

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	20 Brooks Road BRUTHEN VIC 3885 Lot: 1 TP: 408849
The application is for a permit to:	Use & Development of a Market, Display of Business Identification Signage and Carparking Dispensation
A permit is required under the following clauses of the planning scheme:	
Planning Scheme Clause	Matter for which a permit is required
35.07-1	Use of the land for a Retail Premises - Market
35.07-1	Buildings and works for a Retail Premises - Market
43.02-2	Buildings and works for a Retail Premises – Market within 40m of a highway frontage
The applicant for the permit is:	Development Solutions Victoria Pty Ltd
The application reference number is:	5.2026.37.1

You may look at the application and any documents that support the application free of charge at: <https://www.eastgippsland.vic.gov.au/building-and-development/advertised-planning-permit-applications>

You may also call 5153 9500 to arrange a time to look at the application and any documents that support the application at the office of the responsible authority, East Gippsland Shire. This can be done during office hours and is free of charge.

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

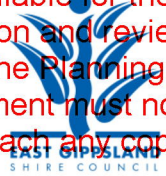
An objection must

- ◆ **be made to the Responsible Authority in writing,**
- ◆ **include the reasons for the objection, and**
- ◆ **state how the objector would be affected.**

The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.

The Responsible Authority will not decide on the application before:	Subject to the applicant giving notice
---	---

If you object, the Responsible Authority will tell you its decision.



Amend a Planning Permit Application

s50 & s57A Planning and Environment Act 1987; r13 Planning and Environment Regulations 2015

Applicant Details:

Applicant name:	
Business trading name (if applicable): C/- DEVELOPMENT SOLUTIONS VICTORIA PTY LTD	
Email address: ADMIN@DEVSOLVIC.COM.AU	
Postal address: 48 BAILEY STREET, BAIRNSDALE	
	Postcode: 3875
Preferred Phone number: 0351524858	Secondary number:

Owners Details: (if not the applicant)

Owner name: [REDACTED]	
Business trading name (if applicable): C/- DEVELOPMENT SOLUTIONS VICTORIA PTY LTD	
Postal address: 48 BAILEY STREET, BAIRNSDALE	
	Postcode: 3875

Description of the Land:

Street number: 20	Street name: BROOKS ROAD
Town: BRUTHEN	Postcode 3885

AND/OR

Lot Number: 1	Plan Number: TITLE PLAN 399532X
Other Legal Description: VOL 04257 FOL 226	

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 the details of the additional land included, including Ownership detail.

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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will the proposal result in a breach of a registered covenant restriction or agreement?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Description of proposal:

Describe the use, development or other matter which needs a permit:

USE AND DEVELOPMENT OF A MARKET, DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE
CREATION OF ACCESS TO A TRANSPORT ZONE AND CARPARKING DISPENSATION

Amend a Planning Permit Application

s50 & s57A Planning and Environment Act 1987; r13 Planning and Environment Regulations 2015

Amendment Type:

Under which section of the Act is the amendment to the application made? (one answer only)

<input checked="" type="checkbox"/> s50 Amendment by applicant before notice	<input type="checkbox"/> s57A Amendment by applicant after notice is given
Revised estimated cost of development: <i>Note: You may be required to verify this estimate</i>	\$ 1000.00

Existing conditions:

Describe how the land is used and developed currently:

VACANT LAND - NON APPROVED PADDOCK PERKS STALL

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)
- Site plan & floor plan (for use and development applications) / elevations for development applications

Suggested supporting documents, 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)

If you need more space or have more information, please attach with this form.

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.

Invoice Recipient (Payer): DEVELOPMENT SOLUTIONS VICTORIA PTY LTD	
Address: 48 BAILEY STREET, BAIRNSDALE	
	Postcode: 3875
Email Address: ADMIN@DEVSOLVIC.COM.AU	Phone Number: 0351524858

Amend a Planning Permit Application



s50 & s57A Planning and Environment Act 1987; r13 Planning and Environment Regulations 2015

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:

- I declare that I am the applicant and that all the information in this application is true and correct and the owner(s) (if not myself) has (have) been notified of the amendment to the permit application.
- I confirm that I have authority to use the relevant documents.
- In the event that the giving of notice is required pursuant to Section 52 or 57B of the *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.
- In the event that the giving of notice is required pursuant to Section 52 or 57B 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.
- I accept the East Gippsland Shire Council Privacy Statement.

Applicant signature	
Name: COURTNEY CAMPBELL	Date: 15 / 04 / 2026

Contact Council



03 5153 9500



feedback@egipps.vic.gov.au



eastgippsland.vic.gov.au



PO Box 1618, Bairnsdale 3875

Customer Service Centres:

- **Bairnsdale:** 273 Main Street
- **Lakes Entrance:** 18 Mechanics Street
- **Mallacoota:** 70 Maurice Avenue
- **Omeo:** 179 Day Avenue
- **Orbost:** 1 Ruskin Street
- **Paynesville:** 55 Esplanade

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958 Page 1 of 3

VOLUME 04257 FOLIO 226

Security no : 124131836167W
Produced 03/02/2026 03:07 PM

LAND DESCRIPTION

Lot 1 on Title Plan 399532X.
PARENT TITLE Volume 03437 Folio 263
Created by instrument 0893456 09/07/1919

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors

ENCUMBRANCES, CAVEATS AND NOTICES

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

DIAGRAM LOCATION

SEE TP399532X FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

ADMINISTRATIVE NOTICES

NIL

eCT Control 22727X EAST GIPPSLAND CONVEYANCING
Effective from 26/11/2021

DOCUMENT END



Imaged Document Cover Sheet

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TITLE PLAN	EDITION 1 TP 399532X
<p>Location of Land</p> <p>Parish: TAMBO Township: BRUTHEN Section: Crown Allotment: 18(PT) Crown Portion:</p> <p>Last Plan Reference: Derived From: VOL 4257 FOL 226 Depth Limitation: NIL</p>	
<p>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>	

Description of Land / Easement Information

THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT

COMPILED: 12/04/2000
 VERIFIED: P.J.

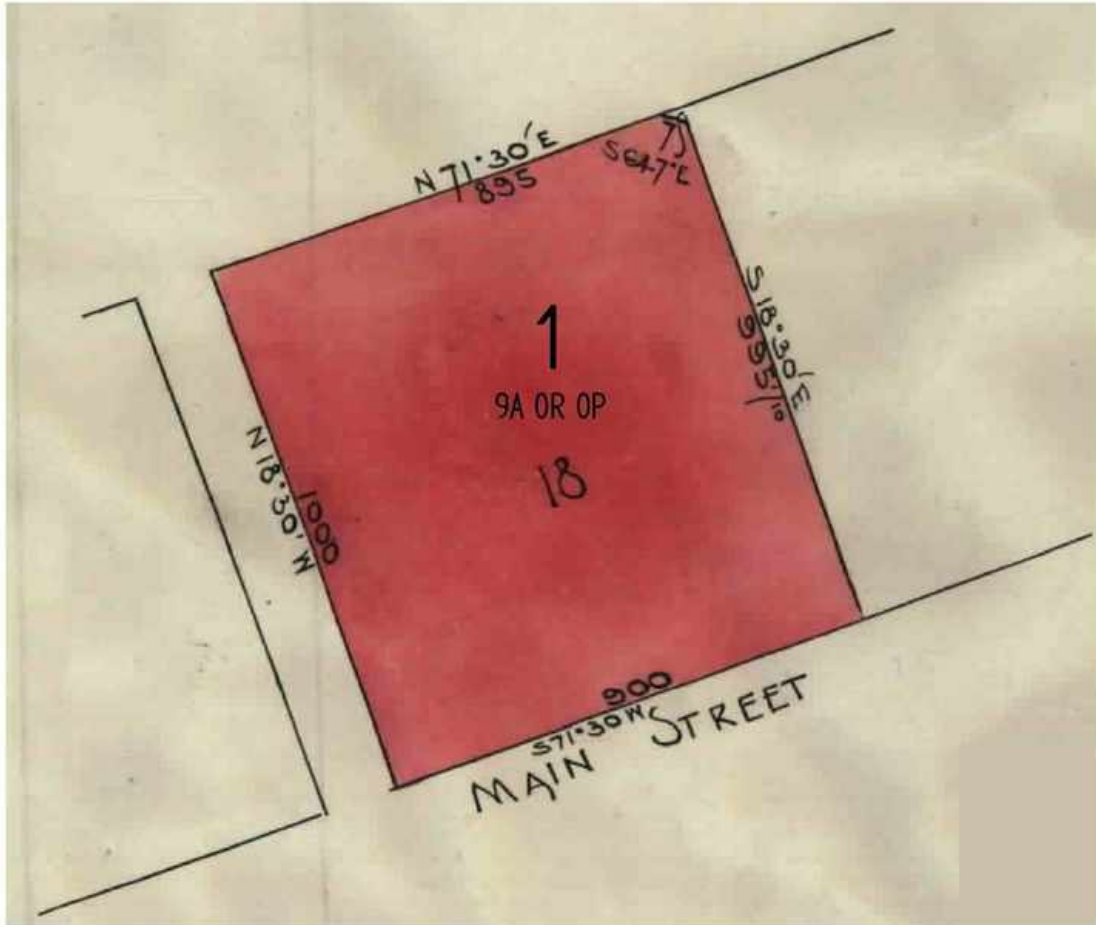


TABLE OF PARCEL IDENTIFIERS
<p>WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962.</p>
<p>PARCEL 1 = CA 18 (PT)</p>

Our Ref: 26006

15 April 2026

Penny Cross
Statutory Planning Officer
East Gippsland Shire Council
PO Box 1618
Bairnsdale Vic 3875

Dear Penny,

**Re: Application for Planning Permit No: 5.2026.37.1
20 Brooks Road, Bruthen
Use and Development of a Market, Display of Business Identification Signage and Car
Parking Dispensation**

We act on behalf of the applicants for the above-mentioned planning permit application.

In response to your correspondence dated 25 February 2026 requesting further information in relation to the above application, we provide the following:

- The outstanding payment has been made as requested.
- The planning submission has been revised to remove all references to a food truck, food van or similar, and to remove the term “temporary” in relation to the existing structure on site. It is noted that the main structure is on wheels and can be towed, however acknowledge that the veranda, deck and facilities are more permanent.
- A revised site plan has been prepared to show:
 - The proposed crossover to the subject site; and
 - Existing car parking areas along Main Street.
- Floor plans and elevations have been provided.
- A revised car parking demand assessment has been prepared, including an empirical assessment.
- It has been confirmed that wastewater from the market stall “Paddock Perks” will be directed to a removable IBC tank. Once full, the tank will be emptied at an approved wastewater disposal facility, such as the Bairnsdale Wastewater Treatment Plant.

In response to your further email correspondence dated 10 March, 2026 we offer the following:

The service road area has always been used and supported for overflow car parking for the Bruthen town centre. The provision of a toilet, caravan dump point, barbeque area and park would indicate that Council are happy to encourage people to park on or adjoining the gravel road, rather than on

the main Highway. Furthermore, the blue tourism signs in proximity clearly suggest that caravan parking is encouraged in this location (shown in the photographs provided below).



There are appropriate bollards surrounding the skate park area to provide protection to children from vehicles and the strategic location of trees, rubbish bins and other infrastructure also restricts vehicle movements in the area.

In relation to the proposed use of the land, we refer to the Land Use Terms at Clause 73.03 of the East Gippsland Planning Scheme. The relevant definitions are:

- **Market:** *Land used to sell goods, including foodstuffs, from stalls.*
- **Food and Drink Premises:** *Land used to prepare and sell food and drink for immediate consumption on, or off, the premises.*

Both of these land uses are nested within the broader definition of Retail Premises.

While it is acknowledged that there is some functional overlap between these land use terms, it is submitted that the proposal is more appropriately characterised as a Market for the following reasons:

- The defining characteristic of a Market is the sale of goods from stalls and this proposal adopts a stall-based format, with individual vendors sharing the permanent space with additional stalls on the major market events. The sale of home made and local produce aligns directly with the Clause 73.03 definition of a Market.
- Importantly, while some goods may include foodstuffs, this is expressly contemplated within the Market definition and does not, of itself, trigger classification as a Food and Drink Premises.
- The proposal is not limited to the preparation and sale of ready-to-consume food. Rather, it facilitates a mix of goods typical of markets, which may include:
 - Fresh produce;
 - Packaged or artisanal food products;
 - Local goods and crafts; and
 - Other retail items.

- This diversity of goods reinforces the classification as a Market, rather than a Food and Drink Premises, which is more narrowly defined by consumption-based activity.
- Market format is not dependent on frequency or scale. It is noted that markets can operate across a range of formats, including:
 - Weekly, periodic, or daily operations; and
 - Varying numbers of stalls depending on demand.
 - There are numerous examples across Victoria and Australia where markets operate on a regular or even daily basis without altering their fundamental land use classification. Accordingly, the frequency of operation or scale of the proposal should not be determinative in reclassifying the use as a Food and Drink Premises.
- The Market classification more closely aligns with the intent of the Farming Zone, which seeks to support:
 - The sale of local produce;
 - Small-scale, flexible retail activities linked to rural outputs; and
 - Diversification opportunities for landowners.

A market is a section 2 – permit required use under the provision of the Farming Zone and is therefore a use that can be approved at the discretion of the Council.

We trust that the above information is sufficient to allow the application to proceed.

Should you require any further information or wish to discuss any aspect of this application, please do not hesitate to contact our office on (03) 5152 4858.

Regards

Courtney Campbell
Development Solutions Victoria



FEB
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APPLICATION FOR PLANNING PERMIT

**USE & DEVELOPMENT OF A MARKET,
DISPLAY OF BUSINESS IDENTIFICATION
SIGNAGE, CREATION OF ACCESS TO A
TRANSPORT ZONE AND CARPARKING
DISPENSATION**

20 BROOKS ROAD, BRUTHEN

REF: 26006

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APPENDIX

- A Copy of Title and Title Plan
- B Proposed Site Plan
- C Business Plan
- D Car Parking Demand Assessment

DOCUMENT REVISION

1	Draft Report	DAC	11/02/2026
2	Final Report	CMC	12/02/2026
3	Revised Report	CMC	08/04/2024

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1. INTRODUCTION

Development Solutions Victoria Pty Ltd act on behalf of

the applicants for this planning permit application for use and development of a market, display of business identification signage, creation of access to a transport zone and carparking dispensation on land at 20 Brooks Road, Bruthen.

This submission and supporting documentation provide details of the subject site, relevant planning controls and policies and delivers an assessment against the provisions of the East Gippsland Planning Scheme. The proposal requires planning approval under the provisions of the Farming Zone and the Design and Development Overlay to facilitate the operation of a small-scale daily market stall and a larger monthly market event. The proposal is consistent with the objectives of the East Gippsland Planning Scheme by supporting regional economic development, strengthening tourism activity and promoting locally based products and produce. The proposed use and development are well suited in this location and it is anticipated to result in a positive planning outcome that contributes to the economic vitality and activation of the broader region.

Address	20 Brooks Road, Bruthen
Site Description	Lot 1 on Title Plan 399532X
Title Particulars	Vol 04257 Fol 226
Site Area	43.13 hectares
Proposal	Use and Development of a Market, Display of Business Identification Signage, Creation of Access to a Transport Zone and a Car Parking Dispensation
Planning Scheme	East Gippsland Planning Scheme
Zone	Farming Zone – Schedule 1
Overlays	Design and Development Overlay – Schedule 7
Aboriginal Cultural Heritage	Identified as an area of Cultural Heritage Sensitivity
Permit Triggers	Clause 35.07-1 Farming Zone – Use Clause 35.07-4 Farming Zone – Buildings and Works Clause 43.02-2 Design and Development Overlay – Buildings and Works Clause 52.05-14 Signage – Permit Requirement Clause 52.06-3 Car Parking – Permit Requirement Clause 52.29-2 Land adjacent to the principal road network
Notice	No exemptions available
Planning Scheme requirements	Municipal Planning Strategy – Clause 02 Settlement – Towns – Clause 02.03-1 Environmental and landscape values – Clause 02.03-2 Environmental risks and amenity – Clause 02.03-3 Built environment and heritage – Clause 02.03-5 Planning Policy Framework – Clause 10 Settlement – Clause 11 Environmental and landscape values – Clause 12 Environmental risks and amenity – Clause 13 Natural Resource Management – Clause 14 Built environment and heritage – Clause 15 Economic Development – Clause 17 Farming Zone – Clause 35.07 Design and Development Overlay – Clause 43.02 Signage – Clause 52.05 Car parking – Clause 52.06 Land adjacent to the principle road network – Clause 52.29 Decision guidelines – Clause 65

2. SITE CONTEXT

Site

The subject site is located at 20 Brooks Road, Bruthen. A copy of the Title and Plan of Subdivision is contained in **Appendix A**. The title is not affected by any restrictive covenants or agreements.

The subject site forms part of a larger, irregular shaped land holding with a total area of approximately 43.12 hectares and contains two dwellings and several agricultural buildings.

The land forming this application is formally described as Lot 1 on Title Plan 399532X and is hereafter referred to as the subject site. The subject site is identified in the locality plans at **Figures 1** and **2** and is located south of the East Gippsland Rail Trail. The site has an area of approximately 3.6 hectares and currently contains an existing building used for a market stall that will operate under the name *Paddock Perks* once approved.

The site is generally flat and contains two ephemeral watercourses traversing the central and northern portion of the land.

Access is existing via a grassed crossover in the southern portion of the western boundary

connecting directly to Station Road. Station Road is a bitumen sealed road with grassed shoulders, traversing in a northwest to southeast direction. Pedestrian access is provided from the Service Road being Main Street which connects to the Great Alpine Road.

Details of the site are depicted in the photographs provided below.

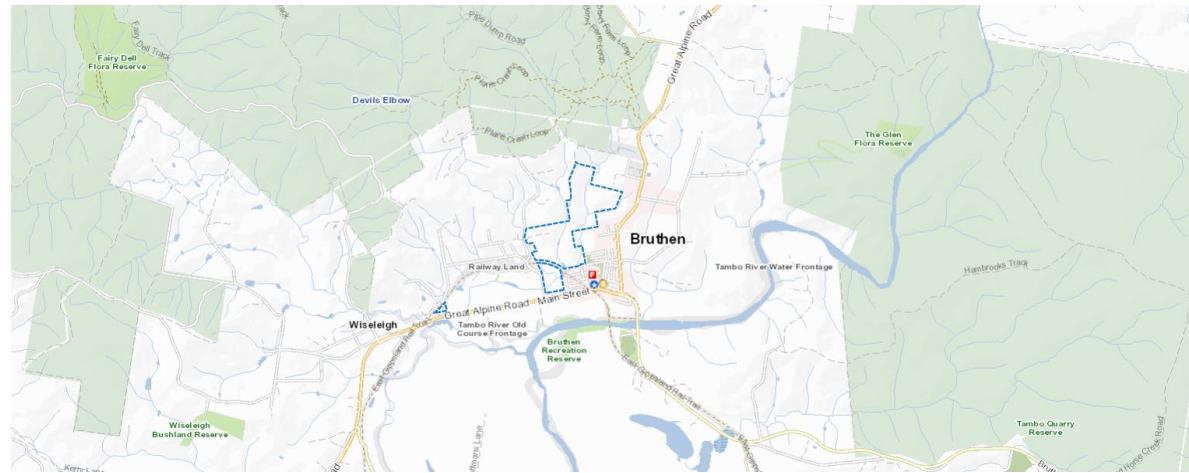


Figure 1 – Locality Plan – 20 Brooks Road, Bruthen (source: mapshare.vic.gov.au)

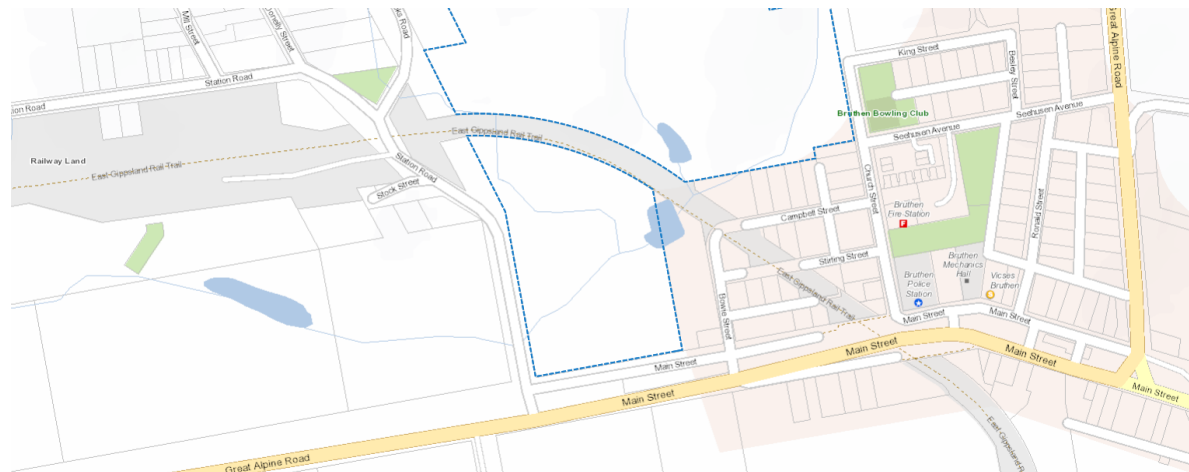


Figure 2 – Locality Plan – 20 Brooks Road, Bruthen (source: mapshare.vic.gov.au)

Surrounds

The land in this locality contains a combination of farming, residential and public land.

Adjoining the northern boundary of the subject site is the East Gippsland Rail Trail. Adjoining the eastern boundary is farming zoned land, however containing existing dwellings and associated facilities. Adjoining the southern boundary of the site is Main Street and the Bruthen Lions Skate Park. Adjoining western boundary is Station Road and vacant farmland.

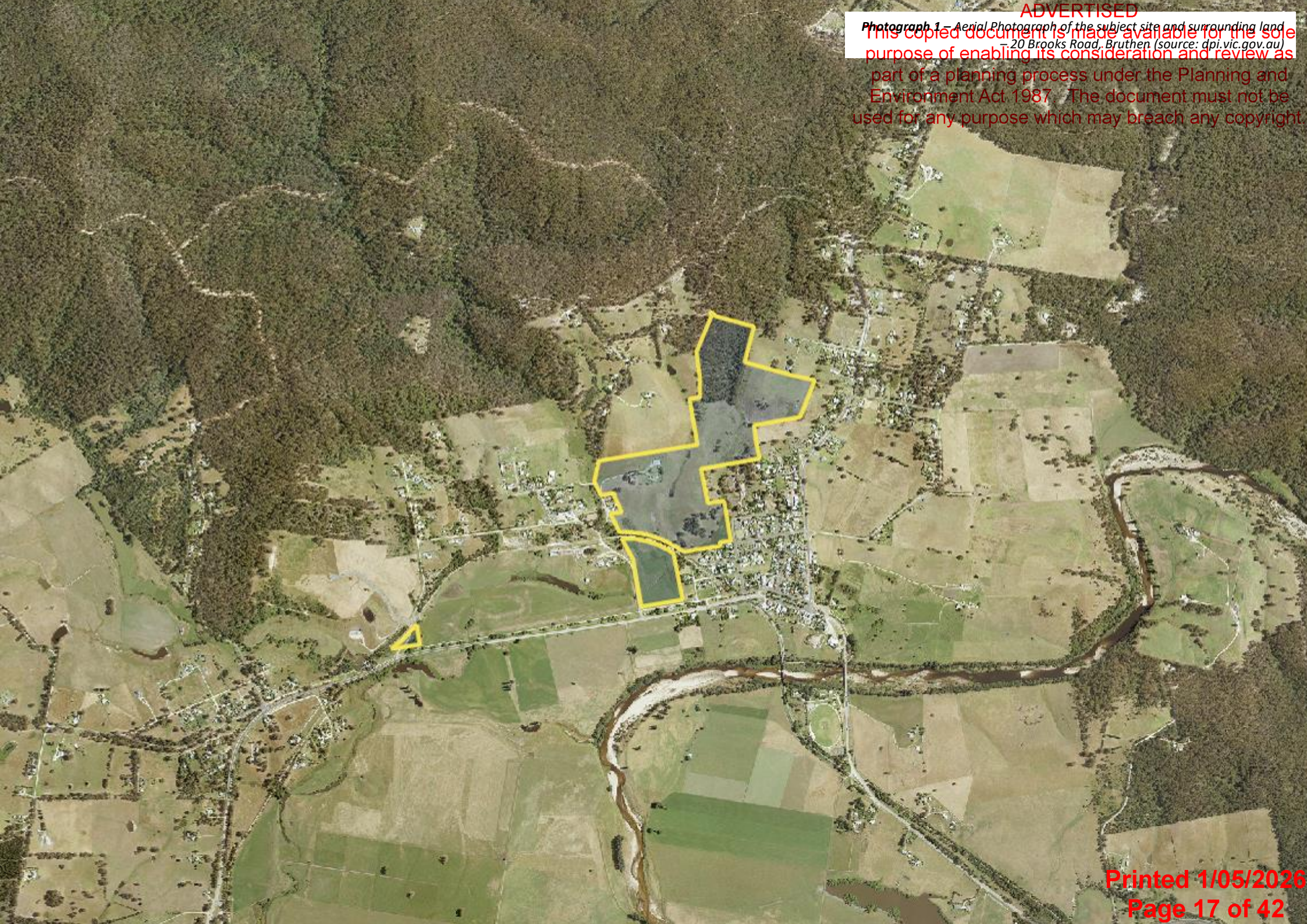
The site is located to the west of the main town centre of Bruthen.

Bruthen is located approximately 26 kilometres northeast of Bairnsdale and approximately 35 kilometres northwest of Lakes Entrance. Bruthen is a small residential community which provides a basic range of services and facilities, a larger suite of services and facilities is available further afield in Bairnsdale and Lakes Entrance.

The subject site in relation to Bruthen is shown in the aerial photograph below.



Photograph 1 – Aerial Photograph of the subject site and surrounding land
– 20 Brooks Road, Bruthen (source: dpi.vic.gov.au)
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Photograph 2 – Subject site at 20 Brooks Road, Bruthen.



Photograph 4 – Proposed pedestrian access on the subject site along the central portion of the southern boundary.



Photograph 6 – Existing Paddock Perks food truck on the subject site facing east.



Photograph 3 – Existing informal access to the subject site along the southern portion of the western boundary.



Photograph 5 – Existing Paddock Perks market stall on the subject site facing north.



Photograph 7 – Existing Paddock Perks market stall on the subject site facing south.



Photograph 8 – Existing Paddock Perks market stall on the subject site facing southwest.



Photograph 10 – Subject Site facing east.



Photograph 12 – Subject site facing west.



Photograph 9 – Subject site facing north.



Photograph 11 – Subject site facing south.



Photograph 13 – Neighbouring property to the west at 5 Stock Street, Bruthen



Photograph 14 – Neighbouring Bruthen Lions Skate Park to the south at 23A Main Street, Bruthen.



Photograph 16 – Station Road facing north.



Photograph 18 – Intersection between Great Alpine Road and Station Road facing west.



Photograph 15 – Bruthen Lions and Skate Park existing toilet amenities adjoining the southern boundary.



Photograph 17 – Station Road facing south.



Photograph 19 – Main Street Bruthen facing east.

3. THE PROPOSAL

This application seeks approval for the use and development of a market, display of business identification signage and car parking dispensation under the provisions of the Farming Zone and the Design and Development Overlay. The proposed site plan is contained in **Appendix B**.

The proposed market area is centrally located along the southern boundary and will have a setback of 103 metres to the western boundary adjoining Station Road and 10 metres to the southern boundary adjoining Main Street. The total area of the market will be 600m².

The proposal includes an existing building that will be used for a market stall measuring 7 metres by 3 metres which will adjoin a covered deck area of the same dimensions. The covered deck will provide customers with a sheltered area to view goods and congregate in a low-impact, pleasant environment consistent with the rural character of the site.

Use

The proposed use comprises:

- A small-scale market stall operating on a daily basis; and
- A larger market event held on the second weekend of each month.

The daily operation is intended to function as a low-key, consistent offering servicing locals and visitors, while the monthly market will provide opportunities for multiple local producers and small businesses to participate. A Business Plan supporting the proposed use is provided with this application and contained in **Appendix C**.

Access

Vehicle access to the site is existing and is provided via a grassed crossover located at the southern end of the western boundary, directly from Station Road. Pedestrian access to the market area is provided via a gravel access track long the southern boundary, connecting directly to Main Street. A proposed new vehicle crossover is to be located to the west of the building. It is proposed for the access to be gravel construction consistent with the Service Road.

Carparking

No formal on-site car parking area is proposed. Adequate informal parking is available onsite for stall holders and within the Main Street Road reserve in proximity to the market area for customers, consistent with the low-intensity and periodic nature of the use.

The proposal will require a car parking dispensation of 48 car parking spaces, a full car parking assessment is contained in Section 5 of this submission.

Services

No public amenities are proposed as part of this application. Public toilet facilities are located in close proximity to the subject site and the proposed market area and are readily accessible to customers.

Signage

The proposal includes two business identification signs:

- One sign affixed to the market stall wall inside the covered deck area with a diameter of 800 mm.
- One sign affixed to the exterior western wall with a diameter of 1.2 metres.

The total signage area is approximately 1.63m².

A visual description of the proposed signage is provided below and a proposed signage plan is provided with the development plans.



Business overview

Paddock Perks is a locally owned and operated market initiative designed to establish a vibrant, accessible family business that strengthens Bruthen's identity and supports East Gippsland producers.

The business will operate a daily market stall selling local produce, home made goods, coffee and food via a market stall, providing a consistent and low-impact service to locals, visitors, families, and travellers passing through the township. In addition, the operation will form the anchor use for a larger monthly local market, with a primary focus on supporting multiple local farmers, makers, and small businesses.

Together, the daily market operation and the monthly market event function as a cohesive, community-focused destination that supports local enterprise, enhances tourism outcomes, and contributes positively to the vitality and liveability of Bruthen.

The daily operation hours are proposed as 7:00am - 2:00pm, seven days per week, with flexibility to extend operating hours during local events such as the Winter Festival, Christmas, and Easter periods.

Objectives of the proposal

- Support local farmers, makers and small businesses.
- Encourage visitors to stop and spend time in Bruthen.
- Provide a family-friendly community destination.
- Improve accessibility for caravans and trailers.
- Align with Council's tourism and economic development strategies.
- Create local employment opportunities.

Community benefits

- Showcase East Gippsland's farmers, food producers, artisans and small businesses.
- Encourages longer visitor stays, boosting tourism and local businesses.
- Creates local employment opportunities for market support staff, market coordinators and stall holders.

4. ZONES AND OVERLAYS

Farming Zone – Schedule 1

The purpose of the Farming Zone is:

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

An extract of the Farming Zone Map is provided in **Figure 4**.

Clause 35.07-1 provides a market is a Section 2 use – permit required.

Clause 35.07-4 provides a permit is required for buildings and works associated with a section 2 use.

As such a permit is required for the use and development of a market under the provisions of the Farming Zone. The relevant decision guidelines are addressed below in Section 6 of this submission.

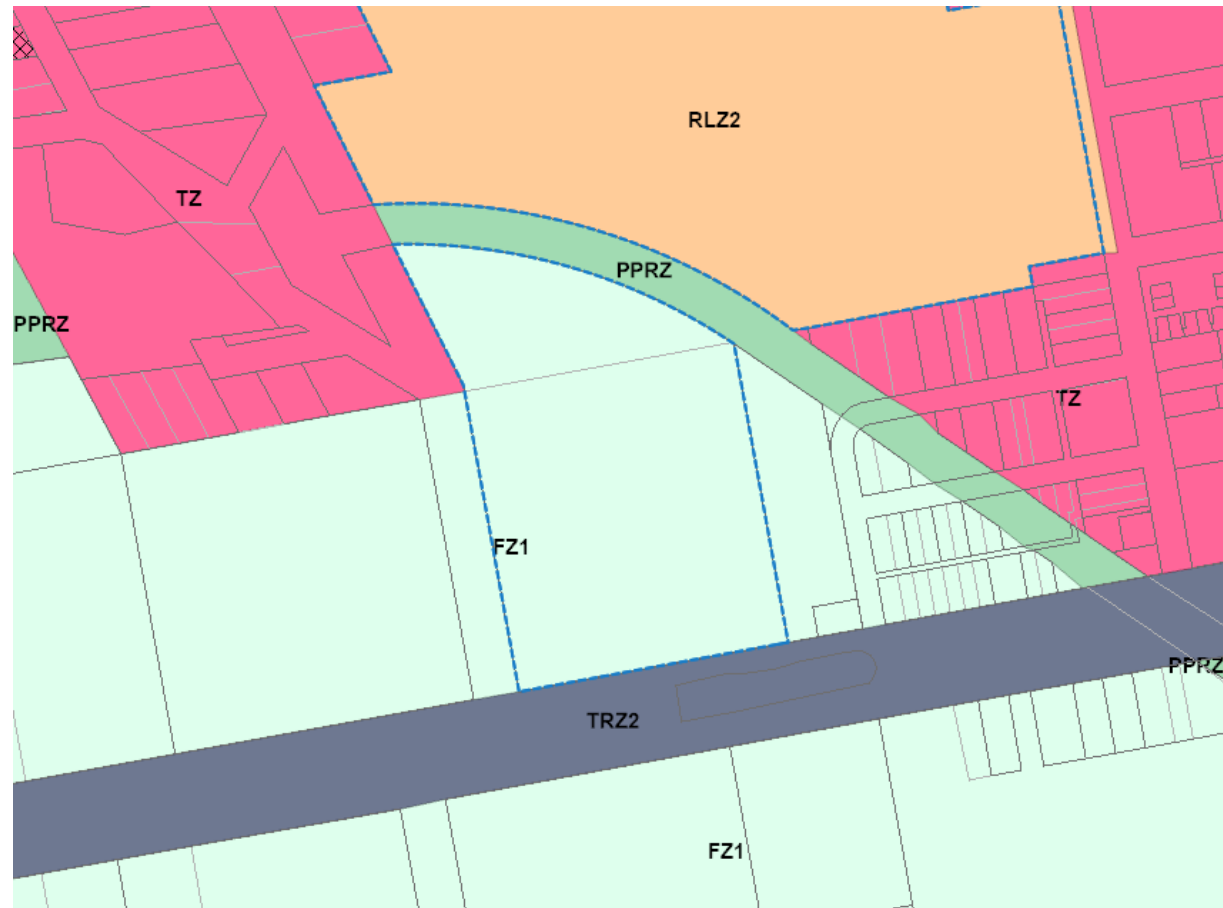


Figure 4 – Farming Zone – (source - mapshare.vic.gov.au)

Design and Development Overlay – Schedule 7

The purpose of the Design and Development Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

An extract of the Design and Development Overlay Map is provided in **Figure 5**.

Clause 43.02-2 provides a permit is required to construct a building or construct or carry out works. The proposal does not fall within the exemptions set out in Schedule 7 at 2.0 and as such a permit is required.

The relevant decision guidelines of the Design and Development Overlay and Schedule are addressed below in Section 6 of this submission.

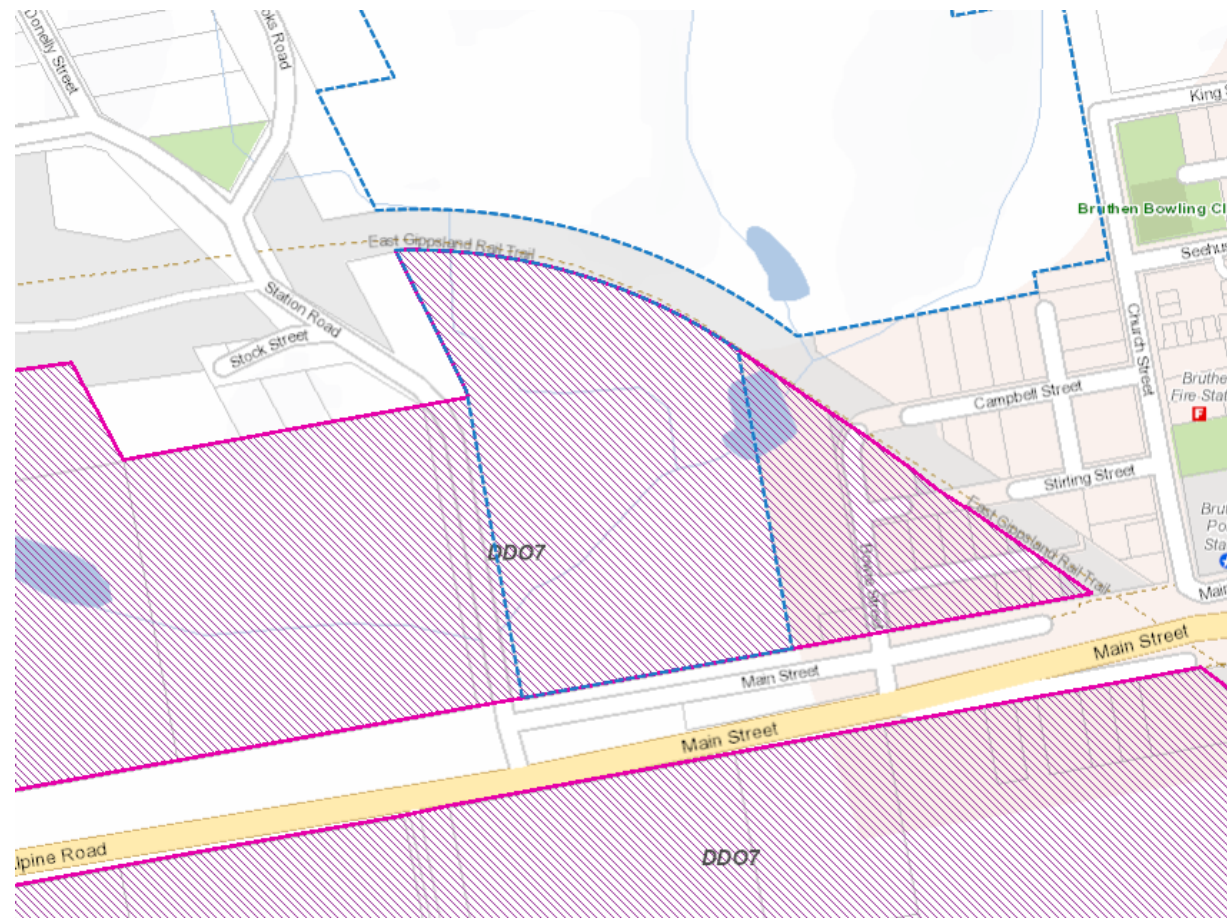


Figure 5 – Design and Development Overlay – (source - mapshare.vic.gov.au)

Aboriginal Cultural Heritage

Under the provisions of the *Aboriginal Heritage Act 2006* the subject site is recognised as being within an area of Aboriginal Cultural Heritage Sensitivity.

The proposal is within the area identified as being of cultural heritage significance. The proposed use and minor works are not identified as high impact activities and as such a Cultural Heritage Management Plan is not required and this is not addressed further.

An extract of the Aboriginal Cultural Heritage Map is provided to the right in **Figure 6**.



Figure 6 – Aboriginal Cultural Heritage Map – (source - mapshare.vic.gov.au)

5. OTHER PLANNING PROVISIONS

CLAUSE 52.06 – CAR PARKING

The purpose of the Car parking provisions at Clause 52.06 are:

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Clause 52.06-1 applies to:

- A new use; or
- An increase in the floor area or site area of an existing use; or

- An increase to an existing use specified in Table 1 to clause 52.06-5 by the corresponding measure specified in Table 1 to clause 52.06-5.

Clause 52.06-3 provides a permit is required to:

- Reduce (including reduce to zero) the minimum number of car parking spaces required under clause 52.06-5 or in a schedule to the Parking Overlay.
- Provide some or all of the car parking spaces required under clause 52.06-5 or in a schedule to the Parking Overlay on another site.
- Provide more than the maximum parking requirement specified in clause 52.06-5 or in a schedule to the Parking Overlay.

This application is seeking approval for the use and development of a market, business identification signage and a car parking dispensation. The subject site is Category 1 under the Car Parking Requirement Maps.

The car parking calculations for a market are provided below in Table 1:

Land Use	Measure	Category 1 requirement
Market	To each 100 sq m of site area	8

Table 1 – Car parking provisions

The proposed market will have an area of 600m² as such 6 x 8 = 48 car parking spaces required. The proposal is seeking a dispensation for 48 car parking spaces.

No formal on-site car parking is proposed as part of this application. There is a suitable amount of area for car parking available within the Main Street Road reserve immediately adjoining the site to the south for customers and adequate area adjoining the market area for staff and stall holders. Given the small-scale nature of the market stall operating daily and the monthly market, the proposal is not anticipated to generate significant traffic or parking demand and any parking associated with the use can be comfortably accommodated within the existing road reserve without adverse impact.

An application to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a Schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

A Car Parking Demand Assessment is contained in **Appendix C**.

CLAUSE 52.05 – SIGNS

The purpose of Signs at Clause 52.05 are:

- *To regulate the development of land for signs and associated structures.*
- *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

The subject site is within the Farming Zone Schedule 1 which identifies the subject site as Category 4 – Sensitive areas – Maximum limitation.

Clause 52.05-14 includes the following purpose for signs in this category:

- *To provide for unobtrusive signs in areas requiring strong amenity control.*

Business Identification falls within Section 2 – Permit required. The total area of the proposed signage is 1.63m².

The relevant decision guidelines are addressed in Section 6 of this submission.

A full description of the proposed signage is provided within Section 3 of this submission and within the proposed signage plan contained in **Appendix B**.

CLAUSE 52.29 – LAND ADJACENT TO THE PRINCIPAL ROAD NETWORK

The purpose of Clause 52.29 – Land adjacent to the principal road network are:

- *To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.*
- *To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.*

Clause 52.29-2 provides a permit is required to create or alter access to a road in a Transport Zone 2.

Clause 52.29-4 provide an application must be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03.

Clause 66.03 provides an application to create or alter access to a road declared as a freeway or an arterial road under the *Road Management Act 2004*, land owned by the Head, Transport for Victoria, or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the acquisition is for the purpose of a road, the referral authority is Head, Transport for Victoria as a determining referral authority.

The decision guidelines outlined in Clause 52.29-6 are addressed in Section 6 below.

6. PLANNING ASSESSMENT

This proposal has been assessed against the objectives and standards of applicable clauses of the East Gippsland Planning Scheme and it is considered that the proposal is appropriate for the following reasons:

- The proposal meets the objectives of the Municipal Planning Strategy at **Clause 02** and the Planning Policy Framework at **Clause 10** providing for a market that can be respectful of the existing surrounding development and the environment.
- The proposal will deliver a high standard of environmental sustainability, design and amenity through a low-impact market use that is appropriately scaled to the site and its rural setting. The development is consistent with the objectives of **Clause 02.03** and **Clause 11** and has been designed to avoid potential environmental impacts. No vegetation removal is required to facilitate the proposal.
- **Clause 02.03-1** identifies Bruthen as a town settlement category with a small to moderate population.
- The economic importance of agricultural production is recognised in **Clause 14**, which also seeks to ensure agricultural land is managed sustainably. The proposed market area will not permanently remove any productive agricultural land particularly given the larger market area is only proposed on a monthly basis with minimal permanent facilities.
- **Clause 17** provides all sectors are crucial to economic prosperity. The proposal meets the objectives of **Clause 17.04-1S** by providing for an appropriate market that will showcase farmers, food producers, artisans and small businesses, encouraging longer visitor stays, supporting tourism and the local economy as well as creating employment opportunities.
- The proposal is generally consistent with the decision guidelines of the Farming Zone at **Clause 35.07-6** which seeks to protect and enhance agricultural land and to ensure that non-agricultural uses do not adversely affect the use of land for agriculture. The market area is confined to a relatively small area immediately adjoining Main Street along the southern boundary of the subject site, limiting any interface with agricultural operations.
- The market area is not currently utilised for agricultural purposes, and the balance of the land will continue to be actively used for beef cattle grazing and hay production.
- Buildings and works are limited to the market stall including the associated covered deck area. Details of the proposed buildings and works are provided in Section 3 of this submission. Stormwater generated from the covered deck will be collected and directed to an IBC water tank. Power will be provided via the existing reticulated network.
- The proposal is appropriately setback from all site boundaries and existing surrounding development. Vehicle access to the site is existing via Station Road in the southern portion of the western boundary and pedestrian access is existing along the southern boundary directly from Main Street.
- The proposal does not result in the permanent loss or fragmentation of high-quality productive agricultural land.
- The proposal is consistent with the decision guidelines of the Design and Development Overlay at **Clause 43.02-6** which seeks to identify areas which are affected by specific requirements relating to the design and built form of new development.
- The proposed use and development comprises a small-scale daily market and a larger community market operating on a monthly basis. Buildings and works are limited to a market stall and an associated covered deck area, which together facilitate the operation of the market stall.

- The covered deck is small in scale and is intended solely to provide a sheltered ordering and waiting area for customers in all weather conditions.
- **Schedule 7** refers to highway corridors, Princes Highway and Great Alpine Road.
- The site contains an existing vehicle access point connecting directly to Station Road in the southern portion of the western boundary, which will remain unchanged. Pedestrian access is existing along the southern boundary of the site, connecting directly to Main Street.
- No additional access points are proposed. Any traffic generated by the use will be low-level in nature. Car parking considerations are addressed below and in Section 3 of this submission.
- The proposal is generally consistent with the decision guidelines of **Clause 52.05-8** signage which seeks to regulate the development of land for signs and associated structures. The proposed signage will include two round business identification signs. The specific details including location, dimensions and a visual description of the proposed signage is identified in Section 3 of this submission and within the proposed signage plan contained in **Appendix B**. The total combined area of the proposed signage is 1.63m². Signage will be attached to the building walls to enable easy business identification.
- This submission in conjunction with the Car Parking Demand Assessment provided in **Appendix C** has addressed **Clause 52.06** Car Parking which seeks to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- This application is seeking a full car parking dispensation for 48 car parking spaces. A Car Parking Demand Assessment is contained in **Appendix C**.
- The proposed use is expected to increase traffic to a variable amount however is unlikely to have any negative impact on the existing road network.
- It is anticipated that cars will use the existing road reserve along Main Street for parking for both the daily market operation and the larger monthly market.
- There are no known existing deficiencies in car parking within this area and it is not expected that any deficiencies would result from the proposed use and development of a market.
- It is anticipated that stall holders will park cars on the site in proximity to stalls as such creating a formal car parking area is not considered an appropriate response in this instance.
- A full assessment of car parking is provided in Section 5 of this submission and within the Car Parking Demand Assessment provided.
- The application will require referral to the Department of Transport (Head, Transport for Victoria) under the provisions of Clause 52.29 and Clause 66.03. The views and any requirements of the authority will be taken into consideration. The proposed location and standard of the access driveway is considered suitable and will ensure safe movement of vehicles to and from the site. Given there will be no direct access to the main road, and the volume of traffic is considered to be minimal, there is not expected to be any negative impact on the existing road network.
- There are no additional direct policies relevant to access to the principal road network in this location that requires further consideration at this time.
- This submission has addressed the decision guidelines of **Clause 65**, and the proposed use and development supports orderly planning of the area whilst taking into consideration the potential effect on the environment, human health and the amenity of the area. The proposal will

positively contribute towards tourism growth and economic gain.

- The increased traffic as a result of the proposed use and development is unlikely to be significant and it is not anticipated that it will generate any negative impact on the existing road network.
- There are no factors of this proposal that are likely to cause or contribute to land degradation, salinity or reduce water quality.

7. CONCLUSION

This submission is in support of a planning permit application for the use and development of a market, display of business identification signage, creation of access to a transport zone and carparking dispensation at 20 Brooks Road, Bruthen.

The relevant provisions of the East Gippsland Planning Scheme have been addressed and it has been ascertained that the proposed development is appropriate in this location. It is requested that the proposal be supported for the following reasons:

- The proposal is consistent with the objectives and strategies outlined in the Municipal Planning Strategy and the Planning Policy Framework.
- The proposal will support the tourism role of the area and will contribute to economic prosperity for the local economy.
- The proposal will create employment opportunities which in turn will support the local community.

It is requested that a planning permit be granted for this development.

Development Solutions Victoria

Disclaimer:

This document has been prepared for planning permit application purposes only. The report has been made with careful consideration and with the best information available to Development Solutions Victoria Pty Ltd at the time.

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BUSINESS PLAN

Paddock Perks

Proposed Location: 20 Brooks Road, Bruthen

Prepared in alignment with East Gippsland Shire Council Planning, Tourism and Economic
Development Policy

1. Executive Summary

Paddock Perks is a community-focused initiative designed to showcase and support local farmers, food producers, artisans, and small businesses from Bruthen and across East Gippsland.

This proposal responds directly to East Gippsland Shire Council feedback and aligns with Council's strategic objectives for regional economic development, tourism activation, and the support of local enterprise. The initiative has been structured as a flexible, community-led model that balances day-to-day activation with additional periodic market events.

The Paddock Perks coffee, food and produce market stall will operate daily, providing a consistent, low-impact food and beverage offering that supports locals, visitors, families, and travelers passing through the township. This stall will provide local fresh produce such as eggs, vegetables etc in addition to handmade local goods.

This daily operation improves amenity, encourages visitor stopovers, and activates the site in a managed and reversible manner.

In addition, the coffee, food and produce market stall will operate as a key component of a larger monthly local market, where the primary focus is on supporting multiple local businesses. During market days, the proposed market stall will complement local stallholders by enhancing the visitor experience, supporting longer dwell times, and reinforcing the site's role as a shared platform for local enterprise.

Together, the small daily market of coffee, food and produce offering and the larger monthly market function as a cohesive, community-based destination that supports local businesses, enhances tourism outcomes, and contributes positively to the vitality and liveability of Bruthen.

2. Vision and Objectives

Vision:

To create a vibrant, accessible local family business that strengthens Bruthen's identity and supports East Gippsland producers.

Objectives:

- Support local farmers, makers and small businesses
- Encourage visitors to stop and spend time in Bruthen
- Provide a family-friendly community destination
- Improve accessibility for caravans and trailers
- Align with Council's tourism and economic development strategies
- Create local employment opportunities

3. Market Concept

In addition to the small scale market stall that will be operating daily, a larger market event will operate on the second weekend of each month, with a wider range of produce and homemade products available throughout the weekend featuring a rotating selection of:

- Fresh local produce
- Baked goods and preserves
- Coffee and light refreshments
- Handmade crafts and gifts
- Regional food products

Produce and products will be prioritised from Bruthen and the East Gippsland region, supporting Council's goal of strengthening local business and encouraging regional economic growth.

Paddock Perks will sell and promote many locally made products and produce daily as a small market to showcase many of the items available from the larger market events.

4. Food and Beverage Offering

The market will include a coffee, food, and produce stall, which will operate as the continuous daily market. The stall will provide barista-made coffee and a small complementary food menu, alongside a selection of locally made produce and products that are also featured at the larger monthly market events.

Operating Hours: The stall will operate daily from 7:00 am to 2:00 pm, providing a consistent and accessible food and beverage offering for locals, visitors, and travellers. On market days, and other major days such as Christmas, Easter and the Winter Festival, the stall may operate extended hours to support the larger event and enhance the overall visitor experience.

This approach ensures the site maintains a multi-business market model rather than a single commercial operation, while providing ongoing promotion of local producers and complementing the broader monthly market. The daily operation enhances visitor amenity, encourages longer stopovers, and contributes to the activation and vitality of the site in a flexible, low-impact manner.

5. Target Customers

Primary customers include:

- Travelers and tourists passing through East Gippsland
- Families using the nearby skate park and playground
- Local residents
- Caravan and trailer travelers seeking easy access

The market supports Council objectives for enhancing visitor amenity and accessibility in regional towns.

6. Location Advantages

20 Brooks Road is located opposite a skate park and playground, providing a safe and welcoming rest point for families.

The site is accessible for larger vehicles, addressing the reduced availability of caravan and trailer parking in Bruthen's town centre.

7. Infrastructure and Operations

The monthly market will operate using temporary and removable infrastructure, including small marquees, pop-up stalls, and temporary signage. No permanent buildings or fixed structures are proposed beyond what is existing, and all infrastructure will be able to be removed at the conclusion of each market day, ensuring the site can be returned to its original condition.

While there is potential for future expansion of the market, any such development would be subject to additional Council approval. The current application seeks approval only for a low-impact, market setup.

The market will be locally managed and coordinated to ensure safe, orderly, and efficient operation. Staff will include a Market Coordinator and casual support staff to assist with setup, pack-down, and general operations.

Stallholders and produce offerings will be carefully selected to reflect the community-focused nature of the market, with consideration given to:

- Local origin
- Product quality
- Variety and uniqueness
- Community fit

9. Compliance and Safety

The market will comply with:

- Food safety regulations
- Public liability insurance requirements
- Council trading and event permits
- Waste management standards
- Noise and amenity controls

All stallholders will be required to hold appropriate permits and insurance.

10. Community and Economic Benefits

The market will:

- Support multiple local businesses
- Keep money within the local economy
- Provide local employment
- Improve visitor experiences
- Encourage longer visitor stays
- Strengthen Bruthen's town identity

This aligns strongly with East Gippsland Shire Council's economic development and tourism objectives.

11. Marketing and Promotion

Promotion will include:

- Social media platforms
- Local tourism networks
- Visitor information centres
- Community noticeboards
- Event listings

The market will be promoted as an authentic East Gippsland and Bruthen experience.

13. Growth Opportunities

Future opportunities may include:

- Seasonal markets
- Night markets
- School holiday events
- Food and craft festivals
- Workshops and demonstrations

Any future expansion would be subject to separate Council approval.

14. Conclusion

Paddock Perks is a community-focused, low-impact proposal that aligns with East Gippsland Shire Council's planning, tourism, and economic development policies.

We strongly believe Paddock Perks will support local businesses, enhances visitor experiences, improves accessibility, and provides a flexible, reversible use of land that benefits the Bruthen community.



APPENDIX C

Car Parking Demand Assessment

CAR PARKING DEMAND ASSESSMENT

Clause 52.06-7 – Application requirements and decision guidelines for permit applications:

For applications to reduce the car parking requirement:

An application to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a Schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

The Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposed:

- New use; or
- Increase in the floor area or site area of the existing use; or
- Increase to the existing use by the measure specified in Table 1 to Clause 52.06-5 for that use.

The Car Parking Demand Assessment must address the following matters, to the satisfaction of the responsible authority:

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The variation of car parking demand likely to be generated by the proposed use over time.
- The short-stay and long-stay car parking demand likely to be generated by the proposed use.
- The availability of public transport in the locality of the land.
- The convenience of pedestrian and cyclist access to the land.
- The provision of bicycle parking and end of trips facilities for cyclists in the locality of the land.
- The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.
- Any empirical assessment or case study.

The requirements of the car parking demand assessment are addressed below.

The East Gippsland Planning Scheme provisions at Clause 52.06 outlines the number of car parking spaces that must be provided when a new use commences.

This application is seeking approval for the use and development of a market, display of business identification signage and a car parking dispensation. It is proposed to use the existing road reserve along Main Street for customer and visitor parking.

Pedestrian access to the subject site is existing along the southern boundary of the site and will remain unchanged as indicated on the proposed development plans

The application requirements to be addressed as required by 52.06 are addressed below:

The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.

The subject site is located in close proximity to the Bruthen Lions Skate Park and within walking distance of the township centre. It is anticipated that a proportion of visits to the market will form part of multi-purpose trips, including visits to the skate park and other nearby township facilities. Given the location of the site being adjacent to existing community infrastructure and close to the established township area, the proposal is likely to capture existing visitor and local movement rather than generate new vehicle trips. This area is popular for caravan and larger vehicle parking.

The variation of car parking demand likely to be generated by the proposed use over time.

The car parking demand associated with the proposed use is expected to vary between the daily operation and the monthly market event. The daily market stall is small in scale and will operate between 7:00am and 2:00pm. As such, parking demand is anticipated to be low, short-stay in nature and varied throughout the morning and early afternoon. Demand is likely to fluctuate incrementally rather than peak sharply, reflecting the casual and convenience-based nature of the use for market.

The monthly market event is likely to generate a temporary increase in parking demand during peak trading periods however, this occurs only once per month and for a limited duration. The event demand will be intermittent rather than ongoing and can be accommodated within Main Street Road Reserve. Overall, parking demand will be low on a day-to-day basis, with periodic short-term increases associated with the monthly market proposal.

The short-stay and long-stay car parking demand likely to be generated by the proposed use.

The proposed use is expected to generate predominantly short-stay parking demand associated with customers purchasing coffee, food, or produce. The daily market stall operates between 7:00am and 2:00pm and is anticipated to attract brief visits, typically limited to the time required to order and collect items. As such, parking turnover is expected to be relatively high, with short duration stays forming the majority of demand.

During the monthly market event, some longer-stay parking demand may occur where customers spend longer browsing multiple stalls. However, this demand will be intermittent, occurring only one weekend per month and will remain limited in scale given the small size of the market area.

The availability of public transport in the locality of the land.

There is no local public transport available in Bruthen beyond a bus service that provides access to Bairnsdale and Omeo and surrounding locations. The bus stop is located in front of the Bruthen General Store, approximately 500 metres east of the subject site.

The convenience of pedestrian and cyclist access to the land.

The subject site has convenient pedestrian and cyclist access given its location within close proximity to the Bruthen township and adjoining community facilities. Pedestrian access is available directly from Main Street along the southern boundary of the site. The site is also located near the East Gippsland Rail Trail, which is a well-established shared path used by cyclists and pedestrians. There is ample area for provision of employee or customer bicycle parking within Main Street adjoining the site or on the site.

The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.

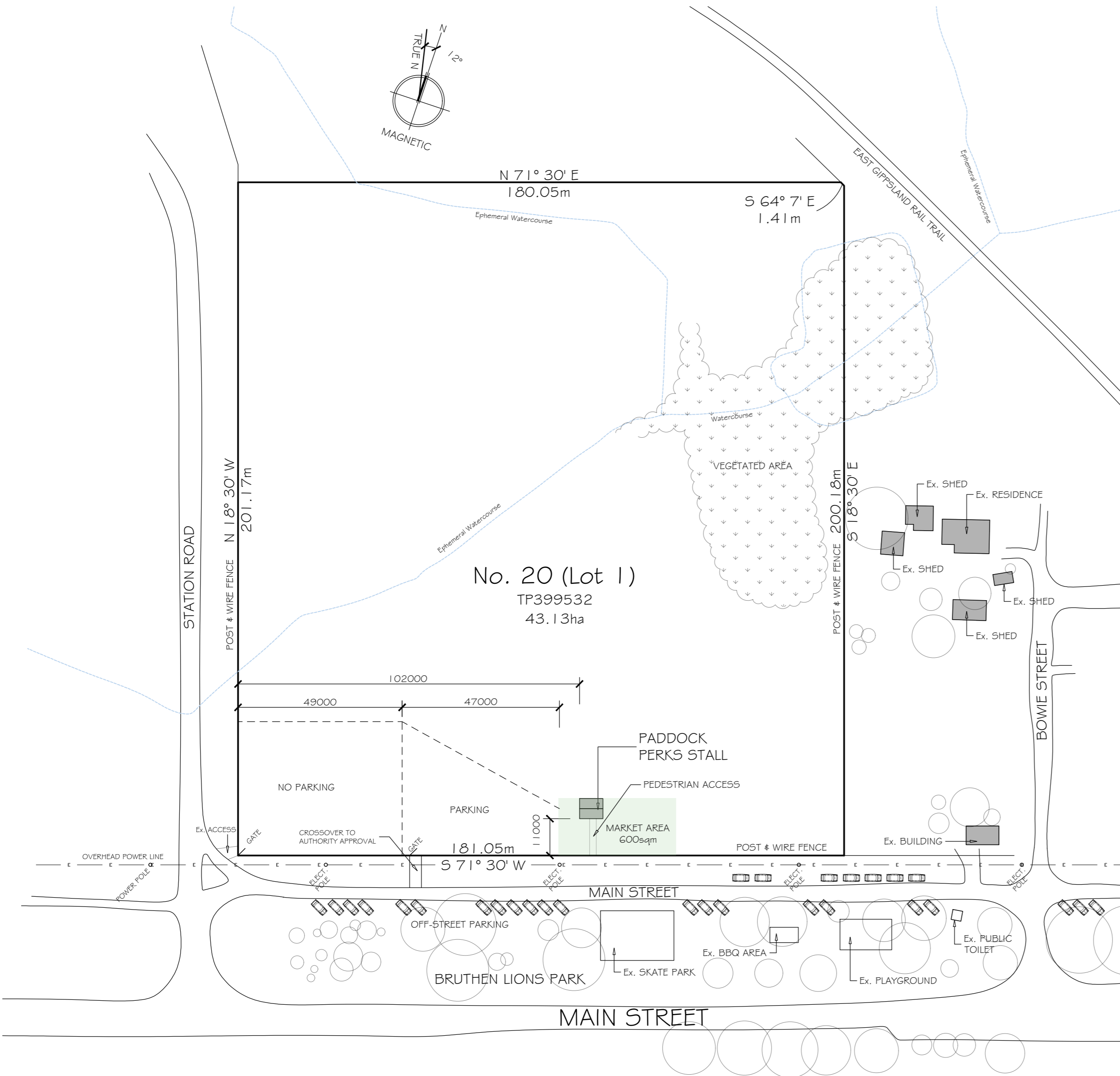
There is a suitable amount of space surrounding the subject site to provide for bicycle parking. No end of trip facilities will be provided.

The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.

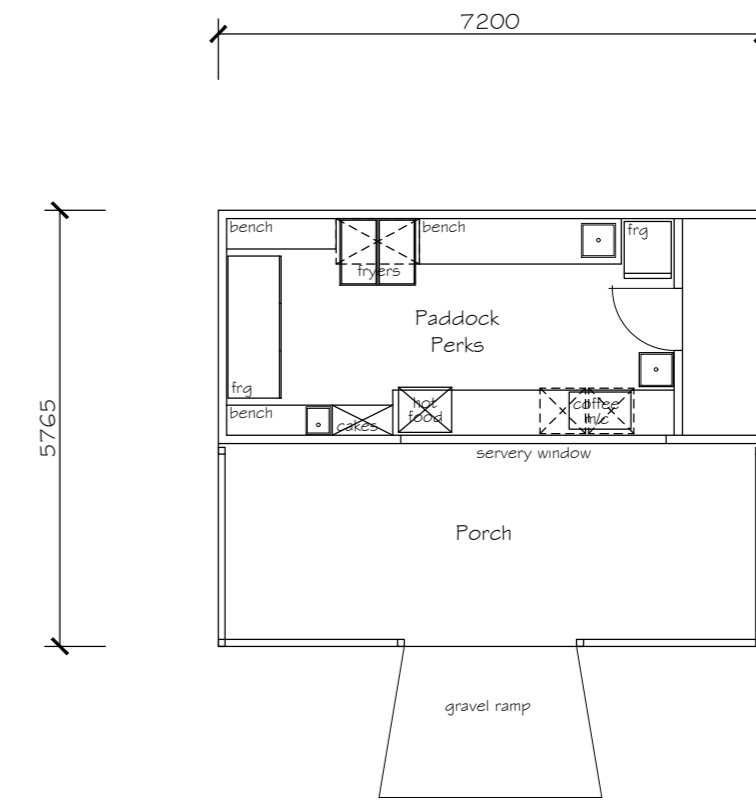
The anticipated car ownership rates of visitors to the site are expected to reflect typical rural and regional patterns, where private vehicle ownership is common. As such, the majority of customers are likely to arrive by car. However, given the location of the site being within proximity to the Bruthen township centre, the Lions Skate Park, and the East Gippsland Rail Trail, it is also anticipated that some visitors will arrive on foot or by bicycle, particularly local residents and recreational trail users.

Any empirical assessment or case study.

No empirical traffic or parking assessment has been undertaken in support of this application. Given the small scale of the daily market stall and the infrequent nature of the monthly market event, the anticipated traffic generation is low.

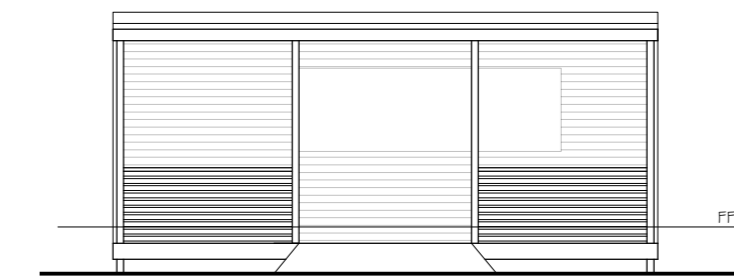


SITE/ LOCALITY PLAN
SCALE 1 : 1000



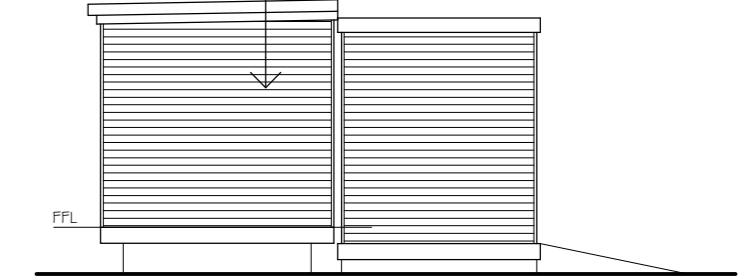
FLOOR PLAN

SCALE 1 : 100



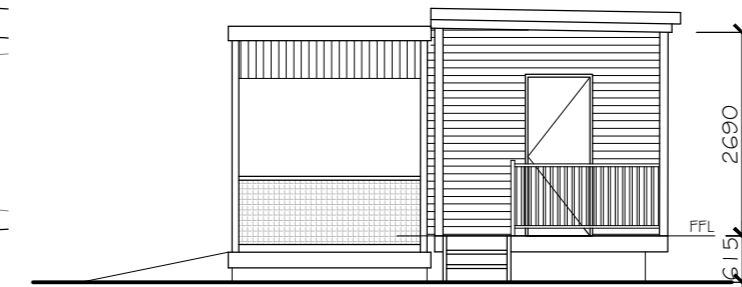
SOUTH ELEVATION

SCALE 1 : 100



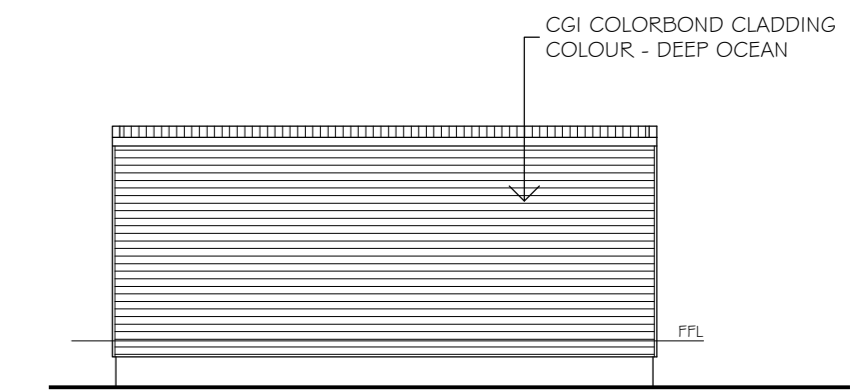
WEST ELEVATION

SCALE 1 : 100



EAST ELEVATION

SCALE 1 : 100



NORTH ELEVATION

SCALE 1 : 100

brooks road project bruthen

ISSUED: 07-04-2026
A2 sheet to scale

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design & drafting

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