

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	55 Burbang Road MARLO 3888 Lot: 2 LP: 134909
The application is for a permit to:	Two Lot Subdivision
The applicant for the permit is:	Development Solutions Victoria Pty Ltd
The application reference number is:	5.2023.486.1

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

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

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

An objection must

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

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

The Responsible Authority will not decide on the application before:	Subject to applicant giving notice
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If you object, the Responsible Authority will tell you its decision.

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

Page 1 of 3

VOLUME 09500 FOLIO 957

Security no : 124110006755T
Produced 24/10/2023 03:09 PM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 134909.
PARENT TITLE Volume 08454 Folio 367
Created by instrument K211847 23/12/1982

REGISTERED PROPRIETOR

Estate Fee Simple

ENCUMBRANCES, CAVEATS AND NOTICES

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

DIAGRAM LOCATION

SEE LP134909 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: "BURBANG PARK" 55 BURBANG ROAD MARLO VIC 3888

ADMINISTRATIVE NOTICES

NIL

DOCUMENT END

Imaged Document Cover Sheet

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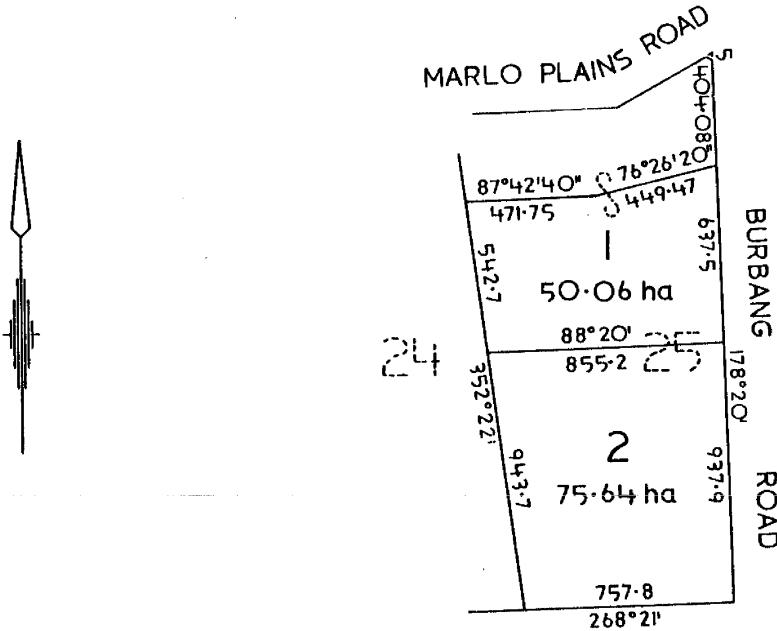
<p>PLAN OF SUBDIVISION OF: PART OF CROWN ALLOTMENT 25 SECTION A</p> <p>PARISH: TABBARA</p> <p>COUNTY: CROAJINGOLONG</p> <p>200 0 200 400 600 800 1000 LENGTHS ARE IN METRES</p>	<p>APPROPRIATIONS</p>
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VOL. 8454 FOL. 367

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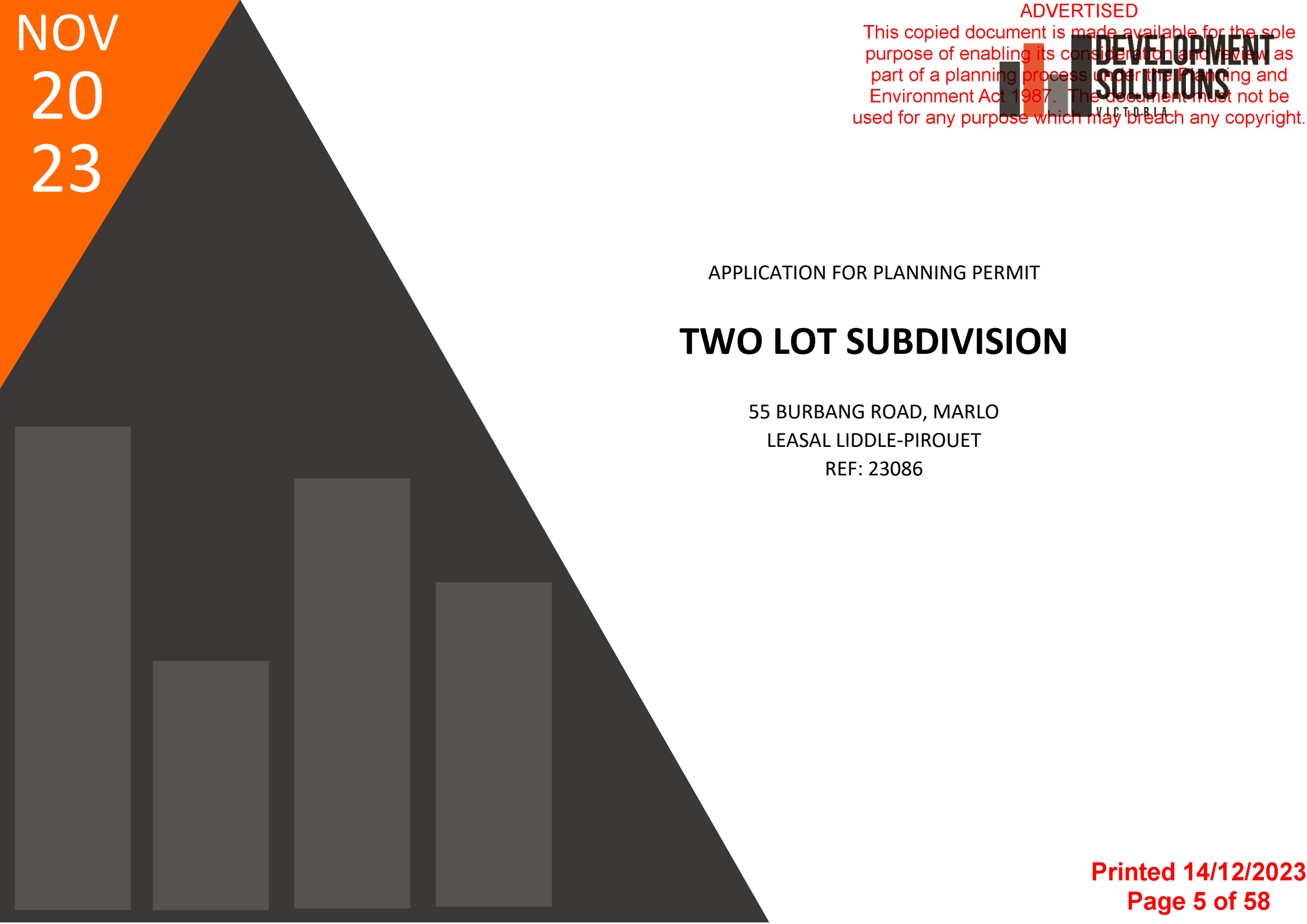
APPROVED
16-9-1980



<p>CONSENT OF COUNCIL</p>	<p>SURVEYORS CERTIFICATION</p> <p>I CERTIFY THAT THIS PLAN HAS BEEN MADE BY ME OR UNDER MY IMMEDIATE SUPERVISION AND ACCORDS WITH TITLE.</p> <p><i>Michael Smith</i> LICENSED SURVEYOR 14/1/80.</p>
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APPLICATION FOR PLANNING PERMIT

TWO LOT SUBDIVISION

55 BURBANG ROAD, MARLO
LEASAL LIDDLE-PIROUET
REF: 23086

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APPENDIX

A	Copy of Title and Plan of Subdivision
B	Proposed Plan of Subdivision
C	Bushfire Management Plan

DOCUMENT REVISION

1	Draft Report	DAC	18/11/2023
2	Final Report	CMC	27/11/2023



1. INTRODUCTION

Development Solutions Victoria Pty Ltd act on behalf of Leasal Liddle-Pirouet, the applicant for this planning permit application for the two lot subdivision at 55 Burbang Road, Marlo.

This submission and supporting documentation provide details of the subject site, relevant planning controls and policies and delivers an assessment against the provisions of the East Gippsland Planning Scheme.

This subdivision seeks to separate the existing dwelling from the caravan park to provide separate titles for each of the individual uses.

Preliminary advice was obtained from the East Gippsland Shire Council planning officers to determine that there is in principle support for this proposal.

The proposal is consistent with the objectives of the East Gippsland Planning Scheme, is an appropriate lot configuration in this location and will result in a positive planning outcome.

Address	55 Burbang Road, Marlo
Site Description	Lot 2 on Plan of Subdivision 134909
Title Particulars	Vol 09500 Fol 957
Site Area	75.64 hectares
Proposal	Two Lot Subdivision
Planning Scheme	East Gippsland Planning Scheme
Zone	Farming Zone – Schedule 1
Overlays	Bushfire Management Overlay Erosion Management Overlay Environmental Significance Overlay – Schedule 1-68
Aboriginal Cultural Heritage	Identified as an area of Cultural Heritage Sensitivity
Permit Triggers	Clause 35.07-3 Farming Zone - Subdivision Clause 44.06-2 Bushfire Management Overlay - Subdivision Clause 44.01-5 Erosion Management Overlay - Subdivision Clause 42.01-2 Environmental Significance Overlay - Permit requirement
Notice	Exempt from notice at Clause 44.01-7
Referrals	CFA
Work Authority Licence	Not Applicable
Planning Scheme requirements	Municipal Planning Strategy – Clause 02 Environmental and landscape values – Clause 02.03-2 Environmental risks and amenity – Clause 02.03-3 Built environment and heritage – Clause 02.03-5 Planning Policy Framework – Clause 10 Settlement – Clause 11 Environmental and landscape values – Clause 12 Environmental risks and amenity – Clause 13 Bushfire Planning – Clause 13.02-15 Natural Resource Management – Clause 14 Built environment and heritage – Clause 15 Farming Zone – Clause 35.07 Bushfire Management Overlay – Clause 44.06 Erosion Management Overlay – Clause 44.01 Environmental Significance Overlay – Clause 42.01 Bushfire Planning – Clause 53.02 Decision Guidelines – Clause 65.01 Decision Guidelines – Clause 65.02

2. SITE CONTEXT

Site

The subject site is located at 55 Burbang Road, Marlo. A copy of the Title and Plan of Subdivision is contained in **Appendix A**. The title is not affected by any restrictive covenants or agreements.

The site is almost rectangular in shape, undulating in nature and has a total area of approximately 75.64 hectares. The site contains dense vegetation, an existing dwelling and associated facilities, a watercourse and a Caravan Park including a managers residence also known as Burbang Adventure Caravan Park and Jungle Beach Caravan Park.

The site is currently used for accommodation. Details of the site are depicted in the photographs provided below.

Access to the caravan park and the dwelling is existing directly from Burbang Road along the eastern boundary. Burbang Road is a formed gravel road traversing in a north to south direction connecting to Marlo-Conran Road south of the subject site. Marlo-Conran Road is a bitumen sealed road with gravel shoulders and swale drains traversing in an east to west direction.

The subject site in relation to Marlo as well as the surrounding land, is shown in the locality plans in **Figure 1** and **Figure 2**.

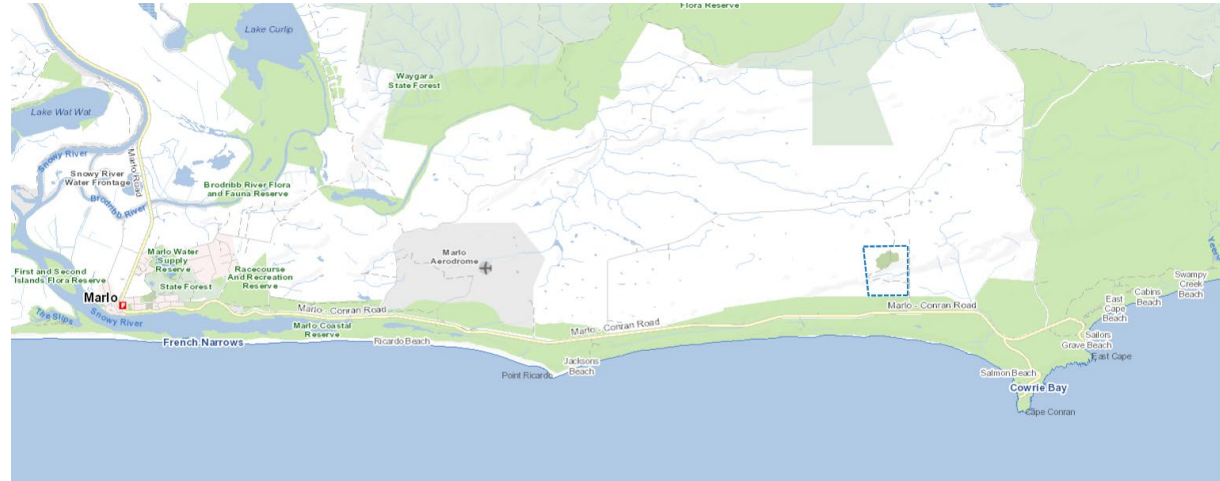


Figure 1 – Locality Plan – 55 Burbang Road, Marlo (source: mapshare.vic.gov.au)



Figure 2 – Locality Plan – 55 Burbang Road, Marlo (source: mapshare.vic.gov.au)

Surrounds

The land surrounding the site comprises predominantly farming land and public land.

Adjoining the northern, eastern and western boundaries of the site is farming land containing existing dwellings and associated facilities. Adjoining the southern boundary of the site is public land zoned conservation and resource being the Cape Conran Coastal Park and Conran-Marlo Road.

The site is located to the east of Marlo.

Marlo is a small seaside holiday village located south of Orbost in the eastern area of the East Gippsland Shire. Marlo has limited community and commercial facilities and services; however, a larger suite of services is available in Orbost and further afield to Lakes Entrance and Bairnsdale.

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



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Photograph 1 – Aerial Photograph of the subject site and surrounding land
– 55 Burbang Road, Marlo (source: dpi.vic.gov.au)
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Photograph 2 – Existing access to the subject site at 55 Burbang Road, Marlo.



Photograph 4 – Existing access to proposed lot 2 along the northern boundary of the subject site.



Photograph 6 – Existing sheds on proposed lot 2 facing west.



Photograph 3 – Existing access to proposed lot 2 along the eastern boundary of the subject site.



Photograph 5 – Existing cabins on proposed lot 2 facing west.



Photograph 7 – Existing offices on proposed lot 2 facing south.



Photograph 8 – Existing pool on proposed lot 2 facing east.



Photograph 10 – Proposed lot 2 facing southwest.



Photograph 12 – Proposed lot 2 facing west.



Photograph 9 – Proposed lot 2 facing east.



Photograph 11 – Proposed lot 2 facing south.



Photograph 13 – Existing access to proposed lot 1 facing west.



Photograph 14 – Existing dwelling on proposed lot 1 facing south.



Photograph 16 – Proposed lot 1 facing northwest.



Photograph 18 – Burbang Road facing north.



Photograph 15 – Proposed lot 1 facing east.



Photograph 17 – Proposed lot 1 facing south.



Photograph 19 – Burbang Road facing south.



Photograph 20 – Public Conservation and Resource Zone adjoining the southern boundary of the subject site.



Photograph 22 – Property directly opposite subject site at 58 Burbang Road.



Photograph 24 – Marlo-Conran Road facing west.



Photograph 21 – Neighbouring property adjoining the northern boundary of the subject site at 44 Lidjee Place.



Photograph 23 – Marlo-Conran Road facing east.



Photograph 25 – Intersection adjoining Burbang Road and Marlo-Conran Road.

3. THE PROPOSAL

This application seeks approval for the subdivision of the land into two lots. A proposed plan of subdivision is provided in **Appendix B**.

Lot 1

The proposed Lot 1 will be irregular in shape containing two parts, the southern part will be approximately 20.2 hectares in area and the northeastern part will be 20.9 hectares in area to have a total of 41.1 hectares. This lot will contain the existing dwelling and associated facilities. Access is existing along the eastern boundary directly from Burbang Road and will remain unchanged.

Lot 2

The proposed Lot 2 will be irregular in shape and will be approximately 34.5 hectares in area. This lot will comprise the western portion of the site and will contain the existing caravan park including a manager's residence. Access to this lot is existing along the eastern boundary directly from Burbang Road.

Services

The subject site has access to an appropriate level of services including electricity, telecommunications, and a good quality road

network. Each of the proposed allotments are currently connected to all available services. This will remain unchanged.

The subject site does not require the removal of any vegetation to facilitate the proposed subdivision and no earthworks are required.

A Bushfire Management Report is contained in **Appendix C** that concludes the proposed subdivision can meet all of the approved measures.

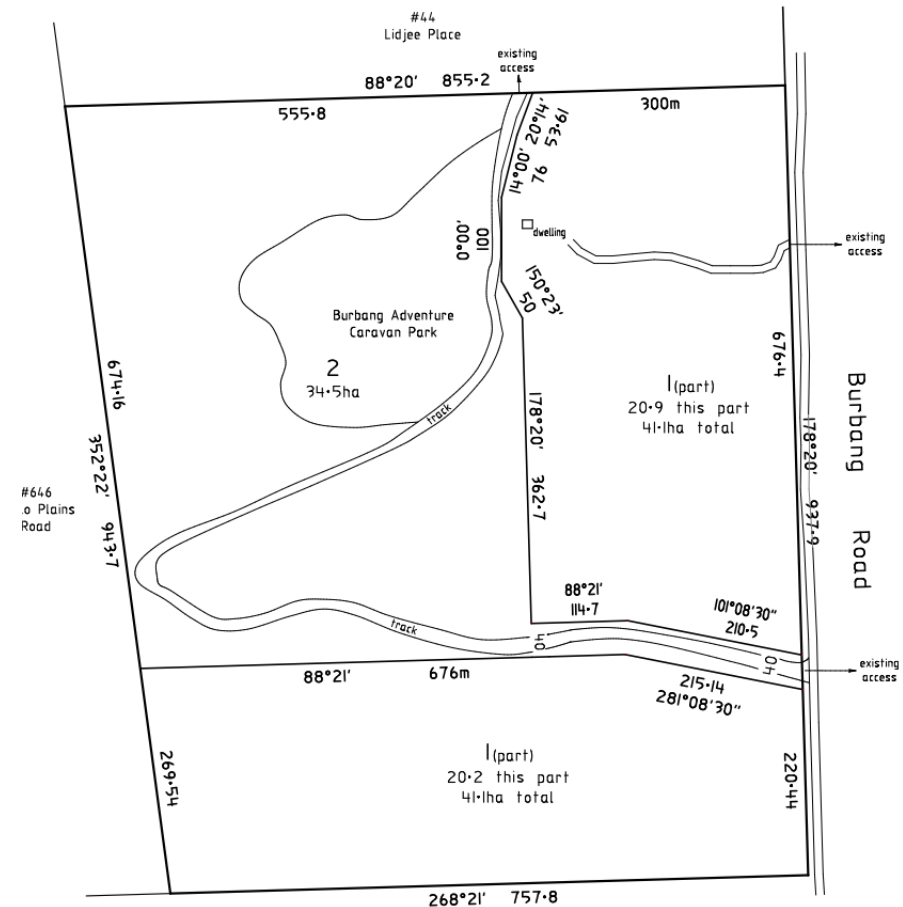


Figure 3 -Proposed Plan of Subdivision – One Plan

4. ZONES AND OVERLAYS

Farming Zone – Schedule 1

The purpose of the Farming Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

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

Clause 35.07-3 of the Farming Zone provides a permit is required to subdivide land. This clause

provides each lot must be 40 hectares, however a permit can be granted to create smaller lots if the subdivision is to create a lot for an existing dwelling. The subdivision must be two lot subdivision.



Figure 4 – Zoning Map – (source - mapshare.vic.gov.au)

Bushfire Management Overlay

The purpose of the Bushfire Management Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.
- To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

An extract of the Bushfire Management Overlay Map is provided to the right in **Figure 5**.

Clause 44.06-2 provides a permit is required to subdivide land.

Clause 44.06-4 provides an application must meet the requirements of Clause 53.02 unless the application meets all of the requirements specified in a schedule to this overlay.

A schedule to this overlay must specify substitute approved measures, additional alternative measures and additional or substitute decision guidelines for the purposes of Clause 53.02.

There is no schedule applicable to the subject site. The relevant decision guidelines of Clause 53.02-4.5 and Clause 44.06 are addressed in Section 5.

A Bushfire Management Plan is contained in **Appendix C**.

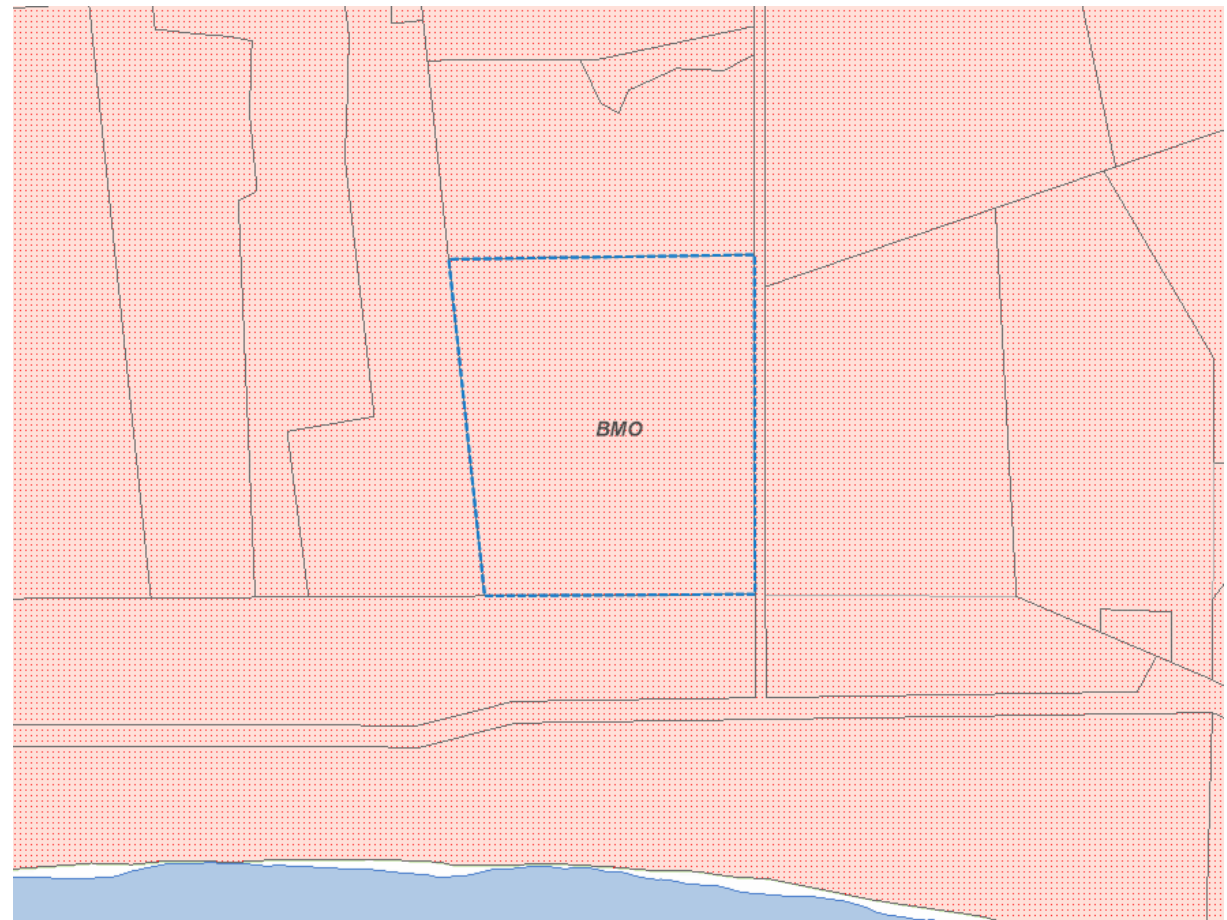


Figure 5 – Bushfire Management Overlay – (source - mapshare.vic.gov.au)

Erosion Management Overlay

The purpose of the Erosion Management Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.

An extract of the Erosion Management Overlay Map is provided to the right in **Figure 6**.

Clause 44.01-5 provides a permit is required for the subdivision of land. As such the relevant decision guidelines are addressed in Section 5.

A Geotechnical Risk Assessment or waiver is not required as the application falls within the exemptions set out in the schedule at 4.0 being an application to subdivide land where each lot contains an existing dwelling and a 2 lot subdivision in a rural zone.

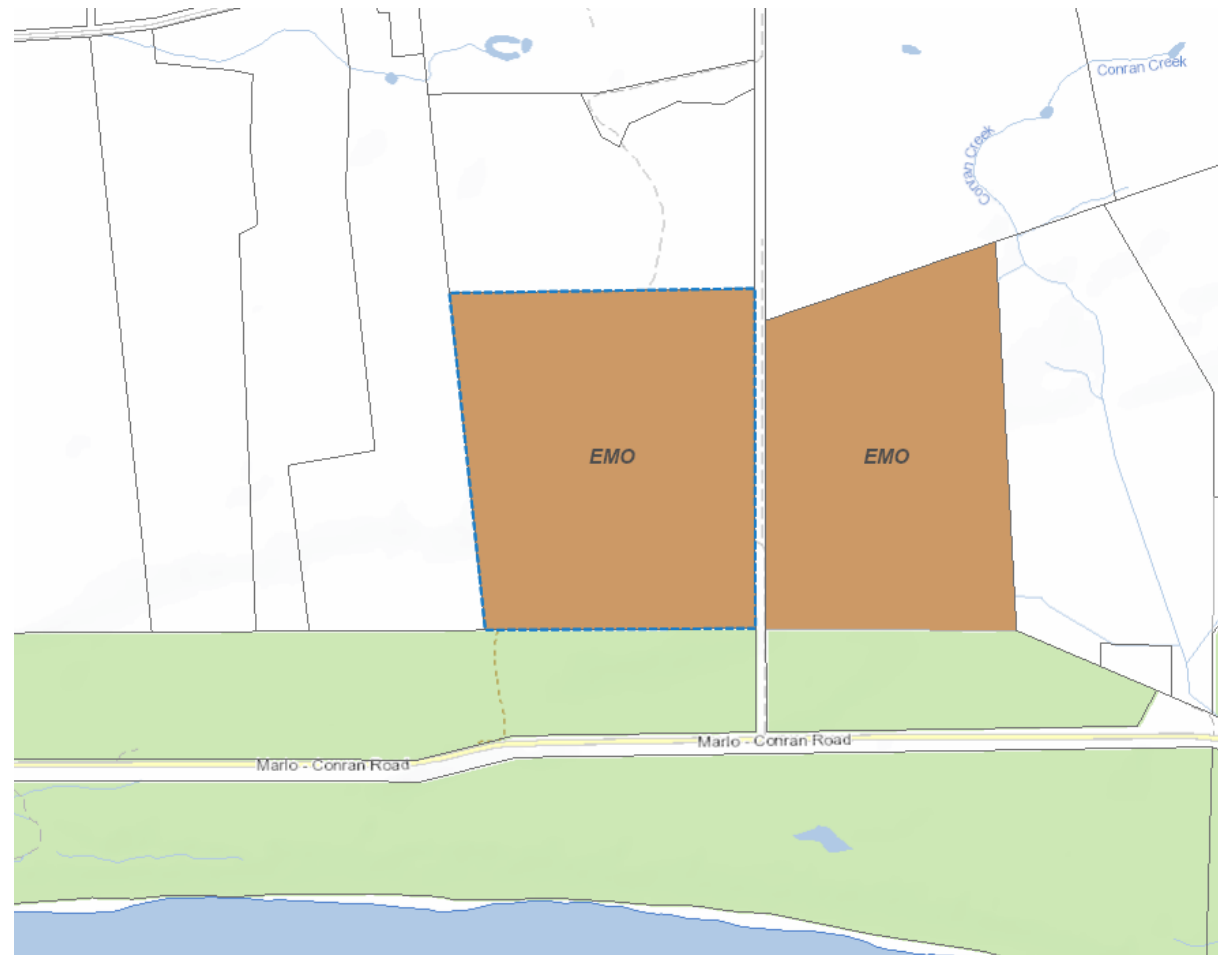


Figure 6 – Erosion Management Overlay – (source - mapshare.vic.gov.au)

Environmental Significance Overlay – Schedule 1-68

The purpose of the Environmental Significance Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

An extract of the Environmental Significance Overlay Map is provided to the right in **Figure 7**.

Schedule 1 of the Environmental Significance Overlay provides the following statement of environmental significance.

“The overlay areas comprise Sites of Biological Significance containing specific values as listed in Table 1 below and representing either: rare or threatened species; restricted, rare or threatened vegetation communities; vegetation which is important as a corridor; high species richness; or other unusual biological features. The sites include suitable habitat for either the local population or the local occurrence of a species or community.”

The environmental objective to be achieved is:

“To ensure that development occurs so as not to adversely impact upon the environmental values of the site or any other value that may be identified within the overlay area. To conserve and enhance the environmental sustainability and ecological integrity of these values.”



Figure 7 – Environmental Significance Overlay – (source - mapshare.vic.gov.au)

Aboriginal Cultural Heritage

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

The subdivision of land into two lots does not trigger the need for a Cultural Heritage Management Plan.

An extract of the Aboriginal Cultural Heritage Map is provided to the right in **Figure 8**.



Figure 8 – Aboriginal Cultural Heritage Map – (source - mapshare.vic.gov.au)

5. PLANNING ASSESSMENT

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

- The proposal meets the objectives of the Municipal Planning Strategy at **Clause 02** and the Planning Policy Framework at **Clause 10** providing for a two lot subdivision that will result in the existing caravan park including managers residence and dwelling being on separate titles.
- The proposed subdivision has been designed to respond to the constraints of the land. The site contains extensive areas of dense vegetation however no vegetation removal is required, reducing any potential negative environmental implications as sought to achieve by the relevant clauses including **Clause 02.03** and **Clause 11**.
- The layout of the proposed subdivision has been designed to ensure no earthworks or vegetation removal is required. The risks associated with bushfire have been considered and it is concluded the proposal is deemed to have appropriately reduced the risks to an acceptable level as sought to be achieved by **Clause 02.03-3** and **Clause 13**.
- **Clause 13.04-25** requires consideration of erosion and landslip. The subject site is within an area identified as being susceptible to erosion. No new buildings are proposed, and no earthworks will be required to facilitate the subdivision.
- The economic importance of agricultural production is recognised in **Clause 14**, which also seeks to ensure agricultural land is managed sustainably. The subject site is heavily vegetated as indicated in the photographs above and is not considered to be suitable agricultural land.
- The proposed Lot 1 will be separated in two parts with one part located in the north eastern portion and another part located in the southern portion of the subject site. This allotment will contain the existing dwelling and associated facilities. Proposed Lot 2 will comprise the western portion of the subject site and will contain the existing caravan park, amenities and managers residence.
- The decision guidelines of the Farming Zone at **Clause 35.07-6** seek to protect and enhance viable agricultural land.
- The subject site is heavily vegetated and currently used for accommodation being for the dwelling and caravan park.
- The proposed subdivision will result in the existing dwelling and caravan park being on separate titles.
- The subject site is connected to existing services including electricity and a good quality road network. Both of the proposed allotments have services existing and will remain unchanged. The dwelling and caravan park have individual waste disposal systems that will each be retained within the boundaries of the proposed allotments. Each will have individual water supply by water tanks.
- Access to proposed Lot 1 is existing in the northern portion of the eastern boundary directly from Burbang Road and will remain unchanged. Access to proposed Lot 2 is existing in the southern portion of the eastern boundary directly from Burbang Road and will remain unchanged.
- The proposed subdivision does not permanently remove any high quality productive agricultural land particularly given the site is heavily vegetated and not suitable for agricultural activities.
- **Clauses 02.03-3, 13.01-1S** and **44.06** require consideration of bushfire hazards and implications as a result of any proposed subdivision. A Bushfire Management Report is provided in **Appendix C**. Both proposed allotments will contain existing buildings. Proposed Lot one will contain the existing dwelling and associated facilities and proposed Lot 2 will contain the existing

caravan park, managers residence and amenities. No new development is proposed. There is no requirement to provide defensible space particularly given the existing buildings. Access to the site and both proposed allotments is existing and will remain unchanged directly from Burbang Road along the eastern boundary.

- **Clause 44.06-4** provides the application must meet the requirements of **Clause 53.02**. All of the approved measures set out in **Clause 53.02-4** have been incorporated into the proposal and it is concluded the risks can be reduced to an acceptable level. The proposal is consistent with the decision guidelines of the Erosion Management Overlay at **Clause 44.01-8** which seeks to protect areas prone to erosion, landslip, other land degradation.
- No earthworks are required to facilitate the proposed subdivision.
- All existing access points will continue to be utilised for both of the proposed lots.
- The subject site does contain extensive vegetation however no vegetation is required to be removed to facilitate the proposed subdivision.
- A Geotechnical Risk Assessment or waiver is not required as the proposed lots will each contain an existing building. Proposed Lot 1 will contain the existing dwelling and

proposed Lot 2 will contain the existing caravan park.

- The proposal is consistent with the decision guidelines of the Environmental Significance Overlay at **Clause 42.01-5** which seeks to identify areas where the development of land may be affected by environmental constraints.
- The statement of environmental significance and the environmental objective is outlined in Section 4 of this submission.
- The subject site is heavily vegetated however no vegetation is required to be removed to facilitate the proposed subdivision.
- Revegetation is not considered an appropriate response particularly given the existing vegetation on the site in addition to the elevated bushfire hazards associated with the site.
- This submission has addressed the decision guidelines of **Clause 65.01** and it is concluded that the proposed subdivision supports orderly planning of the area and has taken into consideration the potential effect on the environment, human health and the amenity of the area. The proposed subdivision does not require the removal of any native vegetation and there will not be any negative impact on the existing road

- network particularly given no new access points are proposed and there is no alteration or intensification of the existing uses considered likely.
- The proposed subdivision will not result in a detrimental impact to any surrounding agricultural activities.
- There are no factors of this proposal that are likely to cause or contribute to land degradation, salinity or reduce water quality.
- This submission has addressed the decision guidelines of **Clause 65.02** and it is concluded the proposed subdivision is suitable in this location and will result in an appropriate lot layout.

6. CONCLUSION

This submission is in support of a planning permit application for the two lot subdivision at 55 Burbang Road, Marlo.

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

- The proposal is consistent with the objectives and strategies outlined in the Municipal Planning Strategy and the Planning Policy Framework.
- The proposal is generally consistent with the objectives of the Farming Zone, Bushfire Management Overlay, Erosion Management Overlay and the Environmental Significance Overlay.
- The proposal will result in an appropriate lot layout that simply separates two existing uses.

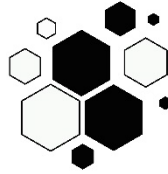
It is requested that a planning permit be granted for this subdivision.

Development Solutions Victoria

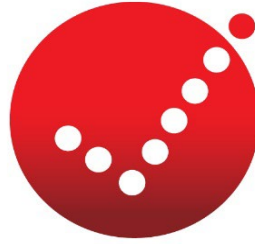
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Euca Planning
Bushfire Specialists



BPAD
Bushfire
Planning & Design
Accredited Practitioner
Level 3



Bushfire Planning Report V1.0

Including Bushfire Management Statement

Lot 2 LP 134909

55 Burbang Road Marlo 3888

20 October 2023

Euca Planning Pty Ltd

PO Box 570, Warragul 3820.

Phone: 0418 597 662 Email: info@eucaplanning.com.au

Director & Principal Consultant: Deanne Smith

Qualifications/Accreditations:

- Masters of Planning (Professional) – Deakin University
- Postgraduate Diploma in Bushfire Planning and Management – The University of Melbourne (2017)
 - Graduate Diploma of Applied Science (Agricultural Studies) – Charles Sturt University
 - Graduate Certificate in Public Sector Management – Flinders University
 - Bachelor of Science – University of Melbourne (1996)

Memberships

- Member of Planning Institute of Australia (MPIA)
- Corporate Bronze Member of Fire Protection Association of Australia

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Requirements detailed in this document do not guarantee survival of the buildings or the occupants. The client is strongly encouraged to develop and practice a bushfire survival plan.

Information and assistance including a template for a Bushfire Survival Plan is provided as part of the 'Fire Ready Kit' available through the CFA website at www.cfa.vic.gov.au or through your local CFA Regional office.

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Version Control

	Name	Date Completed	Comments
Field Assessment	Courtney Campbell	10 October 2023	
Mapping	Jeff Marriot	6 October 2023	
Initiate Report	Kelly Hedley	10 October 2023	
Draft Report	Jeff Marriot	10 October 2023	
Final Report	Deanne Smith	20 October 2023	
Report Approved	Deanne Smith	20 October 2023	

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Executive Summary

This report has been prepared to accompany a planning permit application for a two-lot subdivision at 55 Burbang Road Marlo. The site is within the Bushfire Management Overlay (BMO) and is required to demonstrate that the development has regard for the surrounding bushfire hazards.

This report presents a comprehensive assessment of the hazards and suggests mitigation measures to improve the protection of life and property for the proposed two-lot subdivision at 55 Burbang Road Marlo. The site is within the Farming Zone (FZ1) and is a subdivision so requires a Pathway 2 application to meet the objectives and approval measures of Clause 53.02 of the East Gippsland Planning Scheme. As such a Pathway 2 style response has been adopted for this report.

This report includes the following components:

- An **Assessment against Clause 13.02-1S** of the East Gippsland Planning Scheme.
- A **Bushfire Hazard Landscape Assessment** that considers the landscape risk and whether the Clause 53.02 modelled fire assumptions are adequate.
- A **Bushfire Hazard Site Assessment** considering localised hazards, defensible space and the bushfire attack level.
- A **Bushfire Management Statement** that outlines the design response to the relevant approval measures in Clause 53.02 from the East Gippsland Planning Scheme.

The development site is in Marlo, a small coastal town. The site is located in a rural vegetated setting and currently has a dwelling, outbuildings and Burbang Adventure Caravan Park campground facilities. The land is accessed by a public road, Burbang Road. The proposed subdivision is surrounded by forest in all directions and areas of low threat vegetation in close proximity to the buildings.

The Bushfire Management Statement demonstrates that the defensible space objectives can be met for Column C of Table 2 to Clause 53.02-5 when considering the proposed lot boundary between the Adventure Camp and the dwelling. Access will continue to be provided for both lots as will the existing water supply.

Due to the bark hazard of the forest, the proposed development is expected to be affected by a high level of ember attack in the event of a bushfire, and radiant heat due to the proximity to the vegetation. Any future building should have a specific bushfire assessment so that it can provide a responsive design, so no Bushfire Management Plan is proposed. The subdivision provides an appropriate means of separating the Adventure Camp from the dwelling in this landscape without detrimentally affecting the camp operation.

The site is able to meet the approval measures within Clause 53.02 by retaining a Column C separation to the west of the dwelling, based on an FFDI of 100 and a flame temperature of 1090K.

1.0 Introduction

This Bushfire Management Statement (BMS) has been prepared to enable the applicants to respond to the requirements of Clause 44.06 Bushfire Management Overlay (BMO) (known from this point on as Clause 44.06), and in accordance with the application requirements of Clause 53.02– Bushfire Planning (known from this point on as Clause 53.02).

The statement contains three components:

- 1 An **assessment against Clause 13.02-1S** of the East Gippsland Planning Scheme.
- 2 A **bushfire hazard landscape assessment** including a plan that describes the bushfire hazard of the general locality more than 150 metres from the site.
- 3 A **bushfire hazard site assessment** including a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard has been prepared in accordance with Section 2.2.3 to 2.2.5 of AS3959:2018 Construction of buildings in bushfire prone areas (Standards Australia) and is supported by photographs to assist in describing the bushfire hazard.
- 4 A **bushfire management statement** describing how the proposed development responds to the requirements of Clause 44.06 and 53.02.

1.1 Application Details

Municipality	East Gippsland Shire Council
Title Description	Lot 2 LP134909
Overlays	Bushfire Management Overlay (BMO) Erosion Management Overlay (EMO) Environmental Significance Overlay – Schedule 1-68 (ESO1-68)
Zoning	Farming Zone – Schedule 1 (FZ1)

1.2 Site Description

Site shape	Irregular rectangle
Site area	75.6 Ha Lot 1 41.1 Ha (total) · 1 part 20.9 Ha (Existing dwelling) · 1 part 20.1 Ha Lot 2 34.5 Ha (Existing Burbang Adventure Caravan Park)
Site Dimensions	The property has a road frontage to the Burbang Road of approximately 937.9 metres and the property has a depth of approximately 757.8 metres and 855.2 metres.
Existing use and siting of buildings and works on and near the land	Existing dwelling and Burbang Adventure Caravan Park
Existing vehicle arrangements	Access from Burbang Road
Nearest fire hydrant	Not applicable
Private bushfire shelter	Not proposed
Any other site features relevant to bushfire risk	Designated bushfire prone area. Cape Conran Coastal Park to the immediate surrounds, east and west. Bemm State Forest, Mt Raymond State Forest and Murrungower State Forest in the broader landscape to the north.

1.3 Site Location



Figure One – Property Location – identified with the blue dashes central to the map (VicPlan, 2023).



Figure Two – Property Location of 55 Burbang Road (Vicplan, 2023).

2.0 Bushfire Hazard Landscape Assessment

2.1 Planning Policy Framework

Clause 71.02-3 (integrated decision making) of the Planning Scheme has been recently amended and provides that:

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning authorities and responsible authorities must prioritise the protection of human life over all other policy considerations.

Clause 13.02-1S (Bushfire) of the Planning Scheme applies to all decision making and seeks to:

*To strengthen the resilience of settlements and communities to bushfire through **risk-based planning** that prioritises the protection of human life.*

[Emphasis added]

Clause 13.02-1S includes a number of strategies to achieve that objective. Broadly these strategies include:

- prioritising the protection of human life;
- requiring a robust assessment of the bushfire hazard and risk assessment before any strategic or statutory decision is made; and
- directing population growth and new settlements to low risk locations.

Importantly in relation to the protection of human life, clause 13.02-1S includes the following requirements:

Give priority to the protection of human life by:

- *Prioritising the protection of human life over all other policy considerations.*
- *Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.*
- *Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision-making at all stages of the planning process.*

In relation to Bushfire hazard identification and assessment, clause 13.02-1S includes the following relevant requirements:

Identify bushfire hazard and undertake appropriate risk assessment by:

- *Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.*
- *Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the Building Act 1993 or regulations made under that Act.*
- *Considering and assessing the bushfire hazard on the basis of:*
 - *Landscape conditions - meaning conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;*
 - *Local conditions - meaning conditions in the area within approximately 1 kilometre of a site;*
 - *Neighbourhood conditions – meaning conditions in the area within 400 metres of a site; and*
 - *The site for the development.*
- *Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.*

- *Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.*
- *Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.*

Importantly in relation to settlement planning, clause 13.02-1S includes the following requirements:

Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:

- *Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metres under AS3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).*
- *Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018) where human life can be better protected from the effects of bushfire.*
- *Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.*
- *Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reduce bushfire risk overall.*
- *Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighborhood and site scale, including the potential for neighborhood-scale destruction.*
- *Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighborhood basis.*
- *Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS3959-2018.*

In relation to use and development control in a Bushfire Prone area, clause 13.02-1S includes the following relevant requirements:

Use and development control in a Bushfire Prone Area In a bushfire prone area designated in accordance with regulations made under the Building Act 1993, bushfire risk should be considered when assessing planning applications for the following uses and development:

... Subdivisions of more than 10 lots

....Accommodation

When assessing a planning permit application for the above uses and development:

- *Consider the risk of bushfire to people, property and community infrastructure.*
- *Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.*
- *Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.*

The use and development control does not specifically apply to this proposal as the subdivision is only 2 lots, and no dwelling is proposed. However, the ultimate intent of the new lots is to retain the dwelling on one lot and the Adventure Park on the other lot. This report demonstrates that the lot meets Clause 13.02-1S including the long-term intent of the use and development control without jeopardization of the safety of the existing dwelling.

When these strategies are read together it is clear that any future development would be required to provide a considered assessment of the bushfire risk. As such, the development must ensure it responds to bushfire risk. The purpose of this report is to undertake such an assessment for the site including an assessment of the likely fire behaviour and the risk to future residents. It is acknowledged that this site is subject to the Bushfire Management Overlay and Parts 3 to 5 of this report specifically address the application requirements of Clause 44.06 and 53.02 of the East Gippsland Planning Scheme.

In the context of strategic planning decisions, these strategies need to be read as on balance and consider the '*net increase in risk to existing and future residents*'. As it relates to the objectives at Clause 13.02-1S of the Planning Scheme, it is necessary to ensure that the protection of human life is prioritised when decisions are made. However the strategies listed at Clause 13.02-1S in the Planning Scheme are not 'mandatory requirements' and it is not necessary to 'tick every box'. It is more important to ensure that decisions are consistent with the State policy objectives and build resilient communities.

2.2 Planning Policy Framework Assessment

2.2.1 Objective

Clause 13.02-1S seeks to '*strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life*'.

2.2.2 Application

The policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land which is within a designated bushfire prone area; or subject to a Bushfire Management Overlay.

Bushfire Prone Area and Bushfire Management Overlay

The planning proposal area is included in the Bushfire Prone Area (BPA). As described in Planning Advisory Note 46 (2013), the BPA is a building regulation tool that identifies where moderate bushfire hazard can be expected. It applies to areas subject to the BMO, and to areas that experience a lower head fire intensity modelled to be between 4,000kW/m and 30,000kW/m. This level of hazard informs areas declared as bushfire prone in the building system. Areas at the upper end of the bushfire intensity range (that is 28,000kW/m and above and referred to as BHL1b) are considered, where appropriate, for applying the BMO based on the advice of the relevant fire authority. The land is contained in the BMO. The entire planning proposal site is subject to the BPA and the BMO. The greater area in Marlo is also in the BPA and BMO reflecting the moderate to high bushfire hazard that can be expected from the vegetation connecting to and distributed through the area, particularly along the coastal interface.

In December 2017, Clause 13.02-1S of the East Gippsland Planning Scheme was amended to specifically refer to Bushfire Prone Areas and to strengthen the consideration of bushfire risk in all planning decisions. As the site is fully contained within the Bushfire Prone Area, the minimum level of construction for all dwellings is BAL 12.5, and this bushfire risk must be considered.

2.2.3 Strategies

Protection of human life

<i>Give priority to the protection of human life by:</i>	<i>Response</i>
Prioritising the protection of human life over all other policy considerations	<ul style="list-style-type: none"> - This proposal provides for a two-lot subdivision that can accommodate the existing dwelling. - The proposal can be undertaken in a manner that will maintain the existing level of hazard and bushfire risk, not making it worse.
Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.	<ul style="list-style-type: none"> - The lot has existed for many years and is managed as a camping park. - The overall subdivision design has been adjusted to ensure the existing dwelling in Lot 1 retains Column C separation from the western boundary. - The existing road network facilitates egress towards Marlo Township, west of development site and Cape Coran Settlement, east of the development site. - Access and egress is facilitated from Burbang Road.
Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision-making at all stages of the planning process.	<ul style="list-style-type: none"> - An application to develop land needs to articulate how the design responds to the identified bushfire risk. - The two-lot subdivision has considered the future management of bushfire risk for the development.

Bushfire hazard identification and assessment

Identify bushfire hazard and undertake appropriate risk assessment by:	Response
Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.	<ul style="list-style-type: none"> - The East Gippsland Planning Scheme relies on the planning proposal to respond to bushfire based on current assessment methods. - Clauses 13.02-1S, 44.06 and 53.02 are to be considered for proposal. - Clause 71.02-3 <i>Integrated Decision Making</i> strengthens the importance of bushfire planning as an appropriate tool to reconcile potential conflicts in design and vision. - The assessment method aligns with AS3959 and is provided in this report (see Section 4).
Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the Building Act 1993 or regulations made under that Act.	<ul style="list-style-type: none"> - Consistent with the revised Clause 13.02-1S, the planning proposal responds to the Bushfire Prone Area and the Bushfire Management Overlay. - This report demonstrates that sufficient setbacks from the vegetation can be achieved to meet Column A of Table 2 of Clause 53.02 in all directions if a replacement dwelling was resited, in the meantime Column C is achieved.
Applying the Bushfire Management Overlay in planning schemes to areas where the extent of vegetation can create an extreme bushfire hazard	<ul style="list-style-type: none"> - The BMO applies to all sections of this land and it is recognised that the land is in an area of high bushfire hazard. The BMO is addressed in Sections 3 to 5 of this report.
Considering and assessing the bushfire hazard on the basis of: <ul style="list-style-type: none"> • Landscape conditions - meaning the conditions in the landscape within 20 kilometres and potentially up to 75 kilometres from a site; • Local conditions - meaning conditions in the area within approximately 1 kilometre from a site; • Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and, • The site for the development 	<ul style="list-style-type: none"> - In light of the recent changes to Clause 13.02 and the addition of this assessment requirement, an assessment is provided in Section 3.0 of this report. - As it is a two-lot subdivision in the BMO four scales of consideration are applied. - Neighbourhood and local conditions are considered in Figure 3(a) and Figure 3(b). - Landscape conditions and local site conditions within Section 3.0 of this report. - The site conditions are considered through the Bushfire Hazard Site Assessment within Section 4.0 of this report.
Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate	<ul style="list-style-type: none"> - It is expected that this development would be referred to CFA for consideration as it is in the Bushfire Management Overlay.

bushfire protection measures.	
Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures	<ul style="list-style-type: none"> - The content of this report provides a solid foundation for the design and subsequent approval of the planning proposal, with regard to bushfire risk. - Assessing the site-based bushfire risk and including appropriate bushfire protection measures (e.g. managed land, BALs, separation from the hazard) enables the achievement of the direction of the Planning Scheme.
Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.	<ul style="list-style-type: none"> - This element of the revised Clause 13.02-1S is the most important element and empowers the Responsible Authority to not approve a permit application until it is satisfied with the bushfire protection measures being implemented. - This report demonstrates that the risk of bushfire should not be a reason for refusal.

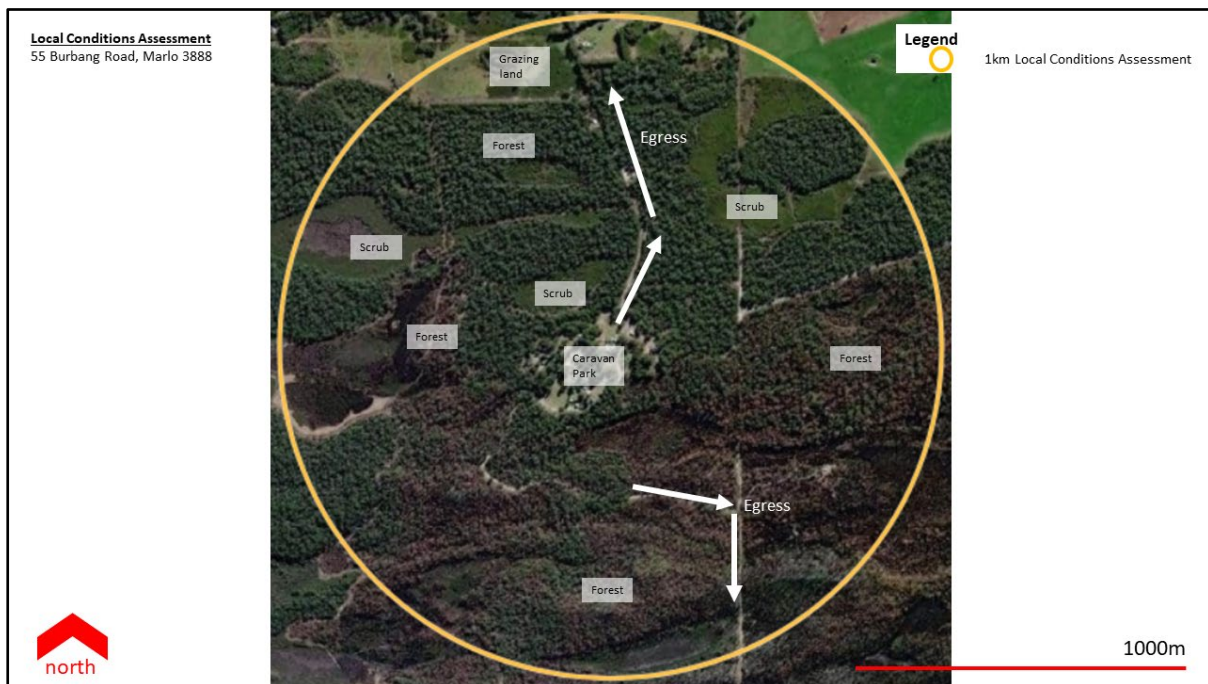


Figure Three (a) – Local conditions, within 1km of 55 Burbang Road, Marlo.

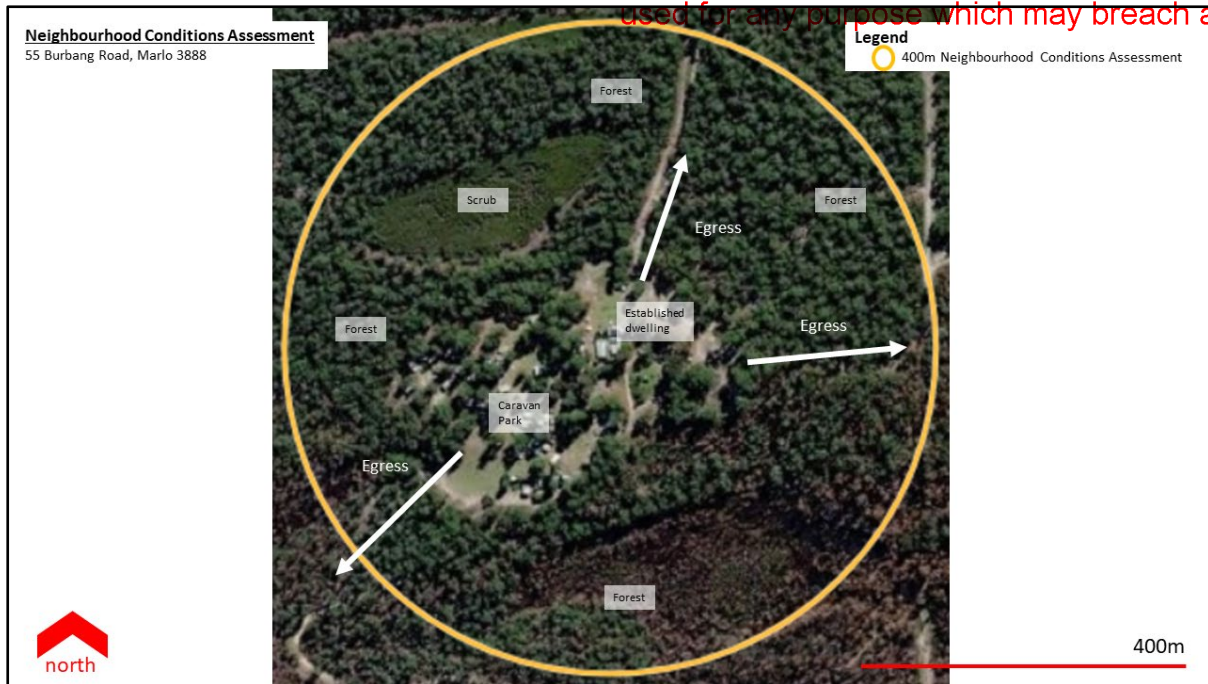


Figure Three (b) – Neighbourhood conditions, within 400m of 55 Burbang Road, Marlo.

Settlement Planning

<i>Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:</i>	<i>Response</i>
Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metres under AS3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).	<ul style="list-style-type: none"> - Recognising the land is an established lot in an area that is at high risk from bushfire, development of land by subdivision should only proceed where all elements of the BMO are achieved. - This report demonstrates that this goal is achieved including the provision of the greatest separation from the hazard. - The new Lot 1, part 1 20.1 Ha has a siting that has been assessed as having a radiant heat flux of less than 29kW/m² under AS3959 but can resite to achieve no more than 12.5kW/m².
Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018) where human life can be better protected from the effects of bushfire.	<ul style="list-style-type: none"> - The nature of the settlement of Marlo provides ready access with a 26-minute drive to areas of the Orbest township that constitute BAL-LOW and includes a designated Neighbourhood Safer Place and Place of Last Resort (NSP/PLR).
Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.	<ul style="list-style-type: none"> - The establishment and maintenance of defensible space will accompany the build of any dwelling on either lot. The increased level of vegetation management will reduce the risk of

	bushfire to the existing residents.
Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reduce bushfire risk overall.	- Any new dwelling will implement the current regulations pertaining to bushfire construction. A Section 173 Agreement will ensure this occurs.
Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction	- In light of the recent changes to Clause 13.02 and the addition of this assessment requirement, an assessment is provided in Section 3.0 and 4.0 of this report. - As it is an existing dwelling and a two-lot subdivision in the BMO, four scales of consideration are applied: and contained in this report. - The site conditions are best considered through the Bushfire Hazard Site Assessment methodology.
Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.	- The proposal is an existing lot in an established rural area and responds to the existing situation.
Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS3959-2018.	- The proposal is a statutory planning application only.

Areas of high biodiversity conservation value

Ensure settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that are of high biodiversity conservation value.

Assessment of the development

- Due to the heavily vegetated nature of the site, future development may require managed defensible space.

Use and development control in a Bushfire Prone Area

In a bushfire prone area designated in accordance with regulations made under the Building Act 1993, bushfire risk should be considered when assessing planning applications for accommodation, and for subdivisions of 10 or more lots. Neither of these apply to this situation. This report does provide evidence that the proposal achieves no net increase in bushfire risk.

2.2.4 Policy Guidelines

Planning must consider as relevant:	Response
Any relevant approved State, regional and municipal fire prevention plan.	Fire prevention measures of the East Gippsland Shire Municipal Fire Prevention Plan ensure the roadside of the Burbang Road and Public Conservation and Resource Land to the south are managed.
AS3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).	This is relevant through the derivation of Bushfire Attack Levels and is considered when referring to the BAL29. Current standard is AS3959-2018.
Building in bushfire-prone areas - CSIRO & Standards Australia (SAA HB36-1993, May 1993).	This is the handbook to AS3959 and does not need to be considered directly by the planning proposal.
Any Bushfire Prone Area map prepared under the Building Act 1993 or regulations made under that Act.	The updated Bushfire Prone Area map has been considered in this report.

3.0 Bushfire Hazard Landscape Assessment

The Bushfire Hazard Landscape Assessment includes a plan that describes the bushfire hazard of the general locality surrounding the site (Figure Four, additionally a copy is provided in Appendix One).

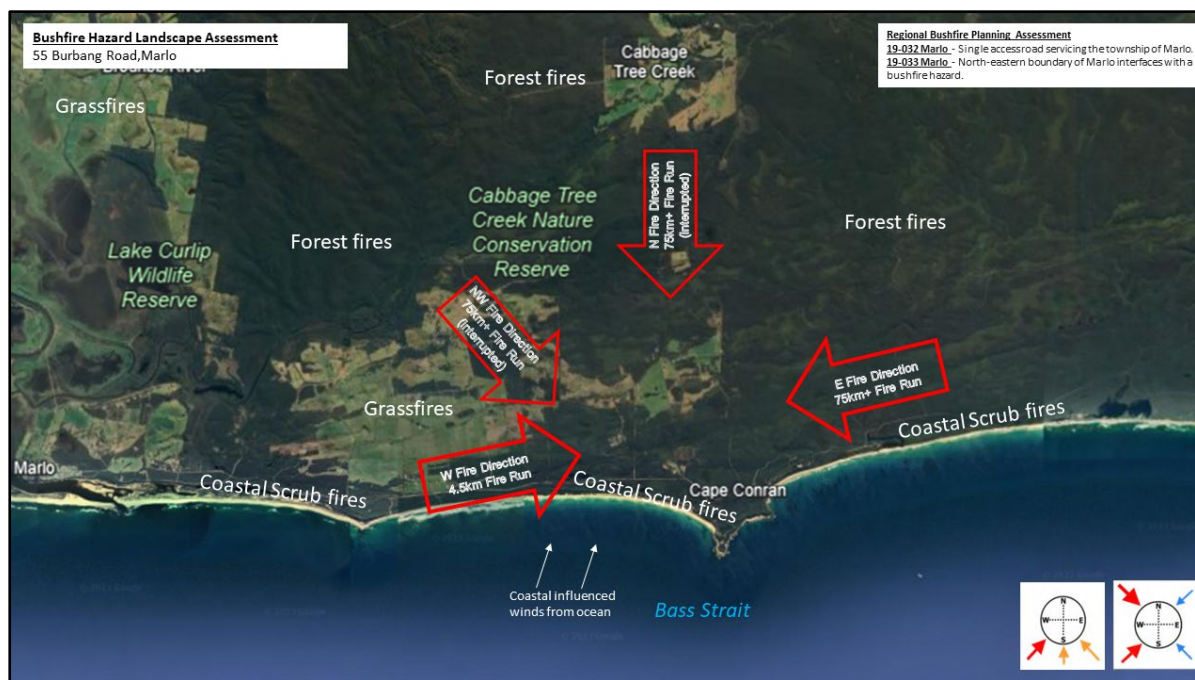


Figure Four – Bushfire Hazard Landscape Assessment – Overall subdivision level

The landscape risk of a site is an important consideration when mitigating bushfire hazards. The landscape risk is the combination of several elements in the surrounding landscape. These relate to the vegetation extent, the area available to a landscape bushfire, the orientation of the ridgelines and the steepness of the terrain, the accessibility to low threat areas and the quality of the road networks surrounding the site.

This site is positioned in Burbang Road, Marlo near a local road. The topography of the surrounding landscape will experience ember attack, major radiant heat and localised ignitions associated with the landscape fire. The site is unlikely to experience convection column collapse and will experience a longer-duration fire.

The site is considered '**Landscape Type 4**' as defined by DELWP guidance:

- *The broader landscape presents an extreme risk.*
- *Fires have hours or days to grow and develop before impacting.*
- *Evacuation options are limited or not available.*

The site will experience landscape fire scenarios that are within the assumptions of the Bushfire Management Overlay as rugged terrain is largely north of the Princes Highway.

3.1 Regional Bushfire Planning Assessment

The Regional Bushfire Planning Assessment (RBPA) for the Gippsland Region (2012) provides a high-level analysis of locations where the bushfire hazard may impact on planning objectives. The RBPA provides information where a range of land use planning matters intersect with a bushfire hazard to influence the level of risk to life and property from bushfire. This information is required to be used as part of strategic land use and settlement planning at the regional, municipal and local levels.

"The RBPA is not a statutory planning provision and does not directly translate into planning schemes. However, it complements planning scheme provisions such as the Bushfire Management Overlay (BMO) by providing spatial and qualitative information from a variety of sources which together can inform considerations about where bushfire should be assessed early in the strategic planning process." RBPA – Gippsland Region (2012)

After review of the RBPA, it is noted that the proposal falls in an area identified as:

19-032 Marlo - Single access road servicing the township of Marlo.

19-033 Marlo - North-eastern boundary of Marlo interfaces with a bushfire hazard.

3.2 Vegetation Extent in the Broader Landscape

The vegetation in the broader landscape is a combination of forest, woodlands and heathland with areas of grazing grassland. An indication of the Ecological Vegetation Classes in the landscape is provided below (site central to image, and slight to the south).

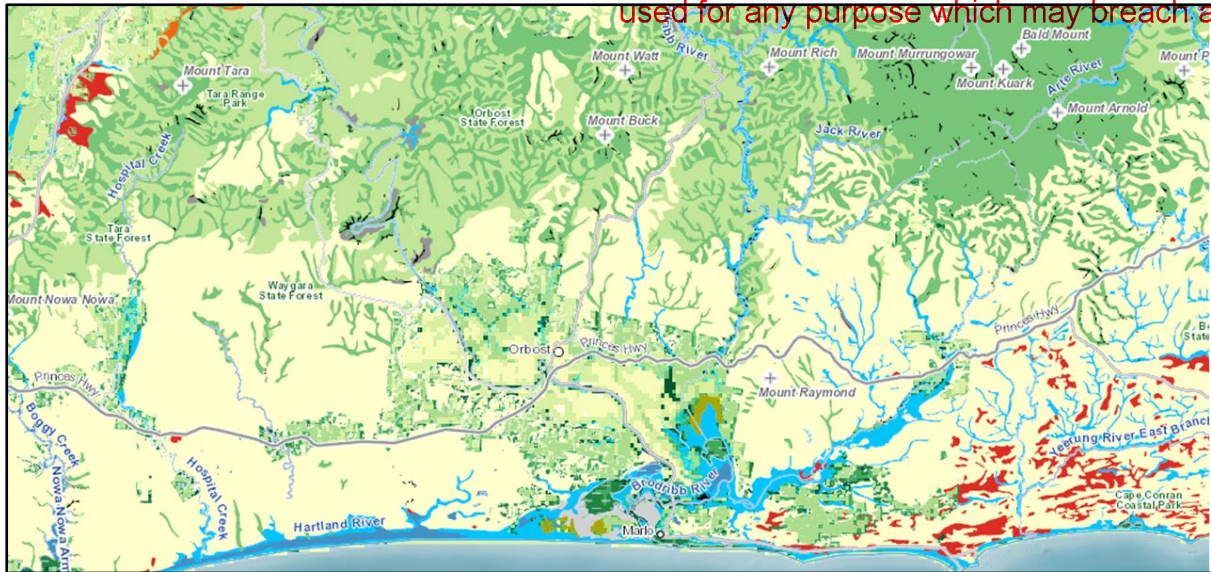


Figure Five – Ecological vegetation class group map (2023) showing Damp Forest (green), Warm Temperate Rainforest (black), Wet Heathlands (rust) Lowland Forest/Banksia Woodland (cream), Riparian Forest/Scrub (blue) and Damp Sands Herb Rich Woodland (olive). (Source: NatureKit, 2023).

3.3 Topography

The topography of the surrounding landscape is typical of this area of Marlo. The terrain comprises gentle undulations and a predominance of flat land. The site is within the area of coastal plains and is heavily vegetated. Further north is the heavily forested mountains of the Great Dividing Range of the comprising a range of National and State Parks and Forests; whilst to the west, south and east are the coastal Parks and Forests.

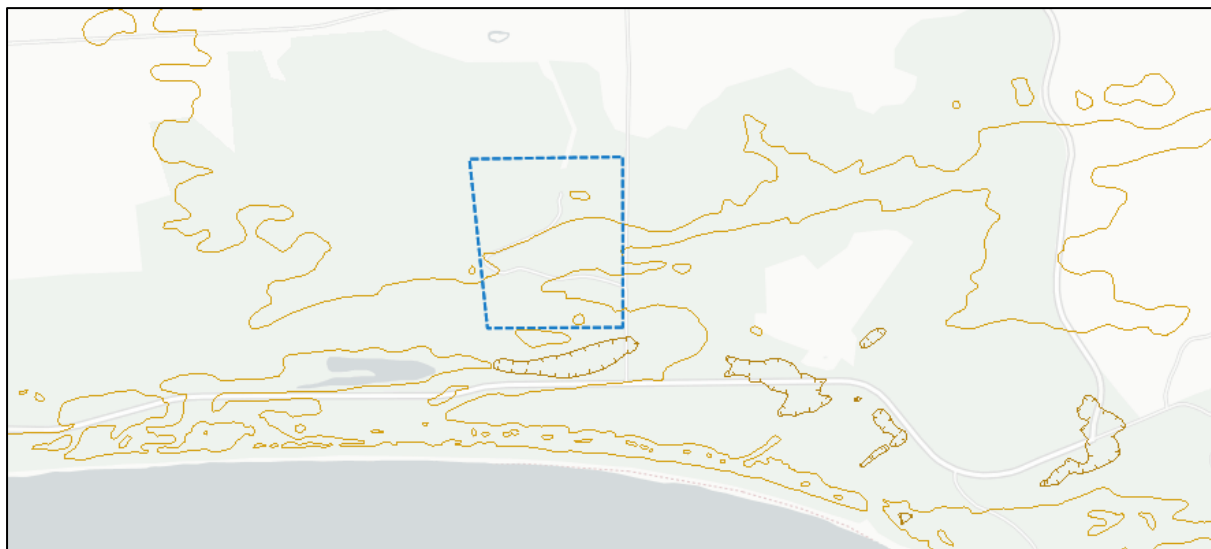


Figure Six – Topography of surrounding landscape with contours at 20m intervals (Source: VicPlan, 2023)

3.4 Surrounding Road Network

The planning proposal site has frontage to Burbang Road. This access is a short local road and the property is located with frontage to Burbang Road. It connects to the broader road network providing egress to the Marlo township and Orbost further afield.

3.5 Bushfire History of the Area

There is a large amount of historical bushfire analysis for this area. This is typical given the large expanses of forest within the greater area of Marlo and far East Gippsland.



Figure Seven (a) – Bushfire history with planned burns and bushfires 1970-present to the immediate surroundings (Source: NatureKit, 2023)

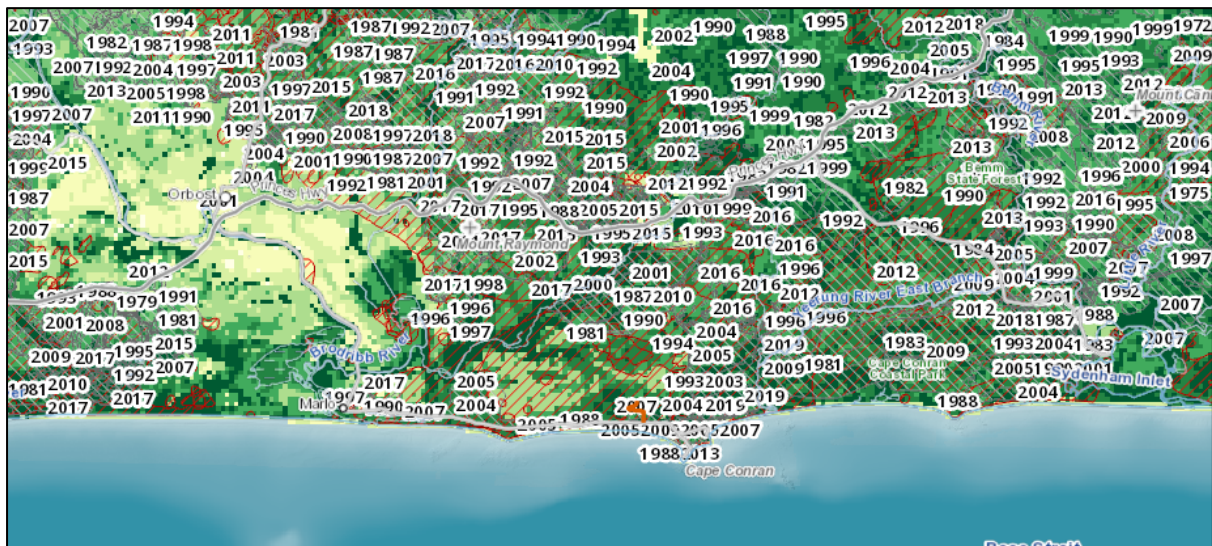


Figure Seven (b) – Bushfire history with planned burns and bushfires 1970-present to the broader landscape (Source: NatureKit, 2023)

3.6 Bushfire Scenarios

The site is at an increased risk from bushfire due to the extensive vegetation in the near and broader area. Consideration of the potential bushfire behaviour local to the site has been undertaken in refining the options.

Scenario 1 – Bushfire from the north

A fire approaching from the north has the potential for a fire run of 75km + through extensive public parks comprising forest. Grazing grassland, woodland and scrubs also make up the fire hazards. This fire would impact the site. A fire from this direction can bring embers to the site and ignite localised fuels providing radiant heat. This fire is seen as a landscape fire, and may block the egress from the site. Early evacuation is recommended. Convective fire behaviour is expected in the north, and this may provide for multiple points of ignition.

Scenario 2 – Bushfire from the west

A fire approaching from the northwest has the potential for a fire run of 75km + through extensive public parks comprising forest. Grazing grassland, woodland and scrubs also make up the fire hazards. This fire would impact the site. A fire from this direction can bring embers to the site and ignite localised fuels providing radiant heat. This fire is seen as a landscape fire, and may block the egress from the site. Early evacuation is recommended.

Scenario 3 – Bushfire from the south

A fire approaching from the south has the potential for a shorter 4.5 fire run through the forested coastal area to the west of the site. A fire from this direction would also be influenced by the coastal winds which may be cooler. The site is likely to be impacted by radiant heat and embers. It is advisable to evacuate early for this fire to the possibility of the egress being compromised.

Scenario 4 – Bushfire from the east

A fire approaching from the east has the potential for a fire run of 75km + through extensive public parks comprising forest. Grazing grassland, woodland and scrubs also make up the fire hazards. This fire would impact the site. A fire from this direction can bring embers to the site and ignite localised fuels providing radiant heat. It is an unusual direction for fire travel. This fire is seen as a landscape fire, and may block the egress from the site. Early evacuation is recommended.

4.0 Bushfire Hazard Site Statement

The Bushfire Hazard Site Assessment includes a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard is prepared in accordance with AS3959:2018 Construction of buildings in bushfire prone areas (Standards Australia) excluding paragraph (a) of section 2.2.3.2 (Vegetation exclusions). Refer to Figure Eight and a larger copy is provided in Appendix Two. Distances are detailed in Table 1 and Table 2.

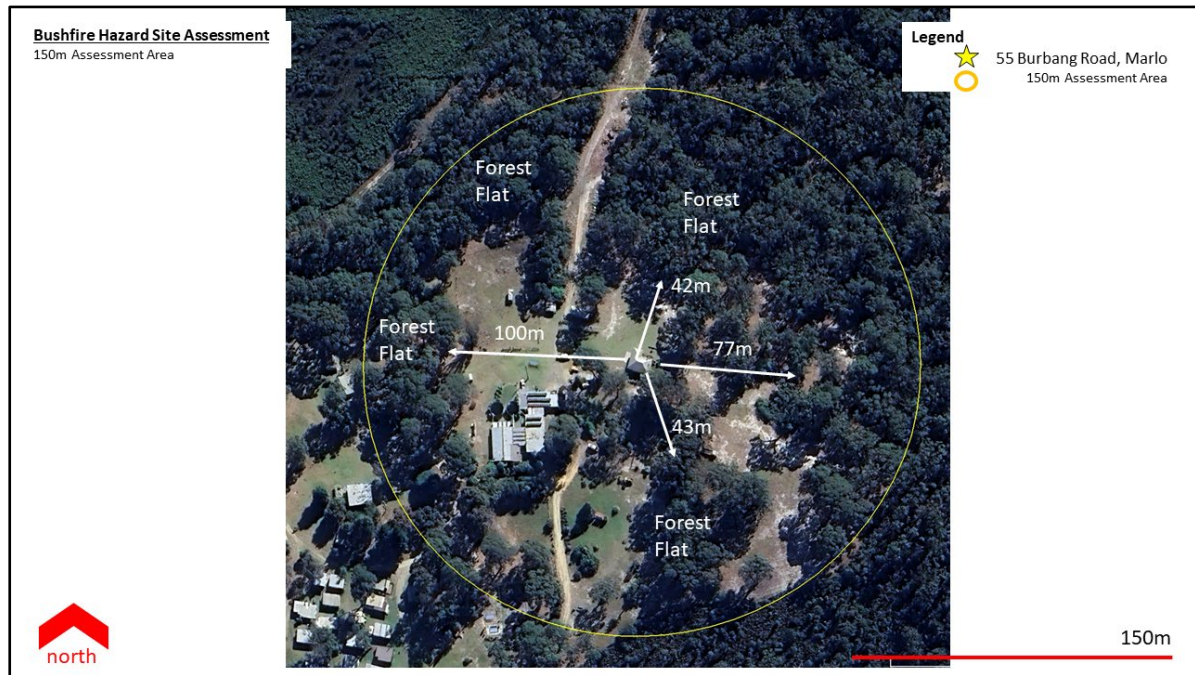


Figure Eight – Bushfire Hazard Site Assessment – Overall subdivision level

4.1 Vegetation

The vegetation within the 150-metre assessment area was classified according to AS3959:2018, Technical Guide (DELWP, 2017) and the Overall Fuel Hazard Assessment Guide (DSE, 2010).

The AS3959:2018 approach uses a generalised description of vegetation based on the AUSLIG (Australian Natural Resources Atlas No.7 Native Vegetation) classification system. According to this method, vegetation can be classified into seven categories. Each category indicates a fire behaviour and these categories or classifications are then used to determine bushfire intensity. Information gained from the Ecological Vegetation Classes informs the vegetation classification chosen.

The forms of classifiable vegetation identified for this site are described below.

Vegetation Classification: Forest

AS3959:2018 Definition:

Open forest – Trees 10-30 m high; 30-70% foliage cover (may include understorey of sclerophyllous low trees and tall scrubs or grass). Typically dominated by eucalypts.

Site Description:

The proposed two lot subdivision has forest in all directions of the site and within the greater area. The forest is essentially flat and comprises low level undulations in the greater area. The forest would be described as being extensive in terms of spread within the greater area.



Image above – Typical forest vegetation within the assessment area



Image above – Typical forest vegetation within the assessment area

Vegetation Classification: Low threat vegetation

AS3959:2018 Definition:

2.2.3.2 Exclusions – Low threat vegetation and non-vegetated areas

The following vegetation shall be excluded from a BAL assessment:

- (a) *Vegetation of any type that is more than 100 m from the site*
- (b) *Single areas of vegetation less than 1 ha in area and not within 100 m of other areas of vegetation being classified vegetation.*
- (c) *Multiple areas of vegetation less than 0.25 ha in area and not within 20 m of the site, or each other or of other areas of vegetation being classified vegetation.*
- (d) *Strips of vegetation less than 20 m in width (measured perpendicular to the elevation exposed to the strip of vegetation) regardless of length and not within 20 m of the site or each other, or other areas of vegetation being classified vegetation.*
- (e) *Non-vegetated areas, that is, areas permanently cleared of vegetation, including waterways, exposed beaches, roads, footpaths, buildings and rocky outcrops.*
- (f) *Vegetation regarded as low threat due to factors such as flammability, moisture content or fuel load. This includes grassland managed in a minimal fuel condition, mangroves and other saline wetlands, maintained lawns, golf courses (such as playing areas and fairways), maintained public reserves and parklands, sporting fields, vineyards, orchards, banana plantations, market gardens (and other non-curing crops), cultivated gardens, commercial nurseries, nature strips and windbreaks.*

NOTES:

1. *Minimal fuel condition means there is insufficient fuel available to significantly increase the severity of the bushfire attack (recognizable as short-cropped grass for example, to a nominal height of 100 mm).*
2. *A windbreak is considered a single row of trees used as a screen or to reduce the effect of wind on the leeward side of the trees.*

Site Description:

The majority of the areas within the close proximity to the caravan park and existing dwelling and outbuildings are managed as lawn area, meeting the definition of low threat vegetation. In addition there are a number of onsite vehicle pathways that are also considered non-vegetated.



Image above – Typical low threat vegetation within the assessment area



Image above – Typical low threat vegetation within the assessment area

4.2 Topography

The topography of the site and the surrounding is mildly undulating with sporadic higher points scattered in all directions from the site with low level drop running west to east through the site. There are several neighbouring properties with development but the majority of the topography is vegetated.

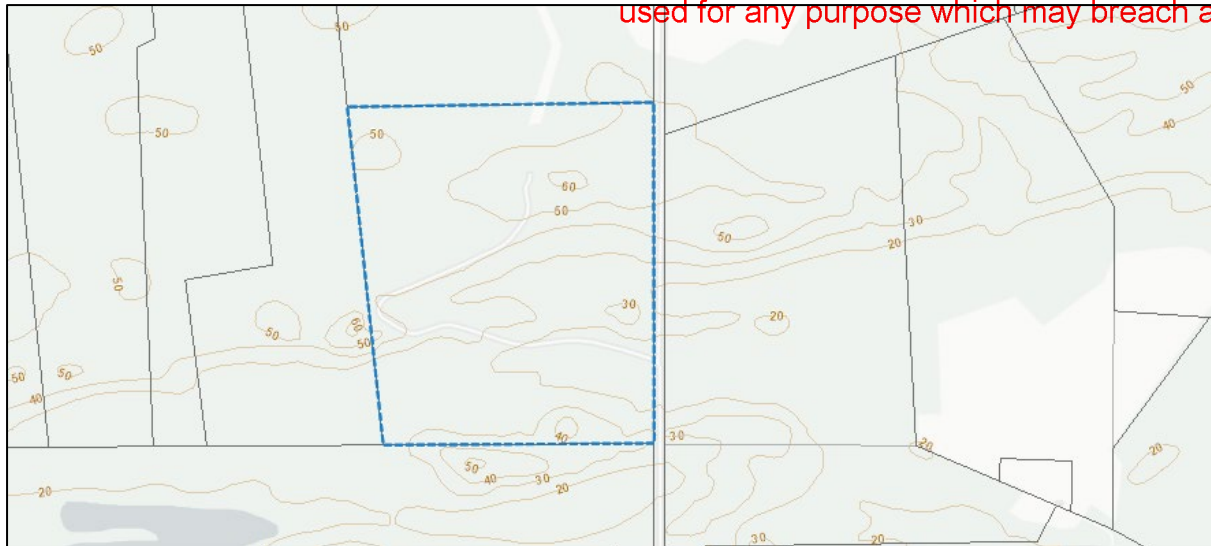


Figure Nine – Topography of the site (Source: Vicplan, 2023)

4.3 Separation from the Hazard and Bushfire Attack Level for the Proposed Development

The bushfire attack level (BAL) is a means of measuring the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact, using increments of radiant heat expressed in kilowatts per metre squared. The BAL is also the basis for establishing the requirements for construction to improve protection of building elements from attack by bushfire.

The highest BAL determines the construction requirements for the dwelling. A reduction of one BAL level may be applied if facades of the house are shielded from the bushfire hazard. In this case, it is not appropriate to apply a reduction as no facades are entirely shielded from the bushfire hazard. The BAL for this site has been calculated using a Forest Fire Danger Index (FFDI) of 100 and a Flame Temperature of 1090K. These parameters are in accordance with the risk parameters set in Clause 53.02.

An assessment of the site conditions without modification was made and informs the BAL assessment.

Table 1 – Separation from the Hazard Assessment (without modification)

Orientation	Highest threat vegetation	Average slope under classifiable vegetation	Separation distance	Bushfire Attack Level (BAL)
North	Forest	Flat	42 metres	Column B BAL19
East	Forest	Flat	77 metres	Column A BAL12.5
South	Forest	Flat	43 metres	Column B BAL19
West	Forest	Flat	100 metres	Column A BAL12.5

Table 2 – Defendable Space determination – based on proposed subdivision boundary to the west of dwelling (Column C, BAL29)

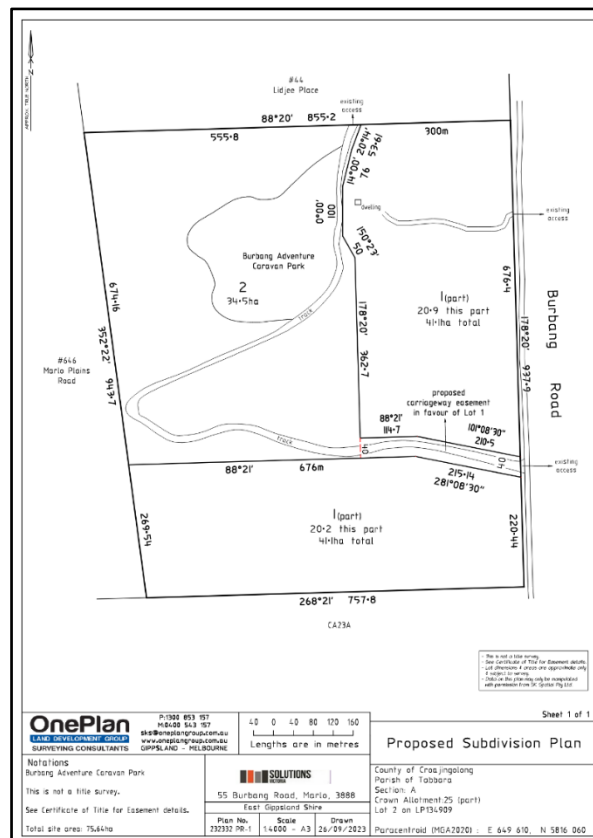
Orientation	Highest threat vegetation	Average slope under classifiable vegetation	Separation distance currently	Defendable space required on new lot
North	Forest	Flat	42 metres	25 metres
East	Forest	Flat	77 metres	25 metres
South	Forest	Flat	43 metres	25 metres
West	Forest	Flat	100 metres	25metres

Assumptions:

- The dwelling on Lot 1 can achieve Column C separation to the west between the dwelling and the proposed lot boundary. There is room to revise a siting and achieve Column A in the future or continue to utilise the managed land to the west as part of defendable space. Column C separation is the most that can be provided without detrimentally affecting the camp operations.
- No defendable space is proposed through this subdivision, as any future building works should be a dedicated planning application and assessment.

5.0 Bushfire Management Statement

Refer to Appendix Three for the proposed Plan of Subdivision. Below is an image of the proposed Plan of Subdivision.



5.1 Design Response Against Clause 53.02

In accordance with Clause 44.06 Bushfire Management Overlay a response is provided against Clause 53.02. A selection of the sub clauses and associated objectives, approved measures (AM), alternative measures (AltM) and decision guidelines applies to this application. Table 3 details which clauses are relevant to this application and the following pages demonstrate how the requirements have been met for each relevant standard.

Table 3 Specification of relevant clauses

Clause	Approved Measure	Achieved	Justification
Clause 53.02-3 Dwelling in existing settlements – Bushfire protection objective	AM 1.1	Not applicable	
	AM 1.2	Not applicable	
	AM 1.3	Not applicable	
Clause 53.02-4.1 Landscape, siting and design objectives	AM 2.1	Applicable	Subdivision
	AM 2.2	Applicable	As required by AM5.2
	AM 2.3	Not applicable	Subdivision only, no new buildings
Clause 53.02-4.2 Defendable space and construction objectives	AM 3.1	Not applicable	Addressed through AM5.1
	AM 3.2	Not applicable	
	AltM 3.3	Not applicable	
	AltM 3.4	Not applicable	
	AltM 3.5	Not applicable	
Clause 53.02-4.3 Water supply and access objectives	AM 4.1	Applicable	As required by AM5.2
	AM 4.2	Not applicable	
Clause 53.02-4.4 Subdivision objectives	AM 5.1	Applicable	Farming Zone (FZ)
	AM 5.2	Not applicable	
	AM 5.3	Not applicable	Less than 10 lots
	AM 5.4	Applicable	Limited relevance
	AltM 5.5	Not applicable	Less than 10 lots

The following part of the application outlines each of the relevant clauses and provides justification as to how this design responds to the requirements.

Clause 53.02-4.1 Bushfire Protection objective

Landscape, siting and design objective

Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.

Development is sited to minimise the risk from bushfire.

Development is sited to provide safe access for vehicles, including emergency vehicles.

Building design minimises vulnerability to bushfire attack.

Approved Measure	Requirement
AM 2.1	<p>The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.</p> <p>Response: This site is positioned to the west of Marlo and north of the southern coastline and is a subdivision undertaken for business purposes. The subdivision excises a dwelling from the caravan park. The site will experience ember attack, radiant heat and landscape runs of fire. These scenarios are detailed earlier in this report and will bring fire to the locality. No new development is proposed and the subdivision provides for an acceptable level of mitigation. It is noted that site has challenging access but is existing. The landscape bushfire scenarios are within the scope of the Bushfire Management Overlay assumptions as there is limited ruggedness directly. A future development will need to respond to the location and the heightened bushfire risk.</p>
AM 2.2	<p>A building is sited to ensure the site best achieves the following:</p> <ul style="list-style-type: none"> • The maximum separation distance between the building and the bushfire hazard • The building is in close proximity to a public road • Access can be provided to the building for emergency services vehicles <p>Response: There is an ability to locate buildings to achieve maximum separation distance from the hazard. The siting opportunity on each lot to site a building that achieves Column A of Table 2 to Clause 53.02-5, is able to be achieved. Of particular note, the existing dwelling being excised will be able to achieve a Column C separation to the lot boundary in the west, with room to be relocated and achieve a Column A separation if any future development occurs. Both lots 1 and 2 directly access a public road. As this proposal is for a subdivision only, no stipulated requirements for water supply, CFA fittings or access are required at this stage.</p>

Clause 53.02-4.3 Water supply and access objectives

A static water supply is provided to assist in protecting property.

Vehicle access is designed and constructed to enhance safety in the event of a bushfire.

Approved Measure	Requirement
AM 4.1	<p>A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with:</p> <ul style="list-style-type: none"> • A static water supply for firefighting and property protection purposes specified in Table 4 to Clause 53.02-5. • Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.

The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for firefighting water supplies.

Response: Access is provided to both lots from a public road. Whilst long, this access is generally existing and the dwelling is located away from the road. Water supply is able to be provided at the time of any future development.

The subdivision meets the approved measures AM4.1 and the water supply and access objective (Clause 53.02-4.3) as required by Clause 53.02-4.4 AM5.2.

Clause 53.02-4.4 Subdivision objectives

To provide lots that are capable of being developed in accordance with the objectives of Clause 53.02.

To specify at the subdivision stage bushfire protection measures to develop a lot with a single dwelling on land zoned for residential or rural residential purposes.

Approved Measure	Requirement
AM 5.1	<p>An application to subdivide land, other than where AM5.2 applies, demonstrates that each proposed lot is capable of meeting:</p> <ul style="list-style-type: none"> • The defensible space in accordance with Table 2 Columns A, B or C and Table 6 of Clause 53.02-5. • The approved measures in Clause 53.02-4.1 and Clauses 53.02-4.3. <p>Response: Both lots can provide separation from the hazard in accordance with Column A of Table 2 to Clause 53.02-5 for any future development, as detailed earlier in this report. No defensible space is proposed by this subdivision as there are no new building works. Any future development is best met by a separate planning application, at that time, ensuring it can respond to the local bushfire hazard and the type of development use.</p> <p>It is demonstrated that there is sufficient scope for vegetation management, access and water supply. In particular, the realignment of the new lot boundary further west that originally proposed is an appropriate response to the existing dwelling be excised.</p> <p>The subdivision meets the approved measures AM4.1 and the water supply and access objective (Clause 53.02-4.3) as required by Clause 53.02-4.4 AM5.2.</p>
AM5.4	<p>A subdivision manages the bushfire risk to future development from existing or proposed landscaping, public open space and communal areas.</p>

Response: There is expected to be no change to the existing management. However this proposal does enable the excised dwelling to have sufficient land to manage to moderate bushfire impact on it.

5.2 Expected Planning Permit Conditions

No Bushfire Management Plan is expected to be endorsed with this subdivision, nor is there expected to be any specific bushfire conditions on the planning permit.

6.0 References

Standards Australia (2018) Construction of Buildings in Bushfire Prone Areas. Standards Australia, North Sydney, NSW.

The State of Victoria - Department of Environment, Land, Water and Planning (2015) Fire Operations Plan 2015/16-2017/18 Gippsland Region.

The State of Victoria - Department of Environment, Land, Water and Planning (2023) NatureKit.

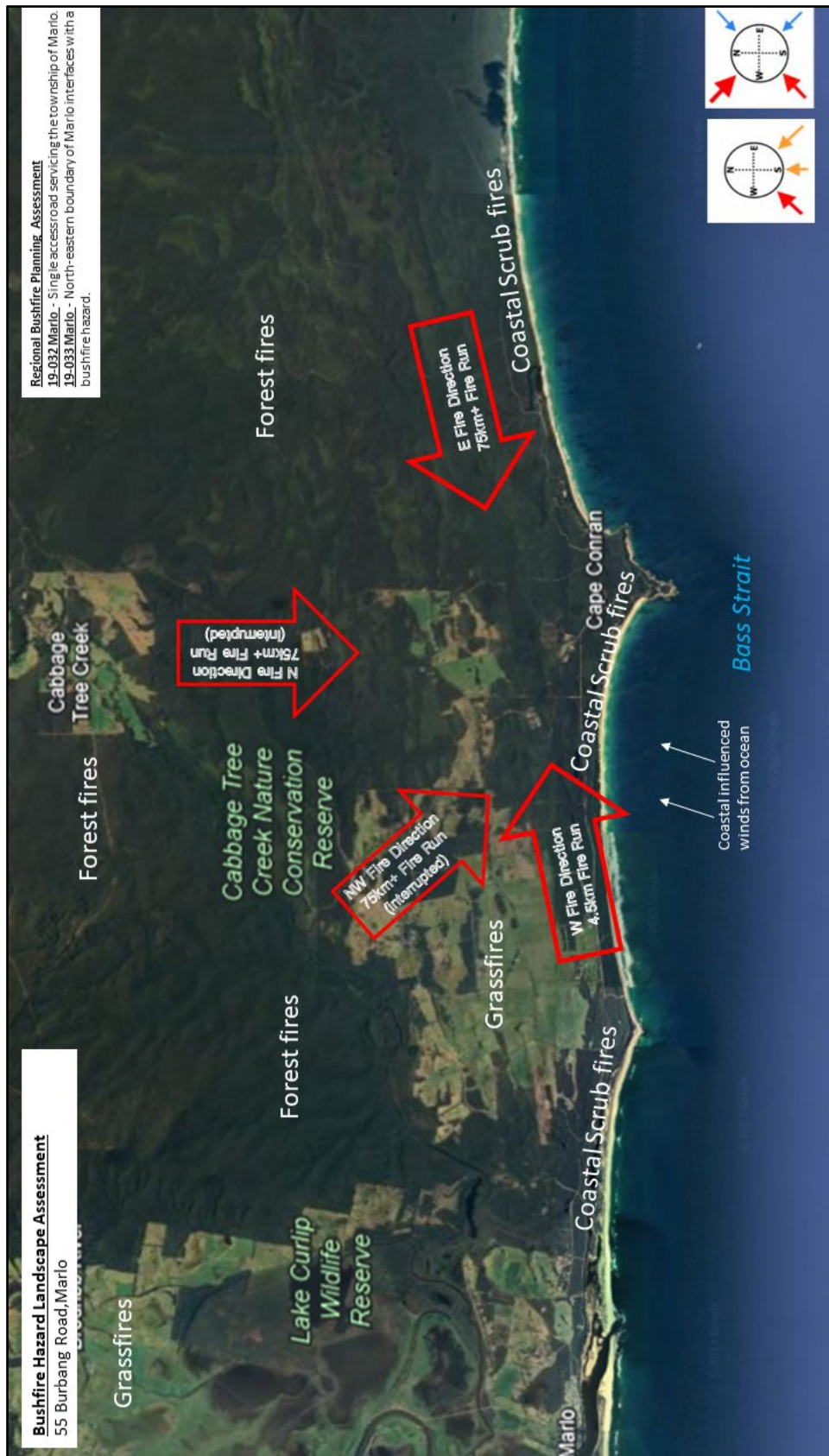
The State of Victoria - Department of Planning and Community Development (2012) Regional Bushfire Planning Assessment – Gippsland Region.

The State of Victoria - Department of Transport and Planning (2023) VicPlan.

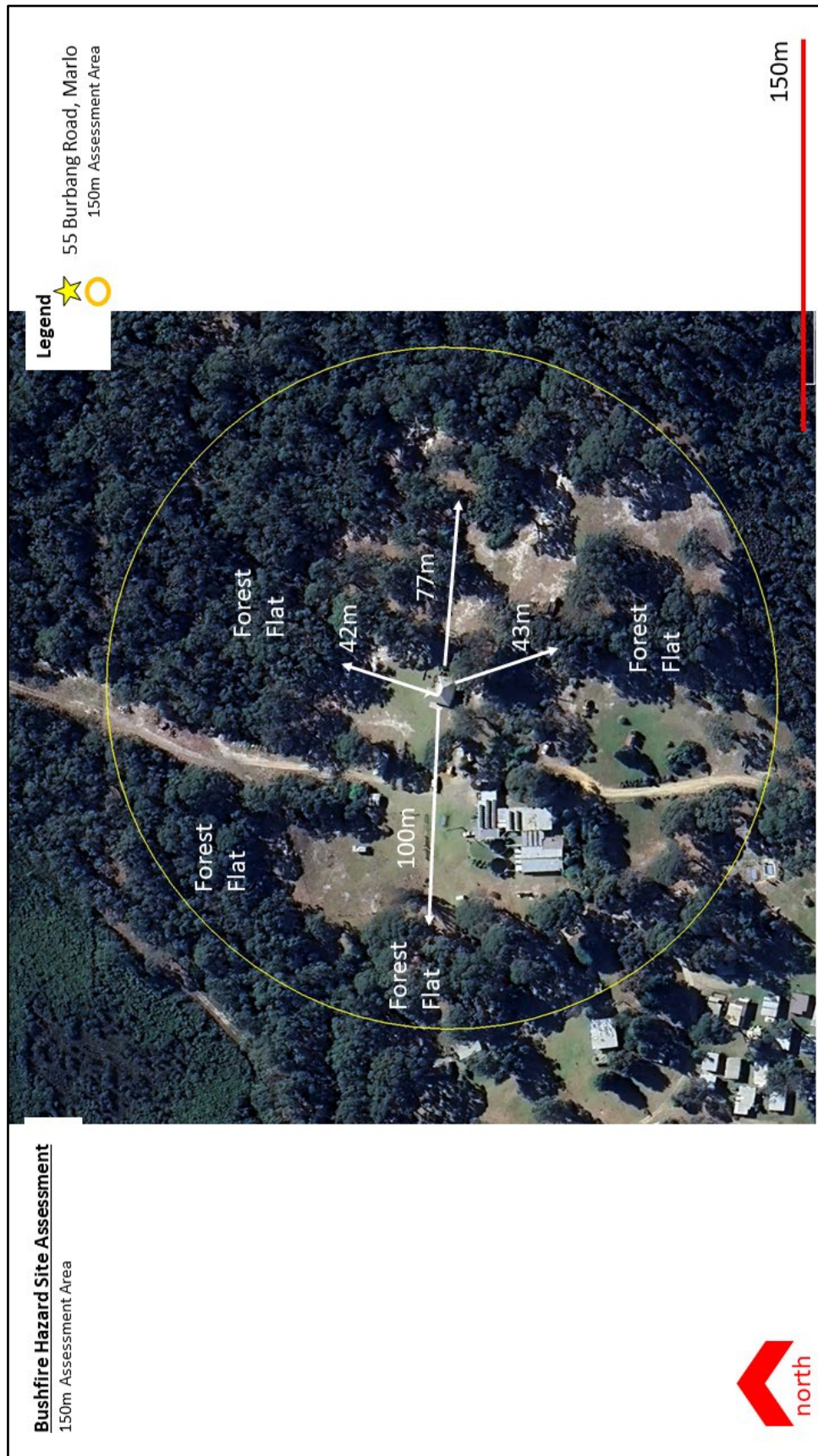
The State of Victoria - *Technical Guide: Planning Permit Applications Bushfire Management Overlay (DELWP 2017).*

7.0 Appendices

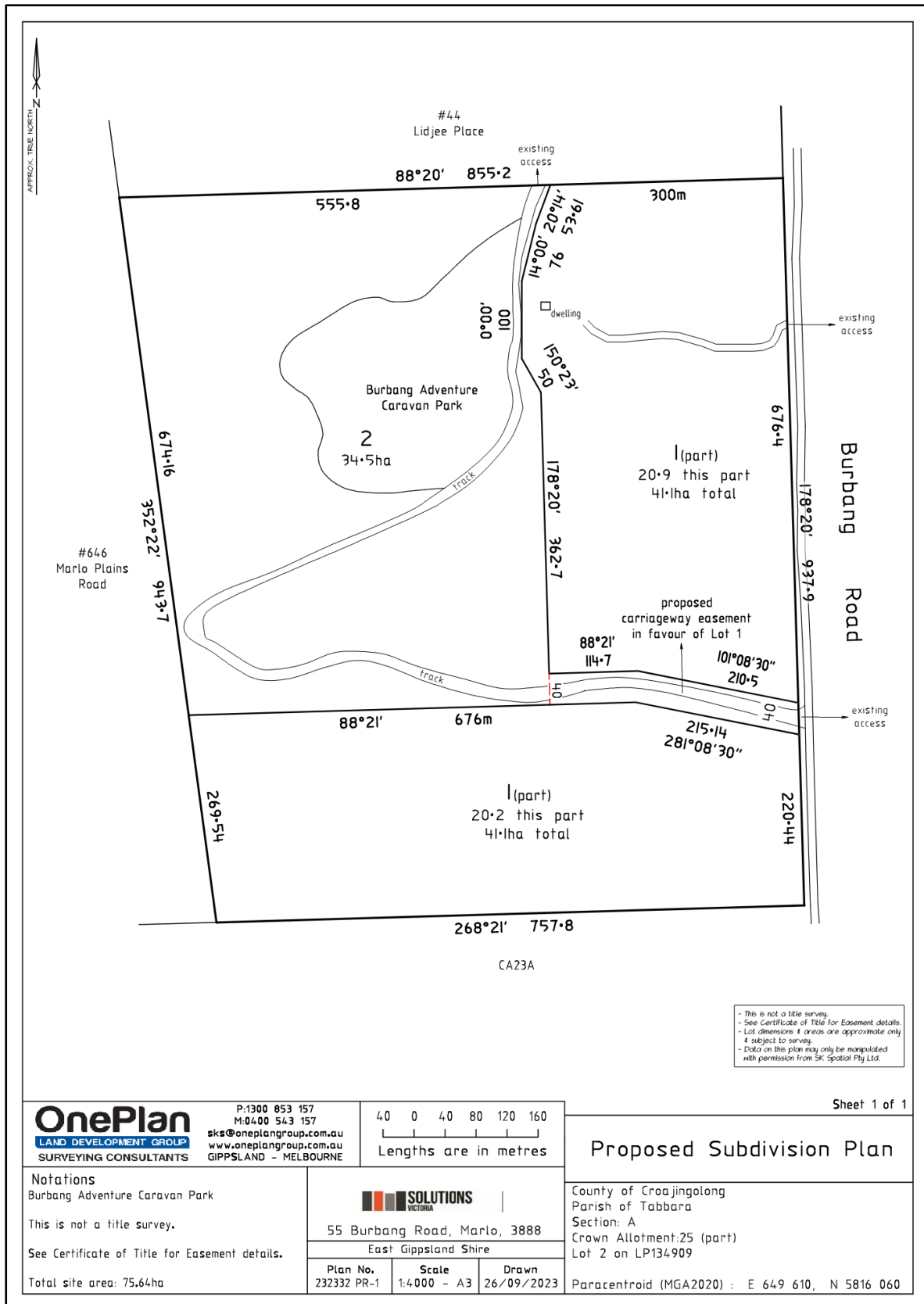
Appendix One – Bushfire Hazard Landscape Assessment



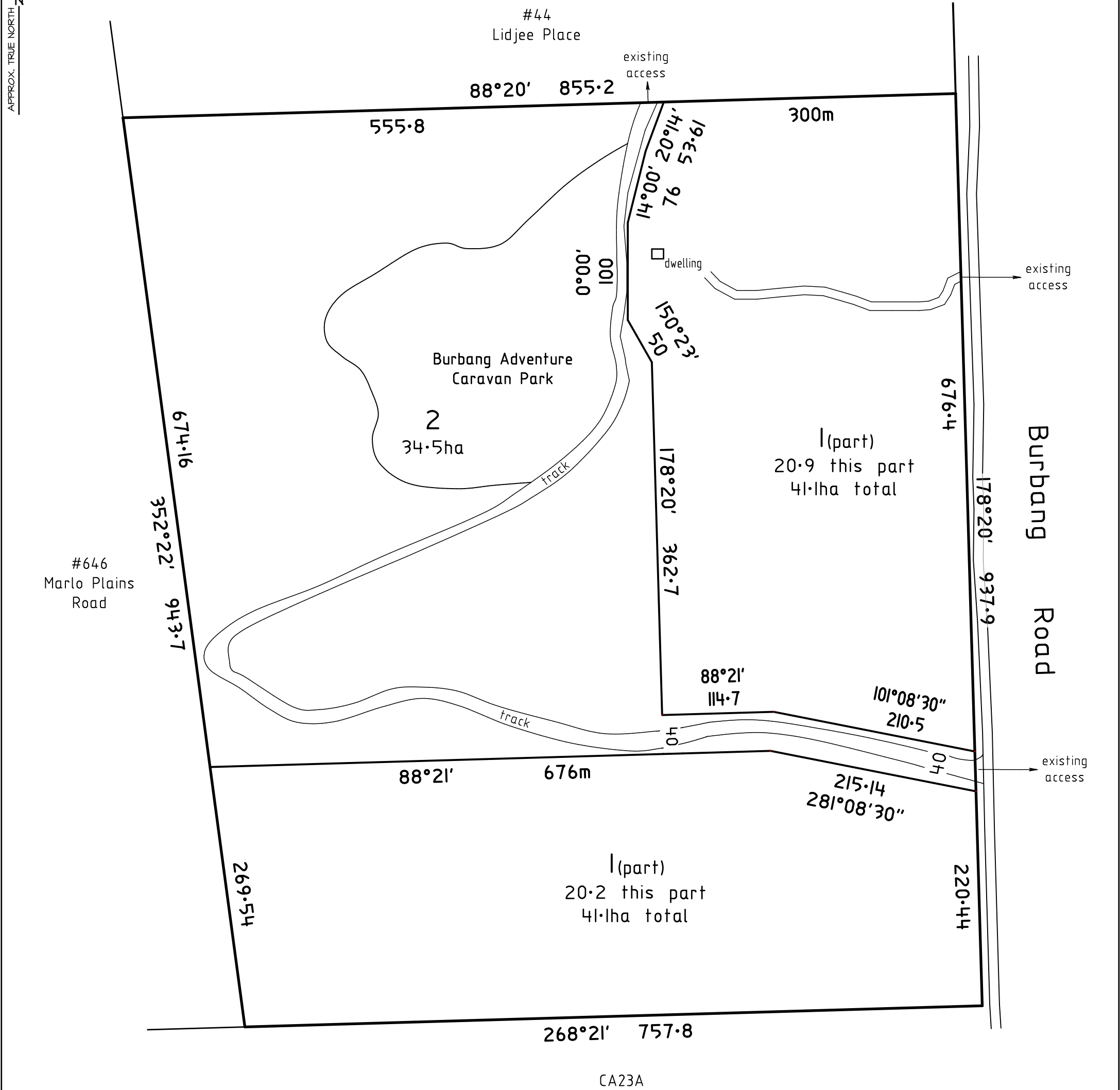
Appendix Two – Bushfire Hazard Site Assessment



Appendix Three – Proposed Plan of Subdivision



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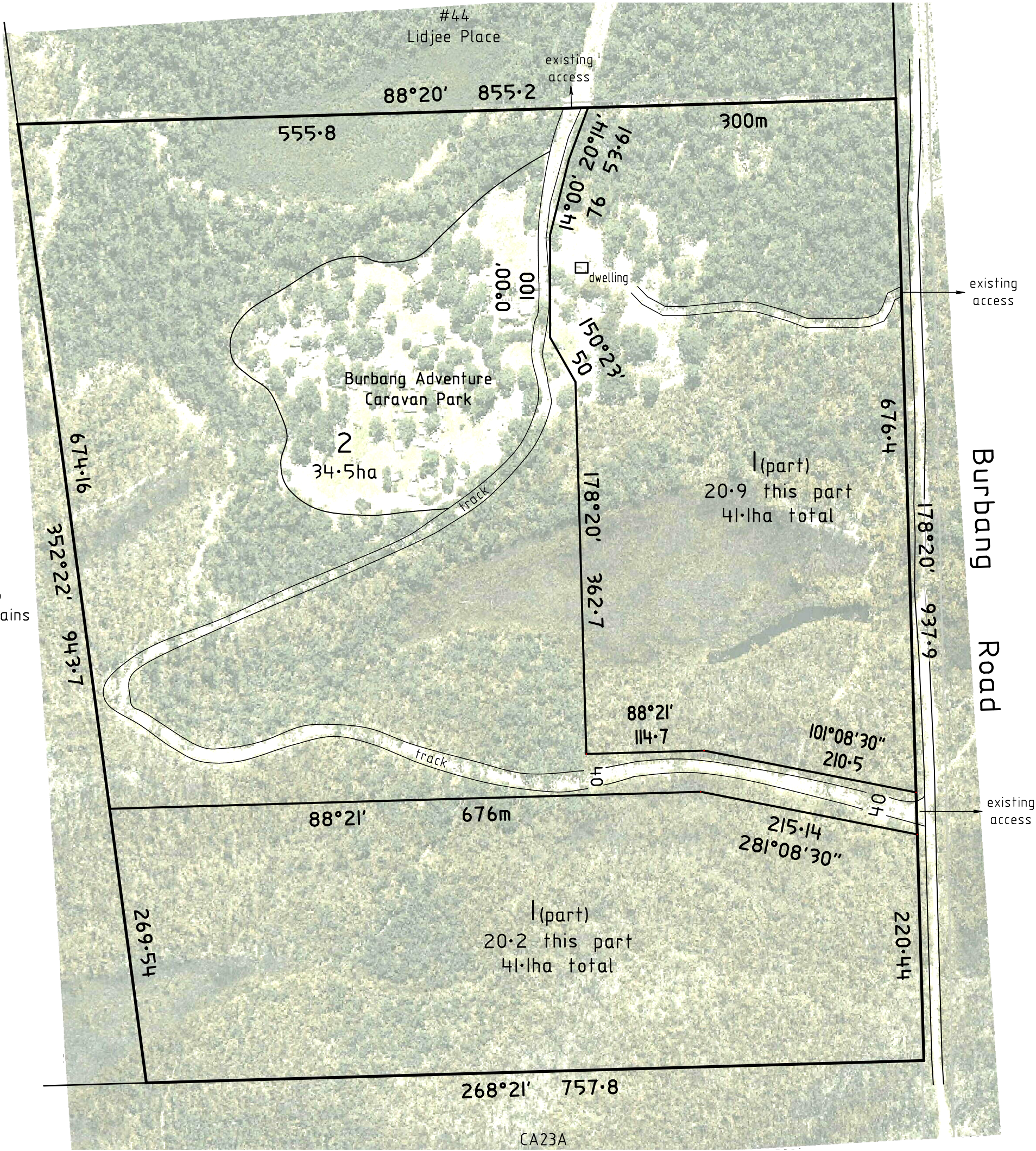


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Sheet 1 of 1

OnePlan LAND DEVELOPMENT GROUP SURVEYING CONSULTANTS		P:1300 853 157 M:0400 543 157 sks@oneplangroup.com.au www.oneplangroup.com.au GIPPSLAND - MELBOURNE		<div>40 0 40 80 120 160</div> <div>Lengths are in metres</div>		Proposed Subdivision Plan					
Notations Burbang Adventure Caravan Park This is not a title survey. See Certificate of Title for Easement details. Total site area: 75.64ha		<div></div> <div>55 Burbang Road, Marlo, 3888</div> <div>East Gippsland Shire</div> <table><tr><td>Plan No.</td><td>Scale</td><td>Drawn</td></tr><tr><td>232332 PR-4</td><td>1:4000 - A3</td><td>13/11/2023</td></tr></table>		Plan No.	Scale	Drawn	232332 PR-4	1:4000 - A3	13/11/2023	<div>County of Croajingolong Parish of Tabbara Section: A Crown Allotment:25 (part) Lot 2 on LP134909</div> <div>Paracentroid (MGA2020) : E 649 610, N 5816 060</div>	
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<div>Notations</div> <div>Burbang Adventure Caravan Park</div> <div>This is not a title survey.</div> <div>See Certificate of Title for Easement details.</div> <div>Total site area: 75.64ha</div>		<div><div><div></div><div></div><div></div><div></div></div><div>DEVELOPMENT SOLUTIONS</div><div>VICTORIA</div></div> <div>55 Burbang Road, Marlo, 3888</div> <div>East Gippsland Shire</div> <div><div>Plan No.</div><div>232332 SCPRA-4</div><div>Scale</div><div>1:4000 - A3</div><div>Drawn</div><div>13/11/2023</div></div>				<div>County of Croajingolong</div> <div>Parish of Tabbara</div> <div>Section: A</div> <div>Crown Allotment:25 (part)</div> <div>Lot 2 on LP134909</div> <div>Paracentroid (MGA2020) : E 649 610, N 5816 060</div>	