



## **Submission**

### **East Gippsland Shire Council Planning Scheme Amendment C171egip**

Date: 30 Jan 2025

By  
David Nicastro & Wayne Peterken  
Friends of Gippsland Lakes Inc.

Association No.: A0047246N  
Ph. 0434 901 743

**Friends of the Gippsland Lakes (FoGL) make the following submission in regard to the proposed planning scheme amendment C171egip for the Eagle Point township.**

**Amendment Intentions**

We note that the amendment proposes to “Introduce a new clause 11.03-4L-12 (Eagle Point) to the Planning Policy Framework and a new Eagle Point Framework Plan ( Figure 4 ) to include the relevant strategies of the Eagle Point Structure Plan”.

We acknowledge that Eagle Point planning structure plan, is generally speaking, a far more comprehensive and detailed strategic plan compared to the fundamentally flawed Paynesville Growth Area Structure Plan.

We submit however, it is important to ensure that the EPSP, issued six years ago in 2019, is still “fit for purpose”, particularly in response to climate change.

**Coastal hazard risks**

The Eagle Point Structure Plan ( Section 9 ) assessment for coastal hazards rely almost exclusively on the 1% Annual Exceedance Probability (AEP) predictions for inundation (See Figure 3). This is reflected in the proposed new Eagle Point Framework Plan Map to be included in the East Gippsland Planning Scheme (see Figure 4).

We submit that this approach fails to adequately recognise more recent information on projected coastal hazard risks and the impacts of coastal processes, particularly foreshore inundation and recession. Of particular relevance is Planning Practice Note 53 and Ministerial Direction 13, which offer clear guidance on strategic planning pathways for coastal land for urban purposes.

The planning amendment still supports incremental growth and development in foreshore areas likely to be impacted by projected coastal hazards. Moreover, it fails to adequately cater for and protect communities and assets from coastal hazard risk.

In accordance with Planning Practice Note 53: *Managing Coastal Hazards and the Coastal Impacts of Climate Change*<sup>1</sup>, we submit that the proposal needs to be informed by a new, more up to date coastal hazard risk assessment for Eagle Point, based on the best available data and advice which considers the following matters (none of which have been adequately addressed by the plan.

- the *Marine and Coastal Act 2018* guiding principles, including the precautionary principle
- the values, uses and objectives for the area
- the local geographic characteristics of the coastline such as ocean exposure (for example open coast or sheltered exposure) and land type (such as sandy, rocky, engineered)
- the role of natural coastal processes and the need to allow for such processes to continue as a cost-effective form of coastal defence against climate change
- the coastal hazard vulnerability and risk for all relevant site values and uses, including:
  - probability, magnitude, frequency and consequences
  - impacts on people, property, communities, infrastructure and environment
- the intended use, design lifespan and value of future development, assessed against the relative risk exposure during that time
- the adaptation options for managing coastal hazard set out in the *Marine and Coastal Policy* (Department of Environment, Land, Water and Planning, 2020) comprising: non-intervention, avoid, nature-based, accommodate, retreat and protect.

---

<sup>1</sup> Planning Practice Note 53: *Managing Coastal Hazards and the Coastal Impacts of Climate Change*, p.3

- the critical need for coastal protection infrastructure (if the 'protect' pathway is required) and:
  - the type, location and cost of providing and maintaining such infrastructure throughout its intended lifespan
  - proposed actions when the design lifespan has been spent
- the cumulative impact or any flow-on effects of future use and development and any necessary associated protection works to adjacent properties and the coastline
- other identified geotechnical risks or natural hazards such as coastal acid sulfate soils, land subsidence, bushfire
- any other issues relative to the orderly and proper management of use and development within coastal areas such as development within an identified settlement boundary, significant landscapes, native vegetation and cultural heritage

We submit that the current EGSP does not make sufficient provisions for the impact of coastal processes (the impacts from wind, waves, floods, storms, tides, erosion) on foreshore areas and future risks to people and assets from coastal hazards and climate change.

None of the plan's objectives and strategies directly respond to coastal hazard risks associated with sea level rise, storm/tide surge and coastal inundation and erosion. Whereas even the deeply flawed Paynesville Growth Area Structure Plan makes some limited provisions for coastal inundation of the adjoining foreshore area, the Eagle Point plan (p.51) adopts only very vague strategies (NH2.1) to "regulate development of land [within] the estimated 1% AEP flood extent" and (NH2.3) "acknowledge and manage existing development in areas identified as flood risk areas".

The emphasis is on flooding rather than sea level rise and storm/tide surge induced coastal inundation, an important distinction seemingly missed by the plan. Most concerningly, is the commitment to still consider permit applications within LSI0 areas (NH2.4) which is inconsistent with strategy (NH2.2) which requires "land uses and new development to be appropriately sited away from flood risk areas".

The lack of specific objectives and strategies to address coastal hazard risk is a fundamental weakness of the plan. The primary strategy appears to be to simply ignore coastal hazard risks, primarily inundation and erosion and maintain the status quo of permitting incremental growth within areas identified by the Victorian Coastal Inundation Dataset as vulnerable to extreme weather events and permanent coastal inundation.

Overall, the proposed planning amendment seems to be inconsistent with the objectives and planning principles of the *Marine and Coastal Act 2018* (MAC Act).

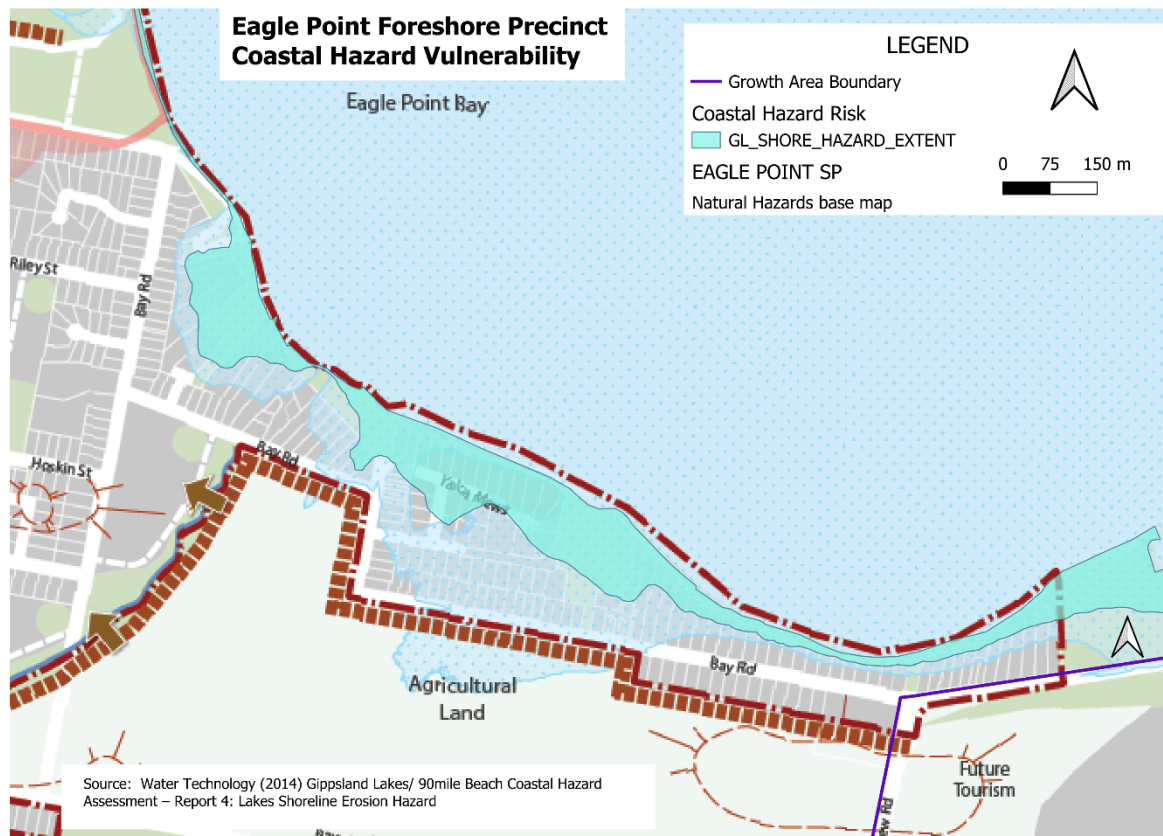
The most relevant objectives for the MAC Act in relation to planning and management of the marine and coastal environment of the proposed site include;

- a) to protect and enhance the marine and coastal environment, especially Ramsar-listed foreshore area
- b) to promote the resilience of marine and coastal ecosystems, communities and assets to climate change,
- c) to respect natural processes in planning for and managing current and future risks to people and assets from coastal hazards and climate change,

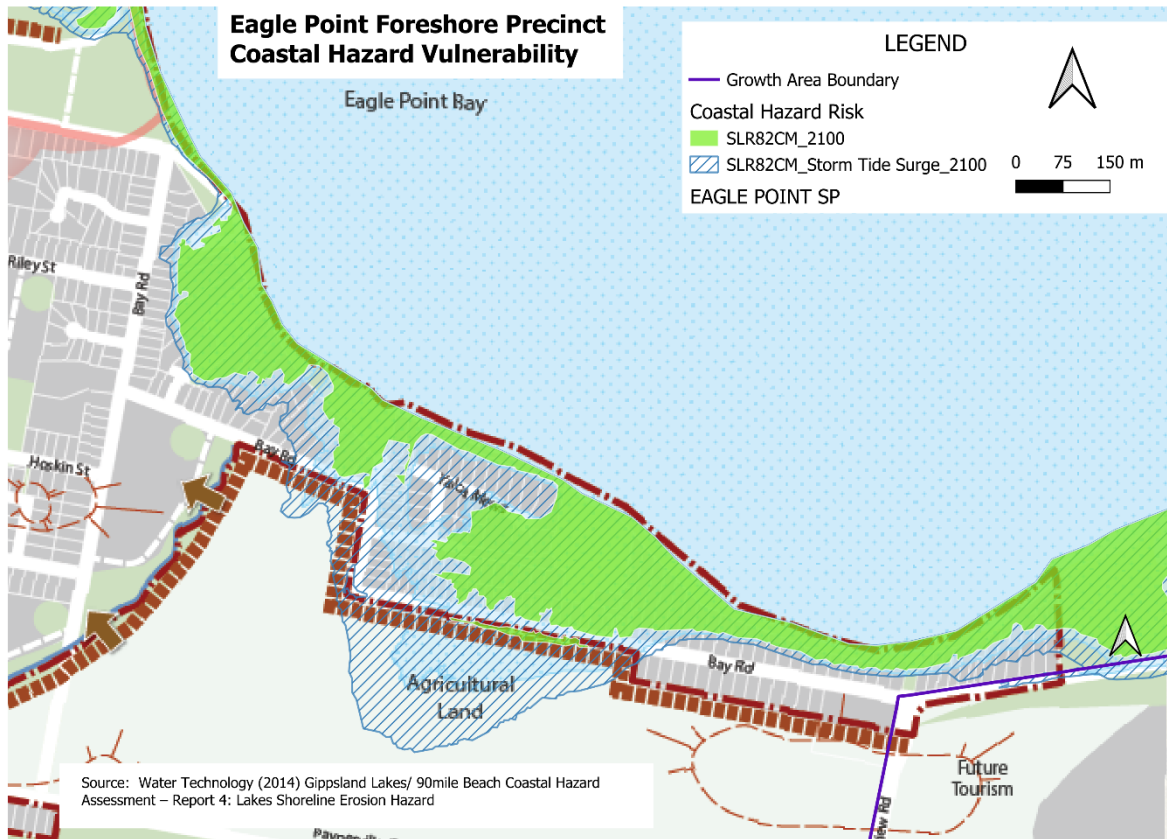
We submit that the current Eagle Point structure plan doesn't adequately achieve the aforementioned objectives of the MAC Act (Sec. 7) nor the requirements and provisions of a host of planning guidelines, directives and planning notes.

## Coastal hazard impacts on public open space and conservation reserves along the foreshore precinct.

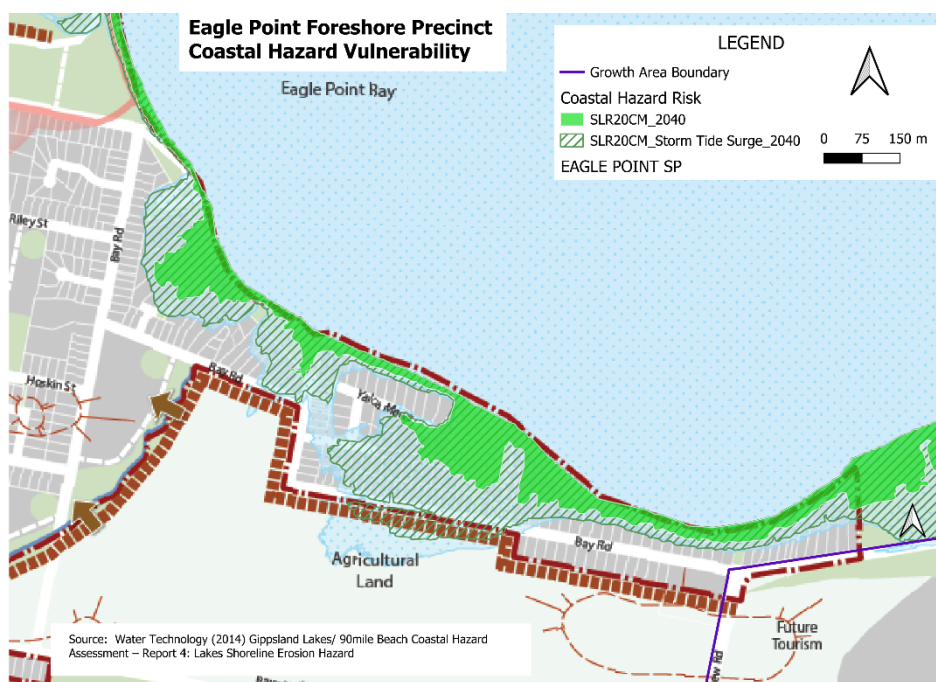
The combination of the highly erodible soils of the Lake King foreshore with more frequent and intense extreme weather events, is likely to result in the rapid erosion or *recession* of the existing Lake King foreshore precinct, as indicated by Water Technology Shoreline Erosion Hazard Extent mapping (2014). The map below shows the projected shoreline erosion extent by 2100 (in bright blue), along with the 1% AEP flood extent (light blue).



The following map shows the projected impact of an 82cm sea level rise by 2100 (bright blue) and the extent of storm/tide surge (blue diagonal lines). Note the far wide projected extent of storm/tide surge in 2100 compared to the 1% AEP flood extent used in the Structure Plan (light blue dots).



The map below indicates the significant flooding projected by a 20cm sea level rise and storm tide surges projected to occur within the life of the Structure Plan (2040).



With existing datasets indicating significant parts of the Eagle Point foreshore precinct are projected to be inundated by 2040, the plan's strategies of accepting more planning applications within these high-risk areas seems incongruent and out of step with the policy and planning framework<sup>2</sup>.

We note that:

- By 2100 much of the foreshore precinct and adjacent private property will be impacted by the projected 82cm sea level rise and increasingly frequent storm and tide surges.
- Moreover, the CSIRO projects 1-in-100 year extreme weather events will occur every 4 to 36 days by 2100, making the foreshore area incredibly hazardous; and an unsuitable location for development<sup>3</sup>.

Given these reasonably foreseeable risks, the Structure Plan's objectives and strategies related to natural hazards demonstrate a fundamental lack of long term strategic planning.

This is strikingly evident by strategy MN2.1 to "investigate opportunities to deliver a pedestrian path along the full length of foreshore", which appears to defy projections of severe coastal inundation and foreshore retreat by 2040, just 15 years from now.

Undertaking studies for an extended foreshore walk (at ratepayers' expense) when the evidence strongly suggest the foreshore is highly vulnerable to inundation; appears to defy the urgent need to seriously plan for climate change adaptation along the foreshore precinct, and the expected inundation of adjoining coastal properties.

We suggest it would be more prudent and strategic to undertake a full flood study before commissioning further foreshore infrastructure studies.

It's imperative that the natural hazard principles, objectives and strategies go beyond a recognition of the threats' bushfire and catchment flooding pose to existing and future residents, and specifically acknowledge and address coastal hazard risks (sea level rise, storm/tide surge, inundation and erosion).

As currently formulated, the plan offers no effective adaptation strategies for the significant coastal hazard risks and threats to the foreshore precinct. If anything, the proposed strategies are likely to enhance rather than reduce the number of properties and residents at risk of coastal inundation, adding to the future cost burden of responding to climate change impacts. This represents a clear case of maladaptation to climate risk, and must be remedied.

---

<sup>2</sup> DSE (2012) Victorian Coastal Inundation Dataset, Victorian Government

<sup>3</sup> CSIRO (2022) Report on the Vulnerability of the Gippsland Lakes Ramsar Site Catchment to Bushfire & Climate Change; p.62



Figure 1 Map showing Sea Level Rise and Storm Surge predictions by 2040



Figure 2 Map showing Sea Level Rise and Storm Surge predictions for 2100

Figure 16 Natural Hazards



Figure 3 Natural Hazards Map from Current Eagle Point Structure Plan including only 1% AEP for flood

**Map 1 - Eagle Point Framework Plan**

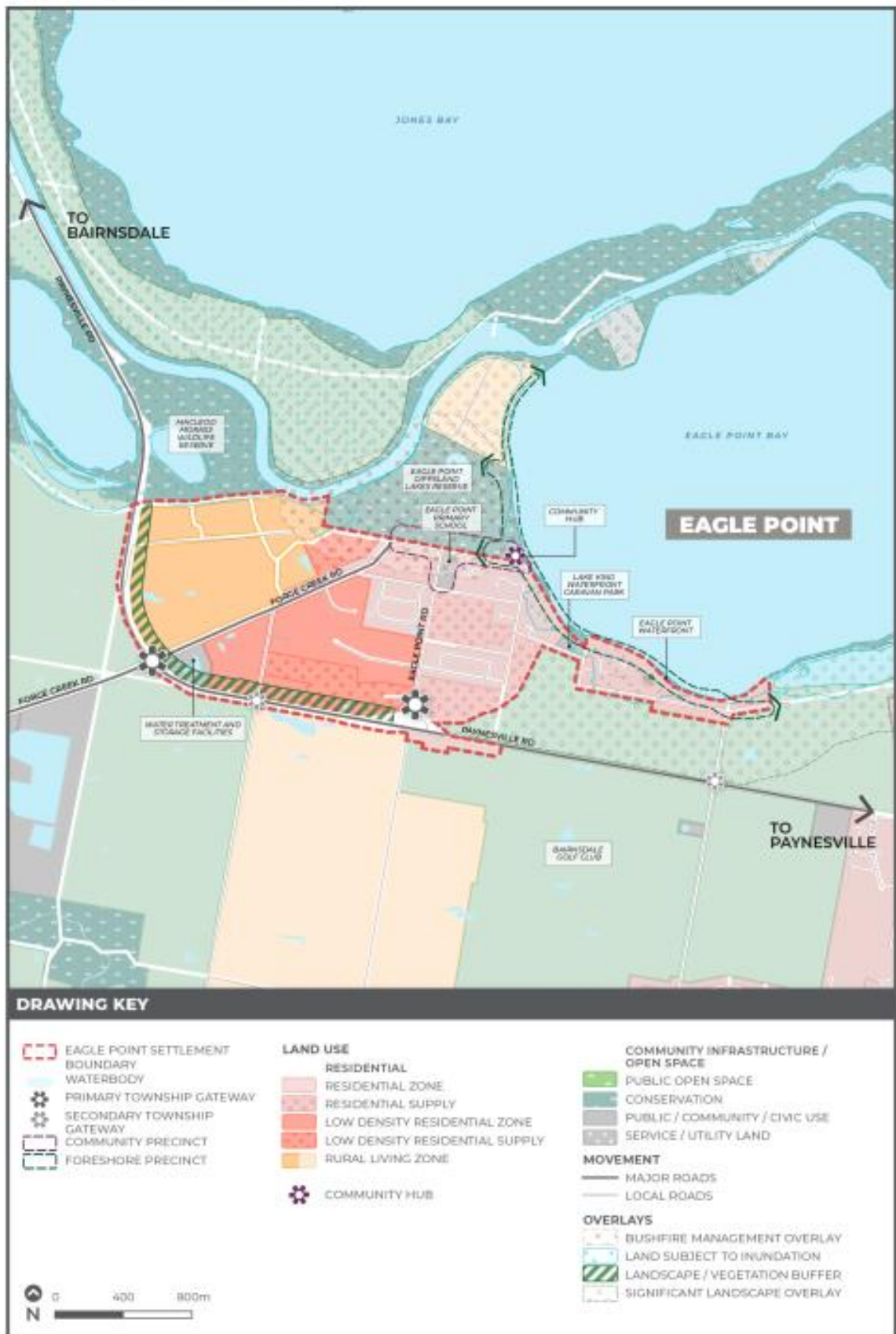


Figure 4 Proposed revised Eagle Point Framework Plan - note Land Subject to Inundation overlay which only reflects 1% AEP