale Sporting Infrastructure Plan (2018) and was undertaken throughout the broader WORLD Sporting Precinct development. While the soccer component represents the final stage of the WORLD Sporting Precinct redevelopment, provision of improved soccer facilities was a key driver for the overall project.

The East Gippsland United Soccer Club has a growing membership of approximately 500 players in the summer season and 300 players in winter, with current facilities constraining further growth in grassroots and regional competition participation.

The club has continued to actively engage with council as we continued to redesign and manage costs associated with the facility. The club has remained supportive of the project throughout its long gestation and many redesigns.

Opportunities and Risks

The project requires delivery of one synthetic pitch and one turf pitch. Inclusion of a synthetic pitch is a funding requirement and has been carefully considered by officers, including consultation with Council's Turf Maintenance Team. While a synthetic pitch has a higher upfront cost, it provides a more durable and consistent playing surface, is better suited to the higher wear associated with soccer and avoids the ongoing challenges of maintaining two high-quality turf pitches as participation continues to grow.

Key constraints include the need to align funding decisions with the 2026/27 budget process, coordinate multiple funding sources within the contract, and continue to manage scope decisions carefully to ensure the project delivers the intended community outcomes.

Ongoing geopolitical instability in the Middle East continues to create uncertainty in global oil markets, posing a risk of increased fuel costs during construction. To mitigate this risk, an updated price incorporated fuel price allocation and special conditions of contract focusing on risk sharing due to inflation will be included to address potential fuel price fluctuations.

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

Local Government Act 2020 (including ss. 8-9)

Category

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

Environmentally Sustainable Design, has integrated principles into the design, construction, and operation of buildings to minimise their negative environmental impacts and operational costs. The goal is to reduce energy use, water consumption, waste, and greenhouse gas emissions while improving occupant health and comfort, ultimately leading to more resilient, cost-effective, and sustainable buildings and infrastructure.

The project is also subject to the *Environment Protection and Biodiversity Conservation Act* 1999 (Cth). With approval required for environmental vegetation offset management and the impact of removing native vegetation from the site.

Procurement has been undertaken in accordance with Council's Procurement Policy (2025).

Conflicts of Interest

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

Attachments

1. CONFIDENTIAL - CON2026 1755 WORLD - Contract Award Summary [**5.3.1.1** - 2 pages]
2. CONFIDENTIAL - CON2026 1755 TEP Report - Final [**5.3.1.2** - 16 pages]
3. CONFIDENTIAL - CON2026 1755 - Probity Report [**5.3.1.3** - 1 page]
4. CONFIDENTIAL - WORLD - Life To Date Financials [**5.3.1.4** - 1 page]
5. WORLD Soccer Site Plan [**5.3.1.5** - 1 page]



4 ARCHITECTS

EAST GIPPSLAND SHIRE COUNCIL

WORLD Soccer Precinct
Wallace Street, Baimsdale, VIC 3875

Date generated	Format	Project number
9/02/2026	1:500 @A1	231213

Drawing title
PROPOSED SITE PLAN

Drawing number
A1.01

5.3.2 CON2026 1642 Eastern Beach Road Drainage Improvements Construction Works

Authorised by General Manager Assets and Environment

Confidentiality Notice

The information contained in **Confidential Attachment 1 (CON2026 1642 Contract Award Summary)** and **Confidential Attachment 2 (CON2026 1642 Tender Evaluation Report)** is confidential under section 3(1) of the *Local Government Act* 2020 because it relates to: (g) Private Commercial Information, being information provided by a business, commercial or financial undertaking that—(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Pursuant to section 66(5)(b) of the *Local Government Act* 2020, if released, the information discussed or considered in relation to this agenda item would unreasonably expose the business, commercial or financial undertaking to disadvantage, by disclosing financial information to competitors.

Purpose

To seek Council approval to award the contract for the upgrade of drainage infrastructure modifications in the vicinity of the intersection of Eastern Beach Road and Cunningham Street Lakes Entrance as provided at **Attachment 3 – Eastern Beach Drainage Site Works.**

Key Points

A consultant was engaged to assist Council by undertaking flood modelling to gain an understanding of the capacity of the existing drainage infrastructure in the area and identify possible improvements. A flood assessment report was completed which highlighted the following design considerations to reduce the extent of flooding in future, including:

- Construct upgrade works for Cunningham Street to cater for 1 in 20 average recurrence intervals (ARI) rain event - including tolerance for a climate change scenario of 17.5% increase in volume of stormwater flow.
- Mitigate private property flood impacts and reduce extent of road flooding by constructing or amending drainage infrastructure to achieve a 1% Annual Exceedance Probability (AEP).
- Implement measures to achieve erosion and sediment control.
- Implement protective treatments if necessary to minimise damage to road infrastructure from flooding.
- Manage stormwater quality through best practice design.

Council subsequently progressed the design of an upgraded stormwater drainage system comprising vegetated swales, upgrades to stormwater pits and pipe networks, box culverts and associated road works. The design will collect stormwater runoff and convey them through Cunninghame Street to a downstream outfall through a box culvert. Once constructed, the upgrades stormwater infrastructure will minimise the extent of flood inundation for rain events in accordance with the recommended design parameters outlined above.

Recommendation

That Council:

1. ***awards the tender for CON2026 1642 Eastern Beach Road Drainage Improvements Construction Works to the tenderer identified as the preferred tenderer in the Contract Award Summary provided at Confidential Attachment 1, for the contract amount specified in that attachment;***

2. ***authorises the relevant General Manager to approve variations to CON2026 1642 Eastern Beach Road Drainage Improvements Construction Works up to the contingency amount specified in the CON2026 1642 Award Summary provided at Confidential Attachment 1, subject to the conditions specified in that summary***

3. ***authorises the Chief Executive Officer or delegate to finalise the terms and to execute the necessary contract documents;***

4. ***authorises the Chief Executive Officer to approve a Deed of variation, if required, to provide for fuel cost recovery in accordance with Road Transport Contractual Chain Order made under Part3B-2 of the Fair Work Act 2009;***

5. ***notes that the successful tenderer and contract amount will be published on Council's website following execution of the contract documents and after unsuccessful tenderers have been formally notified; and***

6. ***resolves that the Confidential Attachments to this report and all discussions relating to them remain confidential.***

Strategic Alignment

This report has been prepared and aligned with the following themes in the Council Plan 2025-2029:

Theme 3: Making the most of what we've got
Outcome – Our assets are well maintained, utilised and meet community needs.

Theme 4: Managing Council well
Outcome – Decision-making is streamlined, efficient, and responsive to community needs.

Collaborative Procurement

Pursuant to section 109(2) of the *Local Government Act* 2020 this report has not been prepared in collaboration with other Councils, State or Federal Agencies due to the bespoke nature of the project.

The tendering and evaluation process adhered to Council's Procurement Policy, incorporating best practices in cost efficiency, risk management, and contractor capability assessment.

Consultation/Community Engagement/Impacts

Community engagement has played a key role in shaping the final design. Concerns raised during the initial project phase included inundation of private properties bordering the drainage channel as well as Cunningham Street and flooding of the caravan park. These concerns were addressed through additional design refinements, incorporating feedback from residents, businesses, and stakeholders. Key changes include enhanced road geometry to optimise overland flow and drainage.

Opportunities and Risks

Key risks associated with the project include:

- **Traffic Disruptions:** The road is a high-traffic area, and construction activities may impact movement around the primary school and the caravan park. A detailed traffic management plan will be implemented to minimise disruptions.

- **Stakeholder Expectations:** Continued communication with the community and businesses will be critical during construction hence the proposed timing of any construction activities must be outside of the visitor peak times to ensure the local economy is lightly impacted.

- **Fuel Price Volatility:** Ongoing geopolitical instability in the Middle East continues to create uncertainty in global oil markets, posing a risk of increased fuel costs during construction. To manage this, the contract includes updated pricing provisions for fuel cost allocation and special conditions that share inflation-related risk, helping to address potential fuel price fluctuations.

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

Local Government Act 2020 (including ss. 8-9)

Category

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

Options – Councillor Briefing Reports Only

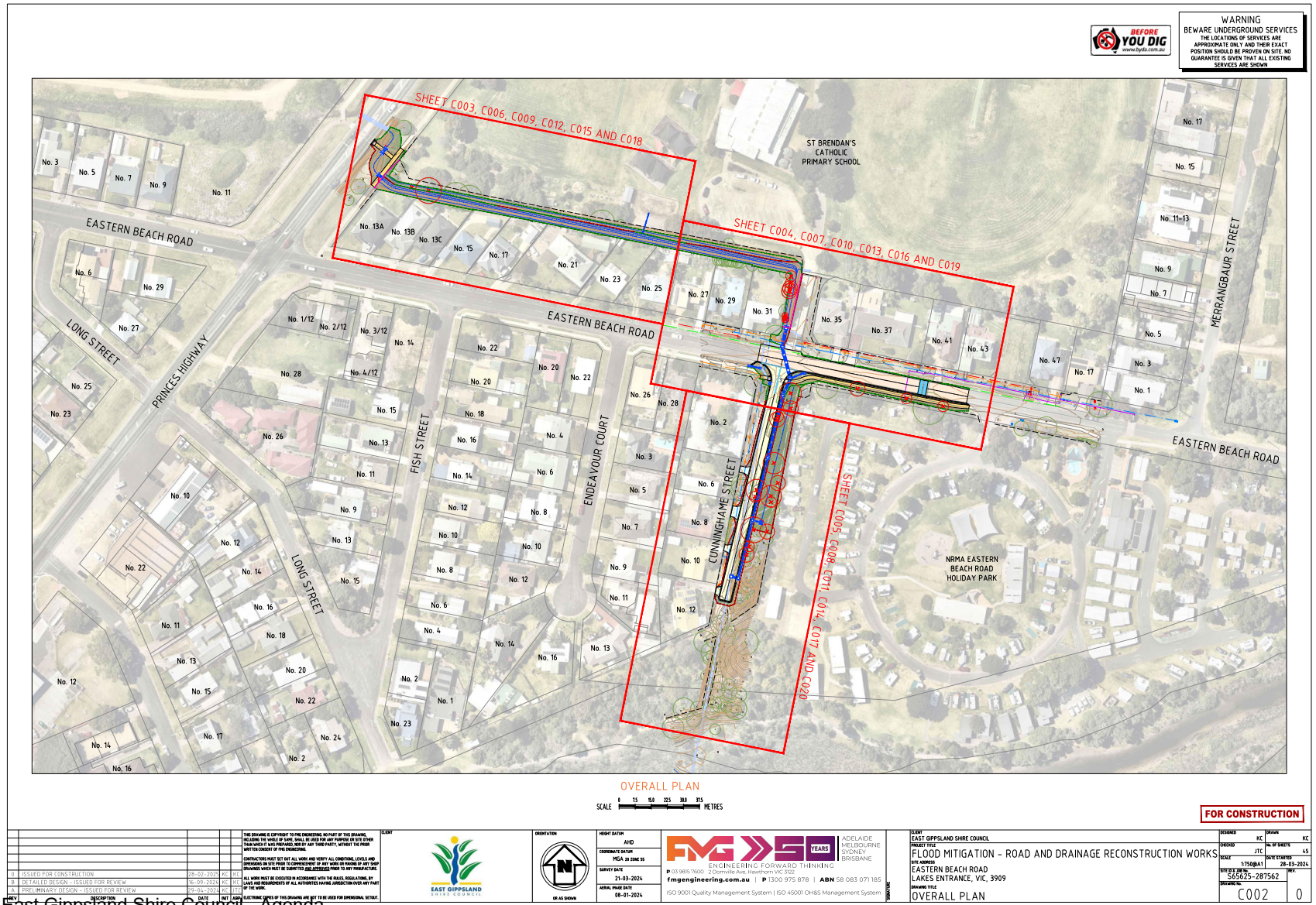
Council has the option to award a contract in accordance with the Tender Evaluation Process recommendation, or to not proceed with the procurement.

Conflicts of Interest

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

Attachments

1. CONFIDENTIAL - CON2026 1642 Contract Award Summary [**5.3.2.1** - 2 pages]
2. CONFIDENTIAL - CON2026 1642 TEP Report [**5.3.2.2** - 17 pages]
3. Eastern Beach Drainage Site Works [**5.3.2.3** - 1 page]


BEFORE YOU DIG
www.byda.com.au
WARNING
BEWARE UNDERGROUND SERVICES
THE LOCATIONS OF SERVICES ARE APPROXIMATE ONLY AND THEIR EXACT POSITION SHOULD BE PROVEN ON SITE. NO GUARANTEE IS GIVEN THAT ALL EXISTING SERVICES ARE SHOWN
SHEET C003, C006, C009, C012, C015 AND C018
SHEET C004, C007, C010, C013, C016 AND C019
SHEET C005, C008, C011, C014, C017 AND C020
ST BRENDAN'S CATHOLIC PRIMARY SCHOOL
NRMA EASTERN BEACH ROAD HOLIDAY PARK
EASTERN BEACH ROAD
LONG STREET
PRINCES HIGHWAY
FISH STREET
ENDEAVOUR COURT
CUNNINGHAME STREET
MERRANGBAUR STREET
OVERALL PLAN
SCALE 0 15 150 225 300 375 METRES
FOR CONSTRUCTION
THIS DRAWING IS COPYRIGHT TO FMG ENGINEERING. NO PART OF THIS DRAWING, INCLUDING THE WHOLE OF SAME, SHALL BE USED FOR ANY PURPOSE OR SITE OTHER THAN WHICH IT WAS PREPARED, NOR BY ANY THIRD PARTY, WITHOUT THE PRIOR WRITTEN CONSENT OF FMG ENGINEERING.
CONTRACTORS MUST SET OUT ALL WORK AND VERIFY ALL CONDITIONS, LEVELS AND DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF ANY WORK OR MAKING OF ANY SHOP DRAWINGS WHICH MUST BE SUBMITTED FOR APPROVAL PRIOR TO ANY FABRICATION.
ALL WORK MUST BE EXECUTED IN ACCORDANCE WITH THE RULES, REGULATIONS, BY LAWS AND REQUIREMENTS OF ALL AUTHORITIES HAVING JURISDICTION OVER ANY PART OF THE WORK.
ELECTRONIC COPIES OF THIS DRAWING ARE NOT TO BE USED FOR DIMENSIONAL SETOUT.
REV DESCRIPTION DATE INT AUTH
D ISSUED FOR CONSTRUCTION 28-02-2025 KC KC
B DETAILED DESIGN - ISSUED FOR REVIEW 16-09-2024 KC KC
A PRELIMINARY DESIGN - ISSUED FOR REVIEW 29-04-2024 KC JTC
CLIENT
EAST GIPPSLAND SHIRE COUNCIL
ORIENTATION
OR AS SHOWN
HEIGHT DATUM AHD
COORDINATE DATUM MGA 20 ZONE 55
SURVEY DATE 21-03-2024
AERIAL IMAGE DATE 08-01-2024
FMG ENGINEERING 50 YEARS
ENGINEERING FORWARD THINKING
ADELAIDE MELBOURNE SYDNEY BRISBANE
P 03 9815 7600 2 Dornville Ave, Hawthorn VIC 3122
fmgengineering.com.au | P 1300 975 878 | ABN 58 083 071 185
ISO 9001 Quality Management System | ISO 45001 OH&S Management System
SIGNATURE
CLIENT EAST GIPPSLAND SHIRE COUNCIL
PROJECT TITLE FLOOD MITIGATION - ROAD AND DRAINAGE RECONSTRUCTION WORKS
SITE ADDRESS EASTERN BEACH ROAD LAKES ENTRANCE, VIC, 3909
DRAWING TITLE OVERALL PLAN
DESIGNED KC
DRAWN KC
CHECKED JTC
No. OF SHEETS 45
SCALE 1:750@A1
DATE STARTED 28-03-2024
SITE ID & JOB No. S65625-287562
DRAWING No. C002
REV 0

5.3.3 CON2026 1733 Krauatungalung Walk, Stage 2 - Section 4 - Construction Works

Authorised by General Manager Assets and Environment

Confidentiality Notice

The information contained in **Confidential Attachment 1 CON2026 1733 Contract Award Summary, Confidential Attachment 2 CON2026 1733 Tender Evaluation Process** and **Confidential Attachment 3 CON2026 1733 Probity Report** are confidential under section 3(1) of the *Local Government Act* 2020 because it relates to: (g) Private Commercial Information, being information provided by a business, commercial or financial undertaking that—(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Pursuant to section 66(5)(b) of the *Local Government Act 2020*, if released, the information discussed or considered in relation to this agenda item would unreasonably expose the business, commercial or financial undertaking to disadvantage, by disclosing financial information to competitors.

Purpose

This report seeks Council approval to award CON2026 1733 Krauatungalung Walk, Stage 2-Section 4, Lakes Entrance – Construction Works a crucial element of the broader Krauatungalung Walk project.

Stage 2 - Section 4 delivers the northern elevated boardwalk and supports long term shore protection by reducing the impacts of coastal erosion, while providing a safe and all-abilities accessible pedestrian connection. The extent of the proposed works is provided at **Attachment 4 Krauatungalung Walk Stage 2 - Section 4 Locality Plan**.

Key Points

Council secured Australian Government funding to design and deliver an all-abilities walking circuit around Cunninghame Arm, east of the Lakes Entrance footbridge. The Krauatungalung Walk is intended to strengthen connectivity along the foreshore by linking existing facilities and uses, enhancing inclusive access, and supporting active community lifestyles, while embedding opportunities to share and celebrate local First Nation stories.

The Krauatungalung Walk project is a partnership between Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) and East Gippsland Shire Council, reflecting the significance of the project to Lakes Entrance as a cultural, tourism, and lifestyle destination. Central to the project is the recognition and respectful interpretation of the area's rich Indigenous cultural heritage. The foreshore has long been a place of food gathering and cultural connection, and the Gunaikurnai people, as Traditional Owners, together with local Aboriginal Elders, have been actively consulted throughout the project's development.

Krauatungalung Walk project is divided into 4 sections:

Section 1 Complete

Section 2 Unfunded
Involves the design of the Southern Boardwalk: Surf Club Precinct to Eastern Beach. Located on the southern side of Cunninghame Arm, this 1.8km boardwalk will provide the missing link from the surf club precinct to Eastern Beach.

Section 3 Partly Funded – not yet tendered
Involves the design of all abilities shared pathway from Eastern Beach to Northern Boardwalk. This section is partly funded under the Australian government grant but is not included in the current contract and will be subject to future contract award to construct a part of Section 3 with the remaining grant funding allocated to the project.

Section 4 Funded – Contract to be awarded
These works include a new elevated boardwalk, approximately 300 metres, supported by piling over a water body, coastal sand renourishment, and installation of an Elcorock sand container erosion protection system. The boardwalk alignment crosses two existing jetties, with step-down connections provided, and connects to surrounding local streets, including an eastern platform to ensure seamless integration with the future section 3 pathway toward Eastern Beach.

Improved Connectivity and Activation

Stage 2-Section 4 completes a key coastal boardwalk link, strengthening connections between local streets and toward Eastern Beach. It enhances all abilities access, supports the broader Krauatungalung Walk network, and reinforces Lakes Entrance as a coastal and cultural destination, with expected flow on benefits to local businesses and visitation.

Recommendation

That Council:

1. ***awards the tender for CON2026 1733 Krauatungalung Walk, Stage 2- Section 4, Lakes Entrance – Construction Works to the tenderer identified as the preferred tenderer in the Contract Award Summary provided at Confidential Attachment 1, for the contract amount specified in that attachment;***

2. ***authorises the Chief Executive Officer to approve variations to CON2026 1733 Krauatungalung Walk, Stage 2- Section 4, Lakes Entrance – Construction Works up to the contingency amount specified in the 2026 1733 Award Summary provided at Confidential Attachment 1, subject to the conditions specified in that summary;***

3. ***authorises the Chief Executive Officer or delegate to finalise the terms and to execute the necessary contract documents;***

4. ***authorises the Chief Executive Officer to approve a Deed of variation, if required, to provide for fuel cost recovery in accordance with Road Transport Contractual Chain Order made under Part3B-2 of the Fair Work Act* 2009*;***

5. ***notes that the successful tenderer and contract amount will be published on Council's website following execution of the contract documents and after unsuccessful tenderers have been formally notified; and***

6. ***resolves that the Confidential Attachments to this report and all discussions relating to them remain confidential.***

Strategic Alignment

Support participation in recreation and physical activity and enhance pathway access for community members of all ages.

This report has been prepared and aligned with the following themes in the Council Plan 2025-2029:

Theme 3: Making the most of what we've got
Outcome – Our assets are well maintained, utilised and meet community needs.

Theme 4: Managing Council well
Outcome – Decision-making is streamlined, efficient, and responsive to community needs.

Collaborative Procurement

Given the bespoke nature of this contract and outcome, it was not possible to collaborate with other Councils in this procurement. Pursuant to section 109(2) of the *Local Government Act* 2020 this project has been designed with input and necessary approvals from other agencies.

This project was subject to probity examination due to the value of the contract. A copy of the Probity report is provided at **Confidential Attachment 3 - CON2026 1733 Krauatungalung Walk, Stage 2- Section 4, Lakes Entrance – Construction Works.**

Consultation/Community Engagement/Impacts

Community engagement has taken place in accordance with Council's Engagement Policy. Various tools have been employed to keep community informed, including a YourSay page, media releases, multiple Shire Noticeboard Advertisements, and social media.

Community engagement commenced in March 2022, with Council publishing a YourSay page outlining the project intentions and details. A letter dated 25 October 2022 was mailed to 85 ratepayers/owners identified as most impacted by the development due to their proximity to the walking circuit. The letter invited the recipient to view the Krauatungalung Walk YourSay page and welcomed feedback via phone and email. Officers have met on site with residents on a number of occasions and made a range of changes to the design in response to feedback from residents

The engagement report is provided at **Attachment 5 Krauatungalung Walk Engagement Report 2023.**

Stakeholder Objections

A Planning Permit was also required for this project and considered separately by Council. During the planning permit phase of the project a small number of adjacent property occupiers raised objections to the proposal; however, no objections were lodged with the Victorian Civil and Administrative Tribunal (VCAT).

Opportunities and Risks

Construction Impacts

Piling and marine works may cause temporary noise, vibration, access restrictions, and amenity impacts for nearby residents and foreshore users. These risks will be managed through careful staging, construction controls, and proactive community communication.

Market and Fuel Price Volatility

Ongoing geopolitical instability and fuel price fluctuations can place upward pressure on construction and cartage costs. The tendered price was submitted after fuel price volatility had emerged and is considered to reflect prevailing market conditions. However, prolonged conflict or further escalation may continue to impact fuel intensive activities during delivery, including the cartage of sand.

The recommendation before Council also allows for the Chief Executive Officer to approve a Deed of Variation, if required, to provide for fuel cost recovery in accordance with Road Transport Contractual Chain Order made under Part3B-2 of the Fair Work Act 2009.

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)

Category

The *Catchment and Land Protection Act* 1994 regulates land use and development to protect water resources, particularly in Special Water Supply Catchment Areas (SWSCA) and Special Areas, by establishing referral processes for planning permits to ensure infrastructure projects and land use changes do not negatively impact land and water quality.

The *Marine and Coastal Act* 2018 regulates development with oversight on climate change, population growth and aging coastal infrastructure. Projects that propose changes to the marine and coastal environment are assessed through this legislation to ensure impacts to the marine and coastal spaces are considered.

Procurement has also been undertaken in accordance with Council's Procurement Policy (2025).

Conflicts of Interest

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

Attachments

1. CONFIDENTIAL - CON2026 1733 Contract Award Summary [**5.3.3.1** - 1 page]
2. CONFIDENTIAL - CON2026 1733 - TEP Report [**5.3.3.2** - 16 pages]
3. CONFIDENTIAL - CON2026 1733 Probity Report [**5.3.3.3** - 1 page]
4. Krauatungalung Walk Stage 2 - Section 4 Locality Plan [**5.3.3.4** - 1 page]
5. Krauatungalung Walk Engagement Report 2023 [**5.3.3.5** - 21 pages]



LOCALITY PLAN

NOT TO SCALE

Krauatungalung Walk

Draft Concept Designs | Proposed Pathway Alignment

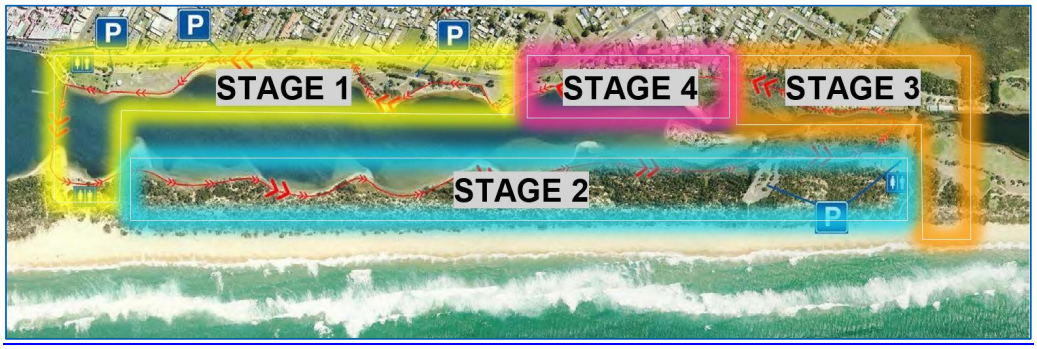
Engagement Report



October 2023

Table of Contents

1. Introduction 2
    1.1 Consultation overview 2
    1.2 Key outcomes from consultation 3
2. Community engagement session 3
3. Survey responses 4
4. Themes and suggestions from consultation 4
    4.1 Feedback in support of the project 5
    4.2 Feedback suggesting changes 5
    4.3 Feedback opposing the project 6
5. Actions 8
6. Proposed forward strategy 8
7. Engagement Methodology 8
8. Engagement tools and success measures 10
    8.1 Engagement tools and success measures 11
9. YourSay East Gippsland Project Report 12
10. YourSay Survey Report 15



1. Introduction

1.1 Consultation overview

Council secured funding through the Australian Government to design an all-abilities walking circuit around Cunninghame Arm, east of the Lakes Entrance footbridge. The proposed circuit aims to complement and link the existing uses and facilities of the Lakes Entrance foreshore, and tell stories of the local Indigenous community, while providing an opportunity to develop an active community and help provide improved all abilities access within Lakes Entrance. Krauatungalung Walk will further enhance Lakes Entrance as a tourist and enviable lifestyle destination.

Community engagement commenced in March 2022, with Council publishing a YourSay page outlining the project intentions and details. A letter dated 25 October 2022 was mailed to 85 ratepayers/owners identified as most impacted by the development due to their proximity to the walking circuit. The letter invited the recipient to view the Krauatungalung Walk YourSay page and welcomed feedback via phone and email. The letter also informed community consultation would take place in the coming months.

Development of the concept design for stages 2 to 4 commenced in October 2022, informed by feedback on plans publicised by the office of Hon. Darren Chester MP and the results of an environmental impacts investigation, Disability Discrimination Act 1992 requirements, projected economic outcomes, foot traffic assessment and review of potential cultural impacts.

A second letter dated 29 June 2023 was mailed to 224 ratepayers/owners identified as most impacted by the development due to their proximity to the walking circuit, 125 residents/occupiers (homes identified as non-owner occupied), and eight Project Reference Group members. These letters welcomed the reader to view the concept designs, speak with our project experts, provide feedback, and invitation to attend the community exhibition of the concept plans for stages 2 to 4 of the proposed Krauatungalung Walk at the Lakes Entrance Mechanics Institute on Saturday 29 July 2023, 10am – 1pm.

The mobile Customer Service Centre and Council officers were in Lakes Entrance on Friday 21 July from 11:30 AM to distribute information sheets and invitations welcoming participation in the survey and the upcoming community engagement session at the Mechanics Institute. Two Council officers also hand delivered invitations to local traders along the Esplanade and Myer Street, welcoming them to participate in the upcoming engagement session. Many of these traders also displayed the invitation in their front windows.

Exhibition of the draft concept designs for proposed Stages 2-4 was held at the Lakes Entrance Mechanics Hall on Saturday 29 July 2023 with approximately 50 attendees viewing the concept designs and speaking with Council officers. 12 people completed surveys while participating in the engagement session.

Feedback provided at the engagement session was overwhelmingly positive and in support of the project, however feedback also provided many requests for changes, further inclusions, and considerations to be undertaken; there were some ideas that can be immediately accommodated into the detailed project design and some ideas which require further work. There are also some ideas Council cannot accommodate within the design, budget nor location.

A survey on the Draft Concept Designs (proposed pathway alignment) was available on YourSay from 26 July 2023 through to midnight on 6 September 2023, with hardcopies of the survey available at Customer Service Centres and at the community engagement session held at the Lakes Entrance Mechanics Hall on 29 September 2023.

A majority of feedback provided through the survey was supportive of the project.

Council received 41 online survey responses, 12 completed hardcopy surveys, two letters, and 1 person provided feedback through the Q&A tool on YourSay.

A copy of the key themes will be uploaded to YourSay once it has been completed.

Further community engagement is planned for the coming months

We will ensure to keep community informed by providing updates on YourSay and social media when information is available.

1.2 Key outcomes from consultation

Further details are provided within this report identifying the following key outcomes:

- 87% of survey respondents reside in either Lakes Entrance or elsewhere in the East Gippsland Shire.
- 79% of survey Respondents indicated they had not previously provided feedback on Krauatungalung Walk, with several stating they had not heard of it before.
- There is strong community support for the project, with 74% of survey respondents stating they like the project or elements of the project.
- Although there is a majority of feedback in support of the proposed design, feedback identified numerous concerns/questions and proposed changes for the design. These concerns were regarding environmental impacts, amenity, accessibility, and proximity to residents.
- Negative feedback was limited, with only 4 Respondents opposed to the project; they cited costs, environment, and reduced privacy for residents as the reasons.

Stage-4 was specifically mentioned on ten separate survey responses, within questions 4,5, & 6. These responses include:

- 7 Positive comments stating Stage-4 should be the priority.
- 3 Negative comments stating the project should be abandoned, with reason being maintenance cost concerns,







2. Community engagement session

Exhibition of the draft concept designs for the proposed Stages 2-4 was held at the Lakes Entrance Mechanics Hall on Saturday 29 July 2023 with approximately 50 attendees viewing the concept designs and speaking with Council officers. Feedback provided through

discussions with attendees was particularly supportive of the project, however there were also discussions with a couple of attendees who expressed concerns.

Positive feedback provided through discussions presented common themes –

- providing safe pedestrian pathways suitable for people of all abilities and needs
- benefits to tourism
- improved health through promoting physical activity and immersing in nature
- connecting amenities
- cultural inclusion through Indigenous storytelling and artworks

Concerns raised during discussions were regarding negative impact on bird and wildlife and ecological impacts, high cost of the project, and proximity to existing houses.

12 people completed surveys while participating in the engagement session. Ten of the completed surveys expressed support for the project, one survey expressed objection to the project entirely, and one did not object nor support the project, but only expressed concern for wildlife if the project was to proceed.









3. Survey responses

A survey on the Draft Concept Designs (proposed pathway alignment) was available on YourSay from 26 July 2023 through to midnight on 6 September 2023, with hardcopies of the survey available at Customer Service Centres and at the community engagement session held at the Lakes Entrance Mechanics Hall on 29 September 2023.

149 people downloaded a copy of the Draft Concept Design document from YourSay and another 49 documents were also downloaded from the YourSay page. Council received 41 online survey responses, 12 hard copy surveys were completed, two letters received, and 1 person provided feedback through the Q&A tool on YourSay.

96.5% of survey responses support the concept design and completion of the project, with only 4 responses stating they do not support the project. Feedback provided some ideas that can be immediately accommodated into the detailed project design and some ideas which require further work. There are also some ideas outside the project scope and cannot be accommodated.

While considerable support for the project is evident, further comments have requested changes to certain aspects of the design.

4. Themes and suggestions from consultation

Through analysis of survey responses and feedback provided through community consultation, common themes have emerged.

4.1 Feedback in support of the project

- Walkway being a continuous circuit and accessible to all ages and abilities was very important.
- Safety for families and not having to cross a road was important to users.
- Recognising Indigenous cultural heritage was important.
- Recognition the walk will encourage people to walk and learn traditional stories.
- The boardwalk will help protect the sensitive environment by containing pedestrians to a single pathway.
- The walk will provide a great drawcard for visiting tourists.
- The erosion at Stage-4 would be remediated.
- The previously inaccessible path in Stage-4 would be restored.

"Love it, let's get it done!" **Respondent No:** 8

"It makes an easy access and safe environment for all abilities. to learn about the First Nations people, the bridge is going to bring stunning views also … insta worthy" **Respondent No:** 21

The community needs and wants this project. **Respondent No:** 23

Q6. **Would you like to provide any further comments about the project?**	**Yes (please specify)**
	I'm all for it , not only will it keep people off the native vegetation but away from prime breeding grounds for all animals , also the habitat it will bring under the walkway , if it's on the water , will be fantastic for the seahorses , toad fish , fish & any other vertebrates, crustaceans , molluscs & so so much more anemone's , sea slugs , sea snail & again so much more liveable habitat for what's in the water & surrounds ! **Respondent No:** 9

Overall there was significant positive support for the project and proposed pathway route that will provide a great asset for all the community that is usable year round.

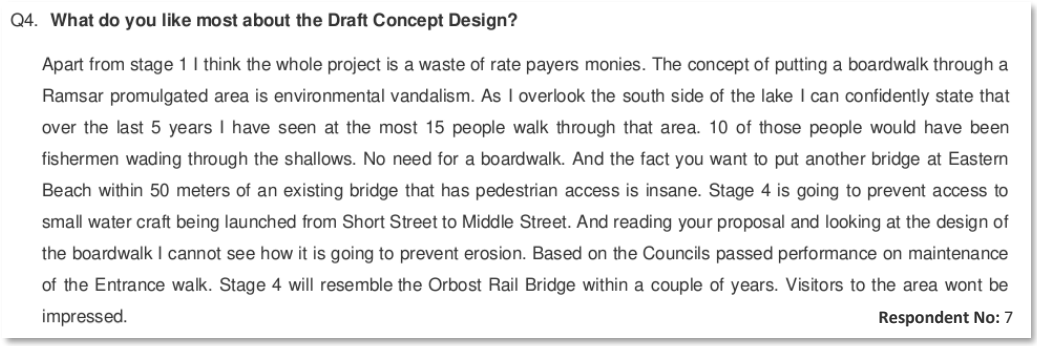
4.2 Feedback suggesting changes

- Ensure it is suitable for mobility impaired walkers and people who are in wheelchairs and motorised mobility devices
- change the name of the walk
- More access for kayaks and paddleboards; include tie-up poles to anchor to and get out for a rest, a picnic, and a chat.
- Construct the walk away from the properties to provide privacy to homes.
- Ensure the walk avoids low-lying areas that are vulnerable to Sea levels
- Provide lighting, water points, seating, and toilets
- Inclusion of interactive elements/ signage, using QR codes

Q6. **Would you like to provide any further comments about the project?**	**Yes (please specify)**
	it would be great to not have to have hand rails, so that the boardwalk is seamless in the environment. Can't wait to see it completed. **Respondent No:** 12

4.3 Feedback opposing the project

- Detrimental environmental impact caused by the construction of the boardwalks and paths
- Costly / it is a waste of tax payer money
- concern regarding the height of the Stage-4 boardwalk to accommodate tide and flood levels in front of private residences.
- Not enough detail has been shown.



Q4. **What do you like most about the Draft Concept Design?**

Apart from stage 1 I think the whole project is a waste of rate payers monies. The concept of putting a boardwalk through a Ramsar promulgated area is environmental vandalism. As I overlook the south side of the lake I can confidently state that over the last 5 years I have seen at the most 15 people walk through that area. 10 of those people would have been fishermen wading through the shallows. No need for a boardwalk. And the fact you want to put another bridge at Eastern Beach within 50 meters of an existing bridge that has pedestrian access is insane. Stage 4 is going to prevent access to small water craft being launched from Short Street to Middle Street. And reading your proposal and looking at the design of the boardwalk I cannot see how it is going to prevent erosion. Based on the Councils passed performance on maintenance of the Entrance walk. Stage 4 will resemble the Orbost Rail Bridge within a couple of years. Visitors to the area wont be impressed.

Respondent No: 7



Q4. **What do you like most about the Draft Concept Design?**

Nothing. It is very environmentally destructive, will require very costly ongoing maintenance, and there is no detail shown. I am also very concerned about the height of the boardwalk in stage 4 to accommodate tide and flood levels in front of private residences.

Respondent No: 37

Feedback categorised into themes and suggestions
Accessibility
Ensure it is suitable for mobility impaired walkers and people who are in wheelchairs and motorised mobility devices
Safety for families and not having to cross a road is important
Include seating with handrails
Apply universal design – basic access and DDA compliance no longer meets the needs of community
Indigenous Culture
Recognising Indigenous cultural heritage is important
Include cultural signage and information boards should be included.
The walk will encourage people to walk and learn traditional stories.
Design
Costly / it is a waste of taxpayer money
Concern regarding the height of the Stage-4 boardwalk to accommodate tide and flood levels in front of private residences
Not enough detail has been shown
Provide lighting, water points, seating, and toilets

The previously inaccessible path in Stage-4 would be restored.
Construct the walk away from the properties to provide privacy to homes
Change the name of the walk
Employ local trades
Completes the much needed connection between Eastern Beach and town
Include toilet / bathroom facilities
Most people can walk along the beach to complete the loop; Main Beach to Eastern Beach
Include lighting – preferably solar
Include water points
Climate change resilient infrastructure is important
Amenity and Tourism
More access for kayaks and paddleboards; include tie-up poles to anchor to and get out for a rest, a picnic, and a chat
Include interactive elements / signage, use of QR codes
The walk will provide a great drawcard for visiting tourists.
Shade trees and landscaping should be included in Stage-2
A great draw card for tourism. Unique all-accessible experience in Lakes entrance.
Environment
The construction of the boardwalks and paths will cause detrimental environmental impacts
Ensure the walk avoids low-lying areas that are vulnerable to Sea levels
The boardwalk will keep people/ dogs off where our native animals breed
Respects and fits well with the surrounding environment
Ensure the project doesn't intrude on birdlife (breeding areas)
Comprehensive environmental impact statements and coastal engineering impact statements should be made publicly available
Project staging
Stage 4, Missing Link should be the highest priority.
Ongoing Maintenance
Stage-4
Stage 4 severely impacts the residents along the foreshore. It should be abandoned and the existing footpath system connected to the proposed Stage-3 **Respondent No:** 3
The section of foreshore behind the houses on the esplanade should be landscaped and beautified as part of this project.
Stage 4 is going to prevent access to small watercraft being launched from Short Street to Middle Street
The erosion at Stage-4 would be remediated.
I really like the stage 4 - "missing link" component, and think it's long overdue

Stage 4, Missing Link should be the highest priority.
I strongly believe that Stage 4 should be the first part of the project undertaken - IT IS "THE MISSING LINK" **Respondent No:** 29
Boomerang Bridge
agree
disagree

5. Actions

The information collected in the engagement process will be used to further inform the detailed design for Krauatungalung Walk. Feedback will be analysed to determine if it can be accommodated within the context of regulatory requirements, physical requirements and limitations of the site, and existing plans and policies that need to be followed. The common themes identified in the responses will be addressed, with an explanation of how and why the feedback was or was not accommodated in the design.

6. Proposed forward strategy

- Council Report (Briefing Session) To seek endorsement of recommendation to re-engage with the community and residents at Stage-4.
- Approval and Publishing of Engagement Outcomes – Press Releases/ Your Say/Letters
- Approved Amendments to design plans where feasible.
- Prepare and Approve Further Consultation Plan.
- Provide more regular updates on environmental assessments and approvals process.
- Work with GLAWAC to ensure the community understands clearly their role and responsibilities with the project – Press Release/ Media Campaign

7. Engagement Methodology

In accordance with the IAP2 Public Participation Spectrum, community engagement has occurred at the following key stages of the project.

1. **Draft Concept Plan Development: Involve**
   - Work closely with the office of Hon. Darren Chester to understand previous engagement methods and results

2. **Exhibition of the Draft Concept Designs: Consult / Inform**
   - Consult community – hold in-person engagement session / public exhibition of the draft concept designs and proposed pathway alignment
   - Survey – online and available at in-person engagement session and at each Customer Service Centre
   - Inform – create a YourSay page, advertise in local papers and social media platforms, distribute printed flyers, information available at Customer Service Centres

Each engagement approach is defined by the following classifications.

- **Involve:** to work directly with key stakeholders and community throughout the process to ensure public issues and concerns are consistently understood and considered.
- **Consult:** to obtain public feedback an analysis, alternatives and/or decision.
- **Inform:** to provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

The purpose of the Public Participation Core Values is to help make better decisions which reflect the interests and concerns of potentially affected people and entities. The Core Values for the practice of public participation that relate to this project are:

- Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
- Public participation includes the promise that the public's contribution will influence the decision.
- Public participation promotes sustainable decisions by recognising and communicating the needs and interests of all participants.
- Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
- Public participation provides participants with the information they need to participate in a meaningful way.
- Public participation communicates to participants how their input affected the decision.

8. Engagement tools and success measures

42 Engaged

visitors who contributed to a tool, such as a survey, news update, forum etc.

351 Informed

Visitors who clicked on a link in the YS page, such as a photo, FAQ, key date etc.

857 Aware

people who visited the YourSay page

544 YourSay

Total Visitors to the YourSay pages

442 Letters mailed

Letters mailed to ratepayers, property occupiers and key stakeholders

facebook

@eastgippyshire



this post had a reach of 7,100K 116 reactions 114 link clicks, 25 comments & 17 shares

50 In-person session

people attended an engagement session

100% Target groups reached

of targeted age groups captured

2 Shire Noticeboard Adverts*

6,500 - Bairnsdale Advertiser
2,000 - Lakes Post
1,500 - Snowy River Mail

**Shire noticeboards are published in three local newspapers. It is hard to judge sentiment from these advertisements, we can only measure circulation.*

8.1 Engagement tools and success measures

Engagement Tool	Total #	Date	Success measures
Direct Mail	442	October 2022 29 June 2023	Difficult to measure direct mail engagement. 2 letters received
Shire Noticeboard Advertisement		19 July 2023 26 July 2023	Can only measure circulation: 2,000 - Lakes Post: 1,500 - Snowy River Mail 6,500 - Bairnsdale Advertiser
Social Media	6	15 July 2023 26 July 2023 4 August 2023 14 August 2023 21 August 2023 26 October 2023	7,100 people reached 116 reactions 114 link clicks 25 comments 17 shares **statistics from **1** facebook post*
Meetings with key stakeholders - PRG	multiple		8 Project Reference Group members
Community engagement sessions	1	29 July 2023	3-hours 50 participants (approx.)
YourSay newsletter	2	24 July 2023 4 August 2023	14 signed up to follow the project 100% opened 3 clicks on YS link
Hard copy / displays at Customer Service Centre			**Difficult to measure reach or success of hard copy engagement tools* 12 hard copy surveys completed
YourSay East Gippsland webpage yoursay.eastgippsland.vic.gov.au/k-walk	4	Stage-1 Foreshore Park Stage-2 Southern Boardwalk Stage-3 Boomerang Bridge Stage-4 Northern Boardwalk	1,081 aware 380 informed 44 engaged
YourSay survey	1		44 visitors 41 completed surveys
Hard copy surveys			12 completed surveys
YourSay document library			266 visits 14 information sheets downloaded 1 hard copy surveys downloaded 149 viewed draft Concept Designs 144 downloaded initial concept design 3 viewed a video 30 viewed a photo

9. YourSay East Gippsland Project Report

Title	Date Created	Published	Visibility	Aware	Informed	Engaged
Lakes Entrance - Krauatungalung Walk - Stage 4 - 'Missing Link' Northern Boardwalk Lakes Entrance · Krauatungalung Walk · Projects	17 Jun 2023, 15:52	23 Jun 2023, 13:24	Public	79	13	0
Lakes Entrance - Krauatungalung Walk Stage 3 - Boomerang Pedestrian Bridge Lakes Entrance · Krauatungalung Walk · Projects · Boomerang Bridge	17 Jun 2023, 15:49	23 Jun 2023, 13:24	Public	87	18	0
Lakes Entrance - Krauatungalung Walk Stage 2 - Southern Boardwalk Lakes Entrance · Krauatungalung Walk · Projects	22 May 2023, 11:52	23 Jun 2023, 13:24	Public	408	217	41
Lakes Entrance - Krauatungalung Walk Lakes Entrance · Krauatungalung Walk · Projects	22 Mar 2022, 16:33	3 Apr 2023, 10:51	Public	507	132	1

Highlights

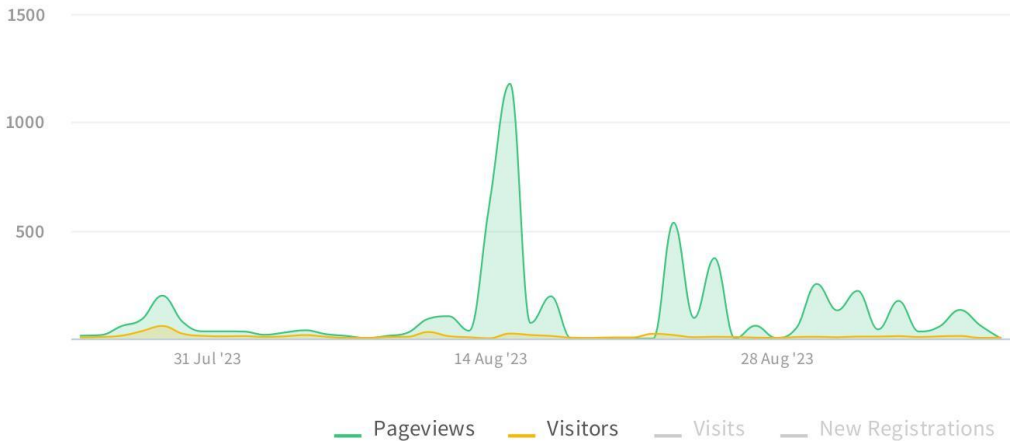
TOTAL VISITS	MAX VISITORS PER DAY	NEW REGISTRATIONS
1.1 k	58	0

ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
42	351	857

DOCUMENTS	PHOTOS	VIDEOS
25 Documents	27 Photos	1 Videos
266 Visitors	30 Visitors	3 Visitors
342 Downloads	59 Views	3 Views

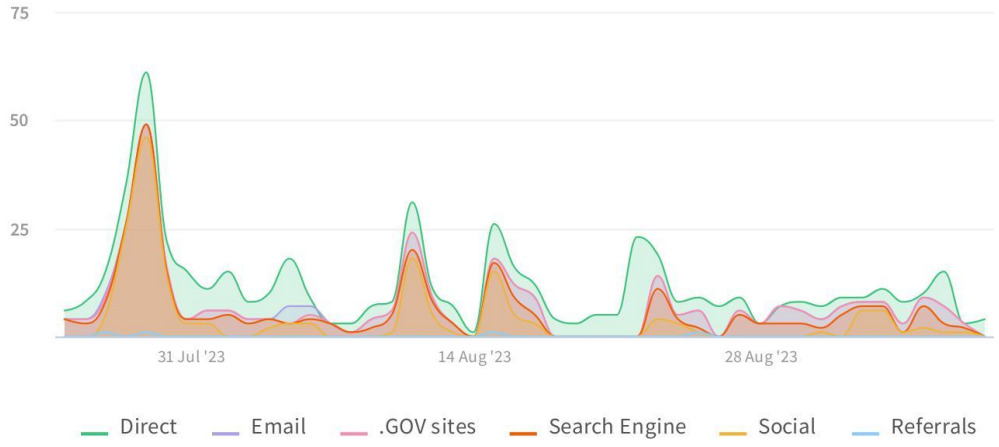
Visitors Summary

Your Say East Gippsland from 24 Jul'23 to 07 Sep'23



Visits by Channel

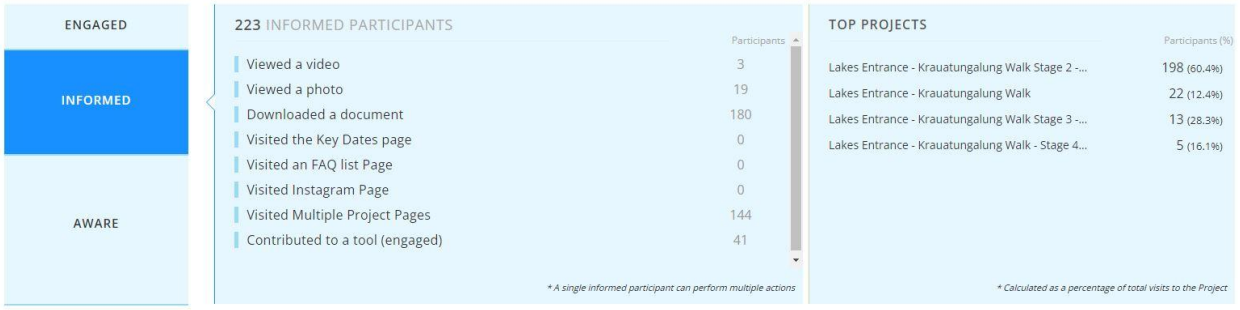
Your Say East Gippsland from 24 Jul'23 to 07 Sep'23



PARTICIPANT SUMMARY



PARTICIPANT SUMMARY



PARTICIPANT SUMMARY

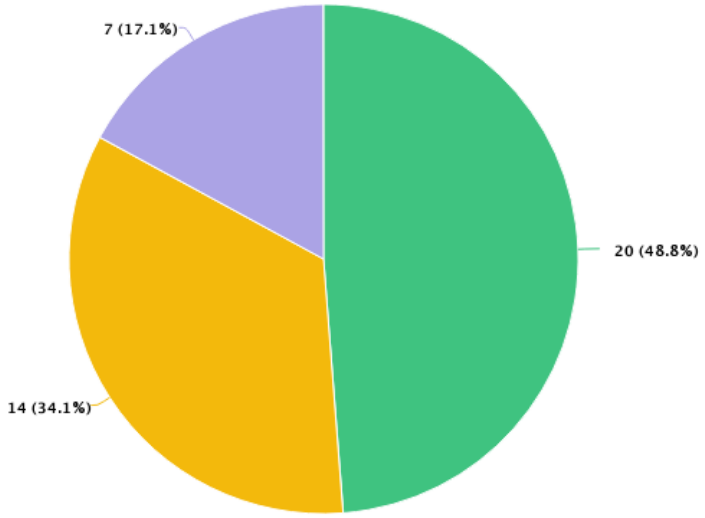


10. YourSay Survey Report

41 surveys were completed on YourSay

Where do you live?

Q1

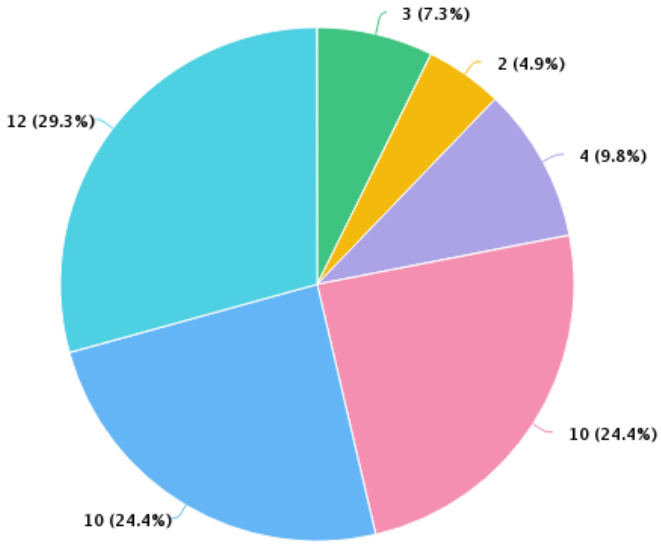


Question options
(Click items to hide)

I live in Lakes Entrance | I live elsewhere in East Gippsland | I live outside East Gippsland. (please specify)

What is your age bracket?

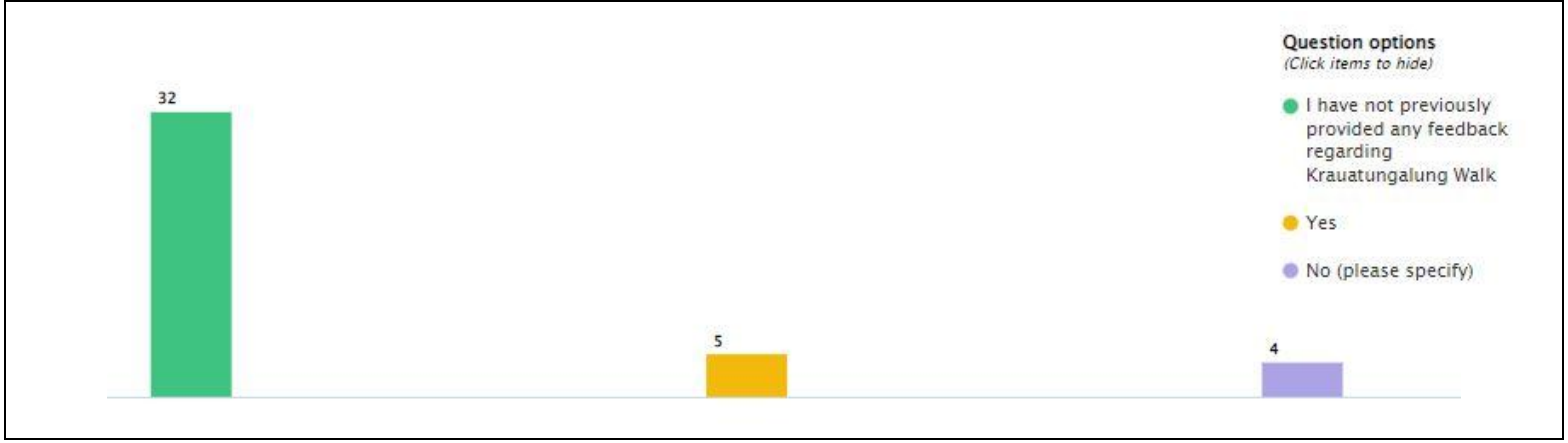
Q2



Question options
(Click items to hide)

18-24 | 25-34 | 35-44 | 45-54 | 55-64 | 65+

Q3 Has the Draft Concept Design captured feedback you provided in previous consultation?

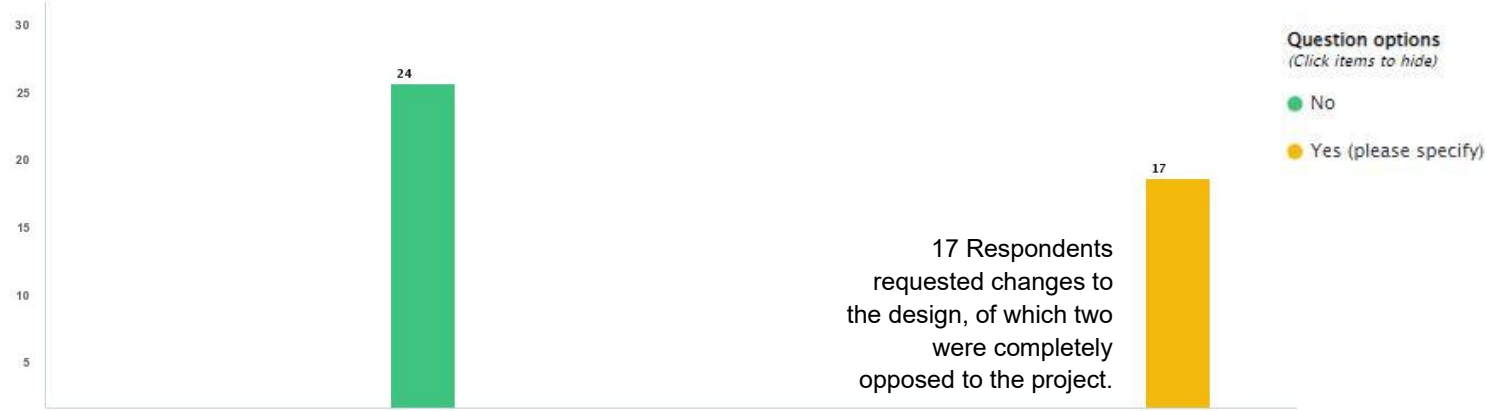


Q4 What do you like most about the Draft Concept Design?

This question has 41 text responses

Anonymous 7/25/2023 03:52 PM	There is an opportunity to complete a continuous circuit around this arm of the lake.
Anonymous 7/26/2023 10:05 AM	I like the circular route and the length of the walk.
Anonymous 7/26/2023 04:21 PM	stage 1 and 2 to create the southern pathway.
Anonymous 7/27/2023 08:24 AM	All abilities accessible, safe walking for families and older people, recognising indigenous heritage

Q5 Are there any elements of the Draft Concept Designs that you would like changed?



17 Respondents requested changes to the design, of which two were completely opposed to the project.

Responder	Response	Other
Anonymous 7/25/2023 03:52 PM	No	
Anonymous 7/26/2023 10:05 AM		It would be great if lighting could be considered for the project, especially solar lighting. I understand that there are wildlife concerns with lighting, however there are options on the market that allow for flexible remote control of the lights' timing and dimming. Ultimately, adding lighting to the walk would ensure safety for when patrons want to use the completed walkway in the early mornings and later evenings.
Anonymous 7/26/2023 04:21 PM		Stage 4 severely impacts the residents along the foreshore. It should be abandoned and the existing footpath system connected

Q6 Would you like to provide any further comments about the project?



Responder	Response	Other
Anonymous 7/25/2023 03:52 PM	No	
Anonymous 7/26/2023 10:05 AM	No	
Anonymous 7/26/2023 04:21 PM	No	
Anonymous 7/27/2023 08:24 AM		Get it built. The section of foreshore behind the houses on the esplanade is an eyesore and should be landscaped and beautified as part of this project.
Anonymous	No	

Contact us

Telephone
Residents' Information Line: 1300 555 886 (business hours)
Citizen Service Centre: (03) 5153 9500 (business hours)
National Relay Service: 133 677

Post
East Gippsland Shire Council, PO Box 1618
Bairnsdale 3875 Australia
Fax (03) 5153 9576
Web www.eastgippsland.vic.gov.au
Email feedback@egipps.vic.gov.au

In person
Bairnsdale: 273 Main Street
Lakes Entrance: 18 Mechanics Street
Mallacoota: 70 Maurice Avenue
Omeo: 179 Day Avenue
Orbost: 1 Ruskin Street
Paynesville: 55 The Esplanade

Outreach Centres
Bendoc Outreach Centre -
18 Dowling Street
Buchan Resource Centre -
6 Centre Road
Cann River Community Centre -
Princes Highway

East Gippsland Shire Council
273 Main Street PO Box 1618
Bairnsdale VIC 3875

Website: www.eastgippsland.vic.gov.au
Email: feedback@egipps.vic.gov.au
Follow us on Twitter: @egsc

Telephone: (03) 5153 9500
Fax: (03) 5153 9576

National Relay Service: 133 677
Residents' Information Line: 1300 555 886

ABN: 81 957 967 765

5.4 Business Excellence

5.4.1 Organisational Performance Report

Authorised by General Manager Business Excellence

Purpose

To present and seek Council endorsement of the Organisational Performance Report for the period 1 July 2025 to 31 March 2026.

Key Points

The *Local Government Act 2020* (the Act), Section 97(1) requires a quarterly finance report to be presented to Council as soon as practical after the end of each quarter.

The Organisational Performance Report, provided at **Attachment 1**, provides an overview of progress against the quarter three results for 2025/26 of the:

- Council Plan 2025-2029; and
- 2025/26 Budget.

The report brings together a range of financial and performance indicators together to enhance the readability of the report and transparency of Council's performance.

Recommendation

That Council:

1. ***notes and endorses the full year forecast operating and capital budgets, including the revised capital forecast as detailed in the Organisational Performance Report, provided at Attachment 1, for the period to 1 July 2025 to 31 March 2026; and***

2. ***notes that if endorsed, the Organisational Performance Report for the period 1 July 2025 to 31 March 2026, provided at Attachment 1, will be published on Council's website.***

Organisational Performance

The first section of the Organisational Performance Report provides a summary of highlights against the Strategic Objectives of the Council Plan.

Financial Performance

Operating result

By 31 March 2026, Council recorded a Year-to-Date (YTD) Operating Surplus of $9.307 million, which is $0.949 million or 9.25% lower than the YTD Budget of $10.256 million.

Year-to-Date Performance

Performance Measure	Actual ($'000)	Budget ($'000)	Variance ($'000)	Variance (%)
Operating Surplus (YTD)	9,307	10,256	(949)	(9.25%)

Full-Year Forecast Performance

Performance Measure	Adopted Budget ($'000)	Forecast ($'000)	Variance ($'000)	Variance (%)
Operating Surplus (FY)	9,231	(10,854)	(20,085)	(217%)
Adjusted Underlying Result (FY)	(8,506)	(23,886)	(15,380)	(181%)

Year-to-Date (YTD) Performance

At 31 March 2026, total year-to-date expenditure is $104.599 million, which is $1.166 million (1.1%) above the YTD forecast of $103.433 million. This cumulative variance reflects trends previously identified in quarter two, which have continued into quarter three.

The primary driver remains Employee Benefits, now $1.761 million above budget (up from $1.536 million at quarter two). This increase continues to be influenced by:

- Grant-funded roles ($0.561 million) that were not included in the adopted budget but are fully funded by external grants, meaning there is no net impact on Council's underlying position.
- Budget transfers ($0.501 million) where work originally planned for consultants and contractors is being delivered by staff, shifting expenditure from Materials and Services to Employee Benefits.
- Higher casual and overtime staffing costs ($0.616 million), up from $0.598 million in quarter two, with the impact now flowing through to the YTD position despite the casual budget review undertaken.
- Lower than budgeted vacancy rates (around 6% compared to a historical 11–16%), resulting in higher staffing costs than originally planned.
- Lower capitalisation of staff time than budgeted, with a review underway to ensure employee costs are appropriately allocated to capital projects where applicable.

Fuel cost impacts

Across the last quarter we have been developing a fuel action plan to respond to increased fuel costs as a result of the ongoing conflict in the Middle East.

We are expecting to see further pressures on our budget in the last quarter of 25/26 attributable to direct fuel use and that passed on through contracts and suppliers based on the Road Transport Contractual Chain Order – Fuel Cost Recovery – 2026.

We are being proactive with our contractors and suppliers as well, recognising that most of our contractors are local businesses and the fuel increases are above what they could have reasonably been able to foresee. Our approach to managing these changes is now being taken up by the Municipal Association of Victoria and applied to the local government sector more broadly.

Actions taken to date:

To reduce direct fuel use we have:

- Modelled all direct fuel use across our fleet and done a sensitivity analysis as to cost increases, estimated to be a $500k increase for the 25/26 financial year.
- Prioritising use of our electric vehicles for team members who drive long distances.
- Car-pooling were possible.
- Considering criticality of work programs to see if they can be deferred based on risk.
- Relocating some team members so they need to drive less to complete day to day work.
- Analysed budgets to find offsetting amounts to account for fuel increases.

We are still working through what the Road Transport Contractual Chain Order – Fuel Cost Recovery – 2026 means for us and our suppliers and are in the process of writing to all contractors to advise that the order is in force and we will then work through a process to review and verify claims. We are yet to quantify the financial impact of the order on our operations.

Key Drivers of Full-Year Revenue Variances:

The key drivers of the full-year revenue variance are as follows:

- Recurrent Operating Grants – $10.593 million unfavourable
  The variance is primarily due to the Financial Assistance Grant (FAG) being $10.695 million lower than budgeted, as the grant was received in advance in the prior financial year. This is a timing impact only and does not affect Council's long-term funding position.

- Non-Recurrent Operating Grants – $2.845 million favourable
  Reflects new operating grants approved during the year, together with a variation to the funding agreement for the Bastion Point Dredging project.

- Non-Recurrent Capital Grants – $6,563 million unfavourable
  Reflects capital grant income linked to projects that will not be completed in the current financial year as these projects are now being carried forward into 2026/27, which means the associated grant revenue will also be recognised next year in line with project delivery. This timing impact is partially offset by a $0.494 million favourable variance arising from an increase in Commonwealth funding for the Bairnsdale Airport Terminal (Air Ambulance Facility), which was not included in the adopted budget and supports delivery of that capital project.

- Interest on Investments – $1.039 million favourable
  Driven by stronger cash balances and higher interest rates than budgeted.

- Reimbursements and other contributions – $1.633 million favourable
  The favourable variance is largely attributable to natural disaster reimbursements, with approximately $1.4 million received for eligible works completed in the prior financial year. These receipts were not included in the adopted budget and represent funding recovery for costs previously incurred.

Overall, while revenue is unfavourable against budget, this is overwhelmingly due to the FAG timing impact, partially offset by non-current operating grants income, user charges, and stronger interest on investments.

Key drivers for Full- Year Expense variances

Employee Benefits

The performance report outlines variances in employee costs, with the full year forecast expecting employee costs to be $1.732 million over the adopted budget.

This is attributed to:

- Grant-Funded roles ($0.561 million) - Additional roles were paid for by grants (money from the government or other organizations). The budget for these roles was not included in the adopted budget. These costs are fully covered by the grant money, so it doesn't put extra pressure on the Council's budget.
- Casual Staff ($0.731 million) - a full review of casual wages budgets was conducted in quarter two to ensure we are maintaining levels of services to community and meeting industrial relations obligations. This resulted in an increase in the forecast spending on casuals of $0.731 million. This increase is based on a full review of what was needed to maintain our regular work and existing services. There were no further budget adjustments in quarter three.
- Movement between budget categories ($0.501 million) - budget transfers from materials and services to employee costs for work done internally rather than by consultants of contractors.
- Lower than expected vacancy rates, with vacancies tracking around 6% compared to historical levels of 11–16%, resulting in higher salary costs than budgeted.

Materials and Services

The performance report also outlines variances in Materials and Services totalling approximately $5.56 million, which are higher than the adopted budget primarily due to projects and programs carried forward from the previous financial year. This means we have the grant funds and are still completing the work. The main areas of carry forward are:

- $2.35 million relates to specific bushfire and flood recovery initiatives
- $0.469 million for the Council Flood Support Fund
- $0.424 million for the Fire 2019 Bushfire Rebuilding Support Service
- $0.375 million for the Bushfire Recovery and Resilience
- $0.335 million for the Council Flood Support
- other minor grants make up the balance of $1.61 million.

Key financial sustainability indicators

Below are the key financial sustainability indicators we report on, and the level of risk attributed to them which is in line with the recommendations of the Victorian Auditor General's Office.

Indicator	Target	2025/26	2024/25	Risk rating
Net Result	>0%	-8.23%	14.80%	Medium
Adjusted Underlying Surplus/Deficit)	>5%	-15.35%	-3.64%	Medium
Liquidity	150%	235.91%	333.37%	Low
Indebtedness	<60%	16.22%	16.97%	Low
Asset renewal	100%	78.79%	103.02%	Low

Capital Works Projects

By the end of the period, capital program (including major projects non – capital) expenditure and commitments totalled $38.2 million, representing 75.64% of the revised capital works budget of $50.41 million.

At the end of quarter three, the program covered three community projects and 198 separate projects, of which:

- 58 projects had been completed;
- 120 were in progress;
- eight projects were yet to commence; and
- 12 projects had been withdrawn, transferred or are on hold.

Note – the capital program was refined this quarter, with the Road Program split into individual road projects, resulting in 13 additional projects being recorded compared to quarter two.

Revised forecast update

As part of the preparation of the 2026/27 Budget, Councillors have been briefed on the anticipated forecast for the 2025/26 year and the proposal to carry some expenditure from 2025/26 into 2026/27 and re-budget other projects in 2027/28 when there is greater assurance that they are construction ready.

As such Councillors are now formally presented with the revised 2025/26 Capital and Major Projects budget forecast of $50.39 million comprising of:

- Revised capital works budget of $42.99 million;
- Revised Waste Rehabilitation and Aftercare budget of $0.28 million (major project); and
- Revised Community Projects (managed on behalf of other organisations) budget of $7.12 million.

Strategic Alignment

This report has been prepared and aligned with the following theme in the Council Plan 2025-2029:

Theme 4: Managing Council well
Outcome – Council operates transparently and effectively with public trust

Opportunities and Risks

The detailed commentary and analysis of performance is contained in the performance report.

Climate Change

This report is assessed as having no direct impact on climate change.

Conflicts of Interest

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

Attachments

1. Q3 Organisational Performance Report [**5.4.1.1** - 46 pages]



The inaugural Holi Festival of Colour held in March at the Nicholson Street Mall, Bairnsdale.

ORGANISATIONAL PERFORMANCE REPORT

July 2025 to March 2026

Contents

About this Report 1

Organisational Performance (Q3) 1

Community wellbeing and social responsibility 2
Prosperity 6
Making the most of what we've got 9
Managing Council well 14

1. Financial Report Overview and Progress 1

1.1 Income Statement at 31 March 2026 4
1.2 Balance Sheet 31 March 2026 10
1.3 Cashflow Statement for the Period 1 July 2025 to 31 March 2026 12
1.4 Capital Works Projects 13
1.5 Capital Works report by asset class as at 31 March 2026 16
1.5 Treasury 18
1.6 Procurement 20
1.7 Rates Performance 23

2. Year to Date Financial Analysis 24

2.1 Financial Ratios 24

Acknowledgement of Country

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

About this Report

This Report is prepared as a key component of East Gippsland Shire Council's (Council) commitment to transparent reporting and accountability to our community and to meet statutory reporting requirements under the *Local Government (Planning and Reporting) Regulations 2020*.

Organisational Performance (Q3)

Incorporating the Municipal Health and Wellbeing Plan, Council has identified the following Strategic Themes through Council Plan 2025-29 that will guide its work over the period:

- Community wellbeing and social responsibility
- Prosperity
- Making the most of what we've got
- Managing Council well

Performance Monitoring

Council tracks its progress through quarterly reporting, focusing on:

- Progress against Council Plan initiatives
- Outcomes achieved against Council Plan performance measures

Fuel cost impacts

Across the last quarter we have been developing a fuel action plan to respond to increased fuel costs as a result of the ongoing conflict in the Middle East.

We are expecting to see further pressures on our budget in the last quarter of 25/26 attributable to direct fuel use and that passed on through contracts and suppliers based on the Road Transport Contractual Chain Order – Fuel Cost Recovery – 2026.

We are being proactive with our contractors and suppliers as well, recognising that most of our contractors are local businesses and the fuel increases are above what they could have reasonably been able to foresee. Our approach to managing these changes is now being taken up by the Municipal Association of Victoria and applied to the local government sector more broadly.

Actions taken to date:
To reduce direct fuel use we have:

- Modelled all direct fuel use across our fleet and done a sensitivity analysis as to cost increases, estimated to be a $500k increase for the 25/26 financial year.
- Prioritising use of our electric vehicles for team members who drive long distances
- Car-pooling were possible
- Considering criticality of work programs to see if they can be deferred based on risk
- Relocating some team members so they need to drive less to complete day to day work
- Analysed budgets to find offsetting amounts to account for fuel increases.

We are still working through what the Road Transport Contractual Chain Order – Fuel Cost Recovery – 2026 means for us and our suppliers and are in the process of writing to all contractors to advise that the order is in force and we will then work through a process to review and verify claims. We are yet to quantify the financial impact of the order on our operations.

Community wellbeing and social responsibility

We foster a strong sense of belonging, inclusivity, and shared responsibility, ensuring that all members of our community are supported, valued, and empowered to thrive together.

How this theme is important for the health and wellbeing of our community

Belonging and social inclusion are critical components for mental health and overall well-being. Emphasising mental health and well-being helps reduce stigma, foster social connections, enhance physical health, boost productivity, and create safer communities.

Initiatives that promote high levels of well-being play a crucial role in driving social and economic success. These initiatives result in improved learning outcomes, increased creativity, greater productivity, stronger relationships, better physical health, and longer life expectancy.



In March we finalised our Homes for Everyone position paper – an important step in how we respond to housing challenges across East Gippsland.

Outcome – A connected and inclusive community, endeavouring not to leave anyone behind

- The Omeo District Place Plan advanced this quarter, with a first draft prepared to support deeper community and internal engagement. Ongoing consultation has been undertaken, including a joint place-planning roadshow across Benambra, Omeo, Swifts Creek and Ensay, ensuring early insights from local communities are reflected in the draft. In parallel, initial data collection and engagement activities have commenced for the Lindenow Place Plan, laying the groundwork for future community-led conversations and ensuring a consistent, place-based approach to planning across the shire.

- The East Gippsland Open Space Strategy was completed and adopted by Council at the December Council meeting, establishing a clear, long-term framework to guide the planning, provision and protection of open space across the shire. The strategy supports more equitable, connected and sustainable open spaces that meet community needs and respond to population change. Implementation is underway, with a number of actions already commenced, including the development of site-specific masterplans and work through the Public Amenity Service Review to improve the quality, accessibility and management of key open space and amenity assets.

- The Homes for Everyone Position Paper was finalised and adopted by Council this quarter, providing a clear and shared statement of Council's position on housing challenges across East Gippsland. The paper clarifies Council's role and sets out how Council will prioritise advocacy, partnerships and policy conversations to support improved housing affordability, availability and diversity. It establishes a consistent foundation to guide future engagement with government, the housing sector and community stakeholders.

Outcome – A stronger collaborative community that is actively engaged and supported

- The Community Engagement Policy was adopted by Council on 17 February, providing a clear and consistent framework for how Council engages with the community. The policy sets out Council's commitment to meaningful, inclusive and transparent engagement, ensuring community voices are heard and considered in decision-making. It clarifies principles, responsibilities and expectations for engagement across the organisation, supporting more consistent practice and strengthening trust between Council and the community.

- In March, Council delivered IMMERSIVE, a month-long program at the Forge Theatre that opened the venue as a shared creative space for making, experimentation and connection. The program featured twelve events and activities, engaging a diverse mix of artists, performers, families and community members and showcasing the breadth of creativity across East Gippsland in an accessible and welcoming way. The quarter also included support for wider creative and cultural activity across the shire, including collaboration with the Wilderness Artists Collective at the Orbost Show and funding support for the Holi Festival in Bairnsdale. Through an investment of more than $10,000, Council strengthened participation, visibility and connection across the region's creative and cultural communities.

Council Plan Measures

Reporting Frequency	Performance Measure	Comment / Status	YTD Result	Annual Target
Quarterly	Community participation in council engagement opportunities.	Significant shire-wide engagement opportunities led to an increase in community participation, including 3,134 completed surveys on YourSay and 6,635 informed participants/interactions on YourSay. High survey participation was recorded for the Lakes Entrance Summer Carnival Application, Mallacoota Foreshore Holiday Park Master Plan, Raymond Island Ferry pass changes, Council Budget and the Public Toilet Review.	36,226	Increased participation year-on-year
	Number of visits to aquatic facilities per population.	Utilisation of Council's aquatic facilities continues to support community wellbeing. In Q3, attendance at the Bairnsdale Aquatic and Recreation Centre dipped temporarily due to planned roof works but remained above target. In contrast, our Lakes Entrance aquatic facility recorded increased utilisation, driven by growth in casual use, aquatic education enrolments and memberships. Overall, results highlight strong community demand and the importance of maintaining service continuity during infrastructure upgrades.	8.05	≥11 Visits
Annually	Percentage of municipal population that are active library members.	Not yet reportable.	-	>15%
	Number of community members volunteering on Committees of Management.	Not yet reportable.	-	≥500 volunteers
	Community perception of safety.	Not yet reportable.	-	Baseline Year

Reporting Frequency	Performance Measure	Comment / Status	YTD Result	Annual Target
	Percentage of social and affordable housing within the community	Not yet reportable.	-	31.1%

Prosperity

We embrace sustainability economic growth, fostering opportunities that enhance livelihoods, innovation, and long-term financial stability for our diverse communities.

How this theme is important for the health and wellbeing of our community

Supporting access to learning opportunities and driving economic investment through local employment is crucial for enhancing social connections, mental health, and self-expression. Continuous learning helps individuals remain adaptable in a changing world, while local employment provides a sense of purpose and community. These opportunities lay the foundation for financial stability and contribute to long-term economic growth. Together, they enable individuals to build relationships, improve their well-being, and achieve greater independence, ultimately enhancing their quality of life and fostering interconnected communities.



Work has progressed on the Mallacoota Foreshore Holiday Park Master Plan, which will guide the long-term use, management and improvement of the holiday park, balancing tourism, environmental values and community expectations

Outcome – Thriving, self-sufficient communities with strong local businesses and social enterprises

- Work has progressed on the Mallacoota Foreshore Holiday Park Master Plan, which will guide the long-term use, management and improvement of the holiday park, balancing tourism, environmental values and community expectations. This quarter, early community engagement was undertaken to inform the development of the master plan through a survey hosted on Council's Your Say platform. The survey has now closed, with a closing-the-loop summary of outcomes published on Your Say and shared with the Mallacoota stakeholder group. A consultant has since been appointed and, working in collaboration with Council, has developed a comprehensive engagement plan that provides multiple opportunities for ongoing community and stakeholder participation as the master plan is progressed.
- Council continued implementation of the Business and Industry Engagement Framework, progressing a tiered approach to support more targeted and coordinated business engagement. Key milestones included releasing a Request for Quotation for a customer engagement management system to strengthen recording and coordination of business interactions and releasing the first Economic Insights report to inform engagement priorities. Council also progressed capability development through the Business-Friendly Councils initiative and commenced qualitative market research to inform more strategic engagement with growth and investment-ready businesses.
- In collaboration with Destination Gippsland, the Wonders campaign achieved strong reach and engagement, reaching an estimated two million viewers and generating more than 170,000 interactions across campaign content. In parallel, a Council-wide photography project with Destination Gippsland and The View from Here has been completed and has entered the editing phase. The project will deliver a refreshed image library of approximately 200 high-resolution photographs and short-form videos to support future Council marketing, place promotion and communications activities.

Outcome – A well-functioning planning system that responds to our communities' needs

- Planning Scheme Amendment C159egip has been lodged with the Minister for Planning for a final decision. The amendment is designed to significantly improve the operation of the Erosion Management Overlay by providing clearer, risk-based controls and removing unnecessary regulatory burden. Once approved, the amendment will streamline planning requirements, reduce red tape for landowners and applicants, and improve consistency and transparency in permit decision-making. A Ministerial decision is anticipated before the end of the financial year.
- Amendment C172egip was gazetted this quarter, formally rezoning the Paynesville growth area and enabling land to transition to residential use. With the rezoning now in effect, engagement with affected landowners has progressed to support the preparation of Development Plans that will guide subdivision design, infrastructure requirements and staging. This work supports the timely and coordinated release of land for future housing development in Paynesville.
- Preparation for the introduction of MyLot was completed during the reporting period to 31 March 2026, with the tool going live shortly after quarter-end on 8 April 2026. MyLot provides customers with an accessible, online way to understand what planning controls apply to their property, whether a permit may be needed, and what information is required upfront. By giving people clearer answers earlier, MyLot makes it easier to navigate the planning process while also helping planning teams focus their time on more complex matters.

Council Plan Measures

Reporting Frequency	Performance Measure	Comment / Status	YTD Result	Annual Target
Quarterly	Percentage of planning applications decided within the specified timeframe (60 days for regular permits and 10 days for VicSmart permits)	Year to date performance as at 31 March is 70.22%, exceeding the annual target of 55%. This result indicates strong overall performance in determining planning applications within statutory timeframes and reflects Council's ongoing focus on timely and efficient decision-making.	70.22%	60%
Annually	Number of ABN registrations in East Gippsland	Not yet reportable.	-	% increase year on year
	Number of visitors to our region.	Not yet reportable.	-	Increase in visitors compared to previous year
	Feedback from local businesses on satisfaction with economic support and development efforts.	Not yet reportable.	-	Increased satisfaction compared to previous year
	Feedback from community members on their satisfaction with the planning system.	Not yet reportable.	-	>Large Rural Council average

Making the most of what we've got

By using our assets and natural resources wisely, we protect them, adapt to change, and support future generations.

How this theme is important for the health and wellbeing of our community

A healthy natural environment is vital for food, clean air, and water. Our parks reduce stress and boost mental well-being. Proper management of natural resources improves community quality of life. Efficient waste management and a circular economy minimise environmental impact. Preserving cultural heritage connects us to our history. Maintaining and wisely using assets aligns with community needs. Sustainable resource management, climate risk planning, and safeguarding heritage are priorities for a resilient future.



Progress continued on the Roadside Weeds and Pests Program during the quarter, with approximately 500 kilometres of roadside treated.

Outcome – Natural assets are well-managed and protected

- Community engagement was commenced in January 2026 to inform the development of a new Stormwater Management Plan. The plan will provide a coordinated framework to guide how Council plans, manages and prioritises stormwater across the municipality, including drainage infrastructure and asset management, flood risk and mitigation, environmental protection and water quality outcomes. Community feedback is being used to help identify local drainage issues, priority areas and desired outcomes, and will inform the draft plan as it is developed
- During the quarter, Council continued to expand and strengthen community-led emergency planning across high-risk communities, including Aboriginal organisations and remote townships. Key Community Emergency Management Plans were finalised, followed by a shift toward implementation through preparedness workshops, plan activation and local testing of emergency facilities and readiness. Ongoing advocacy with Incident Control Centres and state and Commonwealth agencies progressed resourcing discussions, supporting sustainable, Aboriginal-led preparedness and resilience outcomes.
- Work has commenced on developing the East Gippsland Bushland Strategy, which will guide how Council protects and manages important bushland areas and biodiversity values on Council-managed land. As part of this work, two Environmental Management Plans will be prepared for priority bushland sites identified in the action plan. Community members and key stakeholders will be invited to take part in engagement activities in Q4, helping ensure the final strategy reflects local knowledge, values and shared stewardship of our natural environment.
- Progress continued on the Roadside Weeds and Pests Program during the quarter, with approximately 500 kilometres of roadside treated. The program is focused on preventing the spread of invasive weeds and pest animals along rural roadsides, helping protect native vegetation, agricultural land and environmental values, and reducing longer-term management risks. Works prioritised high-value vegetated roadsides where weed infestations remain at very low levels, allowing these areas to be proactively protected before issues escalate. Council continues to work closely with the community through direct communication and participation in local meetings and events, supporting shared stewardship of roadside environments and early identification of emerging issues.
- Council progressed Stage 2 of the Climate Risk Assessment during the quarter, building on the project logic, scope and methodology established in Stage 1. The Climate Risk Assessment is a structured process designed to help Council understand how climate change may affect Council-owned assets over time, identify which assets are most at risk, and provide an evidence base to inform future planning and investment decisions. During the quarter, consultants commenced work on data collection and validation, with activity centred on asset data across priority infrastructure classes, including buildings, bridges, boat ramps and foreshore assets. Additional asset classes were progressed where data quality permitted. In addition, the hazard, exposure and vulnerability framework was confirmed, including the use of multiple climate scenarios and the commencement of the integration of consistent State and national hazard datasets. A data and knowledge gap register was also established to document limitations and guide future improvements, helping ensure the assessment remains robust and fit-for-purpose as it progresses toward modelling and risk-scoring stages.

Outcome – Our cultural heritage is managed and preserved

- This quarter Council supported the delivery of a new community event that celebrates cultural diversity and brings people together in the heart of Bairnsdale. The inaugural Holi Festival of Colour, held in the Nicholson Street Mall Bairnsdale, showcased the traditional Hindu festival that marks the arrival of spring and symbolises joy, inclusion and the triumph of good over evil. The free, family-friendly event featured live music, cultural performances, food stalls and the traditional throwing of coloured powders, creating a vibrant and welcoming atmosphere for the whole community. An estimated 500 people attended the event, highlighting strong community interest and the role of inclusive cultural events in activating the CBD and strengthening community connection
- Progress continued on the Omeo Justice Precinct Masterplan during the quarter, with development of the draft Masterplan completed and presented to Council. This represents an important milestone and reflects collaboration across the organisation, including consideration of earlier feedback to strengthen the plan's strategic and operational foundations. Following Council consideration, the draft Masterplan will be shared with the community and key stakeholders to seek final input. This next phase of engagement will help ensure the Masterplan reflects local priorities, heritage values and future service needs prior to final endorsement. The project continues to meet funding requirements and milestones and remains on track, supporting long-term planning and positive outcomes for the Omeo Justice Precinct and the wider community.

Outcome - Our assets are well maintained, utilised and meet community needs

- During the quarter, Council continued to strengthen its approach to asset planning, renewal and accessibility to support safe, fit-for-purpose community assets aligned with long-term needs. A new asset consideration framework has been developed to provide a consistent and transparent approach to identifying rationalisation opportunities based on asset use, condition and strategic alignment. The framework is being progressively applied across asset classes, with proposals relating to leased facilities currently being finalised. This work is supported by ongoing improvements to asset registers and condition reporting, which will inform future planning and business case development as resourcing allows.
- Progress has been made on the draft East Gippsland Aquatic Strategy with consultants engaged following a thorough tender process. The project has now entered the inception phase and will incorporate internal and community consultation to help inform the future provision, renewal and management of Council's aquatic facilities. In parallel, officers are developing new asset registers and detailed condition reports for the Bairnsdale Aquatic and Recreation Centre and the Orbost Outdoor Pool, including deeper reviews of air-handling and business management systems across indoor aquatic facilities at BARC and the Lakes Entrance Aquadome.
- This quarter also saw the completion of an independent site assessment of the Bairnsdale Outdoor Pool at 49 Turnbull Street, with findings presented to Councillors at a Briefing Session to support informed decision-making regarding the future of the site.

Council Plan Measures

Reporting Frequency	Performance Measure	Comment / Status	YTD Result	Annual Target
Quarterly	Percentage of the Capital Program delivered by the end of the financial year	In Q3, officers continued to work through the challenges reported in Q2, where external circumstances have slowed progress on several major projects, including the Bairnsdale Runway, road re-seal program and the WORLD Soccer Precinct. However key achievements included the completion of the BARC Complex re-roofing and the Buchan-Orbost Major Slip repair, improving asset resilience and safety. Additionally, the WORLD Soccer project and the Bairnsdale Airport Runway Extension progressed to the “soon to be awarded” stage with $20 million in works expected to be awarded shortly.	44.0% (based on actual YTD expenditure)	≥ 70%
	Number of people utilising the Omeo Mountain Bike Trail	Use of the Omeo Mountain Bike Trail continues to demonstrate the benefits of investing in and sustainably managing natural assets that support community wellbeing and regional activation. Trail use remains well above Q3 2025 levels, reflecting strong ongoing demand and the success of the asset in attracting visitors and supporting local economies.	37,648	Increased utilisation compared to previous year
Half-Yearly	Council sealed local roads and footpaths meeting service level needs	This half-year result indicates that overall network condition has remained stable.	96.21%	≥ 95%
Annually	Capital renewal programs driven by renewal modelling using updated condition data	Not yet reportable.	-	Baseline year

Reporting Frequency	Performance Measure	Comment / Status	YTD Result	Annual Target
	Number of community members participating in environmental conservation projects	Not yet reportable.	-	Baseline year
	Community satisfaction with appearance of public areas	Not yet reportable.	-	≥ Large Rural Council average

Managing Council well

We ensure effective leadership, transparent decision-making, and responsible management, fostering trust and collaboration to build a resilient and forward-thinking community.

How this theme is important for the health and wellbeing of our community

By providing inclusive and equitable access to services, processes, and facilities, we ensure that everyone's needs are met, fostering trust and security. Well-managed services enhance public health, support mental and physical well-being and promote social inclusion, reducing isolation and strengthening community connections.



Between January and March, more than 650 community members shared their experiences and ideas to help shape our Public Amenities Service Review.

Outcome – Council operates transparently and effectively with public trust

- Work on our online information portal has moved into its final development stage, building on Council's approval of the overall concept and design. This phase is focused on carefully integrating data, strengthening governance arrangements and completing data quality checks, so the information shared with the community is accurate, reliable and easy to understand ahead of the planned mid-2026 launch. When live, the portal will make it easier for the community to access clear, timely information about Council activity, helping build trust and understanding. Testing with staff and community representatives will also take place to ensure the portal is practical, user-friendly and meets both operational and community expectations.
- During the quarter, Council invited the community to help shape the annual budget by sharing their priorities, ideas and feedback on services, infrastructure and funding choices. This engagement provided an important opportunity for residents to have their say on what matters most to them. Feedback received is being carefully considered as part of budget development, helping ensure financial decisions are informed by community priorities and aligned with Council's service planning and long-term objectives.
- Engagement and communications plans were developed for several major initiatives, outlining key messages, communication channels, timelines and consultation opportunities including Lakes Entrance Norther Growth Area drainage project, Lanes Road Lucknow drainage upgrade, West Bairnsdale Recreation Reserve Redevelopment and Raymond Island Ferry pass changes.

Outcome – Decision-making is streamlined, efficient, and responsive to community needs

- Our new Organisational Plan has been finalised, setting a clear direction for how we work and what we focus on in the years ahead. The plan provides a practical framework to guide everyday decision-making, resource allocation and operational activity, helping ensure our work is aligned with the Council Plan and centred on delivering services that matter to the community. Developed alongside the four-year Workforce Plan, it brings people, resources and activities together in a coordinated way, giving staff a clear roadmap to build capability, support continuous improvement and achieve measurable outcomes.
- The new Service Delivery Framework was finalised this quarter, providing a clear and consistent approach to how Council plans, reviews and improves its services. The framework aligns with the Council Plan and Council's Service Review Policy and incorporates key recommendations from the Victorian Auditor-General's Office to strengthen accountability and financial management. By improving clarity around service levels and resourcing decisions, the framework supports better-informed decision-making and a more structured, transparent approach to service improvement over time.
- Progress continued on two key service reviews during the quarter, supported by valuable input from more than 650 community members who shared their experiences and ideas between January and March. This feedback is directly shaping the Public Amenities Service Review, which is focused on improving how public amenities, including toilets, are planned, provided and managed across the shire, with recommendations scheduled for completion in Q4. The Community Services Review also advanced, helping clarify Council's role, service mix and future priorities in responding to changing community needs. Completion of the current-state report will inform an internal future-state workshop and guide the development of practical, community-focused recommendations.

Council Plan Measures

Reporting Frequency	Performance Measure	Comment / Status	YTD Result	Annual Target
Quarterly	Percentage of customer enquiries responded to within required timeframes	During Q3, the percentage of customer enquiries responded to within required timeframes remained consistently high, continuing to exceed the 95% target. While performance has been strong, teams continue to monitor response times and refine processes where possible to maintain timely and effective service delivery, ensuring customers consistently receive prompt and reliable support.	98.5%	≥ 95%
	Reduction in the number of customer complaints	During Q3, customer complaints remained low at 49, reflecting continued improvements in service delivery and responsiveness across Council. Recent complaints appear isolated rather than indicative of a trend, relating to non-response, missed bin collections, homelessness responses and communication about the Bairnsdale Outdoor Pool. Overall, the reduction in complaints is considered to reflect improved service delivery and responsiveness across Council.	134	Fewer complaints than previous year
	Increased effectiveness of Council engagement activities	Community engagement effectiveness strengthened this quarter, with 360 people participating in in-person activities across 40 opportunities, including for the West Bairnsdale Oval, Omeo District Place Plan, Stormwater Management Plan and the Creative Summit. The improvement in the result compared to Q2 (1,005) is the result of	4,466	Increased engagement participation compared to previous year

Reporting Frequency	Performance Measure	Comment / Status	YTD Result	Annual Target
		a high volume of high-interest projects which also have multiple in-person touch points.		
	Percentage of community engagement plans developed for Council projects	Engagement planning continued strongly this quarter, with four tailored plans developed for the Lakes Entrance Northern Growth Area drainage project (yet to be actioned), Lanes Road Lucknow drainage upgrade, West Bairnsdale Recreation Reserve Redevelopment and the Raymond Island Ferry pass changes.	100%	100%
	Efficiencies achieved from business service improvements	Targeted service improvements continue to strengthen Council's efficiency and governance capability. In Q3 FY25/26, optimisation of our customer request management system delivered time savings equivalent to 273 working hours. Further efficiencies were achieved through a new risk assessment tool and automation of service performance reporting through the development of a Power BI.	$120,068	Increased Efficiency
Annually	Community satisfaction with consultation and engagement.	Not yet reportable.	-	≥ Large Rural Council average

FINANCIAL REPORT

July 2025 to March 2026

1. Financial Report Overview and Progress

Quarter Three - 1 July 2025 to 31 March 2026

The third quarter results to 31 March 2026 reflect Council's financial performance over the first nine months of the financial year, providing a clear indication of operational trends, budget alignment, and emerging variances ahead of year end. This period captures the cumulative impact of service delivery, capital program activity, grant funding timing, and cost pressures across the organisation. The year-to-date position highlights where performance is tracking in line with expectations and where adjustments are required, while also informing the full-year forecast and Council's assessment of its underlying financial sustainability.

Overall Financial Performance

Council recorded a Year-to-Date (YTD) Operating Surplus of $9.307 million, which is $0.949 million or 9.25% lower than the YTD Budget of $10.256 million.

Year-to-Date Performance

Performance Measure	Actual ($'000)	Budget ($'000)	Variance ($'000)	Variance (%)
Operating Surplus (YTD)	9,307	10,256	(949)	(9.25%)

Full-Year Forecast Performance

Performance Measure	Adopted Budget ($'000)	Forecast ($'000)	Variance ($'000)	Variance (%)
Operating Surplus (FY)	9,231	(10,854)	(20,085)	(217%)
Adjusted Underlying Result (FY)	(8,506)	(23,886)	(15,380)	(181%)

Year-to-Date (YTD) Performance

At 31 March 2026, total year-to-date expenditure is $104.599 million, which is $1.166 million (1.1%) above the YTD forecast of $103.433 million. The variance reflects trends previously identified in Quarter Two, which have continued into Quarter Three.

The primary driver remains Employee Benefits, now $1.761 million above budget (up from $1.536 million at Q2). This increase continues to be influenced by:

- Grant-funded roles ($0.561 million) that were not included in the adopted budget but are fully funded by external grants, meaning there is no net impact on Council's underlying position.
- Budget transfers ($0.501 million) where work originally planned for consultants and contractors is being delivered by staff, shifting expenditure from Materials and Services to Employee Benefits.
- Higher casual and overtime staffing costs $0.616 million, up from $0.598 million in Q2, with the impact now flowing through to the YTD position despite the casual budget review undertaken.
- Lower capitalisation of staff time than budgeted, with a review underway to ensure employee costs are appropriately allocated to capital projects where applicable.

These pressures have been partially offset by favourable savings in Materials and Services, which are now $1.177 million below budget (improving from $0.662 million at Q2). This reflects the continued impact of staff undertaking work originally budgeted for contractors, along with some projects and service activities commencing later than anticipated.

Depreciation and Amortisation is $0.140 million above budget, consistent with Q2 trends, due to the addition of new assets and updated asset condition assessments resulting in shorter useful lives and higher depreciation charges.

Other Expenses are now $0.499 million above budget, increasing from Q2. This is primarily due to asset disposals where sale proceeds were lower than written down values, together with additional unplanned costs emerging during the quarter.

Despite these expenditure pressures, favourable income variances across rates, user charges, contributions, interest on investments, and other income lines have helped to offset some of the impact.

Overall, Council has recorded a YTD operating surplus of $9.307 million, which is $0.949 million (9.25%) below the forecast budget surplus of $10.256 million. This result demonstrates that while cost pressures identified in Q2 have continued into Q3, they have been partly mitigated through savings in materials and services and stronger than expected income performance.

Full-Year Forecast

The full-year operating result is forecast to be a deficit of $10.854 million, which is a $20.085 million unfavourable variance compared to the adopted budget surplus of $9.231 million.

This result is primarily driven by timing impacts, rather than deterioration in Council's underlying operational performance. In particular:

- $10.695 million of the Financial Assistance Grant was received in advance last year, so there is less grant income for 2025/26 - however it is important note that we still get the same amount in Financial Assistance Grants - however we recognised a portion of the income in the previous financial year – 2024/25. This impacts the operating grant income line.
- Approximately $6.6 million of grant-funded works have been carried forward from the prior year and are being delivered this year, this increases the budgeted expenditure in 2025/26, however the income was received the previous year so there is a timing difference.

After adjusting for these timing impacts, the adjusted operating result is a surplus of $6.339 million, which provides a more accurate reflection of Council's operational position for the year.

Description	Adopted Budget 25/26	Forecast 25/26	Adjusted Forecast	% Adjusted to Budget
Operating Result ($m)	9.231	(10.854)	6.339	(31.3%)
Underlying Result ($m)	(8.506)	(23.886)	(6.591)	(25.5%)

Key Drivers of Full-Year Revenue Variances

- Recurrent Operating Grants – $10.593 million unfavourable
  The variance is primarily due to the Financial Assistance Grant (FAG) being $10.695 million lower than budgeted, as the grant was received in advance in the prior financial year. This is a timing impact only and does not affect Council's long-term funding position.

- Non-Recurrent Operating Grants – $2.845 million favourable
  Reflects new operating grants approved during the year, together with a variation to the funding agreement for the Bastion Point Dredging project.
- Non-Recurrent Capital Grants –$6,563 million unfavourable
  Reflects capital grant income linked to projects that will not be completed in the current financial year as these projects are now being carried forward into 2026/27, which means the associated grant revenue will also be recognised next year in line with project delivery. This timing impact is partially offset by a $0.494 million favourable variance arising from an increase in Commonwealth funding for the Bairnsdale Airport Terminal (Air Ambulance Facility), which was not included in the adopted budget and supports delivery of that capital project.
- Interest on Investments – $1.039 million favourable
  Driven by stronger cash balances and higher interest rates than budgeted.
- Reimbursements and other contributions – $1.633 million favourable
  The favourable variance is largely attributable to natural disaster reimbursements, with approximately $1.4 million received for eligible works completed in the prior financial year. These receipts were not included in the adopted budget and represent funding recovery for costs previously incurred.

Overall, while revenue is unfavourable against budget, this is overwhelmingly due to the FAG timing impact, partially offset by non-current operating grants income, user charges, and stronger interest on investments.

Key Drivers of Full-Year Expenditure Variances

- Employee Benefits – $1.732 million unfavourable (3.99%)
  This variance has progressively increased through the year as trends identified in Q1 and Q2 continued:
  - Grant-funded roles ($0.561 million) not included in the adopted budget but fully externally funded.
  - Casual staffing costs ($0.731 million) following a detailed review to maintain service delivery and meet industrial obligations.
  - Budget category movements ($0.501 million) where internal staff completed work originally budgeted for contractors.
  - Lower vacancy rates (6% vs historical 11–16%) resulting in higher salary costs.
  - Lower than planned capitalisation of labour, currently under review.
- Materials and Services – $5.563 million unfavourable
  The majority of this relates to carry-forward grant-funded programs (about $6.6 million) from 2024/25 that are being completed this year. These include bushfire and flood recovery initiatives, flood support programs, and other resilience and recovery projects. These are not new costs but the continuation of previously funded works.
- Depreciation and Amortisation – $0.358 million unfavourable
  Due to the timing of asset capitalisation and updated asset condition assessments resulting in shorter useful lives.

Understanding the Result

The forecast deficit does not indicate that Council is overspending its own funds. Instead, it reflects:

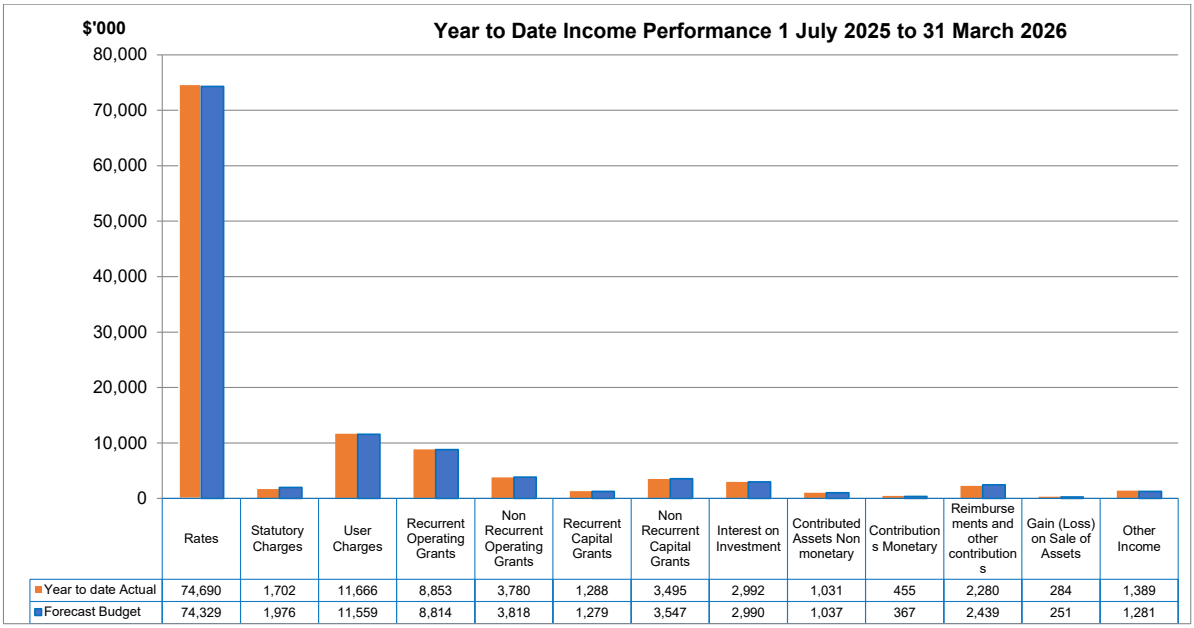
1. grant income recognised last year but expenditure occurring this year, and
2. completion of grant-funded projects carried forward from 2024/25.

When these timing and accounting impacts are removed, Council's adjusted position demonstrates that operational performance remains broadly aligned with budget expectations, with expenditure pressures largely explained by service delivery needs, externally funded programs, and workforce trends identified earlier in the year.

1.1 Income Statement at 31 March 2026

	Year to date Actual $'000	Year-to-date Forecast Budget $'000	Variance Fav/ (Unfav) $'000	Full Year Adopted Budget $'000	Forecast Budget $'000	Variance Fav/ (Unfav) $'000
Income						
Rates	74,690	74,329	361	74,425	74,425	0
Statutory Charges	1,702	1,976	(274)	2,693	2,693	0
User Charges	11,666	11,559	106	14,268	14,545	277
Recurrent Operating Grants	8,853	8,814	39	22,239	11,646	(10,593)
Non-Recurrent Operating Grants	3,780	3,818	(38)	1,734	4,579	2,845
Recurrent Capital Grants	1,288	1,279	9	5,215	3,815	(1,400)
Non-Recurrent Capital Grants	3,495	3,547	(53)	13,714	7,151	(6,563)
Interest on Investment	2,992	2,990	2	2,500	3,539	1,039
Contributed Assets Non-monetary	1,031	1,037	(5)	4,000	4,187	187
Contributions Monetary	455	367	88	430	573	142
Reimbursements and other contributions	2,280	2,439	(159)	1,227	2,860	1,633
Gain (Loss) on Sale of Assets	284	251	33	0	55	55
Other Income	1,389	1,281	108	1,637	1,662	25
Total Income	**113,906**	**113,689**	**217**	**144,082**	**131,730**	**(12,352)**
Expenses						
Employee Benefits	35,278	33,517	(1,761)	43,368	45,100	(1,732)
Materials and services	41,672	42,849	1,177	55,604	61,167	(5,563)
Depreciation and Amortisation	25,462	25,322	(140)	33,479	33,837	(358)
Bad and doubtful debts	(5)	0	5	23	23	0
Borrowing costs	226	277	52	370	370	0
Finance cost - leases	0	0	0	0	0	0
Other expenses	1,966	1,468	(499)	2,007	2,087	(80)
Total expenses	**104,599**	**103,433**	**(1,166)**	**134,851**	**142,584**	**(7,733)**
Operating Surplus/(Deficit)	**9,307**	**10,256**	**(949)**	**9,231**	**(10,854)**	**(20,085)**
Adjusted Underlying Surplus/ (Deficit)						
Non-Recurrent Capital Grants	(3,495)	(3,547)	53	(13,714)	(7,151)	6,563
Contributed Assets	(1,031)	(1,037)	5	(4,000)	(4,187)	(187)
Capital contributions and reimbursements	0	(6)	6	(23)	(1,694)	(1,671)
Adjusted Underlying Surplus/ (Deficit)	**4,781**	**5,665**	**(885)**	**(8,506)**	**(23,886)**	**(15,380)**

Year to Date Income Performance 1 July 2025 to 31 March 2026



	Rates	Statutory Charges	User Charges	Recurrent Operating Grants	Non Recurrent Operating Grants	Recurrent Capital Grants	Non Recurrent Capital Grants	Interest on Investment	Contributed Assets Non monetary	Contributions Monetary	Reimbursements and other contributions	Gain (Loss) on Sale of Assets	Other Income
Year to date Actual	74,690	1,702	11,666	8,853	3,780	1,288	3,495	2,992	1,031	455	2,280	284	1,389
Forecast Budget	74,329	1,976	11,559	8,814	3,818	1,279	3,547	2,990	1,037	367	2,439	251	1,281

Notes for Income Variances

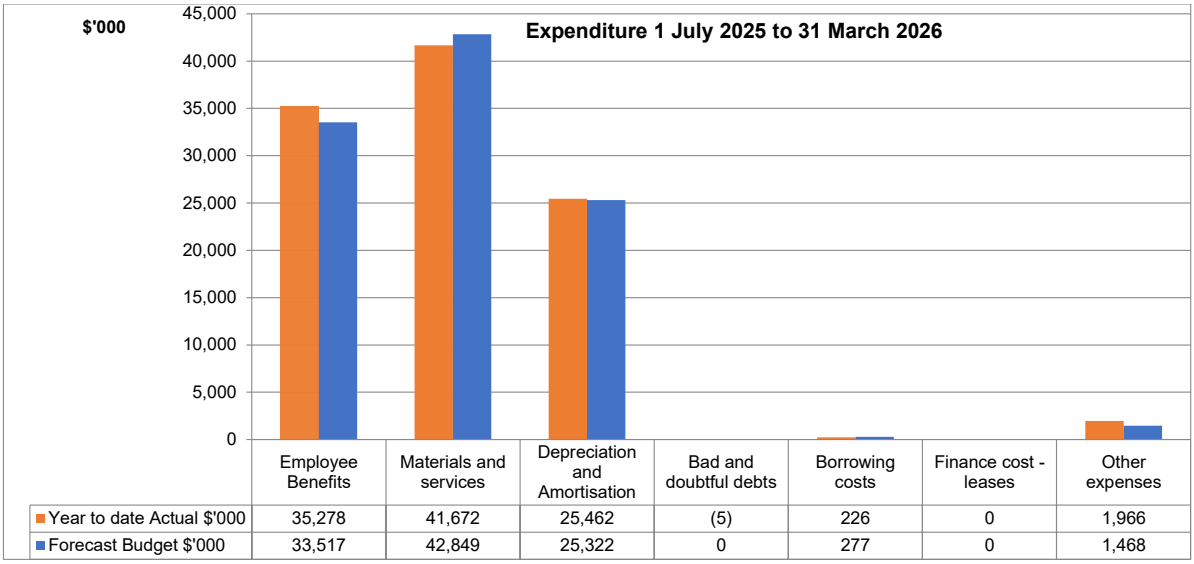
Variances Year to Date

Category	Variance Fav/(Unfav) $'000	Commentary
Income		
Rates	361	Slightly higher than budget due to the timing of valuation objections that are yet to be finalised. Until these objections are resolved, the original higher valuations remain in place and continue to generate rates income. This favourable variance is expected to reduce once objections are determined and any required valuation adjustments are processed.
Statutory Charges	(274)	Lower than budget due to reduced subdivision fee income $171,000 together with a timing delay in processing animal registrations $130,000 that were budgeted for March but processed in April. The animal registration variance is timing-related and expected to correct in the next reporting period.

Variances Full Year

Category	Variance Fav/(Unfav) $'000	Commentary
Income		
Recurrent Operating Grants	(10,593)	The forecast variance is attributable to the Financial Assistance Grant (FAG) being $10.695 million lower than budgeted in 2025/26. This is because the grant was received in advance in June 2025 and recognised in the prior financial year. This is a timing difference only and does not impact the total funding Council receives across the two financial years.
Non-Recurrent Operating Grants	2,845	Reflects new operating grants approved during the year, together with a variation to the funding agreement for the Bastion Point Dredging project.
Recurrent Capital Grants	(1,400)	Reflects a lower forecast of grant income for the year, primarily due to revised timing and delivery of the Reseal Renewal Program and Stage 2 Omeo Upgrade, resulting in less capital grant revenue being recognised in 2025/26 than originally budgeted.
Non-Recurrent Capital Grants	(6,563)	Reflects capital grant income linked to projects that will not be completed in the current financial year. As these projects are now being carried forward into 2026/27, the associated grant revenue will also be recognised next year in line with project delivery. This timing impact is partially offset by a $0.494 million favourable variance arising from an increase in Commonwealth funding for the Bairnsdale Airport Terminal (Air Ambulance Facility), which was not included in the adopted budget and supports delivery of that capital project.
Interest on Investment	1,039	Full Year Interest Income forecast increased in line with current interest rates.
Reimbursements and other contributions	1,633	The favourable variance is largely attributable to natural disaster reimbursements, with approximately $1.4 million received for eligible works completed in the prior financial year. These receipts were not included in the adopted budget and represent funding recovery for costs previously incurred.

Expenditure 1 July 2025 to 31 March 2026



	Employee Benefits	Materials and services	Depreciation and Amortisation	Bad and doubtful debts	Borrowing costs	Finance cost - leases	Other expenses
Year to date Actual $'000	35,278	41,672	25,462	(5)	226	0	1,966
Forecast Budget $'000	33,517	42,849	25,322	0	277	0	1,468

Notes for Expense Variances

Variances Year to Date

Category	Variance Fav/(Unfav) $'000	Commentary
Expenditure		
Employee Benefits	(1,761)	The variance is a result of: • $561K in grant-funded roles that were not included in the adopted budget. These positions are fully funded by external grants and do not place additional pressure on Council's underlying budget. • $501K in budget transfers from Materials and Services to Employee Benefits, where work originally planned for consultants and contractors has been delivered internally by staff. • Higher casual and overtime staffing costs $0.616 million, up from $0.598 million in Q2, with the impact now flowing through to the YTD position despite the casual budget review undertaken. • Lower than expected vacancy rates, with vacancies tracking around 6% compared to historical levels of 11–16%, resulting in higher salary costs than budgeted. • Lower than anticipated allocation of staff costs to capital projects, particularly where staff are working on projects relating to non-Council owned assets, limiting the ability to capitalise labour costs as originally budgeted.
Materials and services	1,177	The favourable variance is primarily due to the timing of works and service delivery occurring later than originally forecast. This is also influenced by budget transfers to Employee Benefits, where work initially planned to be undertaken by consultants or contractors has instead been delivered internally by staff, resulting in expenditure shifting from Materials and Services to Employee Costs.
Depreciation and Amortisation	(140)	The variance is a result of the timing for capitalisation for new assets together with the impact of the change in condition assessment for infrastructure assets.
Other Expenses	(499)	Mainly a result of Asset Disposal during the year.

Variances Full Year

Category	Variance Fav/(Unfav) $'000	Commentary
Expenditure		
Employee Benefits	(1,732)	The variance is a result of: • $561K in grant-funded roles that were not included in the adopted budget. These positions are fully funded by external grants and do not place additional pressure on Council's underlying budget. • $501K in budget transfers from Materials and Services to Employee Benefits, where work originally planned for consultants and contractors has been delivered internally by staff. • $731K increase in casual wages, following a detailed budget review completed in Q2 to ensure adequate resourcing to maintain service delivery for the remainder of 2025/26. • Lower than expected vacancy rates, with vacancies tracking around 6% compared to historical levels of 11–16%, resulting in higher salary costs than budgeted. • Lower than anticipated allocation of staff costs to capital projects, particularly where staff are working on projects relating to non-Council owned assets, limiting the ability to capitalise labour costs as originally budgeted.
Materials and services	(5,563)	The variance is mainly a result of $6.60 million of carried forward work that we received grants for in previous financial years but are still completing the work. The main areas of carry forward are: • $2.35 million relates to specific bushfire and flood recovery initiatives • $0.469 million for the Council Flood Support Fund • $0.424 million for the Fire 2019 Bushfire Rebuilding Support Service • $0.375 million for the Bushfire Recovery and Resilience • $0.335 million for the Council Flood Support • other minor grants make up the balance of $1.61 million.
Depreciation and Amortisation	(358)	The variance is a result of the timing for capitalisation for new assets together with the impact of the change in condition assessment for infrastructure assets.
Results		
Operating Surplus/(Deficit)	(20,085)	The YTD operating deficit is primarily attributable to the timing impact of recurrent operating grants that were received in advance in the prior period. As a result, current year grant revenue is lower than budgeted for this period, creating a temporary shortfall that is timing-related rather than reflective of underlying operational performance.
Adjusted Underlying Surplus/ (Deficit)	(15,380)	This result reflects the underlying operational position after removing the impact of non-recurring, capital, and one-off items. The deficit indicates a modest shortfall in core operating performance for the year to date, driven by recurrent revenue and expenditure timing differences rather than structural budget issues.

1.2 Balance Sheet 31 March 2026

Prior Year Actual ($'000)		Year to date Actual ($'000)	Full Year Adopted Budget ($'000)	Full Year Forecast ($'000)	Full Year Variance ($'000)
	Current assets				
86,005	Cash and investments	113,084	59,153	55,705	(3,448)
10,417	Receivables	23,447	10,276	10,276	0
37,159	Other financial assets	0	732	732	0
5,075	Other Current Assets	1,416	3,925	3,925	0
138,656	**Total Current Assets**	**137,947**	**74,086**	**70,638**	**(3,448)**
	Non-current assets				
1,375,817	Property, Infrastructure & Equipment	1,368,756	1,421,104	1,421,104	0
13,030	Investment Properties	13,030	10,787	13,030	2,243
465	Right of Use Assets	437	504	376	(128)
1,959	Intangible Assets	1,266	6,942	1,044	(5,898)
10	Other financial assets	0	10	10	0
99	Receivables	58	124	124	0
1,391,380	**Total Non- Current Assets**	**1,383,545**	**1,439,471**	**1,435,688**	**(3,783)**
1,530,036	**Total assets**	**1,521,493**	**1,513,557**	**1,506,326**	**(7,231)**
	Current liabilities				
16,105	Payables	10	10,865	10,866	1
3,821	Trust Funds and Other Deposits	6,457	4,137	4,137	0
7,204	Contract and other liabilities	4,040	5,958	5,958	0
13,743	Current Provisions	13,237	8,216	8,175	(41)
24	Lease Liabilities	24	79	79	0
695	Interest Bearing Liabilities	177	728	728	0
41,592	**Total Current Liabilities**	**23,945**	**29,983**	**29,943**	**(40)**
	Non-current liabilities				
8,067	Non - Current Provisions	7,865	7,381	7,381	0
265	Contract and other liabilities	265	419	419	0
547	Lease Liabilities	547	600	600	0
8,501	Interest Bearing Liabilities	8,501	7,772	7,772	0
17,380	**Total Non - Current Liabilities**	**17,177**	**16,172**	**16,172**	**0**
58,972	**Total liabilities**	**41,121**	**46,155**	**46,115**	**(40)**
1,471,064	**Net assets**	**1,480,371**	**1,467,402**	**1,460,211**	**(7,191)**
	Equity				
937,638	Reserves	937,639	937,778	937,778	0
533,426	Total Retained Earnings	542,733	529,624	522,433	(7,191)
1,471,064	**Total Equity**	**1,480,372**	**1,467,402**	**1,460,211**	**(7,191)**
	Net Surplus for year	**9,307**	**9,231**	**(10,854)**	**(20,085)**

Notes for Balance Sheet Variances

Variances - Full Year

Category	Variance Fav/(Unfav) $'000	Commentary
Cash and investments	(3,448)	Unfavourable variance is partly due to increase in forecast payments to suppliers.
Investment Properties	2,243	Some properties were reclassified from Property, Plant and Equipment to Investment Properties. This change was not included in the adopted budget.
Intangible Assets	(5,898)	Council had cloud-based software recorded as intangibles in the budget now recognised as operating expenses in line with accounting standard changes.
Total Retained Earnings	(7,191)	Total retained earnings for the quarter are below planned results. This variance is largely attributable to balance sheet movements rather than operational performance, with adjustments observed in Assets Held for Investment and Intangible Assets arising from asset reclassifications. These accounting reclassifications have impacted the reported position without materially affecting the underlying financial sustainability of the organisation.

1.3 Cashflow Statement for the Period 1 July 2025 to 31 March 2026

	Year-to-date	Full Year		
	Actual	Adopted Budget	Forecast Budget	Variance
	($'000)	($'000)	($'000)	($'000)
Cashflows from Operating Activities				
Ratepayer receipts	62,544	76,271	74,389	(1,882)
Statutory fees and fines	1,653	2,693	2,670	(23)
User fees	13,258	13,742	11,032	(2,710)
Operating Grants	12,250	23,973	14,607	(9,366)
Capital Grants	2,269	18,929	14,339	(4,590)
Contributions	455	430	573	143
Interest Received	3,363	2,500	3,504	1,004
Trust funds and deposits taken	2,636	8,650	8,816	166
Other Receipts and reimbursements	3,763	2,863	4,522	1,659
Net GST refund/payment	(895)	0	0	0
Payments to Employees	(35,784)	(42,833)	(46,091)	(3,258)
Payments to Suppliers	(56,321)	(61,245)	(71,896)	(10,651)
Trust funds and deposits repaid	0	(8,650)	(8,500)	150
Other Payments	(2,163)	(2,009)	(2,087)	(78)
Net cash provided by (used in) operating activities	**7,026**	**35,314**	**5,875**	**(29,439)**
Cashflows from Investing Activities				
Payments for Property/ Plant	(18,511)	(71,711)	(73,238)	(1,527)
Proceeds from Investments	37,150	0	37,159	37,159
Proceeds from sale of assets	2,165	725	860	135
Net cash provided by (used in) investing activities	**20,803**	**(70,986)**	**(35,219)**	**35,767**
Cashflows from Financing Activities				
Finance costs	(226)	(369)	(370)	(1)
Loan Principal Repayments	(518)	(695)	(696)	(1)
New Loans	0	0	0	0
Interest paid-lease liability	0	(1)	0	1
Repayment of lease liabilities	(16)	0	109	109
Net cash provided by (used in) investing activities	**(760)**	**(1,065)**	**(957)**	**108**
Net Increase / (Decrease) in Cash	27,070	(36,737)	(30,300)	6,437
Cash At Beginning of Period/Year	86,005	95,890	86,005	(9,885)
Cash at End of Period/Year	**113,075**	**59,153**	**55,705**	**(3,448)**

1.4 Capital Works Projects

Capital Works

The 2025/26 Capital Works Projects budget was adopted in June 2025 at $71.711 million. After final adjustments for carry forwards, the total budget increased by $3.152 million, resulting in an initial budget of $74.864 million. At the end of the third quarter the forecasted budget was decreased by $31.867 million, reducing the revised budget to $42.996 million.

By the end of the period Capital Works projects expenditure and commitments reached $30.805 million, accounting for 71.65% of the total revised budget.

Major Projects (Non-Capital)

Landfill Rehabilitation Projects

The 2025/26 adopted budget for Landfill Rehabilitation projects totalled $6.485 million – these are classified as major projects as they are not capital in nature but are significant expenditure items. After final adjustments for carry forwards, the total budget was increased by $0.003 million, resulting in an initial budget $6.488 million. At the end of the third quarter, the forecasted budget decreased by $6.2 million, reducing the revised budget to $0.288 million.

By the end of the period Landfill Rehabilitation Works expenditure and commitments reached $0.275 million, accounting for 95.40% of the total revised budget.

Community Projects

The 2025/26 adopted budget for Community projects totalled $4.67 million. After final adjustments for carry forwards, the total budget was increased by $2.85 million, resulting in an initial budget $7.5 million. At the end of the third quarter, the forecasted budget decreased by $0.39 million, reducing the revised budget to $7.12 million.

By the end of the period Community Projects expenditure and commitments reached $7.12 million, accounting for 99.97% of the total revised budget.

Carry Forwards

The full year budget has been reduced by $38.067 million across the Capital Works programs due to revised project delivery timeframes and the re-phasing of expenditure into the 2026/27 financial year.

Capital Works

The Capital Works full year budget has been reduced by $31.437 million following project re-phasing and prioritisation in response to delivery schedules, contractor availability, community priorities and market conditions, particularly increases in fuel costs. As a result, several projects will extend into the 2026/27 financial year. In Quarter 3, carry forwards totalling $25.832 million across 36 projects were identified within the Capital Works program.

Year-to-date, Capital Works carry forwards total $31.437 million, reflecting the cumulative impact of project timing changes identified throughout the financial year.

A few of the Capital Works projects requiring a carry forward are mentioned below.:

- Apron and Taxiway C, Bairnsdale Airport – $4.0 million
- Bairnsdale Runway 04/22 Extension and Lighting Upgrade – $6.2 million
- Digital Services Program – $2.0 million
- Gippsland Lakes Community Hub – $2.5 million
- Roads Resealing Program – $1.0 million
- World Sporting Precinct – $5.2 million

Landfill Rehabilitation Projects

The Landfill Rehabilitation program full year budget has been reduced by $6.2 million in relation to three EPA-required projects that remain in the budget but do not require completion within the current financial year. No Quarter 3 carry forwards were identified for this program.

Community Projects

$0.3 million of community projects were carried forward to the 2026/27 financial year.

Capital Works Program Summary as at 31 March 2026

This financial year, changes to the budget by 31 March 2026, have led to the following revised forecast budget:

	25/26 Adopted Budget inc. carryovers	Revised 25/26 Budget	YTD Actual Expenditure	Commitments @ 31/03/2026	Percentage Complete*	No. of Projects
Capital Works Projects	74,863,540	42,996,523	17, 391,769	13,413,643	71.65%	185
Landfill and Waste Projects	6,488,019	288,019	201,726	73,046	95.40%	13
Community Projects**	4,673,640	7,129,299	4,958,815	2,168,304	99.97%	3
Totals	**86,025,199**	**50,413,841**	**22,552,310**	**15,654,993**	**75.64%**	**201**

Note - Figures do not include the Capital Works Holding Account funds

*Percentage Complete is total spent and committed in respect to the revised budget.
**Community Projects include Sarsfield Recreation Reserve Upgrade, Buchan Recreation Reserve and The Old Slipway Seawall. These are projects that Council is managing, and the assets are not Council assets.

Revised Forecast Update:

By the end of the reporting period, expenditure and commitments across the revised capital program totalled $38.200 million against a total revised budget of $50.41 million. The revised budget comprised $42.99 million for Capital Works projects, $0.288 million for Landfill Rehabilitation Works and $7.12 million for Community Projects.

Holding Account - Balance

All budget adjustments have been processed through the designated holding account. The snapshot below provides a summary of the projects, their current status, and the corresponding variation amounts that have been actioned as part of this process.

The movement in the holding account is detailed in the table below, showing a closing balance of $673,333 as at 31 March 2026.

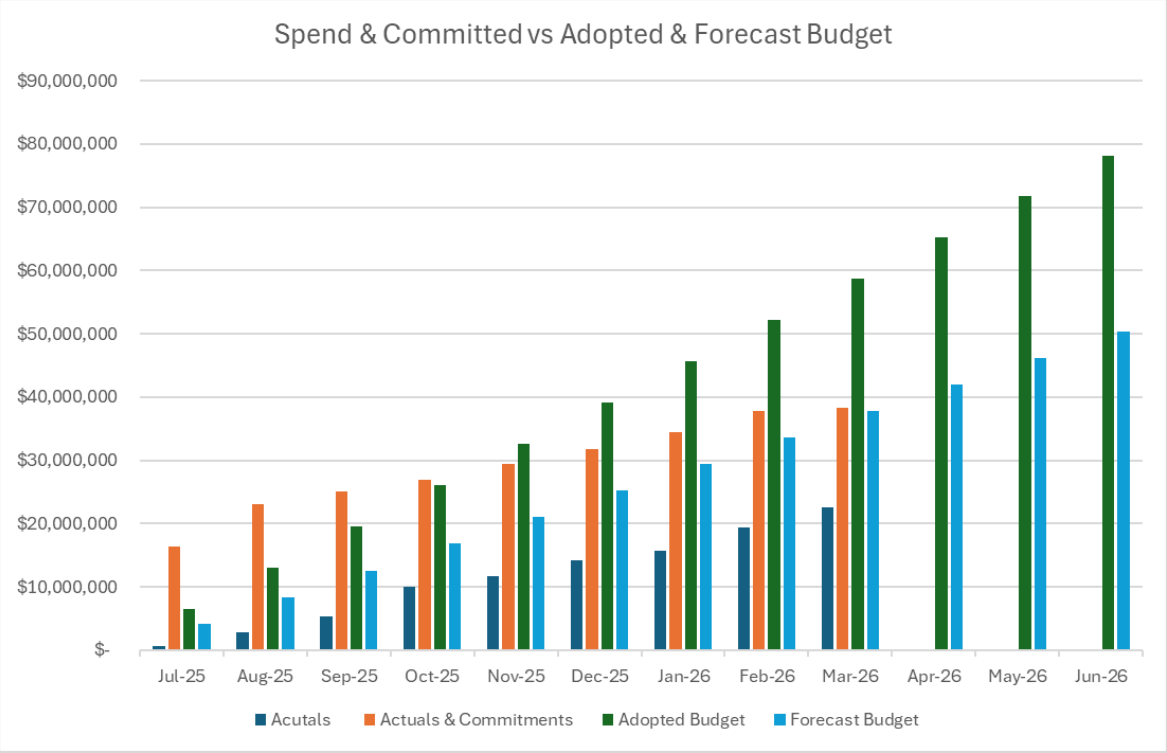
Project Name	Status	To Holding account	From Holding account
Bastion Point Geotactile Groyne Wall	Complete	-$353,697	
Building Renewal (160,000) To cover half cost of BARC Roof	Transferred	-$160,000	
BARC Roof	New		$320,000
West Bairnsdale Oval Lighting	New		$20,000

Project Name	Status	To Holding account	From Holding account
Lucknow Recreation Reserve and Surrounds improvement works	Complete	-$10,227	$10,000
Swift creek	Operating transfers		$10,000
Bairnsdale City Oval Netball Court Lighting Upgrade	Grant funding rejected	-$150,000	
Bairnsdale Airport – Minor Drainage Upgrade	Additional Funds		$29,300
Lindenow Bowling Green Upgrade	New		$50,000
Elwyn Street, Kalimna Erosion	New		$75,000
Toonalook Waters Revegetation Plan	Withdrawn	-$110,219	
New Hangars at Bairnsdale Airport	Withdrawn	-$100,000	
Raymond Island Township Road & Drainage	Additional funds		$31,000
EV Charging Infrastructure	Additional funds		$76,000
Lakes Entrance Service Centre – Courtyard Upgrade	Additional funds		$31,000
Admirals Quay, Paynesville Drainage	Additional funds		$15,000
Completed capitalised projects (no budget in 2025/26)	Operating transfers		$15,827
Digital trunk radios	New		$100,000
AJ Freeman Reserve Toilet Decommission, Paynesville	Complete	-$10,842	
Lochiel Park Netball Court Renewal	New		$45,944
Lindenow Netball Court Renewal	New		$40,000
Gilsenan Reserve Toilet Replacement	Additional funds		$100,000
Lindenow Sports Ground - Fire Services	Complete	-$54,260	
Omeo Mountain Bike Access Tracks	Withdrawn	-$300,000	
Carpark Extension - Slip Bight Marina	Additional Funds		$76,842
Forward Design Seawalls Shire wide	Withdrawn	-$150,000	
Seawall Renewal Program	Withdrawn	-$320,000	
Totals		**-$1,719,245**	**$1,045,913**
Surplus			**$673,333**

1.5 Capital Works report by asset class as at 31 March 2026

	Year to date Actual ($'000)	Full Year Adopted with actual carry forwards ($'000)	Full Year Forecast Budget ($'000)	Variance Adopted budget to Forecast budget ($'000)
Property				
Land	126	387	387	-
Total land	**126**	**387**	**387**	**-**
Buildings	2,328	9,501	3,638	(5,863)
Heritage buildings	9	105	105	-
Total buildings	**2,337**	**9,606**	**3,743**	**(5,863)**
Total property	**2,463**	**9,993**	**4,130**	**(5,863)**
Plant and equipment				
Plant, machinery and equipment	3,049	5,390	5,390	-
Fixtures, fittings and furniture	56	50	70	20
Computers and telecommunications	704	5,586	1,443	(4,143)
Library books	146	209	209	-
Total plant and equipment	**3,955**	**11,235**	**7,112**	**(4,123)**
Infrastructure				
Roads	3,328	10,404	8,744	(1,660)
Bridges	77	250	250	-
Footpaths and cycleways	171	831	533	(298)
Drainage	1,036	4,729	3,101	(1,628)
Recreational, leisure and community facilities	836	8,719	1,471	(7,248)
Waste management	254	1,868	2,069	201
Parks, open space and streetscapes	4,811	13,707	12,572	(1,135)
Aerodromes	186	11,938	2,501	(9,437)
Off street car parks	40	362	83	(279)
Other infrastructure	235	827	431	(396)
Total infrastructure	**10,974**	**53,635**	**31,755**	**(21,880)**
Total capital works expenditure	**17,392**	**74,863**	**42,997**	**(31,866)**

The graph below shows the relationship between actual spend and committed spend on capital projects and landfill rehabilitation projects compared to the budgeted amounts over a set period.



At the end of quarter three, the program covered 3 community projects and 198 separate projects of which 58 projects had been completed, 120 were in progress, eight projects were yet to commence, and 12 projects had been withdrawn, transferred or are on hold. Note – the capital program was refined this quarter, with the Road Program split into individual road projects, resulting in 13 additional projects being recorded compared to Q2.

It should be noted Council commenced the year with a budget of $81.352 million. This includes Waste Rehabilitation and Aftercare non- capital projects (Major Projects) but excludes Community projects*.

**Note - Community Projects include Sarsfield Recreation Reserve Upgrade, Buchan Recreation Reserve and The Old Slipway Seawall. These are projects that Council is managing and the assets are not Council assets.*

1.5 Treasury

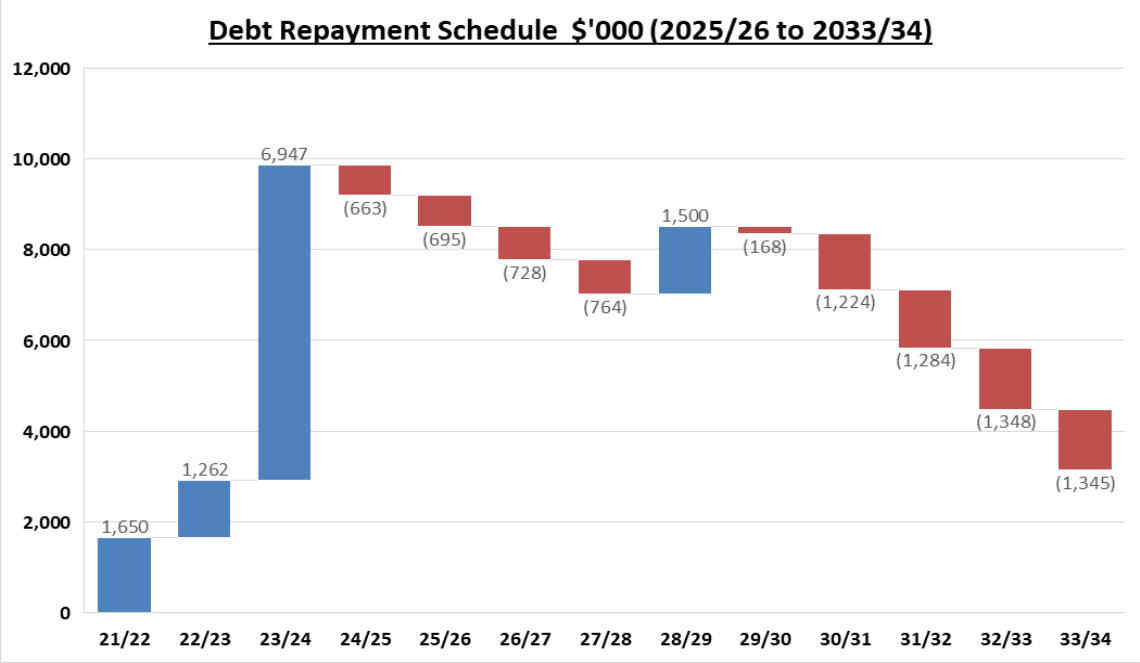
Council has paid $0.519 million in scheduled principal debt repayments in the period 1 July 2025 to 31 March 2026.

The interest rates as at the end of March for each loan are as follows:

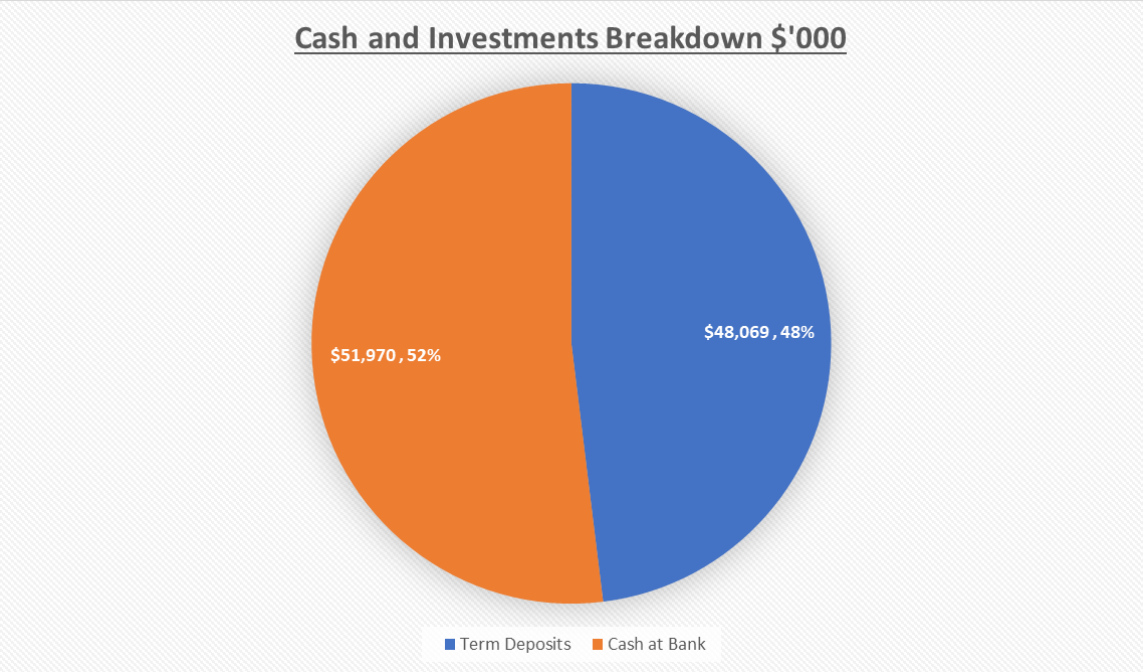
1. Tambo Bluff Special Charge Scheme – 8.66% (recovered from the scheme participants)
2. Community Infrastructure Low Interest Loans from Treasury Corporation of Victoria:
   - WORLD Sporting Precinct – 4.83%
   - Eagle Point Foreshore Hub – 4.625%

The full year debt repayments are on schedule, with a forecast end of year balance of $8.501 million.

	YTD March 2026				Full Year			
Loan Maturing	Opening Balance $'000	Principal Repaid $'000	New Loans $'000	Closing Balance $'000	Opening Balance $'000	Repayments $'000	New Loans $'000	Closing Balance $'000
Current Loans	695	(519)	0	176	695	33	0	728
Non-Current Loans	8,501		0	8,501	8,501	(728)	0	7,773
	9,196	**(519)**	**0**	**8,677**	**9,196**	**(695)**	**0**	**8,501**



Cash and investment holdings increased by $27.078 million compared to the balance at 30 June 2025 of $86.005 million. The movement reflects the timing of cash inflows and outflows during the period. As at 31 March 2026, Council holds $48.069 million in term deposits with an average interest rate of 4.45%.



1.6 Procurement

To meet the needs of the community and support Council's operational requirements, Council undertakes procurement processes (including tenders) and awards contracts for infrastructure works, goods and services.

As outlined in the Procurement Policy, Council formally recognises the significant role procurement plays in contributing to the economic prosperity of the Shire. Accordingly, local suppliers and service providers are encouraged to compete for opportunities to supply goods, services and works to Council.

The following is a public summary of all contracts awarded to suppliers by Council or under delegation between 1 July 2025 – 31 March 2026:

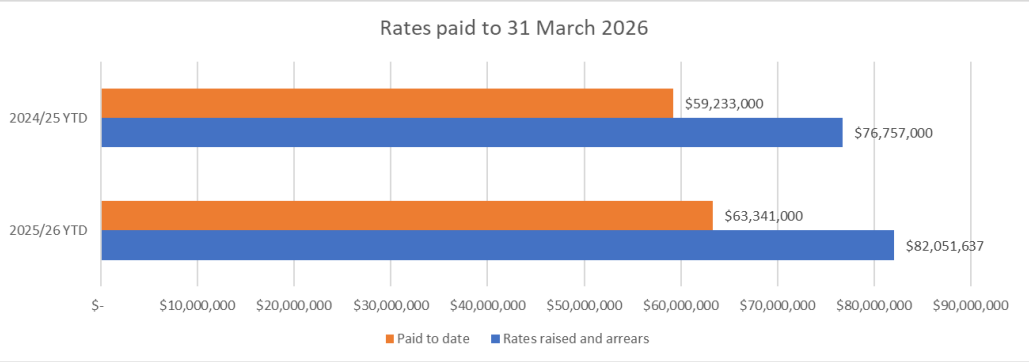
Contract number	Contract name	Date of award	Supplier	Estimated contract value (ex GST)	Contract period	Supplier location
CON2025 1730	Fort King Road, Paynesville - Drainage Upgrades	11/07/2025	McInnes Earthmoving Pty Ltd	$319,394.00	31 October 2025	Gippsland
CON2025 1734	Provision of Supply Services for Diesel Generators East Gippsland Shire Council	16/07/2025	SM & JR Pty Ltd trading as Riviera Pumps & Generators	$173,000.00	31 November 2025	East Gippsland
CON2025 1725	Construction of Cormorant Grove Road, Metung	31/07/2025	Middleton Lee Pty Ltd trading as CAL CIVIL	$132,520.00	16 weeks from possession of site	East Gippsland
CON2025 1732	Construction of Buchan-Orbost Road Landslip Repair	25/08/2025	Jarvis Norwood Constructions Pty Ltd	$539,535.00	30 weeks	East Gippsland
CON2026 1741	Provision of Painting, Blasting, Scaffolding and Encapsulation Services for Raymond Island Ferry Slipping	16/09/2025	Strini Industries Pty Ltd ATF F & S Strini Family Trust	$343,610.00	6 weeks	East Gippsland
CON2026 1754	Detailed Design for Public Drainage Assets	27/11/2025	JC Engineers Pty Ltd	$136,027.00	12 Months	QLD
CON2026 1753	Bairnsdale Aquatic Recreation Centre Re-Roofing	15/12/2025	Frith's Plumbing and Construction Pty Ltd	$271,541.38	6 weeks	East Gippsland

Contract number	Contract name	Date of award	Supplier	Estimated contract value (ex GST)	Contract period	Supplier location
CON2026 1750	Amenity Lawn Mowing and Maintenance Services	17/12/2025	Batt Brothers Pty Ltd	Schedule of Rates	3-year initial term	East Gippsland
CON2026 1750	Amenity Lawn Mowing and Maintenance Services	17/12/2025	Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC)	Schedule of Rates	3-year initial term	East Gippsland
CON2026 1750	Amenity Lawn Mowing and Maintenance Services	17/12/2025	JF Peterson Pty Ltd	Schedule of Rates	3-year initial term	East Gippsland
CON2026 1750	Amenity Lawn Mowing and Maintenance Services	17/12/2025	Moogji Aboriginal Council East Gippsland Inc.	Schedule of Rates	3-year initial term	East Gippsland
CON2026 1750	Amenity Lawn Mowing and Maintenance Services	17/12/2025	PB Kenny Holdings Pty Ltd trading as Gippsland Asset Management	Schedule of Rates	3-year initial term	East Gippsland
CON2026 1750	Amenity Lawn Mowing and Maintenance Services	17/12/2025	The Trustee for The Heather Family Trust trading as Eastern Grounds & Garden Maintenance Services Pty Ltd	Schedule of Rates	3-year initial term	East Gippsland
CON2026 1748	Old Slipway Seawall Strom Damage Repairs, Lakes Entrance	19/12/2025	Carter Marine Group Pty Ltd	$612,074.87	20 weeks	East Gippsland
CON2026 1751	Spillway and Bridge Replacement at Livingstone Park, Omeo	19/12/2025	Jarvis Norwood Constructions Pty Ltd	$585,180.00	12 weeks	East Gippsland
CON2026 Q 1736	Gilsenan Reserve Amenities, Paynesville	16/01/2026	Design Co Builders Pty Ltd	$242,881.90	1 June 2026	East Gippsland
CON2026 1757	Bogong Street, Lakes Entrance - Drainage Construction Works	02/02/2026	Yousuf Civil Constructions Pty Ltd	$110,925.00	8 weeks	Melbourne

Contract number	Contract name	Date of award	Supplier	Estimated contract value (ex GST)	Contract period	Supplier location
CON2026 1703	Foreshore Management Plan Implementation, Malo (Stage 2) Construction Works	05/02/2026	GBM Contractors (Vic) Pty Ltd	$180,515.00	6 weeks	Yarragon
CON2026 1773	Stirling / David Road Metung, Drainage Upgrade Construction Works	13/02/2026	Blackwood Trenching & Boring Pty Ltd	$113,463.00	16 weeks	East Gippsland
CON2026 1737	Construction of Church Street Pedestrian Crossings, Lakes Entrance	23/02/2026	Fulton Hogan Industries Pty Ltd	$495,720.98	6 weeks	Melbourne

1.7 Rates Performance

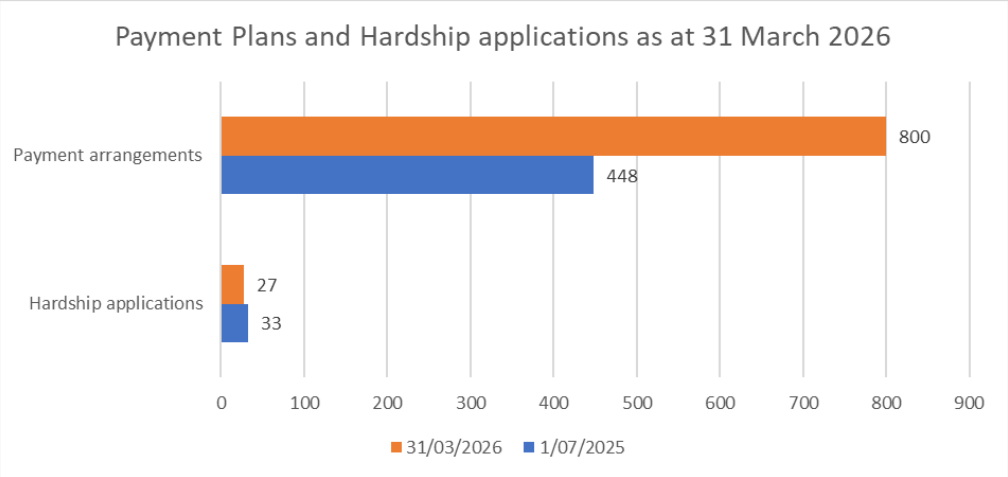
As at 31 March 2026, 76.7% of rates revenue has been received. This is 0.46% lower than the proportion collected at the same point in the previous financial year.



Final rates were due on the 15 February and the rates team continue to engage proactively with customers to support as much flexibility as possible to get rates paid.

The Rates Roadshow was held across March and April, with team members visiting various communities to assist ratepayers in understanding their rates and available payment options.

Council offers flexible payment arrangements for ratepayers experiencing difficulty paying, allowing smaller instalments to be paid over an extended period without interest. The Rates team works with residents to establish suitable arrangements based on individual circumstances.



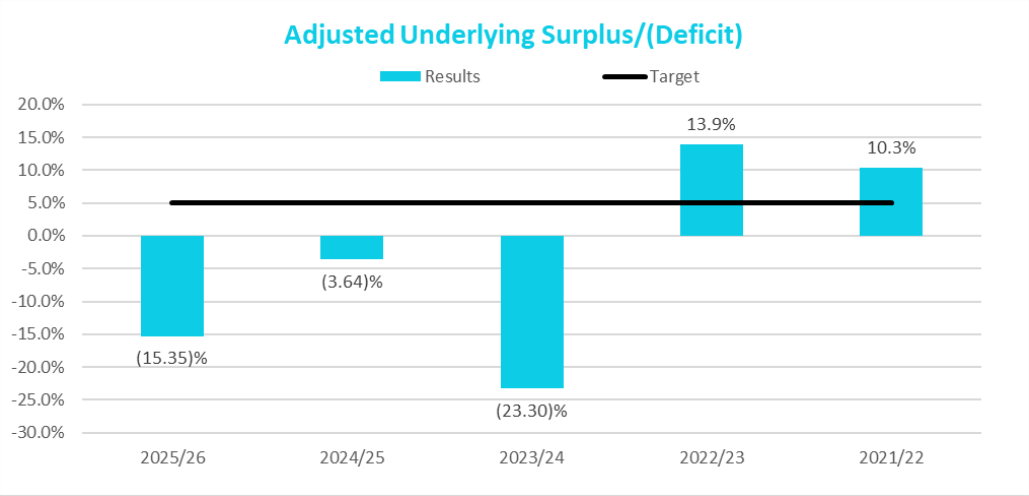
2. Year to Date Financial Analysis

2.1 Financial Ratios

Adjusted underlying surplus/(deficit)

The adjusted underlying result reflects Council's operating performance from its ordinary activities, excluding the impact of non-recurrent capital grants, non-monetary asset contributions, and other capital funding sources from the net result.

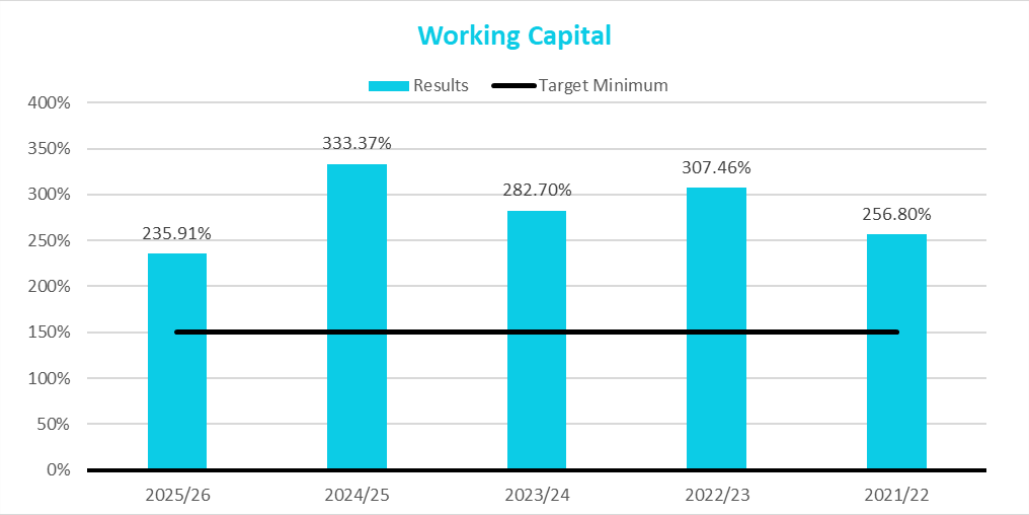
For 2025/26, the adjusted underlying result is forecast to be a deficit of 15.35%. This position is primarily influenced by the timing of grant funding, including the early receipt of the Financial Assistance Grants in ($10.695 million).



Liquidity

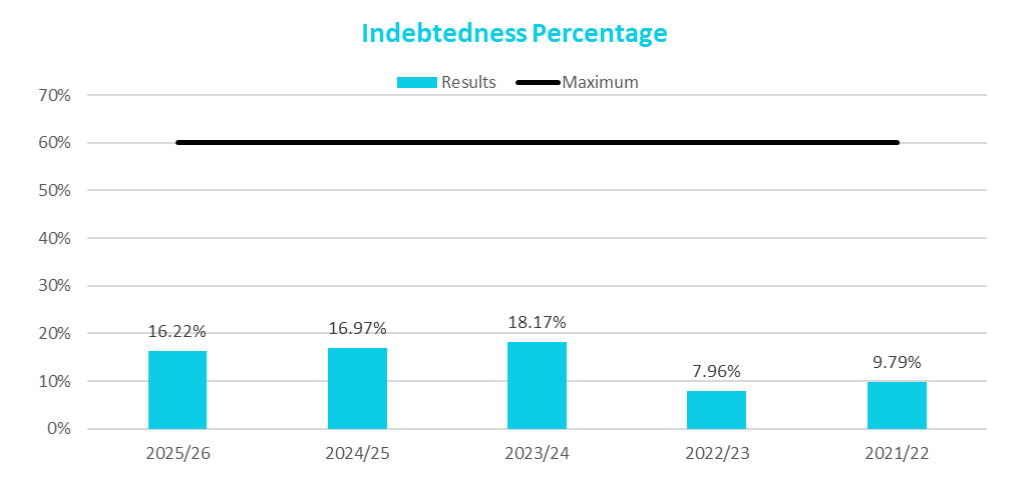
The Working Capital Ratio shows whether Council has enough short-term assets (such as cash and receivables) to pay its short-term bills and obligations.

As at 31 March 2026, the forecast ratio is 235.91%, compared to the target of 150%. This means Council currently has more than twice the amount of short-term assets needed to cover its short-term liabilities, indicating a sound short-term financial position.



Obligations

The Indebtedness Ratio shows how Council's long-term debt compares to the revenue it generates from its own sources. As at 31 March 2026, this ratio is forecast to be 16.22%, well below the target limit of 60%. This indicates that Council's level of long-term liabilities is low relative to its revenue base.

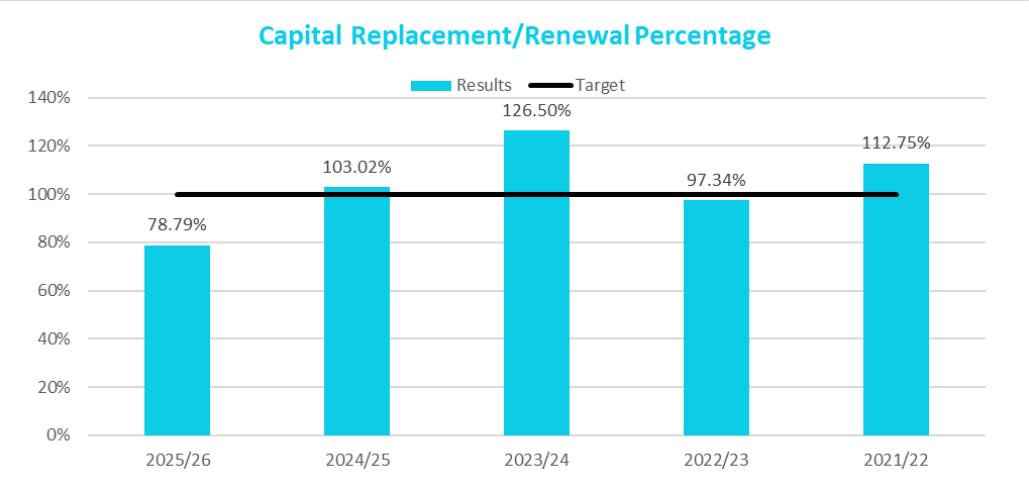


Asset Renewal

The Capital Replacement (Renewal) Ratio compares Council's spending on renewing infrastructure, property, plant, and equipment with the rate these assets are depreciating over time.

A result of 100% or higher indicates that assets are being renewed at least as quickly as they are wearing out. Council's target is to maintain this ratio at 100% or above each year to support long-term asset sustainability and service delivery.

For 2025/26, asset renewal investment is forecast to be $24.875 million. The ratio is currently below target, largely due to the scale of the capital works program being carried forward to next financial year which has decreased total renewal activity above the depreciation level for the year.



5.4.2 Council Meeting Resolution Register

Authorised by General Manager Business Excellence

Confidentiality Notice

The information contained in **Confidential Attachment 2** and **Confidential Attachment 4** is confidential under section 3(1) of the *Local Government Act* 2020 because it relates to: (h) Confidential Meeting Information, being the records of meetings closed to the public under section 66(2)(a).

Pursuant to section 66(5)(b) of the *Local Government Act* 2020, if released, the information discussed or considered in relation to this agenda item could undermine the integrity of Council decision-making processes, disclose sensitive discussions or deliberations, or reveal personal, legal, or commercial information that may prejudice Council or third parties.

Purpose

To provide a status update on resolutions from Council meetings held between 1 January - 31 March 2026, provided at **Attachment 1** and **Confidential Attachment 2**, and the status of actions that were reported as outstanding in the previous quarterly report provided at and **Attachment 3** and **Confidential Attachment 4.**

Key Points

The primary role of the Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community. Council must perform its role in accordance with the Overarching Governance Principles as set out in section 9 (2)(i) of the *Local Government Act* 2020, in which one of the principles states '…the transparency of Council decisions, actions and information is to be ensured'.

The reporting of Council resolutions is a vital measure of Council's performance and provides the information it needs to demonstrate transparency and Council's accountability to the community.

For the period of 1 January - 31 March 2026, there were 13 open Council resolutions (not including resolutions for noting only) in the reporting period, of which 11 have been completed, and two are in progress. There was one closed Council resolution of which is in progress.

Recommendation

That Council receives and notes this report and all attachments pertaining to this report.

Strategic Alignment

This report has been prepared in accordance with the *Local Government Act* 2020, specifically section 9 (2)(i) and section 58.

It aligns with the following strategic theme outlined in the following theme in the Council Plan 2025-2029:

Theme 4: Managing Council well
Outcome – Decision-making is streamlined, efficient, and responsive to community needs

Consultation/Community Engagement/Impacts

No community or external stakeholder engagement was conducted in developing this report, aside from the internal engagement to compile its content.

Opportunities and Risks

The report supports Council's commitment to good governance by providing an accessible and detailed update on resolution progress.

Climate change

This report is assessed as having no direct impact on climate change.

Conflicts of Interest

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

Attachments

1. Open Resolutions from 1 January to 31 March 2026 [**5.4.2.1** - 4 pages]
2. CONFIDENTIAL - Closed Resolutions from 1 January and 31 March 2026 [**5.4.2.2** - 1 page]
3. Open Resolutions from 1 October to 31 December 2025 [**5.4.2.3** - 2 pages]
4. CONFIDENTIAL - Closed Resolutions from 1 October to 31 December 2025 [**5.4.2.4** - 2 pages]

Meeting Date	Item No.	Item	Resolution	Directorate	Status
17-02-2026	5 1.1	Community Engagement Policy Review Adoption	***That Council:*** ***1. adopts the updated Community Engagement Policy provided at Attachment 1; and*** ***2. notes the intent to also release a concise, easy-to-read, two-page summary of the policy that clearly outlines its key points, provided at Attachment 4.***	Office of the CEO	Completed
17-02-2026	5 2.1	CON2026 1737 Construction of Church St Pedestrian Crossings, Lakes Entrance	***That Council:*** ***1. accepts the tender submitted by Fulton Hogan Industries Pty Ltd for CON2026 1737 Construction of Church St Pedestrian Crossings, Lakes Entrance for the Contract amount specified in the CON2026 1737 Contract Award Summary provided at Confidential Attachment 1;*** ***2. authorises the General Manager Assets and Environment to approve variations to CON2026 1737 Construction of Church St Pedestrian Crossings, Lakes Entrance up to the contingency amount specified in the CON2026 1737 Award Summary provided at Confidential Attachment 1, subject to the conditions specified in that summary;*** ***3. authorises the Chief Executive Officer or delegate to finalise the terms and to execute the necessary contract documents;*** ***4. notes that the successful tenderer and contract amount will be published on Council's website following execution of the contract documents and after unsuccessful tenderers have been formally notified; and*** ***5. resolves that the Confidential Attachments to this report and all discussions relating to them remain confidential.***	Assets and Environment	Completed
17-02-2026	5 2.2	CON2023 1473 Cleaning of Nominated Buildings - Contract Extension	***That Council:*** ***1. approves the contract extension to the existing CON2023 1473 Cleaning of Nominated Buildings for a period of 24 months to 26 February 2028, for the tendered schedule of rates to Almery Pty Ltd ATF Velios Family Trust;*** ***2. authorises the Chief Executive Officer or delegate to finalise the terms and to sign the contract in the form proposed; and*** ***3. authorises the Chief Executive Officer or delegate to exercise the second and final extension option of up to 24 months, subject to satisfactory performance and assessment that the extension is in Council's interest.***	Assets and Environment	Completed
17-02-2026	5 3.2	Annual Insurance Renewal 2026-27	***That Council:*** ***1. approves an exemption from the market engagement requirements of the Procurement Policy for the 2026–27 Annual Insurance Program, including the JMAPP Discretionary Trust Industrial Special Risk Policy (Asset Protection) and the MAV Liability Mutual Insurance (Public Liability and Professional Indemnity Insurance), on the basis that the insurance policies are procured through established insurance brokerage services and collaborative procurement arrangements that undertake market testing on Council's behalf; and*** ***2. notes that Councillors will receive a Councillor Briefing Report outlining the final insurance program and premium outcomes following completion of the renewal process.***	Business Excellence	Completed

Meeting Date	Item No.	Item	Resolution	Directorate	Status
17-02-2026	5 4.1	Planning Scheme Amendment C159egip - Update Erosion Management Overlay Schedule	***That Council:*** 1. ***having formally considered all written submissions received to Amendment C159egip, notes the issues raised by the submissions and the officer's response to those issues, as outlined in Attachment 3;*** 2. ***adopts Amendment C159egip with post exhibition changes, as outlined in Attachments 1 and 4, in accordance with section 29 of the Planning and Environment Act 1987;*** 3. ***authorises the Chief Executive Officer or delegate to submit the adopted Amendment C159egip, being Attachment 1, together with the prescribed information, to the Minister for Planning for approval, in accordance with section 31 of the Planning and Environment Act 1987; and*** 4. ***authorises the Chief Executive Officer or delegate to advise those persons who made written submissions to Amendment C159egip of Council's decision.***	Place and Community	Completed
17-02-2026	5 4.2	Agriculture Sector Advisory Committee (ASAC) - Travel Allowance	***That Council:*** 1. ***approves payment of a travel allowance to the appointed industry members of the Agriculture Sector Advisory Committee;*** 2. ***approves amendments to Agriculture Sector Advisory Committee Charter (Attachment 2) to reflect the approved travel allowance provisions; and*** 3. ***notes that external advice is currently being sought regarding the appropriate and consistent management of conflict of interest in the engagement and appointment of community members across Council advisory groups, and that once received, all relevant Terms of Reference, including the Agriculture Sector Advisory Committee Charter, will be updated as an administrative change to reflect that advice.***	Place and Community	Completed
17-03-2026	1.7.1.1	Open Nicholson Street Mall, Bairnsdale	***That Council:*** 1. ***receives the petition;*** 2. ***notes that a report on this matter will be provided at a future Council meeting; and*** 3. ***notes that the Chief Executive Officer will arrange for Council Officers to write to the head petitioner advising them of these actions.***	Office of the CEO	In progress
17-03-2026	5 1.1	Homes for Everyone - Position Paper	***That Council adopts the Homes for everyone position paper as provided at Attachment 1.***	Place and Community	Completed
17-03-2026	5 1.2	MAV State Council May Meeting - Adoption of Motion	***That Council:*** 1. ***approves the Road maintenance and improvements motion provided as Attachment 1, for submission to the Municipal Association of Victoria State Council meeting to be held on 29 May 2026; and*** 2. ***approves the Residential villages legislation changes motion, provided as Attachment 2, for submission to the Municipal Association of Victoria State Council meeting to be held on 29 May 2026.***	Office of the CEO	Completed

Meeting Date	Item No.	Item	Resolution	Directorate	Status
17-03-2026	5 3.1	Domestic Animal Management Plan	***That Council:*** ***1. adopts the 2026-2029 Domestic Animal Management Plan as presented at Attachment 1;*** ***2. publishes the 2026-2029 Domestic Animal Management Plan on Council's website; and*** ***3. authorises the CEO or Delegate to submit a copy of the adopted 2026-2029 Domestic Animal Management Plan to the Secretary of the Department of Energy, Environment and Climate Action no later than 30 April 2026, in accordance with the approved extension of time.***	Business Excellence	Completed
17-03-2026	5 3.2	Delegations - Council to Members of Staff	***That Council:*** ***1. approves the delegations to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the S6 Instrument of Delegation as provided at Attachment 1 and the S18 Instrument of Sub-Delegation as provided at Attachment 2, subject to the conditions and limitations specified in those Instruments;*** ***2. resolves that the S6 Instrument of Delegation, provided at Attachment 1, and the S18 Instrument of Sub-Delegation, provided at Attachment 2, come into force immediately upon this resolution being made and are to be signed by the Chief Executive Officer;*** ***3. revokes the S6 Instrument of Delegation from Council to Members of Staff dated 22 November 2022 and the S18 Instrument of Sub-Delegation dated 1 February 2022 upon the coming into force of the Instruments provided at Attachments 1 and 2; and*** ***4. notes that the duties and functions set out in both Instruments must be performed, and the powers set out in both Instruments must be executed, in accordance with any policies of Council that it may from time to time adopt.***	Business Excellence	Completed
17-03-2026	5 3.3	Organisational Performance Report - September to December 2025	***That Council:*** ***1. endorses the full year forecast operating and capital budgets, as included in the Organisational Performance Report, provided at Attachment 1, for the period to 1 October to 31 December 2025;*** ***2. notes that the Chief Executive Officer has determined that no revised budget is required for the 2025/26 financial year;*** ***3. notes we are currently reviewing the capital budget forecast and will provide an update in Quarter 3; and*** ***5. notes that if endorsed, the Organisational Performance Report for the period to 31 December 2025, provided at Attachment 1, will be published on Council's website.***	Business Excellence	Completed

Meeting Date	Item No.	Item	Resolution	Directorate	Status
31-03-2026	2 1.1	CON2026 1789 Bairnsdale Runway Extension and Lighting Construction Works	***That Council:*** 1. ***accepts the tender submitted by Fowlers Asphalting Pty Limited for CON2026 1789 Bairnsdale Runway Extension & Lighting Construction works for the Contract amount specified in the CON2026 1789 Contract Award Summary provided at Confidential Attachment 1;*** 2. ***authorises the Chief Executive Officer to approve variations to CON2026 1789 Bairnsdale Runway Extension & Lighting Construction works up to the contingency amount specified in the CON2026 1789 Contract Award Summary provided at Confidential Attachment 1, subject to the conditions specified in that summary;*** 3. ***authorises the Chief Executive Officer to include conditions in the contract to make the awarding:*** a. ***subject to final approval being received from the Department of Climate Change, Energy, the Environment and Water under the Environment Protection and Biodiversity Conservation Act 1999. This approval relates to environmental vegetation offset management and the impact of removing native vegetation from the proposed runway works site; and*** b. ***subject to the successful contractor confirming that the project can be completed within the funding timelines once the Department of Climate Change, Energy, the Environment and Water approval is obtained under the Environment Protection and Biodiversity Conservation Act 1999;*** 4. ***authorises the Chief Executive Officer or delegate to negotiate contract conditions necessary to manage project risks, including development of a petroleum related price management plan that establishes project hold points and sets a financial limit on petroleum related price impacts for Council endorsement prior to contract execution;*** 5. ***authorises the Chief Executive Officer or delegate to finalise the terms and to execute the necessary contract documents subject to recommendation 4;*** 6. ***notes that the successful tenderer and contract amount will be published on Council's website following execution of the contract documents and after unsuccessful tenderers have been formally notified; and*** 7. ***resolves that the Confidential Attachments to this report and all discussions relating to them remain confidential.***	Assets and Environment	In Progress

Meeting Date	Item No.	Item	Resolution	Directorate	Status
16-09-2025	5.2.1	Councillor Support and Expenses Policy	***That Council:*** ***1. adopts the draft Councillor Support and Expenses Policy as provided at Attachment 1; and*** ***2. notes that further benchmarking be undertaken, with information to be presented to Council within six months outlining options to recognise and potentially enhance support for remote councillors, in acknowledgement of the additional costs and time commitments associated with participating in Council activities from remote locations.***	Business Excellence	Completed
18-11-2025	5 1.1	Project Management Overview	***That Council:*** ***1. endorses the eight Guiding Principles for inclusion and implementation into Council's Project Management Framework, being:*** ***a. Needs Driven*** ***b. Value for Money*** ***c. Advocacy & Partnerships*** ***d. Quality*** ***e. Leveraging local strengths*** ***f. Strategic Alignment*** ***g. Belonging & Inclusion*** ***h. Sustainable future; and*** ***2. endorses an organisational project management commitment to:*** ***a. due diligence at all stages, including project prioritisation;*** ***b. greater collaboration across Council;*** ***c. stronger engagement and communication;*** ***d. a thorough approach to identifying, reporting and managing risks;*** ***e. closing projects effectively; and*** ***f. continuous improvement through evaluating projects and capturing learnings.***	Office of the CEO	Completed
16-12-2025	5 2.1	CON2026 1745 Expression of Interest for Construction and Operation of Compost Facility	***That Council:*** ***1. endorses the selection of the nominated respondents to the Expression of Interest process as recommended in Confidential Attachment 1, to participate in a selective Request for Tender process for Contract CON2026 1745 for Council's proposed Organics Composting Facility;*** ***2. approves an exemption under section 7.4 of the Procurement Policy to enter into a selective Request for Tender process, noting that it would be disadvantageous and unreasonable to proceed to a public request for tender process following a successful public Expression of Interest process, allowing progression to a selective Request for Tender;*** ***3. notes that the selective Request for Tender for the proposed Organics Composting Facility will be undertaken as separable portions to allow future determination of preferred delivery models; and*** ***4. resolves that the Confidential Attachments to this report and all discussions relating to those attachments remain confidential.***	Assets and Environment	In progress

Meeting Date	Item No.	Item	Resolution	Directorate	Status
16-12-2025	5 4.4	Seeking further Direction on Planning Scheme Amendment C170egip	***That Council*** ***1. notes that the proposed Planning Scheme Amendment C170egip relies on the East Gippsland Rural Land Use Strategy that was commenced almost a decade ago and therefore doesn't reflect recent changes in the region's primary industries and the increase in non-agricultural activity occurring within the Farm Zone;*** ***2. confirms its understanding that there are a range of views held across the East Gippsland community about the adopted East Gippsland Rural Land Use Strategy;*** ***3. requests that Officers report to Council on how a comprehensive review of the Rural Land Use Strategy could be undertaken to ensure that the Strategy considers contemporary trends and District-based needs. This report should also provide indicative timeframes; engagement requirements; and costs, so that these can potentially be built into the 2026/27 Annual Budget and Action Plan;*** ***4. defers any decision on Planning Scheme Amendment C170egip until such time as the report requested in Recommendation 3 is received and fully considered by Council;*** ***5. requests that the Chief Executive Officer ensures that the East Gippsland Rural Land Use Strategy (2023) is not further implemented or used to inform decision making until such time as the report requested in Recommendation 3 is fully considered by Council; and*** ***6. authorises the Chief Executive Officer or delegate to provide a public statement on this decision.***	Place and Community	Completed

6 Urgent Business

7 Confidential Business

8 Close of Meeting