

Planning Assessment Officer Report

Permit No: PA2503991
400, 400A & 580 AITKENS
ROAD BENGWORDEN



Planning Assessment Officer Report
Development Assessment

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Executive Summary



Key Information	Details		
Application No:	PA2503991		
Received:	15 October 2025		
Statutory Days:	53		
Applicant:	SFA NATURE BASED SOLUTIONS PTY LTD c/- Contour Consultants		
Planning Scheme:	East Gippsland		
Land Address:	400, 400A & 580 Aitkens Road, Bengworden		
Proposal:	Use and development of land for timber production and the removal of native vegetation.		
Development Value:	\$2,044,302m		
Why is the Minister responsible?	In accordance with Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible authority for this application because it is a matter under Divisions 1, 1A, 2 and 3 of Part 4 of the Act and Clause 53.22 (Significant Economic Development) (Category 3) applies. The Minister for Planning granted delegation pursuant to Category 3 requirements on 8 September 2025.		
Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 35.07-1	Farming Zone – Schedule 1 (FZ1)	<i>Use the land for timber production (section 2 use – plantation area that exceeds 100ha)</i>
	Clause 35.07-4	Farming Zone – Schedule 1 (FZ1)	<i>Construct or carry out a building or works associated with a use in Section 2 of Clause 35.07-1.</i>
Overlays:	Clause 44.02	Salinity Management Overlay (SMO)	<i>N/A – works are not proposed within the SMO</i>
	Clause 44.04	Land Subject to Inundation Overlay (LSIO)	<i>N/A – works are not proposed within the LSIO</i>
	Clause 44.06	Bushfire Management Overlay (BMO)	<i>N/A – does not apply to a building or works associated with timber production provided the buildings or works are not within 150 metres of accommodation or land zoned for residential or rural residential purposes.</i>
	Clause 42.01	Environmental Significance Overlay – Schedule 3 (ESO3 – Conservation Covenanted Land)	<i>N/A – works are not proposed within the ESO and applicable Trust for Nature (covenant) land.</i>
Particular Provisions:	Clause 52.17-1	Native Vegetation	<i>Remove native vegetation</i>
	Clause 53.22	Significant Economic Development	<i>Category 3</i>
Cultural Heritage:	The subject site is located in an area of Aboriginal Cultural Heritage Sensitivity. An approved Cultural Heritage Management Plan (CHMP) was provided 23 March 2026.		
Total Site Area:	800ha		
Planting Area:	488.12ha		
Land Uses:	Timber production		
Parking:	0 car parking spaces are proposed to be provided. Use of the land for timber production is not specified in Table 1 of Clause 52.06-5, as such, spaces		



are to be provided to the satisfaction of the responsible authority.

Referral Authorities: DEECA (s55 – Determining)
West Gippsland Catchment Management Authority (Informal)
East Gippsland Shire Council (s52 – Notice)
Wellington Shire Council (s52 – Notice)
CFA (Informal)

Public Notice: Notice of the application was undertaken by the applicant at the direction of the Minister for Planning in the following manner:

- Ordinary post to the owners and occupiers of surrounding properties
- Notice in the form of an article posted in the local newspaper (Bairnsdale Advertiser)

Two objections were received.

Public Consultation

The applicant conducted an independent drop-in consultation session on 28 November 2025 from 10:30am to 5:30pm at 'The Hub' 27 Dalmahoy Street Bairnsdale. The event comprised of presentations and Q&A with local residents.

Delegates List: Approval to determine under delegation received on **20 April 2026**



Application Process

1. The applicant has engaged with the relevant Registered Aboriginal Party prior to lodgement. An approved Cultural Heritage Management Plan (CHMP) was issued on **18 March 2026**.
2. The key milestones in the application process were as follows:

Milestone	Date
Pre-application meeting (DTP & applicant)	3 July 2025
Eligibility confirmation letter issued	8 October 2025
Application lodgement	15 October 2025
Further information requested	N/A
Further information received	N/A
EES Referral:	<p>Environment Effects Statement (EES) referral accepted on 9 February 2026.</p> <p>The Minister for Planning decided that an EES was not required on 19 March 2026.</p>
EPBC Referral:	<p>On 4 February 2026, the Department of Climate Change, Energy, the Environment and Water (DCCEEW) confirmed that the proposed action is a controlled action, requiring further assessment under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC). This determination relates to potential impacts on the Gippsland Lakes Ramsar site (sections 16 and 17B), listed threatened species and communities (sections 18 and 18A), and listed migratory species (sections 20 and 20A) protected under Part 3 of the EPBC Act.</p> <p>On 2 March 2026, DCCEEW issued an RFI to the applicant.</p> <p>As of 31 March 2026, no determination has been provided. The EPBC operates under an act independent of the Planning and Environment Act 1987 and subsequent permissions granted under the planning permit. The EPBC can impose requirements that would take precedent over the permissions granted under the planning permit should the event occur.</p>
Decision Plans	Plans prepared by Landform Architects and dated 10 October 2025 .
Other Assessment Documents	<p>Clause 53.22 Eligibility Confirmation Letter and dated 8 October 2025</p> <p>Invest Victoria letter dated 23 October 2025</p> <p>Cover letter prepared by Contour Consultants and dated 13 October 2025</p> <p>Town planning Report prepared by Contour Consultants and dated October 2025</p> <p>Operational Environmental Management Plan (OEMP) prepared by SFA Nature Based Solutions and dated 2 December 2025</p> <p>Bushfire Risk Assessment prepared by Fire Risk Consultants and dated March 2025</p> <p>Flood Impact Assessment prepared by HARC and dated 10 October 2025</p> <p>Landscape and Visual Impact Assessment prepared by Landform Architects and dated October 2025</p>



Soil Impact Assessment prepared by RMCG and dated August 2025

Transport Engineering Report prepared by Ration Consultants and dated 18 October 2025

Flora and Fauna Assessment prepared by Biosis and dated 22 September 2025

Agricultural Loss Assessment prepared by RMCG and dated July 2025

Contour and detail survey plan prepared by Landair Surveys and dated 23 October 2024

Combined Land Titles produced 9 October 2025

Economic Assessment prepared by Sumitomo Forestry Australia and dated 5 August 2025

Gracemere Property Letter dated 1 August 2025

3. The subject of this report is the decision plans (as described above).

Proposal Summary

4. The proposal can be summarised as follows:

Staged use and development of the land for timber production and the removal of native vegetation.

General works

Site preparation woks	<ul style="list-style-type: none"> • Removal of vegetation and existing fences • Pre-plant herbicide spray (Tractor boom mounted sprayer) • Disc ploughing and mounding of the earth
Other works	<ul style="list-style-type: none"> • Construction of vehicle access tracks within the site for maintenance, operational and emergency vehicles. • Hand planting of radiata seedlings at 1,000 stems per ha • Hand fertilizing • Weed control post planting as required

Plantation works

Stage	Detail
Stage 1 (Complete)	<p>Stage 1 refers to the applicant's existing timber production project north of the subject site at 1815 Bengworden Road. Stage 1 comprises of a 91ha Radiata Pine softwood plantation of approximately 89,0000 seedlings. The planting phase was completed in September 2024.</p> <p>As the plantation area remained under 100ha, the plantation area did not trigger any planning permissions under the East Gippsland Planning Scheme. The council confirmed the proposal as being permit exempt on 15 May 2024 and 5 September 2024.</p> <p>Stage 1 does not apply to the subject site, and therefore the naming convention is only relevant to the applicant.</p>
Stage 2a (Proposed)	Plantation establishment of 406.87ha Radiata Pine softwood within those areas of the site that do not require the removal of native vegetation triggering a planning permit.
Stage 2b (Proposed)	Plantation establishment of 81.25ha Radiata Pine softwood within areas where the removal of native vegetation does require planning permission and the securing of an associated biodiversity offset.

A total of 513,500 seedlings is proposed for the plantation.

Ongoing works

Timber harvesting	<p>Use of the land for ongoing management of the plantation until the felling commences under a Timber Harvesting Plan which is a requirement of Clause 53.11 (Timber Production) and Conservation, Forests and Lands Act 1987. This is proposed to include:</p> <ul style="list-style-type: none">• Thinning 1 at Year 15 when 40% of the trees are removed• Thinning 2 at Year 21 when a further 40% of the remaining trees are removed• Clear felling at Year 27, after 100% of remaining trees are removed prior to site preparation for the next rotation.
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Ancillary office space

- Site managers and contractors will use the existing buildings / dwelling that contains amenities and is connected to a septic tank/effluent disposal system as a site office. The dwelling identified as 'the Cottage', and a shearing shed will be utilised by staff sporadically. The existing primary dwelling identified as 'the Homestead' will remain in ownership of the current occupants and will remain separated from the operations of the timber production use within the broader site.
- Both the Cottage and shearing shed will be regularly used by staff during the initial plantation, thinning and clear felling (harvest) phases. The site will otherwise remain unattended asides from sporadic monthly visits from staff to monitor timber growth and testing.

Car parking and access arrangements

- No formal car parking is proposed to be provided on site, noting that asides from site preparation works, staff will not be located onsite on a consistent basis.
- Vehicle access tracks will be constructed within the site for maintenance, operational and emergency vehicles.
- Staff are proposed to utilise the access tracks and park informally where required across the site.

Other

- The existing Trust for Nature covenant and other important conservation areas are to be retained and protected.
- Paddocks not utilised for plantation or environmental value will continue to be used for grazing purposes by Gracemere Merino (local merino sheep breeding and wool production company). Refer to subject site and surrounds section of this report for further information.

5. The applicant has provided the following concept image/s of the proposal (refer Figures 1 & 2).

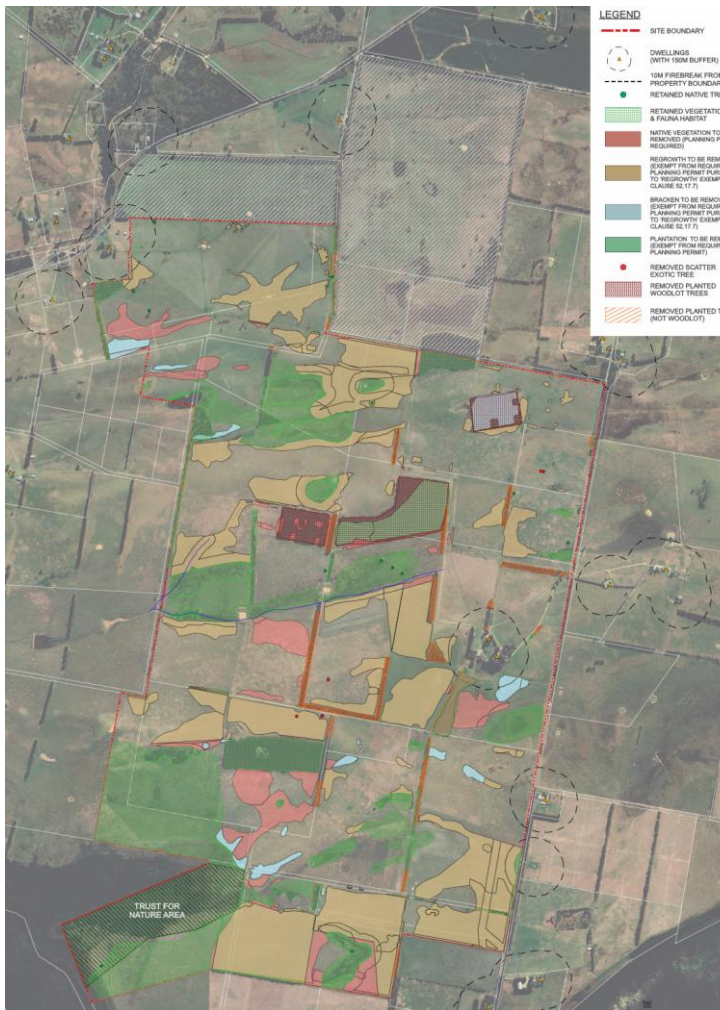


Figure 1: Vegetation to be retained or removed

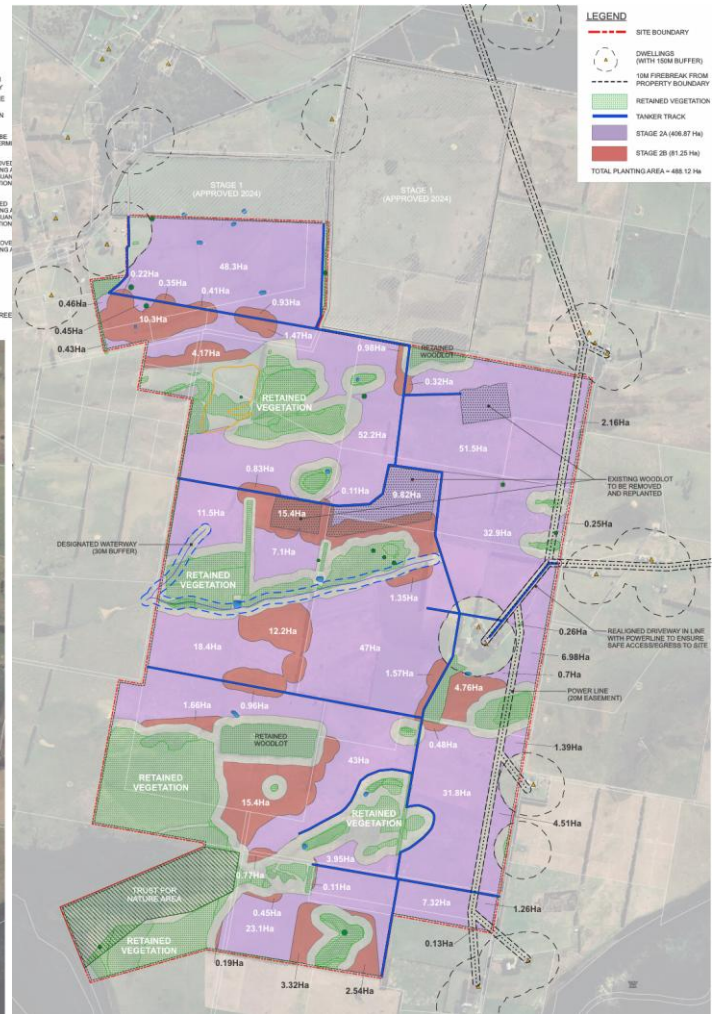


Figure 2: Proposed works and plantation area (shown in purple and red)

Site Description

6. The site is located south of Bengworden Road, approximately 22km from Bairnsdale and 272km from Melbourne's CBD. The site is located to the north of Lake Victoria and east of the Backwash Morass of the Gippsland Lakes reserve. The land generally slopes from north to south, towards Lake Victoria. There is a Designated Waterway that runs through the centre of the site.

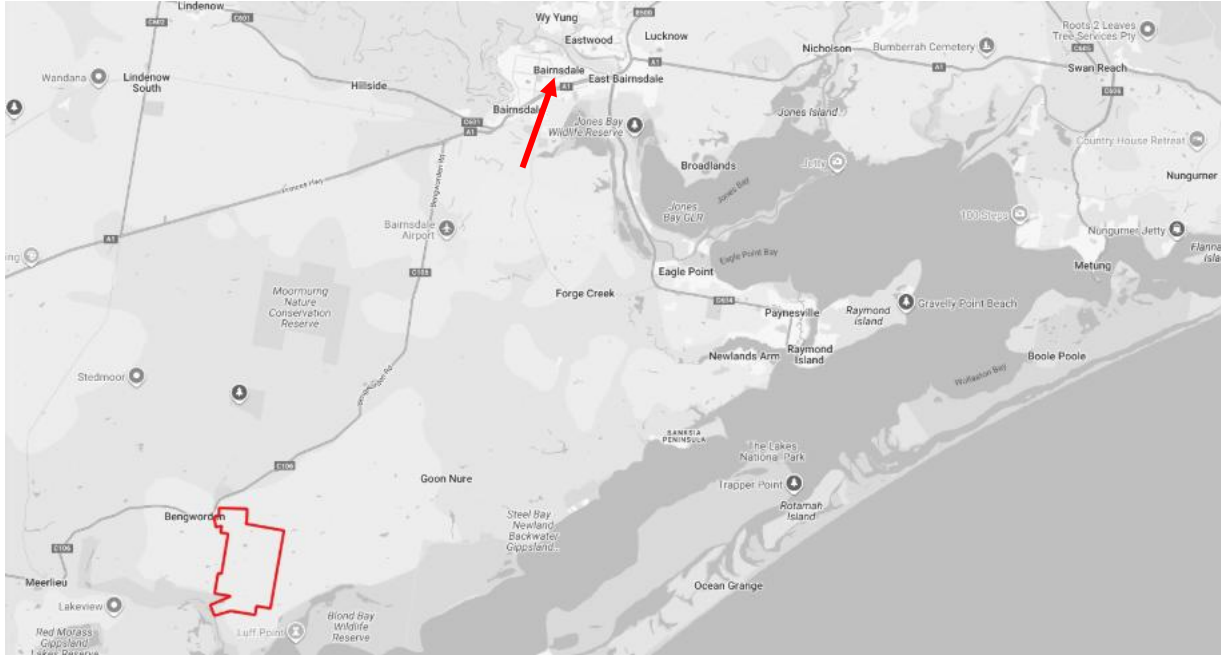


Figure 3: Approximate location of subject site relative to Bairnsdale

7. The existing site (otherwise known as 'Gracemere') is predominantly cleared agricultural and grazing land, with small existing pine and eucalypt plantations interspersed throughout the site. Two existing dwellings and one outbuilding are located and accessed to the east of the site and adjacent to Aitkens Road. Historically, a family owned and operated the site as a farm since 1950. The farm predominantly ran wool production but also raised lamb and cattle. Paddocks were regularly cropped and resown to maintain productivity on the farm.
8. The site measures 800ha and has a 2.85km frontage to Aitkens Road.
9. The site is formally described as comprising the following land parcels:

400 Aitkens Road:

- Crown Allotment 5: Section 2 Parish of Bengworden (5~2\PP2118)
- Crown Allotment 9D Section 2 Parish of Bengworden (9D~2\PP2118)
- Crown Allotment 9C Section 2 Parish of Bengworden (9C~2\PP2118)
- Lots 1,2,3 and 4 on Title Plan 616340D (1\TP616340, 2\TP616340, 3\TP616340, 4\TP616340)
- Crown Allotment 5A Section 2 Parish of Bengworden (5A~2\PP2118)
- Crown Allotment 6 Section 2 Parish of Bengworden (6~2\PP2118)
- Crown Allotment 8 Section 2 Parish of Bengworden (8~2\PP2118)
- Crown Allotment 9 Section 2 Parish of Bengworden (9~2\PP2118)
- Crown Allotment 9A Section 2 Parish of Bengworden (9A~2\PP2118)
- Crown Allotment 9B Section 2 Parish of Bengworden (9B~2\PP2118)
- Crown Allotment 5 Township of Bengworden (5~2\PP2118)
- Crown Allotment 6 Township of Bengworden (6~2\PP2118)



580 Aitkens Road:

- Crown Allotment 5: Section 2 Parish of Bengworden (5~2\PP2118)
 - Crown Allotment 9D Section 2 Parish of Bengworden (9D~2\PP2118)
 - Crown Allotment 9C Section 2 Parish of Bengworden (9C~2\PP2118)
 - Lots 1,2,3 and 4 on Title Plan 616340D (1\TP616340, 2\TP616340, 3\TP616340, 4\TP616340)
 - Crown Allotment 5A Section 2 Parish of Bengworden (5A~2\PP2118)
 - Crown Allotment 6 Section 2 Parish of Bengworden (6~2\PP2118)
 - Crown Allotment 8 Section 2 Parish of Bengworden (8~2\PP2118)
 - Crown Allotment 9 Section 2 Parish of Bengworden (9~2\PP2118)
 - Crown Allotment 9A Section 2 Parish of Bengworden (9A~2\PP2118)
 - Crown Allotment 9B Section 2 Parish of Bengworden (9B~2\PP2118)
 - Crown Allotment 5 Township of Bengworden (5~2\PP2118)
 - Crown Allotment 6 Township of Bengworden (6~2\PP2118)
10. Two Trust for Nature covenants are located on Lots 3 and 4 of Plan of Subdivision 603332 and pertain to instrument V712477C Deed of Covenant for the Conservation of Land dated 26th September 1998 (Figure 4). The covenants encompass a section of remnant Salt Marsh and Swamp Scrub adjacent to the Backwater Morass.
11. This covenant restricts any act or thing that would otherwise be prejudicial to its conservation. Lots 3 and 4 of Plan of Subdivision 603332 remain unaffected, as no works related to the timber production use are proposed within the Trust for Nature area.



Figure 4: Subject site land parcels. Trust for nature covenants shown in red hash

Site Surrounds

12. The surrounding development consists mainly of cleared agricultural and grazing land with associated dwellings and/or buildings. Conversation areas are also interspersed throughout the surrounding area, primarily adjacent to surrounding waterways and lakes predominantly located along the southern coastline.
13. Development surrounding the site can be described as follows:
- To the **north** of the site: the subject site interfaces with 1815 Bengworden Road and 280 Aitkens Road.
280 Aitkens Road is developed with a dwelling and outbuildings (located at the south-east of the site) and is otherwise generally cleared grazing land.
As discussed above, 1815 Bengworden Road is also owned by Sumitomo Forestry Australia and comprises a 91ha Radiata Pine softwood plantation of circa 89,000 seedlings (Completed Stage 1). The planting phase was completed in September 2024. The plantation area was designed such that it did not trigger planning permission and written confirmation to this effect was provided by East Gippsland Shire Council in correspondence dated 15 May 2024 and 5 September 2024.
 - To the **south** of the site: the subject site interfaces with 630 Aitkens Road and the Backwater Morass Gippsland Lakes Reserve (Ramsar Wetland). 630 Aitkens Road is developed with a dwelling, outbuilding and is generally cleared land that is used for agriculture. The Backwater Morass Gippsland Lakes Reserve is a wetland/creek conservation reserve. No works are proposed in the nominated Ramsar area.
 - To the **east** of the site: the subject site interfaces with 1935 Bengworden Road and 203-205 Turners Road. Both properties are developed with a dwelling and outbuildings (located towards the Turners Road frontage of each site) and otherwise generally comprise cleared grazing land.
 - To the **west** of the site: the subject site interfaces with further farming zone properties generally cleared for grazing land and Blond Bay. Blond Bay Lakes Reserve is a wetland and wildlife conservation reserve.



Figure 5: Typical exotic pasture that dominates the subject site and surrounds (left)

Figure 6: Native vegetation (grassland) within an exotic pasture grassland on subject site (right)



Municipal Planning Strategy

14. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

Clause	Description
02.01	Context
02.02	Vision
02.03-2	Environmental and landscape values
02.03-4	Natural resource management
02.05-5	Built environment and heritage
02.03-6	Economic development

Planning Policy Framework

15. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

Clause 12	Environmental and Landscape Values
12.01-1S	Biodiversity
12.01-2S	Native Vegetation Management
12.03-1S	River and riparian corridors, waterways, lakes, wetlands and billabongs
12.05-1S	Environmentally sensitive areas
12.05-2L	Landscapes (Scenic Road - Bengworden Road)
Clause 13	Environmental Risks and Amenity
13.02-1S	Bushfire planning
13.04-3S	Salinity
13.04-3L	Salinity
Clause 14	Natural Resource Management
14.01-1S	Protection of agricultural land
14.01-2S	Sustainable agricultural land use
14.01-3S	Forestry and timber production
Clause 15	Design for Rural Areas
15.01-6S	Design for rural areas
15.03-2S	Aboriginal cultural heritage
Clause 17	Economic Development
17.01-1S	Diversified economy

16. The assessment section of this report provides a detailed assessment of the relevant planning policies.

Zoning and Overlays

Applicable Zone

17. A planning permit is required to use the land for timber production in accordance with Clause 35.07-1 and to construct a building or construct or carry out works in accordance with Clause 35.07-4 (FZ1). The purpose of the FZ 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.*
18. The FZ does not set any built form requirements relevant to this proposal. The decision guidelines relevant for consideration in accordance with Clause 35.07-6 are as follows:

General Issues

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Any Regional Catchment Strategy and associated plan applying to the land.*
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *How the use or development relates to sustainable land management.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *How the use and development makes use of existing infrastructure and services.*

Agricultural issues and the impacts from non-agricultural uses

- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *Any integrated land management plan prepared for the site.*

Environmental Issues

- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*
- *The impact of the use or development on the flora and fauna on the site and its surrounds.*
- *The need to protect and enhance the biodiversity of the area, including the retention of 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.*

19. The following sections include a discussion of how the proposal responds to these requirements.



Other Overlays

20. The subject site is affected by the following overlays:
 - Clause 42.01 – Environmental Significance Overlay, Schedule 3 (ESO3)
 - Clause 44.02 – Salinity Management Overlay (SMO)
 - Clause 44.04 – Land Subject to Inundation Overlay (LSIO)
 - Clause 44.08 – Bushfire Management Overlay (BMO)
21. The ESO, SMO, LSIO and BMO apply to the greater site but not the location of proposed works subject to this application.
22. Pursuant to Clause 44.06-2 (BMO), a planning permit is required to construct a building or construct or carry out works associated with use of land for timber production. This does not apply to a building or works associated with timber production provided the buildings or works are not within 150 metres of accommodation or land zoned for residential or rural residential purposes. As the proposed buildings and works (plantation and associated access roads) are not located within 150m of accommodation or land zoned for residential or rural residential purposes, a planning permit is not required.
23. These overlays, therefore, do not form part of this assessment.

Particular and General Provisions

Provisions that Require, Enable or Exempt a Permit

Clause 52.06 - Car Parking

24. Pursuant to Clause 52.06-5, there is no car parking rate for Timber Production specified. Accordingly, pursuant to Clause 52.05-6, car parking must be provided to the satisfaction of the responsible authority and does not trigger requirement of a permit.
25. The applicant does not seek to provide any formal car parking as part of the proposal. Site managers and contractors will park vehicles informally at the ancillary site office located adjacent to the existing dwelling and given the significant distance of the plantation and ancillary site office to the surrounding road network, it is not anticipated that any vehicles would be parked on public roads.

Clause 52.17 - Native Vegetation

26. Pursuant to Clause 52.17-1, a planning permit is required to remove, destroy or lop native vegetation. Specifically, the removal of approximately 25ha of native vegetation, including 15 small trees.
27. The remainder of the subject sites proposed native vegetation removal is considered exempt from requiring a planning permit under Clause 52.17-7 pursuant to the 'regrowth' and 'planted vegetation' exemptions respectively.
28. Native vegetation currently observed in the areas of the subject site shown as 'cropped and resown' on the corresponding map appended to the former owner's letter shown would therefore comprise regrowth that is less than 10 years old. Accordingly, the removal of native vegetation in these areas is exempt from requiring a planning permit pursuant to the 'regrowth' exemption at Clause 52.17-7.
29. Additionally, existing Eucalypt timber plantations located on the subject site were planted for the purpose of harvesting for timber production. Accordingly, the removal of native trees forming part of the timber plantation is exempt from requiring a planning permit pursuant to the 'planted vegetation' exemption at Clause 52.17-7.

General Requirements and Performance Standards

Clause 53.11 – Timber Production

30. Clause 53.11-2 provides the following requirements for timber production activities:

- *All timber production activities (except agroforestry (the simultaneous and substantial production of forest and other agricultural products from the same land unit), windbreaks and commercial plantations of 5 hectares or less) must comply with the Code of Practice for Timber Production 2014 (as amended 2022) (Department of Environment, Land, Water and Planning, 2022). In accordance with Section 6(4A) of the Planning and Environment Act 1987, this applies whether the use of land for timber production is commenced before or after the coming into effect of this requirement.*
- *The Code must be complied with to the satisfaction of the responsible authority.*
- *A permit may require that matters required by the Code must be done to the satisfaction of the responsible authority or a Minister, public authority or referral authority, and may require the responsible authority to seek comments from any other person or authority before making a decision.*

31. Clause 53.11-3 provides the following road repair requirements for timber harvesting:

- *After a Timber Harvesting Plan is lodged with the responsible authority under the Code and before the commencement of harvesting operations, the responsible authority, in consultation with the forest owner or manager, must establish the condition of any roads which are proposed to be used as a cartage route.*
- *The forest owner or manager must advise the responsible authority when harvesting operations are complete. After receiving this advice, the responsible authority, in consultation with the forest owner or manager, must establish the condition of any roads which were used as a cartage route.*
- *It is the responsibility of the forest owner or manager to restore any roads which were used as a cartage route to the same condition that they were in before the commencement of harvesting operations to the extent of any damage caused as a result of the harvesting operations.*
- *The cartage of timber associated with harvesting operations is extraordinary traffic for the purpose of Section 112 of the Road Management Act 2004.*

32. Pursuant to Clause 53.11-4, the responsible authority must consider the following decision guidelines before deciding on an application to use or develop land for timber production (in addition to the decision guidelines in Clause 65):

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

33. The decision guidelines pursuant to Clause 53.11-4 are investigated in the assessment section of this report.

Clause 53.22 – Significant Economic Development

34. The purpose of Clause 53.22 is:

- *To prioritise and facilitate the planning, assessment and delivery of projects that will make a significant contribution to Victoria's economy and provide substantial public benefit, including jobs for Victorians.*
- *To provide for the efficient and effective use of land and facilitate use and development with high quality urban design, architecture and landscape architecture.*

35. Clause 53.22-1 states:

- *The provisions of this clause prevail over any inconsistent provision in this planning scheme.*
- *This clause applies to an application under any provision of this planning scheme if the condition corresponding to a category in Table 1 is met.*

36. The proposed use is best defined as 'Agriculture' in Table 2 of Clause 53.22-1 and has been lodged under Category 3 of Table 1 of Clause 53.22-1. The following requirements apply to the proposal:

Table 1	Condition
Category 3	<p><i>The application must include a use specified in Table 2.</i></p> <p><i>The conditions corresponding to that use do not need to be met. The application may also include a use that is not specified in Table 2. The Minister for Planning has advised in writing that they are satisfied the proposed use or development of land is of significance having regard to the:</i></p> <ul style="list-style-type: none">○ <i>Purpose of clause 53.22.</i>○ <i>Estimated cost of development.</i>○ <i>Extent to which the development supports or implements planning policy.</i> <p><i>Information demonstrating the likely feasibility of the proposed development is provided to the satisfaction of the Minister for Planning. This must include written advice from the Chief Executive Officer or delegate, Invest Victoria.</i></p>
Table 2 – Use	Condition
Agriculture	<p><i>The estimated cost of the proposed development as specified in a report prepared by a suitably qualified quantity surveyor must be at least \$10 million if the land is not in metropolitan Melbourne to the satisfaction of the Minister for Planning.</i></p>

37. The Minister for Planning granted delegation pursuant to Category 3 requirements on 8 September 2025. The assessment is therefore considered consistent with the purpose of Clause 53.22 and relevant planning policies in the East Gippsland Planning Scheme.

38. The applicant has undertaken an assessment to consider significance of the investment and the feasibility of the proposal, discussed further in the assessment section. The proposal will make a significant contribution to Victoria's economy and provide substantial public benefit, including jobs for Victorians, accordance with the purpose of Clause 53.22 and the objectives of Clause 17 (Economic Development) of the East Gippsland Planning Scheme.

39. Clause 53.22 also includes a number of application requirements and exemptions further discussed in the notice and assessment sections of this report.



Relevant Strategic Plan / Background Documents

Environmental Effects Act 1978 and Environment Protection and Biodiversity Conservation Act 1999

40. The Flora and Fauna Assessment prepared by Biosis and dated 22 September 2025 provides a comprehensive evaluation of potential biodiversity impacts of the timber plantation and assessment against key government legislation and policy. The key legislation and policy relevant to the application are:
- Environmental Protection and Biodiversity Conservation Act 1999 (EPBC)
 - Flora and Fauna Guarantee Act 1988
 - Catchment and Land Protection Act 1994
 - Planning and Environment Act 1987 (PE Act)
 - Water Act 1989
 - Environmental Effects Act 1978 (EE Act)
41. The report prepared by Biosis recommended that a referral be made under the EPBC and EE Act respectively.
42. On 9 February 2026, a referral was accepted under the EE Act to determine whether an Environment Effects Statement (EES) was required. The Minister for Planning decided that an EES was not required on 19 March 2026.
43. On 4 February 2026, DCCEEW confirmed that the proposed action is a controlled action, requiring further assessment under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC). This determination relates to potential impacts on the Gippsland Lakes Ramsar site (sections 16 and 17B), listed threatened species and communities (sections 18 and 18A), and listed migratory species (sections 20 and 20A) protected under Part 3 of the EPBC Act. In particular, the following:
- Endangered ecological vegetation – (GipP0055) Plains Grassy Woodland
 - Endangered ecological vegetation – (GipP0053) Swamp Scrub
 - Threatened Community - Forest Red Gum Grassy Woodland
44. As of 15 May 2026, the EPBC controlled action remains under active assessment. On 14 April 2026 DTP confirmed with DCCEEW that this particular planning permit assessment facilitated under the PE Act remains an independent assessment that does not conflict with any assessment or determination made under the EPBC Act.

Code of Practice for Timber Production 2014 (as amended 2022) (Department of Environment, Land, Water and Planning, 2022)

45. All timber production activities must comply with the *Code of Practice for Timber Production 2014 (as amended 2022) (Department of Environment, Land, Water and Planning, 2022)* and pursuant to Clause 53.11 (Timber Production).
46. The supporting documentation provides a comprehensive assessment of environmental considerations. The proposed plantation area incorporates appropriate buffers and protection measures for native vegetation and waterways, in addition to meeting the mandatory requirements of the Code.
47. The Code of Practice for Timber Production refers to 'local government' as the responsible authority. However, the definitions within the Code clarify that this term is intended to mean the responsible authority. While 'local government' is used throughout the Code for convenience, it is the responsible authority (generally the relevant municipal council) that administers the Code in respect of timber production on private land and plantations. The submitted Operational Environmental Management Plan and associated technical material appropriately reference



the Code and acknowledge its operation as a regulatory framework that operates independently of the Planning and Environment Act 1987.



Referrals

48. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining	DEECA	Referred on 24 October 2025. DEECA provided a no objection response subject to conditions on 17 December 2025. Refer below for further detail.
Informal Referral	East Gippsland Catchment Management Authority (EGCMA)	Referred on 8 January 2026. WGCMA provided a no objection response on 21 January 2026.
Section 52 – Notice	East Gippsland Shire Council (the council)	Referred on 22 October 2025. The council provided a no objection response on 16 December 2025. Refer to council comment section below for further information.
Section 52 – Notice	Wellington Shire Council	Referred on 17 November 2025. No response was provided.
Informal	Country Fire Authority (CFA)	No objection response and no conditions proposed. Separately, it is acknowledged that the Bengworden CFA Fire Station was formally notified as an adjoining property, and no response was received.

Municipal Council Comments

49. The council considered the application at its committee on 16 December 2025 and provided a no *‘in principle’* objection response to the proposal. The council stated that the *‘proposal is generally consistent with the East Gippsland Planning Scheme and key Council strategies including the East Gippsland Rural Land Use Strategy and Council’s adopted Environmental Sustainability and Economic Development Strategies. Notwithstanding, the draft submission identifies deficiencies in the planning application documentation which warrant a request for further information from the proponent.* These matters are summarised in the table below, inclusive of the applicant’s response to the council provided on 1 December 2025 (items raised in earlier RFI retained in council committee submission presented on 16 December 2025).

Council Item	Applicant response	DTP response
How the proposal addresses clause 12.01-1S of the East Gippsland Planning Scheme to protect and enhance Victoria’s biodiversity (emphasis added). Whilst the Flora and Fauna Assessment Report (Biosis, September 2025) states that methods will be adopted and implemented to connect fauna movement corridors in line with EGCMA guidelines and best practice standards, it does not elaborate on what the methods are, how they will be delivered or the implications for the overall plantation design. Further information is required to demonstrate appropriate ‘buffer’ areas and habitat connectivity between areas of environmental significance. This information may result in changes to the plantation design and operational	In the context of this planning permit application, the operation of the biodiversity policies is confined to native vegetation that triggers a planning permit for its removal, and to native vegetation that would otherwise require a planning permit and is proposed to be retained as part of the development. The plantation layout has been designed to protect the most important biodiversity values in accordance with the requirements of clause 12.01 of the East Gippsland Planning Scheme. The site has been highly modified due to land clearing and agricultural use, and the remanent vegetation is highly degraded. As required by the planning scheme, the plantation design avoids impacts to the highest value biodiversity areas. The Flora and Fauna Guarantee Act (FFG Act) listed threatened ecological community – Forest	DTP considers the applicant’s response acceptable. The plantation layout has been designed to protect existing vegetation and areas of environmental significance that are otherwise protected via the EPBC Act and EE Act, as well as the OEMP for ongoing management and protection of areas of retained vegetation.



requirements.

Red Gum Grassy Woodland community that is also listed under the Commonwealth Environment Protection and Biodiversity Conservation Act is all proposed for retention.

The proposed fauna habitat linkages connect the most important low-lying areas in the dune swales which will allow fauna species to access and colonise habitat that will improve over time as it is retired from grazing.

Threats from weeds in these areas will be managed in accordance with the Operation Environmental Management Plan to be endorsed with the permit.

Proposed buffers have been developed using the Commonwealth Government's conservation advice for the threatened ecological communities. Chapter 6, Appendix 6 and Figure 5 of the Flora and Fauna Assessment show the buffers and provide a detailed explanation of the buffers provided between the areas to the environmental values to be retained and the plantation. All potential vegetation losses within the buffer areas have been assumed to be lost and included in the calculation of offset requirements in accordance with the Guidelines for the removal, destruction or lopping of native vegetation.

How the proposal addresses Clause 53.11-4 relating to groundwater recharge. The planning application has not quantified the impact of the plantation on groundwater recharge and the habitats and ecosystems that depend on groundwater to maintain their health. Areas of particular concern include Toms Creek and its fringing wetlands. The proposal must demonstrate protection and enhancement of biodiversity values of the Gippsland Lakes and fringing wetlands and waterways.

Please refer to the enclosed response prepared by RMCG.

The letter prepared by RMCG and dated 1 December 2025 states that the proposed timber plantation will not have any impact on groundwater and that the habitats and ecosystems in the area are not connected to or dependent on groundwater. The letter utilises the findings of the OEMP, Flood Impact Assessment and desktop studies to determine its findings.

DTP considers the response appropriate, noting ongoing monitoring and environmental assessments will be enforced via a number of permit conditions and separate environmental acts otherwise applicable to the application.

How the planning application responds to an endorsed Cultural Heritage Management Plan.

The Town Planning Report (Contour, August 2025) states that a Cultural Heritage Management Plan (CHMP) is required for the project as a high impact activity in an area of cultural heritage sensitivity. It goes on to state that the CHMP is yet to be endorsed. Planning

A CHMP for the proposed development has been in preparation for over 12 months and is in the final stages of the process, with approval expected imminently.

Archaeological testing has been completed, and the findings of the assessment has informed the plantation layout. Notably, area of high cultural heritage sensitivity based on the assessment Tardis has undertaken have been excluded from the plantation area and

An approved CHMP was provided to DTP on 23 March 2026.



Practice Note 45 - The Aboriginal Heritage Act and the Planning Permit Process (May 2023) clearly states that: "If a management plan is required, the responsible authority cannot issue a planning permit until it receives a copy of the approved management plan from the applicant."

The CHMP may require the proposed use, development, and vegetation removal to be amended. It is premature to assess the planning application until this information is available.

How the proposal responds to emerging planning policy contained in planning scheme amendment C169egip. Council is currently updating its MPS and PPF via implementation of key plans and strategies as part of planning scheme amendment C169egip. This is a seriously entertained planning scheme amendment which has been exhibited and is currently awaiting approval by the Minister for Planning. The Town Planning Report (Contour, August 2025) has failed to address the proposed updated policy requirements.

We do not consider that Amendment c169egip introduces any consequential policy considerations that have not already been addressed in response the MPS and PPF in their current format.

There remains support for the proposal in the draft MPS having regard to:

- Employment growth in forestry, timber and agriculture industries.
- The avoidance and minimisation of native vegetation and ongoing management of retained native vegetation
- Providing opportunities to add value to agricultural and timber products

The proposal is also highly consistent with draft policies in the PPF, in particularly Clauses 12.01-1L and 12.01-2L as demonstrated in the Flora and Fauna Assessment prepared by Biosis and the response to item 1 above.

DTP considers the applicants position acceptable, acknowledging that Amendment c169egip was gazetted on 8 January 2026.

50. The council did not provide any recommended conditions for consideration, however identified general themes for appropriate planning conditions as follows:

- *Pending submission of further information by the proponent, planning permit conditions to secure the protection and enhancement of the environment in relation to buffers, habitat connectivity, and groundwater recharge.*
- *Pest Plant and Feral Animal Management Plan to be prepared in collaboration with local landowners.*
- *Bushfire Management Plan to be prepared in collaboration with the CFA.*
- *Community Engagement Plan to ensure the community is informed throughout the life of the project.*
- *Local Economic Benefit Plan that secures opportunities for local employment, local procurement processes, and local education and workforce training.*

51. The council's concerns are addressed within the assessment section of this report. Notwithstanding, DTP considers the preparation of a Community Engagement Plan and Local Economic Development Plan unnecessary within the context of the proposal and permissions sought under the planning permit.

Advice sought from other agencies

52. The application was informally referred to East Gippsland Catchment Management Authority (EGCMA) on the on 8 January 2026. EGCMA provided a no objection response on 21 January 2026, and made the following comments:

- *The EGCMA notes that the concerns raised in our previous correspondence dated 28 August 2025 were largely addressed at a meeting with the proponent on 10 October 2025.*



- The EGCMA has reviewed the Operation Environmental Management Plan (SFA Nature Based Solutions, Ver 1.5, 2 December 2025) (OEMP) and is **satisfied that issues relating to waterway and wetland buffers, weed management, retention of native vegetation and soil salinity will be adequately addressed**. It is noted that the wetlands and waterways on the property will be protected by 30 – 50 metre buffers, although the extent of revegetation proposed within these buffer areas is unclear in the OEMP.
- We note from the **Flood Impact Assessment** (HARC, Ver 02b, 10 October 2025) that there will be **no adverse impact on neighbouring properties** with flood levels largely unchanged as a result of the development.
- The applicant is advised that any works within 30 metres of a designated waterway on the property, including construction of access tracks and the erosion control measures proposed for the 'Sediment control area' identified in Appendix 4 of the OEMP, will require approval from the EGCMA under the Water Act 1989 through a Works on Waterways permit. Further information is available from our website, EGCMA | Works on waterways. This approval is in addition to any approval granted for the development by the Department of Transport and Planning.

53. The final comment by the EGCMA regarding 30m buffers to designated waterways will be inserted as a permit note.

Department of Energy, Environment and Climate Action (DEECA)

54. DEECA provided pre-application advice and recommended permit conditions on 4 September 2025. The applicant resolved the majority of items raised by DEECA within the amended OEMP dated 2 December 2025. The following condition will be included onto the planning permit in conjunction with the recommended conditions provided 17 December 2025 detailed below:

Condition

Protection of native vegetation and/or trees to be retained

All trees and native vegetation patches shown as "Retained – No Impact" on Figure 4 Ecological Features within the study area (Biosis 2025) must be retained and protected.

Before work starts, native vegetation to be retained must be identified and delineated on the ground so it is clear where the native vegetation to be retained is located. All scattered trees must have a No-Go Zone fence/ marking established at distance of 15 metres around the tree. A protection fence must be erected around all trees and native vegetation patches to be retained. This identification must be erected around the patch of native vegetation, groupings of native scattered trees and each scattered tree that cannot be fenced in a group at a distance of 15 metres from the retained native vegetation. The fence must include a notice advising on the purpose of the Tree/ Vegetation Protection Zone. The native vegetation protection fence must remain in place until all works are completed to the satisfaction of the authority responsible.

Except with the written consent of the responsible authority, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, the following is prohibited:

- vehicular or pedestrian access during the construction period unless access is required to undertake an action required in this permit such as placement of habitat logs, installation of nest boxes and*
- trenching or soil excavation*
- storage or dumping of any soil, materials, equipment, vehicles, machinery or waste products.*
- any other actions or activities that may result in adverse impacts to retained native vegetation.*



55. The application was referred to DEECA as a s55 determining referral authority on 24 October 2025. DEECA provided a no objection response subject to the following conditions on 17 December 2025:

Condition	
Notification of permit condition	<i>Before any native vegetation removal starts (Stage 2), the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant conditions and associated statutory requirements or approvals</i>
Operational Environment Management Plan	<i>All native vegetation removal and ongoing operation works including monitoring and reviews are carried out in accordance with the SFA Nature Based Solutions Bengworden Plantation Project Operational Environment Management Plan – Final 2, dated 2/12/2025</i>
Native vegetation offsets	<p><i>To offset the removal of 37.196 hectares of native vegetation and 15 small, scattered trees as identified in Native Vegetation Removal Report NVRID: 319_20250916_MFW dated 16/09/2025, the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:</i></p> <p><u><i>General Offset</i></u></p> <p><i>A general offset amount of 8.818 general habitat units:</i></p> <ol style="list-style-type: none"><i>located within the East Gippsland Catchment Management Authority (CMA) or East Gippsland Shire Council</i><i>with a minimum strategic biodiversity value of at least 0.3114</i> <p><u><i>Offset evidence and timing</i></u></p> <p><i>Before any native vegetation is removed, evidence the required offset has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following:</i></p> <ol style="list-style-type: none"><i>credit extract(s) allocated to the Work Plan from the Native Vegetation Credit Register and/or</i><i>an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site.</i> <p><i>A copy of the offset evidence must be endorsed by the authority responsible and will form part of the Permit.</i></p>
Non-statutory comment – general advice	<p><i>Gippsland Lakes Peppermint, Eucalyptus arenicola</i></p> <p><i>The proposal includes the removal of nine Gippsland Lakes Peppermint, a species listed as endangered under the Victorian Flora and Fauna Guarantee Act 1988. If seed is collected from these trees and seedlings replanted, then DEECA recommends the seedlings are planted into appropriate habitat in native vegetation to be retained on the subject land.</i></p>

56. The non-statutory comment forming part of DEECA's referral response will be included onto the planning permit as a note.

Notice

57. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* pursuant to the following provisions:

- FZ1 (use of land and construction and carrying out of works)
- Clause 52.17 (Native Vegetation) (removal of native vegetation)

58. The applicant was directed to give notice by way notifying adjoining owners and occupiers of properties adjoining the title boundary of the subject site (Figure 7) and notice to be posted as an article in the local newspaper (Bairnsdale Advertiser).

59. Two objections and one letter of support were received. The objections raised concerns relating to heavy vehicle traffic, animal welfare and bushfire management relative to adjoining property.

60. It is acknowledged that the Bengworden CFA Fire Station was one of the adjoining properties notified, and no response was received.

Informal consultation

61. The applicant conducted an independent drop-in consultation session on 28 November 2025 from 10:30am to 5:30pm at 'The Hub' 27 Dalmahoy Street Bairnsdale. The event comprised of presentations and Q&A with local residents. Attendants utilised the drop-in session as an opportunity to understand the proposal rather than object.

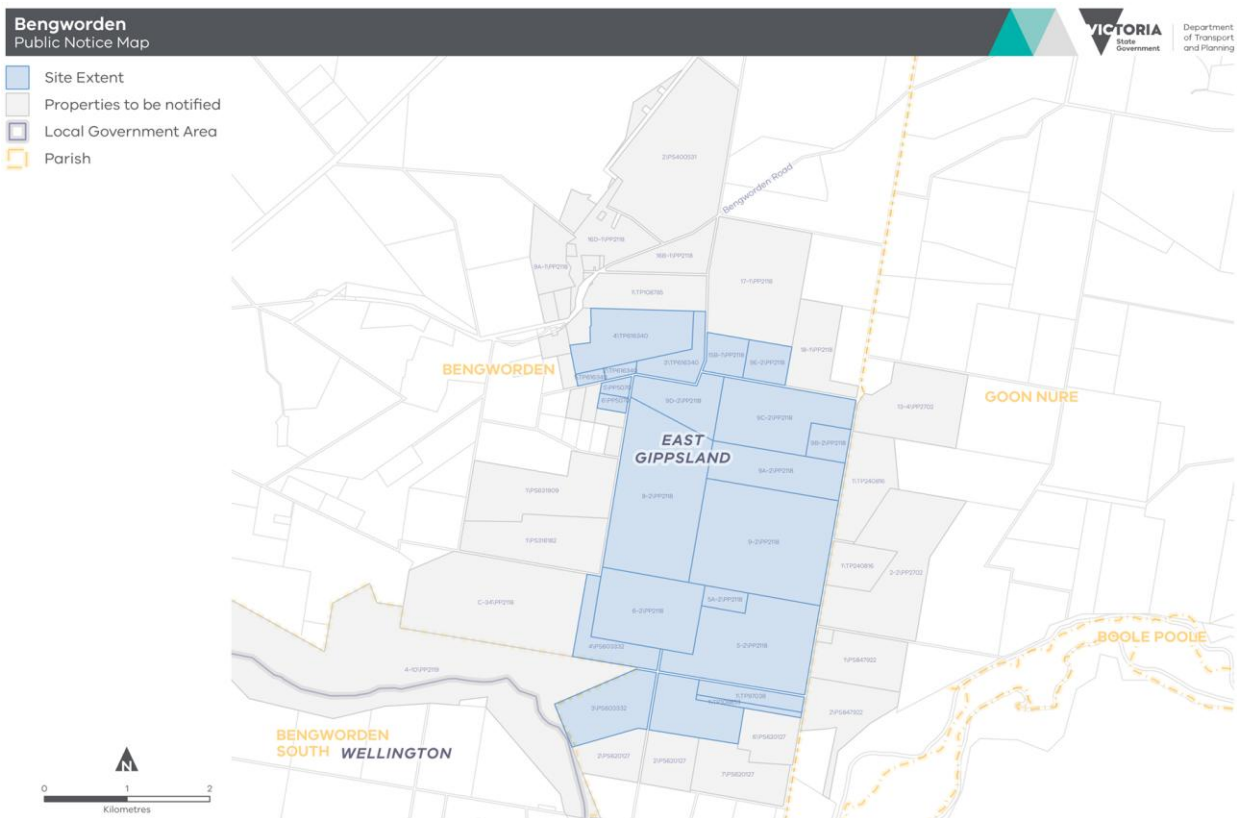


Figure 7: Extent of public notice map



Key Considerations

62. The following are deemed the key considerations in assessing the planning merits of the proposal:

- Strategic planning policy and land use considerations
- Significant economic development
- Buildings and works
- Native Vegetation Removal
- Car parking and vehicle access
- Bushfire risk

Strategic Direction and Land Use

63. The *Planning Policy Framework* encourages appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning.

64. The relevant MPS and PPF policies have been considered in assessing the application.

65. The proposed land use is consistent with the strategic direction of the following policies and decision guidelines of Clause 35.07-6 (Farming Zone) as follows, having regard to MPS and PPF policy objectives:

Decision Guideline	Assessment
<p>The Municipal Planning Strategy and the Planning Policy Framework</p>	<p>There is strong strategic policy support for the proposal within the Municipal Planning Strategy and Planning Policy Framework, including recognition of timber production as a valuable natural resource.</p> <p>The proposal is consistent with Clause 14.01-3, which seeks to facilitate the establishment, management and harvesting of plantations, and supports the establishment of softwood and hardwood plantations on predominantly cleared land.</p> <p>In addition, having regard to the economic benefits outlined in Section 5.3 of the Planning Report, the proposal aligns with Clause 17.01-1S, which encourages the growth and diversification of rural economies.</p>
<p>Any Regional Catchment Strategy and associated plan applying to the land (East Gippsland Regional Catchment Strategy)</p>	<p>The East Gippsland Regional Catchment Strategy (RCS) is a strategic level document that provides directions and actions for natural resource management across East Gippsland. Of particular relevance are the 'water' and 'biodiversity' themes.</p> <p>The application is accompanied by a comprehensive hydraulic assessment of the proposed plantation which evaluates flood behaviour under existing and developed conditions, considering both current and future sea level rise scenarios, and provides the following conclusions:</p> <ul style="list-style-type: none"> • <i>No offsite adverse flood impacts are observed; only reductions in flood levels occur offsite.</i> • <i>There are minor flood level increase and are contained within the site</i> • <i>Flood hazard is low and the development does not increase hazard classification at any location.</i> • <i>The south-west corner of the site shows higher flood hazard and should be avoided during flood events.</i> • <i>Under the sea level rise scenario, flood extent, levels, and hazard increase in the south-west corner, but impacts remain contained to that area.</i> • <i>The site maintains safe access during a 1% AEP flood event.</i>



Overall, the assessment confirms that the proposed plantation is hydraulically feasible and is considered to be consistent with the requirements of the Guidelines for Development in Flood Prone Areas and the requirements of the WGCMA.

The application is accompanied by a comprehensive Ecology Report prepared by Biosis which demonstrates that impacts to native vegetation and habitat are appropriately avoided and minimised. This is further reinforced pursuant to the Operational Environmental Management Plan (OEMP) for ongoing operational protection measures.

- **The capability of the land to accommodate the proposed use or development, including the disposal of effluent.**
- **The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.**

The proposal will generate minimal effluent over the life span of the plantation given the limited demand for on site management and maintenance. Workers on site during the establishment, maintenance and harvesting phases will use amenities within the existing dwelling on the land which has a septic system.

How the use and development makes use of existing infrastructure and services.

The proposal requires limited use of services and infrastructure beyond the existing road network (which does not require any upgrades based on the enclosed Transport and Traffic Report prepared by Ratio) and can utilise existing amenities/facilities within the existing dwelling on the land.

- **Whether the use or development will support and enhance agricultural production.**
- **The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.**
- **The capacity of the site to sustain the agricultural use.**
- **Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.**
- **The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.**

The proposed use of the land for timber production constitutes a productive agricultural use that is suitable for the subject site, having regard to its relatively low per-hectare quality as assessed by RMCG (Author of Soil Impact Assessment and Agricultural Loss Assessment).

While the application proposes the use of the land for 'timber production', which is nested in the broader land use term 'agriculture', there is an acknowledgment that timber production maybe consequential to the future use of the land for other forms of productive agriculture. To this end, the application is accompanied by an Agricultural Loss Assessment prepared by RMCG that concludes:

- The site is suited to low per hectare value agricultural production such as grazing, due to the inherent soil and climate characteristics.
- The potential value of agricultural production from a grazing operation is assessed to be \$290,432 per annum.
- Plantation forestry on this property will not result in significant loss of agricultural production at either the local or regional scale. Production from the site is not considered to be significant at a regional (or state) level as it is around 0.2 % of the East Gippsland Shire's agricultural value of production.
- Development of this property for plantation pine forestry aligns with the East Gippsland's Rural Land Use Strategy (2023). The project utilises low capability farmland for fibre production and in so doing, avoids farmland of strategic significance which has the capability to support higher value.
- The property will not be subdivided into smaller lots which can contribute to fragmentation in the agricultural landscape.
- Development of this property for a pine plantation is not detrimental to any previous or existing government investment in the area.

Given the low agricultural value of the land and consistency with *East Gippsland's Rural Land Use Strategy (2023)*, it is considered that the proposal is acceptable with regard to Clause 14.01 of the East Gippsland Planning Scheme.

- **Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.**
- **The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.**

The proposed plantation and associated infrastructure are not located in the area of the site affected by the Salinity Management Overlay (SMO), however it is recognised that the potential coastal acid sulfate soils (CASS) have been mapped in the southwest of the property and soils in the south of the property were found to be impacted by salinity.

The application is accompanied by a Soil and Groundwater Impact Assessment prepared by RMCG that concludes that the proposal will have no impact on potential CASS and that the establishment of a plantation on the property will



lower the water table and therefore reduce the salinity risk of the site.

- **The impact of the use or development on the flora and fauna on the site and its surrounds.** The application is accompanied by a comprehensive Ecology report prepared by Biosis which demonstrates that the high quality and EPBC-listed native vegetation has been avoided by the proposed plantation layout, with other impacts minimised, and removed vegetation appropriately offset.
- **The need to protect and enhance the biodiversity of the area, including the retention of 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.**

66. The proposed land use is consistent with the decision guidelines of Clause 53.11 (Timber Production) as follows:

Decision Guideline	Assessment
The need to encourage plantation establishment and timber production in locations where it is of significance to national, state and regional economies, and in areas affected by salinity and other forms of land degradation.	Clause 02.03-4 of the East Gippsland Planning Scheme recognises timber as a significant natural resource in East Gippsland and seeks to provide opportunities to add value to agricultural and timber products. The submitted Economic Impact Assessment prepared by Sumitomo Forestry Australia includes a strategic policy review (Section 3) that identifies several strategic policy initiatives that support timber production in the Gippsland Region, notably via the establishment of the Gippsland Regional Forestry Hub.
The preservation of and impact on the natural environment, cultural heritage and visual amenity.	The application is supported by an approved CHMP, Landscape Visual Impact Assessment and Ecology Report that conclude that the proposal will appropriately mitigate impacts on the natural environment, cultural heritage and visual amenity.
Whether it is appropriate to require environmental protection standards greater than those in the Code.	The submitted technical reports to support the application provide a comprehensive analysis of environmental considerations. The proposed plantation area incorporates appropriate buffers and measures to native vegetation and waterways which is considered adequate in addition to the mandatory compliance with the Code.

67. The applicant has undertaken an assessment to consider significance of the investment and the feasibility of the proposal. The proposal will make a significant contribution to Victoria’s economy and provide substantial public benefit, including jobs for Victorians, accordance with the purpose of Clause 53.22 and the objectives of Clause 17 (Economic Development) of the East Gippsland Planning Scheme considering it will provide:

- \$3.4 million in plantation establishment and site operations by local businesses
- \$1.5 million in professional services by regional businesses
- \$1 million in forest management services by regional businesses
- \$12.7 million in logging and transportation services by local businesses
- 310,000 cubic metres of log production for use in construction, landscaping and packaging.
- Increased input log to assist in the viability of local wood processing industries.
- Employment through the establishment, maintenance, harvesting and transportation of timber products.

Buildings and Works

68. The proposal includes works to construct access roads for heavy vehicles, and the establishment of the timber plantation. Timber plantation works include disc ploughing and mounding of soil for the proposed plantation area of approximately 488.12ha. The tracks proposed throughout the subject site are minimal and provide vital access points across the site for ongoing maintenance, testing and harvest. It is noted that the proposed access roads will remain

unsealed and provide appropriate access across the subject site while avoiding vegetated areas identified for retention.

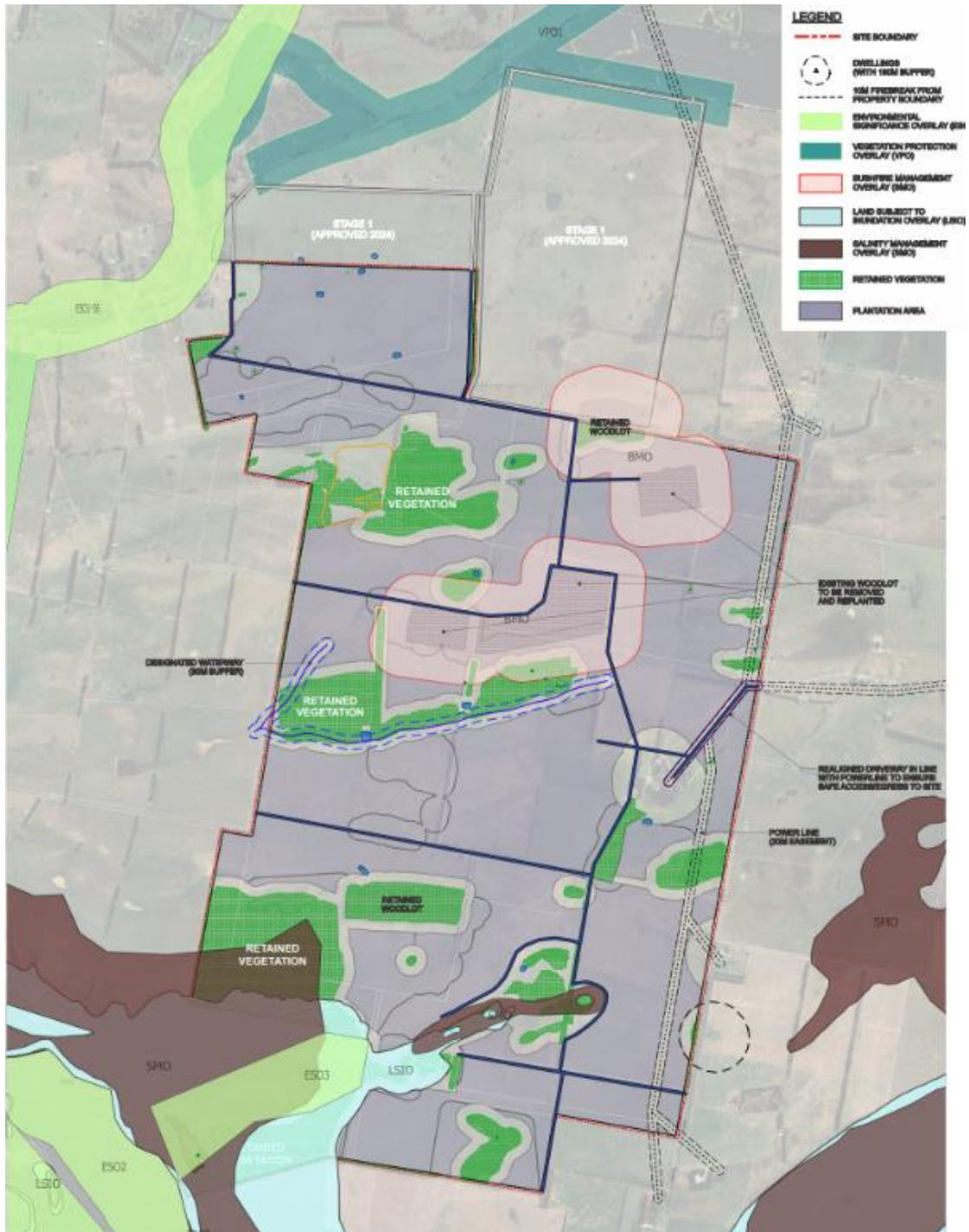


Figure 8: Proposed plantation area and access roads shown in conjunction with overlays

Amenity

69. The potential amenity impacts raised by objectors relate to concerns regarding heavy vehicle traffic, animal welfare and bushfire management affecting adjoining land.



70. The anticipated level of heavy vehicle traffic is limited to the establishment and harvesting periods. Within those periods, the submitted Traffic Engineering Assessment anticipates a maximum daily traffic volume of approximately 22 vehicles that can be accommodated by the existing road network without resulting in unreasonable amenity or safety impacts.
71. In relation to animal welfare, no evidence has been presented to demonstrate that the proposal would operate other than in accordance with relevant legislative requirements and associated OEMP.
72. To ensure ongoing and appropriate flora and fauna management on site, the OEMP will be endorsed and form part of the planning permit. Lastly, bushfire risks can be appropriately managed through compliance with the submitted Bushfire Risk Assessment recommendations and legislative obligations for the applicant to establish a Forest Industry Brigade in collaboration with the CFA.
73. On balance, DTP considers the proposal appropriate for the site having regard to the applicable FZ control, and will not result in unacceptable amenity impacts to adjoining properties.

Landscape and Visual Impact

74. The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) prepared by Landform Architects and dated August 2025 to support the application.
75. The LVIA assesses eight viewpoints selected from publicly accessible locations surrounding the Stage 2 (permit) area, limited to locations where the site is potentially visible. Views of the subject site area from main, secondary, and local roads are limited, with no sustained or direct visual exposure anticipated. The report states that the majority of views toward the approved plantation (Stage 1) and permit area (Stage 2) are screened by existing topography, vegetation, or a combination thereof, resulting in negligible visual impacts on the surrounding environmental context.



Figure 9: Nominated viewpoints assessed for LVIA

76. The subject site area is located within a highly modified landscape, adjoining already approved plantation areas and agricultural land. The landscape character is not considered visually sensitive and is consistent with development typical of urban fringe environments.



77. Only a limited number of neighbouring dwellings were identified where the Stage 2 area may be a notable visual element. This is primarily due to intervening landform and existing vegetation, which substantially restrict visual prominence.
78. The decision guidelines of the Farming Zone relevantly require the responsible authority to consider “*the impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance*”. A strategy of Clause 12.05-1L is to “*protect areas of high landscape sensitivity including visually prominent ridgelines, areas adjacent to the coastline, lakes or rivers and remnant vegetation in cleared areas, views from significant lookout points and scenic roads including those referenced on the map to this clause*”.
79. Bengworden Road is identified as a scenic road pursuant to Clause 12.05-2L (Landscapes) and the Strategic Framework Plan at Clause 02.04 of the East Gippsland Planning Scheme.

Viewpoint 1 – Intersection Bengworden and Turners Road – GPS 55H 540005.82 m E, 5796434.93 m S



Figure 10: Intersection of Bengworden and Turners Road - Viewpoint 1 LVIA

80. The submitted LVIA determines that the three viewpoints assessed from Bengworden Road toward the subject site will have negligible, if no visual impact (refer Figure 9). Accordingly, it is considered that the proposal will not unreasonably impact any significant view lines or vistas in the landscape.

Car and Bicycle Parking, Loading, and Other Services

Car Parking and Access

81. The applicant has submitted a Traffic Engineering Report prepared by Ratio and dated 16 October 2025 to support the application.
82. Pursuant to Clause 52.06-5, there is no car parking rate for timber production specified. Accordingly, pursuant to Clause 52.05-6, car parking must be provided to the satisfaction of the responsible authority and does not trigger requirement of a permit.
83. The applicant does not seek to provide any formal car parking as part of the proposal. Site managers and contractors will park vehicles informally at the ancillary site office located adjacent to the existing dwelling and given the significant distance of the plantation and ancillary site office to the surrounding road network, it is not anticipated that any vehicles would be parked on public roads.
84. The report recommends the removal or thinning of three trees along the primary access points to the subject site in order to establish Safe Intersection Sight Distance (SISD) and satisfy the minimum Austroads SISD requirements. The report distinguishes between the plantation phase and harvesting phase of the proposal and the negligible traffic volumes expected up until the harvesting phase.
85. DTP notes that the primary access points (intersections) are located outside of the subject site and either sit within council owned land or within private property of which the applicant is the landowner of one such access point. The report states that the recommendation to remove obstructing vegetation on private property accords with the *East*



Gippsland Shire Council's General Local Law (2017), Part 5 – Roads Management, Division 1. As such, it is anticipated that consent is sought separate to the permissions granted under this planning permit in order to satisfy SISD requirements.

86. The report states that the application must adhere to the Code of Practice for Timber Production, which requires the preparation and approval of a Timber Harvest and Haulage Plan within 6 months of harvesting activities. A typical harvest and haulage plan will generally include, but is not limited to:

- Stakeholder communication, including consultation with neighbouring properties
- Designated truck routes, rest areas, and passing locations
- Traffic management measures, such as road signage and detour routes
- Hours of operation
- Key contact details

Accordingly, the harvest and haulage plan will provide comprehensive details regarding traffic impacts and management measures that are relevant to the time of the particular harvest activity (approximately 27 years after planting).

87. DTP considers the informal car parking and access arrangements acceptable.

Waste

88. A Waste Management Plan has not been prepared to support the application. However, the Traffic Engineering Report prepared by Ratio and dated 16 October 2025 details anticipated vehicle volumes and waste removal activity. Due to the nature of the proposed use, there is no ongoing waste generation that would necessitate the preparation of an independent Waste Management Plan. Waste collection via private semi-trailer is integrated into the proposed works programme on site (plantation and harvest). DTP considers the level of detail provided sufficient to address any waste created as a result of the proposed works, in conjunction to the requirements of the *Code of Practice for Timber Production*.

Environmental Risks

Bushfire Risk

89. The applicant has submitted a Bushfire Risk Assessment prepared by Fire Risk Consultants and dated March 2025 to support the application.

90. As outlined previously in the assessment, the proposal does not require a planning permit pursuant to Clause 44.06-2 (Bushfire Management Overlay) as the plantation area as the associated works are not within 150 metres of accommodation or land zoned for residential or rural purposes. Notwithstanding the permit exemption under the Overlay, the proposal is located within a designated bushfire prone area, and therefore subject to the objectives of Clause 13.02-1S (Bushfire Planning).

91. The Bushfire Risk Assessment includes an assessment of the proposal against Clause 13.02-1S and concludes that the proposal is appropriately designed to mitigate bushfire risks in line with the recommendations of the report. Key measures such as maintaining adequate fire breaks, ensuring safe access and egress routes, managing vegetation setbacks, and providing reliable water supplies are determined to significantly mitigate bushfire hazards and have been largely adopted and shown within the development plans.

92. The applicant and Bushfire Risk Assessment note that state legislation requires forestry owners or managers with more than 500ha of plantation in a 25-km radius to establish a *Forest Industry Brigade* (FIB). These industry-based fire brigades are operated by the plantation company but are under the operational control of CFA. Industry brigades are only required to service the companies' plantation assets for wildfire response and fire management planning.



However, if the parent plantation company desires, the brigade is empowered to operate outside their designated area.

93. The proposal appropriately addresses bushfire risks and is subsequently supported by state legislation where a planning application may not be subject to the requirements of a Bushfire Management Overlay.

Flood Impact Assessment

94. The applicant has submitted a Flood Impact Assessment prepared by HARC and dated 10 October 2025 to support the application.
95. As stated earlier in this report, a small southern portion of the subject site is located within the Land Subject to Inundation Overlay (LSIO), however the plantation area sits outside of the LSIO and therefore does not apply to the application.
96. The Flood Impact Assessment evaluated the flood behaviour under existing and developed conditions under current and future sea level rise scenarios and determines the following:
- *No offsite adverse flood impacts are observed; only reductions in flood levels occur offsite.*
 - *There are minor flood level increase and are contained within the site*
 - *Flood hazard is low and the development does not increase hazard classification at any location.*
 - *The south-west corner of the site shows higher flood hazard and should be avoided during flood events.*
 - *Under the sea level rise scenario, flood extent, levels, and hazard increase in the south-west corner, but impacts remain contained to that area.*
 - *The site maintains safe access during a 1% AEP flood event.*
97. Overall, the assessment confirms that the proposed plantation is hydraulically feasible and is considered to be consistent with the requirements of the Guidelines for Development in Flood Prone Areas and is supported by the EGCMA (refer to referral section for further detail).

Soil Impact Assessment

98. The applicant has submitted a Soil Impact Assessment prepared by RMCG and dated August 2025 to support the application.
99. The assessment concludes that the proposal will have no impact on potential Coastal Acid Sulphate Soils (CASS) and that the establishment of a plantation on the property will lower the water table and therefore reduce the salinity risk of the site.
100. Consistent with Clause 53.11-4 of the East Gippsland Planning Scheme, the timber production decision guidelines state that consideration should be given to encouraging plantation establishment and timber production in areas affected by salinity. The assessment determines that the area identified on site as showing signs of being affected by salinity is larger than what is included in the SMO.

Agricultural Loss Assessment

101. The applicant has submitted an Agricultural Loss Assessment prepared by RMCG and dated July 2025 to support the application.
102. The assessment concludes that the proposed extent of timber plantation on site will not result in significant loss of agricultural production at either the local or regional scale. Overall production from the site is not considered to be significant at a regional (or state) level as it is around 0.2 % of the East Gippsland Shire's agricultural value of production. Given the low agricultural value of the land and consistency with East Gippsland's Rural Land Use

Strategy (2023), it is considered that the proposal is acceptable and remains in accordance with Clause 14.01 of the East Gippsland Planning Scheme (Protection of Agricultural Land).

Sustainability

Native vegetation removal

103. Pursuant to Clause 52.17-1, a planning permit is required to remove, destroy or lop native vegetation. Specifically, the removal of approximately 37.196 hectares of native vegetation, including 15 small trees.

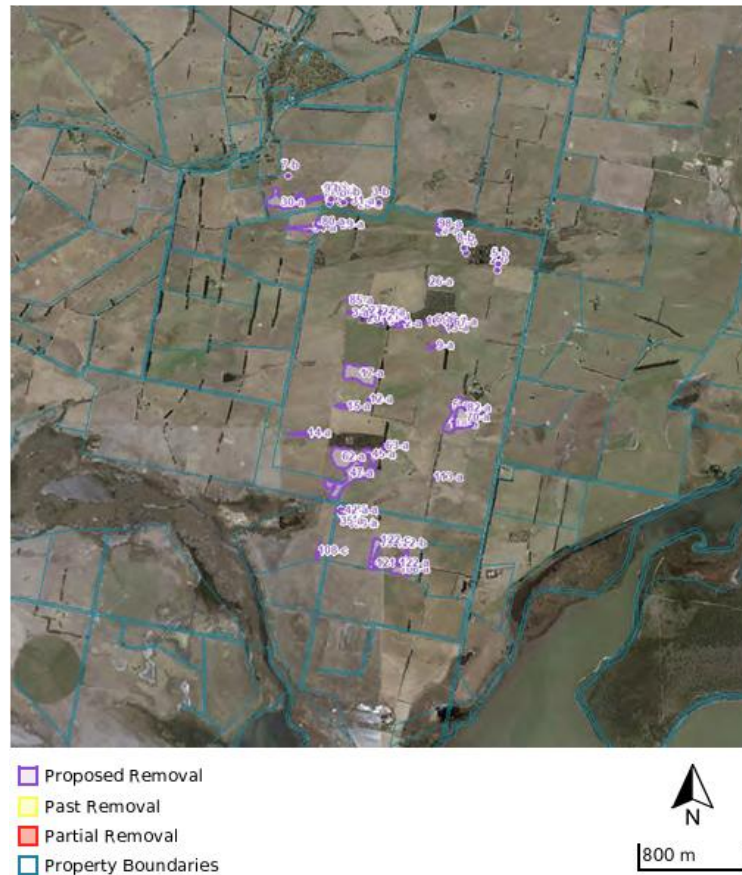


Figure 11: Native vegetation proposed to be removed and requires acquisition of native vegetation offset credits

104. The remainder of the subject site's proposed native vegetation removal is considered exempt from requiring a planning permit under Clause 52.17-7 pursuant to the 'regrowth' and 'planted vegetation' exemptions. The Flora and Fauna Assessment prepared by Biosis clearly identifies which native vegetation requires planning permission and subsequent offset requirements required under Clause 52.17-5 of the East Gippsland Planning Scheme.
105. As detailed in the referral section of this report, DEECA provided permit conditions to secure appropriate native vegetation offset credits in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017).
106. The proposed plantation area avoids the removal of all areas corresponding to EPBC Act listed ecological communities by locating the proposed plantation outside their boundaries, with appropriate setbacks applied to minimise hydrological impacts and other disturbances. For example, the proposed plantation area avoids the Gippsland Red Gum Grassy Woodland by maintaining a 50-metre buffer, and all mapped wetland areas are excluded from planting areas.

107. On balance, DTP considers the extent of native vegetation removal appropriate and note that a substantial portion of the sites native vegetation is to be retained.

108. As part of DEECA's pre-application advice, conditions were recommended to be placed on the permit ensuring that all trees and native vegetation areas to be retained be appropriately protected during works. The condition will be placed on the planning permit and to be reinforced by the OEMP.

Operational Environmental Management Plan (OEMP)

109. The applicant has submitted an OEMP prepared by SFA Nature Based Solutions dated 2 December 2025 to support the application.

110. The OEMP addresses key environmental management actions and ongoing protection and mitigative measures on site in coordination with DEECA referral requirements. The applicant has satisfactorily addressed all DEECA requirements under the OEMP and no additional changes are required via permit condition.

111. The plan also recognises the standards set out in the in the Victorian Code of Practices for Timber Production 2014 (Code) that are to be applied and maintained throughout the life of the proposal.

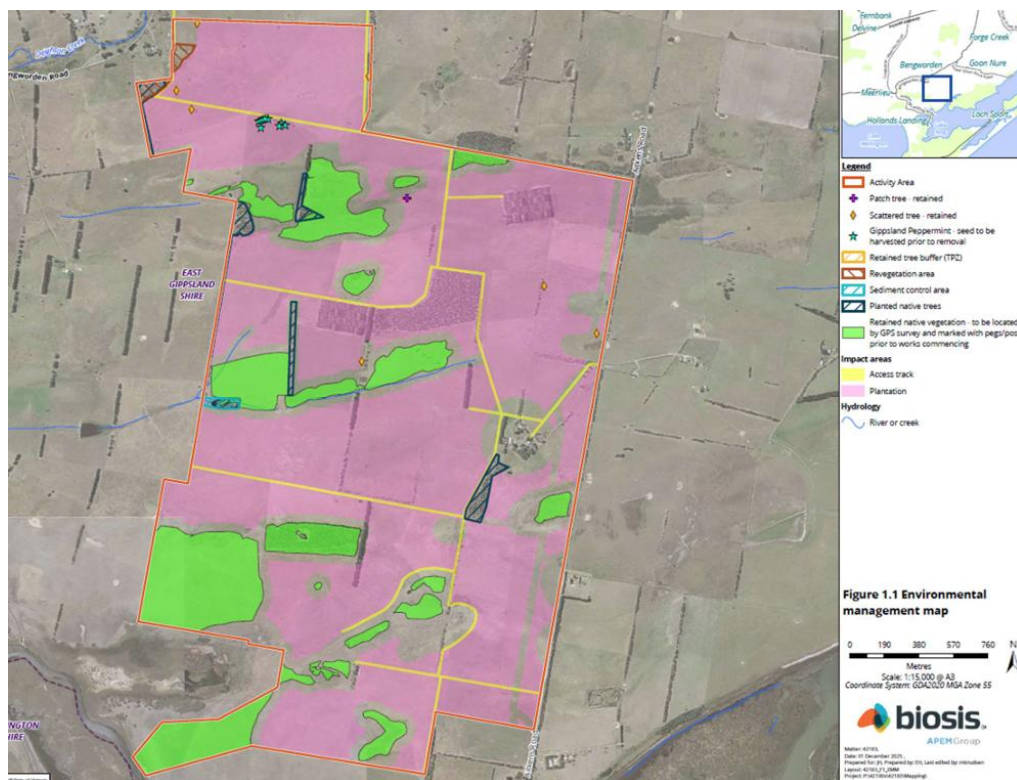


Figure 12: Environmental Management Map included in OEMP

Other Matters

Cultural Heritage

112. The subject site is located in an area of Aboriginal Cultural Heritage Sensitivity. An approved CHMP was provided 23 March 2026.



113. The proposal is generally consistent with the relevant planning policies of the East Gippsland Planning Scheme and will contribute to the provision of sustainable forestry within the Bengworden and East Gippsland area.
114. The proposal is generally supported by the various referral agencies.
115. It is **recommended** that Planning Permit No. **PA2503991** for the **use and development of the land for timber production at 400, 400A and 580 Aitkens Road, Bengworden** be issued subject to conditions and the following documents to be endorsed:
- Development Plans prepared by Landform Architects and dated 10 October 2025
 - Operational Environmental Management Plan prepared by SFA Nature Based Solutions dated 2 December 2025
 - Flood Impact Assessment prepared by HARC and dated 10 October 2025
 - Bushfire Risk Assessment prepared by Risk Consultants and dated March 2025
 - Traffic Engineering Report prepared by Ratio Consultants and dated 16 October 2025
116. It is **recommended** that the applicant and the council be notified of the above in writing.

Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
- Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:

Title:

Phone:

Signed:

Dated: 11/05/2026

Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
- Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
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Name:

Title:

Phone:

Signed:

Dated: 15 May 2026