

18 April 2023

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	18 Woods Road CABBAGE TREE CREEK Lot 1 PS 742663
The application is for a permit to:	Buildings and Works for a Second Dwelling
The applicant for the permit is:	R L Rutherford and R W Rutherford
The application reference number is:	94/2023/P
You may look at the application and any documents that support the application on the website of the responsible authority.	(Intentionally blank)

This can be done anytime by visiting the following website:

<https://www.eastgippsland.vic.gov.au/building-and-development/advertised-planning-permit-applications>

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

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

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

Please note submissions received will be made available for inspection and may be made available to other parties in accordance with the Planning & Environment Act 1987. If you have concerns about this, please contact the East Gippsland Shire Council's Planning Office.

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

Page 1 of 1

VOLUME 11900 FOLIO 679

Security no : 124105025586H
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LAND DESCRIPTION

Lot 1 on Plan of Subdivision 742663K.

PARENT TITLES :

Volume 09694 Folio 802 Volume 10968 Folio 306

Created by instrument PS742663K 24/07/2017

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT as to part AM560677K 15/02/2016

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

DIAGRAM LOCATION

SEE PS742663K 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: 18 WOODS ROAD CABBAGE TREE CREEK VIC 3889

DOCUMENT END

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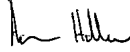

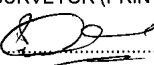
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GE No.	Plan Number
EDITION 1	PS742663K

PLAN OF SUBDIVISION		STAGE No. <div>part of a planning process under the Planning and Environment Act 1987. This document must not be used for any purpose which may breach any copy</div> Edition 1 Plan Number PS742663K											
<div>LOCATION OF LAND</div> <div>PARISH: JILWAIN</div> <div>TOWNSHIP: _____</div> <div>SECTION: _____</div> <div>CROWN ALLOTMENT: 53B (PART)</div> <div>CROWN PORTION: _____</div> <div>LTO BASE RECORD: JILWAIN</div> <div>TITLE REFERENCE: VOL 10968 FOL 306 VOL 09694 FOL 802</div> <div>LAST PLAN REFERENCE/S: LP 204601 PS 524831H</div> <div>POSTAL ADDRESS: 18 WOODS ROAD CABBAGE TREE CREEK VIC 3889</div> <div>MGA Co-ordinates E: 651912 ZONE:55 (of approx. centre of land in plan). N: 5825907</div>		<div>COUNCIL CERTIFICATION AND ENDORSEMENT</div> <div>COUNCIL NAME: EAST GIPPSLAND SHIRE COUNCIL REF: 14/2015/ORT</div> <div>1: This plan is certified under Section 6 of the Subdivision Act 1988.</div> <div>2: This plan is certified under Section 11(7) of the Subdivision Act 1988.</div> <div>Date of original certification under Section 6 / /</div> <div>3: This is a statement of compliance issued under Section 21 of the Subdivision Act 1988.</div> <div>OPEN SPACE:</div> <div>(i) A requirement for public open space under Section 18 of the Subdivision Act 1988 has has not been made.</div> <div>(ii) The requirement has been satisfied.</div> <div>(iii) The requirement is to be satisfied in stage</div> <div>Council Delegate </div> <div>Council Seal</div> <div>Date 24/12/2015</div> <div>Re-certification under Section 11(7) of the Subdivision Act 1988.</div> <div>Council Delegate</div> <div>Council Seal</div> <div>Date / /</div>											
<div>VESTING OF ROAD AND / OR RESERVE</div> <table><tr><td>IDENTIFIER</td><td>COUNCIL / BODY / PERSON</td></tr><tr><td>NIL</td><td>NIL</td></tr></table>		IDENTIFIER	COUNCIL / BODY / PERSON	NIL	NIL	<div>NOTATIONS</div> <table><tr><td>STAGING</td><td>This is not a staged subdivision. Planning Permit No. - NOT APPLICABLE</td></tr><tr><td colspan="2">DEPTH LIMITATION: 15.24 Metres</td></tr></table>		STAGING	This is not a staged subdivision. Planning Permit No. - NOT APPLICABLE	DEPTH LIMITATION: 15.24 Metres			
IDENTIFIER	COUNCIL / BODY / PERSON												
NIL	NIL												
STAGING	This is not a staged subdivision. Planning Permit No. - NOT APPLICABLE												
DEPTH LIMITATION: 15.24 Metres													
<div>SURVEY. THIS PLAN IS PARTIALLY BASED ON SURVEY</div> <div>THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARK NO. - 12 & PCM'S 116040076 & 116040077</div> <div>IN PROCLAIMED SURVEY AREA No. - N/A</div>													
<div>EASEMENT INFORMATION</div> <div>LEGEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)</div> <table><tr><td>Easement Reference</td><td>Purpose</td><td>Width (Metres)</td><td>Origin</td><td>Land Benefied / In favour Of</td></tr><tr><td colspan="5">SEE SHEET 2 FOR FURTHER EASEMENT INFORMATION</td></tr></table>		Easement Reference	Purpose	Width (Metres)	Origin	Land Benefied / In favour Of	SEE SHEET 2 FOR FURTHER EASEMENT INFORMATION					<div>LR USE ONLY</div> <div>STATEMENT OF COMPLIANCE / EXEMPTION STATEMENT</div> <div>RECEIVED <input checked="" type="checkbox"/></div> <div>DATE: 9/06/2017</div> <div>LR USE ONLY</div> <div>PLAN REGISTERED</div> <div>TIME: 8:26 am</div> <div>DATE: 24/07/2017</div> <div>R. W. Grimwood Assistant Registrar of Titles</div> <div>SHEET 1 of 4 SHEETS</div>	
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefied / In favour Of									
SEE SHEET 2 FOR FURTHER EASEMENT INFORMATION													
 <div>Surveying & Valuations</div> <div>PO BOX 639 EDEN NSW 2551 PHONE: (02) 6496 3418</div>		<div>LICENSED SURVEYOR (PRINT) ROBERT GORDON WEBB</div> <div>SIGNATURE  DATE 05.10.2015</div> <div>REF: 1962 C</div> <div>VERSION: 1</div>		<div>Printed 18/04/2015</div> <div>DATE 24/12/2015</div> <div>COUNCIL OF ELECTED MEMBERS</div> <div>ORIGINAL SHEET SIZE A3</div>									

Printed 18/04/2023
DATE 24/14/2023
COUNCIL DELEGATE SIGNATURE
Page 4 of 123

SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLIES TO THE WHOLE OF THIS PLAN.

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PLAN OF SUBDIVISION No: PS742663K

EASEMENT INFORMATION

Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefitted / In Favour Of
E-1	POWERLINE	3	PS524831H-SEC 88 OF THE ELECTRICITY INDUSTRY ACT 2000	SPI ELECTRICITY PTY LTD
E-1	DRAINAGE	3	PS524831H	LOT 1 ON PS524831H
E-1	DRAINAGE	3	PS524831H	EAST GIPPSLAND SHIRE COUNCIL
E-2	DRAINAGE	3	PS524831H	LOT 1 ON PS524831H
E-2	DRAINAGE	3	PS524831H	EAST GIPPSLAND SHIRE COUNCIL
E-3	CARRIAGEWAY & ELECTRICITY SUPPLY	SEE PLAN	LP137745	LOTS ON LP137745
E-3	POWERLINE	SEE PLAN	PS524831H-SEC 88 OF THE ELECTRICITY INDUSTRY ACT 2000	SPI ELECTRICITY PTY LTD
E-4	CARRIAGEWAY	SEE PLAN	LP137745	LOTS ON LP137745
E-4	POWERLINE	SEE PLAN	PS524831H-SEC 88 OF THE ELECTRICITY INDUSTRY ACT 2000	SPI ELECTRICITY PTY LTD
E-6	CARRIAGEWAY	20	LP137745	LOTS ON LP137745
E-7	CARRIAGEWAY	SEE PLAN	LP207225N	LOTS ON LP207225N
E-8	DRAINAGE	3	PS524831H	LOT 1 ON PS524831H
E-8	CARRIAGEWAY	3	THIS PLAN	EAST GIPPSLAND SHIRE COUNCIL
E-9	CARRIAGEWAY & ELECTRICITY SUPPLY	SEE PLAN	LP137745	LOTS ON LP137745

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PLAN OF SUBDIVISION

STAGE No.

PLAN NUMBER PS 742663K

PRINCES HIGHWAY

PRINCES HIGHWAY

WOODS ROAD

12.12ha

54.84ha

2

1

SEE DIAGRAM 1

SEE DIAGRAM 2

SEE DIAGRAM 3

E-4

E-6

E-7

E-9

E-9

701.55

181° 10' 50"

118° 33' 30"

225.96

62.96

100° 00' 30"

311.27

20° 55' 30"

383.23

79° 33' 30"

214.36

(241.03)

85.41

116° 10' 20"

119.22

128° 25' 30"

104° 01' 20"

64.14

33.67

68.81

60° 35' 20"

16° 50' 30"

85.14

67.83

16° 51' 20"

106° 07' 40"

62.44

89.09

94° 40' 50"

46° 11' 10"

(181.71)

194.99

329° 36'

20°

329°

206.49

54'

20°

74.64

40° 17'

156.66

84° 32'

78.03

51° 14' 20"

02° 12' 04"

340.53

87° 20'

25.025

102.40

4° 08' 20"

(132.13)

85.41

271° 12' 10"

996.20

MGA ZONE 55

SCALE

7.50 0 7.50 15 22.50 30 37.50

LENGTHS ARE IN METRES

ORIGINAL SCALE 1:4000

SHEET SIZE A3

LICENSED SURVEYOR (PRINT) ROBERT GORDON WEBB

SIGNATURE

DATE 05.10.2015

REF: 1962 C

VERSION: 1

SHEET 3

DATE 24/12/2015

COUNCIL DELEGATE SIGNATURE

ORIGINAL SHEET SIZE A3

Surveying & Valuations

PO BOX 639

EDEN NSW 2551

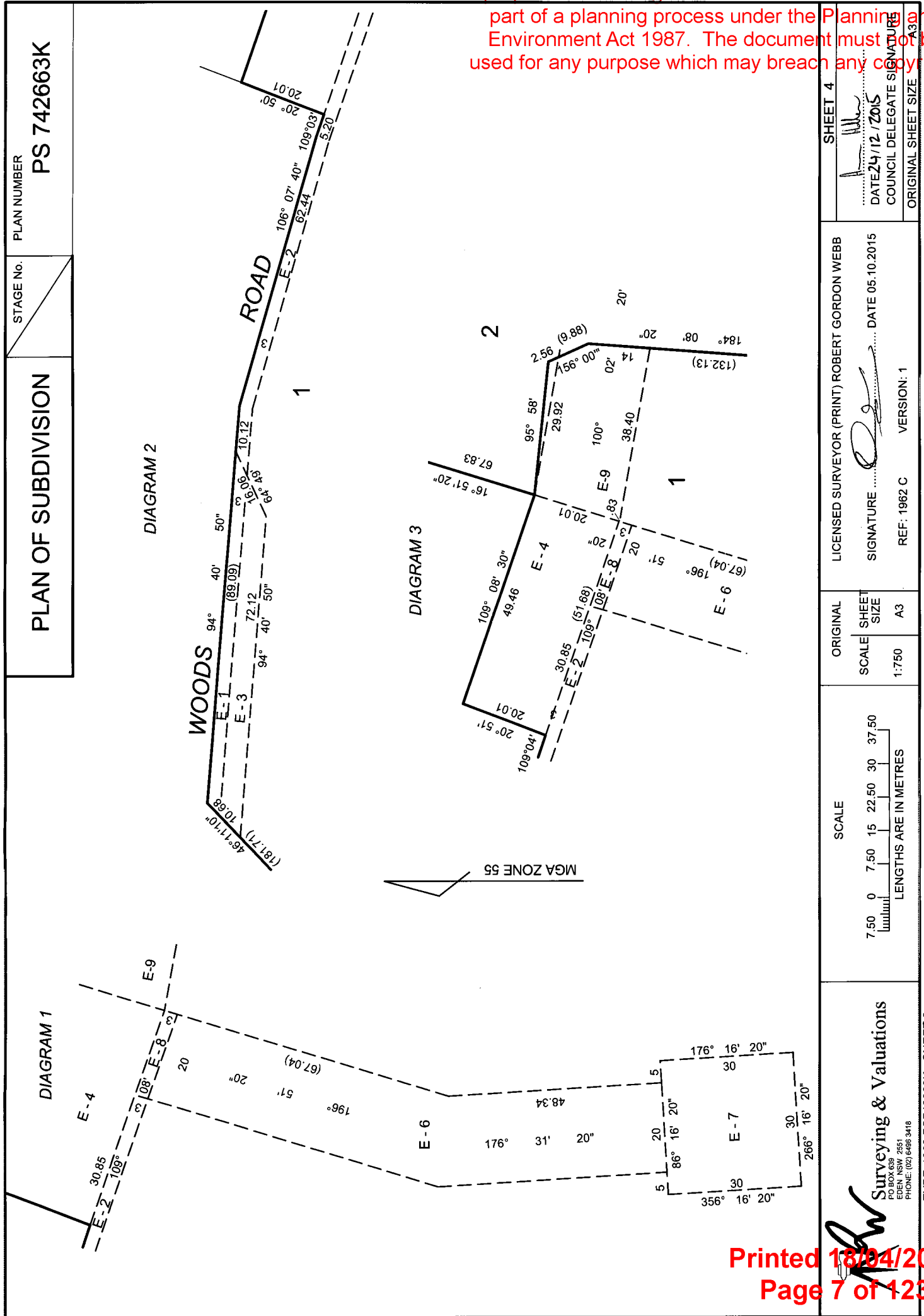
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Transfer of Land

Creating an Easement and/or Restrictive Covenant

Section 45 Transfer of Land Act 1958

Lodged by

Name:

Phone: **CBA - MS**

Address: **15771K**

Reference:

Customer Code:

The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed-

- together with any easements created by this transfer;
- subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer; and
- subject to any easements reserved by this transfer or restrictive covenant contained or covenant created pursuant to statute and included in this transfer.

Land: (volume and folio)

Volume 9694 Folio 802

Estate and Interest: (e.g. "all my estate in fee simple")

All our estate in fee simple

Consideration:

\$280,000.00

Transferor: (full name)

NOEL JAMES WOODS AND KATHLEEN ANN WOODS

Transferee: (full name and address including postcode)

MARK DAVID PARDEW of 613 Monaro Highway, Noorinbee, Vic 3890as Sole Proprietor

Directing Party: (full name)

Creation and/or Reservation of Easement and/or Restrictive Covenant :

AND the transferee with the intent that the benefit of this covenant shall be attached to and run at law and in equity with the whole of the land comprised in Plan of Subdivision No. (other than the land hereby transferred) and each and every part thereof and that the burden of this covenant will be annexed to and run at law and in equity with the land hereby transferred and each and every part thereof and be set out as an encumbrance at the foot of the Certificate of Title to be issued pursuant to this Transfer hereby for themselves and their respective heirs, executors, administrators and transferees COVENANTS with the transferor the said NOEL JAMES WOODS and KATHLEEN ANN WOODS and its successors and transferees and other the registered proprietor or proprietors for the time being of the whole of the land comprised in the said Plan of Subdivision and each and every part thereof (other than the land hereby transferred) and as a separate covenant with the registered proprietor or proprietors for the time being of every lot in the parent title whether transferred before or after the burdened land to the intent that the said

5951308A

Order to Register

Duty Use Only

T2

Please register and issue Certificate of Title to

Page 1 of 2

Signed

Customer Code:

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Land Victoria, 570 Bourke Street, Melbourne, 3000, Phone 8636-2010

Printed 18/04/2023

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Annexure Page

Transfer of Land Act 1958

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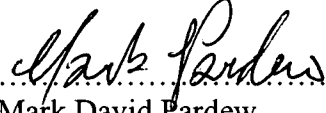
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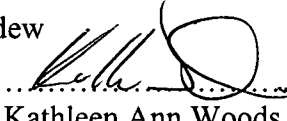
This is page 2 of Approved Form T2 dated

between Noel James Woods and Kathleen Ann Woods Mark David Pardeu

Signatures of the Parties


Mark David Pardeu


Noel James Woods


Kathleen Ann Woods

Panel Heading

covenants may be enforceable by any such persons as part of and for the purpose of effectuating a general building scheme affecting the whole of the aforesaid land that they the transferees will not:-

- (a) Use or permit the use of the land hereby transferred for an illegal, offensive or obnoxious purpose; or
- (b) No domestic cat may be boarded, retained, kept as a pet or be permitted to remain on the property (in recognition of the threat to nature wild life).

Dated:

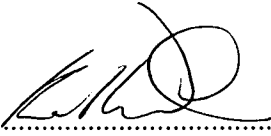
Execution and attestation:

Signed by NOEL JAMES WOODS in the presence of:)


NOEL JAMES WOODS

Witness: 

Signed by KATHLEEN ANN WOODS in the presence of:)


KATHLEEN ANN WOODS

Witness: 

Signed by MARK DAVID PARDEW in the presence of:)


MARK DAVID PARDEW

Witness: 

5951308A

A1

Page 2 of 2

1. If there is insufficient space to accommodate the required information in a panel of the attached Form insert the words "See Annexure Page 2" (or as the case may be) and enter all the information on the Annexure Page under the appropriate panel heading.
2. The approved Annexure Pages must be properly identified and signed by the parties to the attached Form to which it is annexed.
3. All pages must be attached together by being stapled in the top left corner.

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Land Victoria, 570 Bourke Street, Melbourne, 3000, Phone 8636-2010

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APPLICATION FOR PLANNING PERMIT

USE AND DEVELOPMENT OF A SECOND DWELLING

MAR
20
23

18 WOODS ROAD, CABBAGE TREE CREEK

ROBERT & ROBYN RUTHERFORD

REF: 22143

Printed 18/04/2023
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APPENDIX A	Copy of Title
APPENDIX B	Development Plans
APPENDIX C	Bushfire Management Plan
APPENDIX D	Land Capability Assessment
APPENDIX E	Geotechnical Risk Assessment Waiver

Version	Initials	Date	Comments
1.0	DAC	22/03/2023	Draft for Review
1.1	CMC	29/03/2023	Reviewed
1.2	DAC	29/03/2023	Final for Submission

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March 2023

APPLICATION FOR PLANNING PERMIT 18 WOODS ROAD, CABBAGE TREE CREEK DEVELOPMENT OF A SECOND DWELLING

1. EXECUTIVE SUMMARY

This planning submission is in support of a planning permit application for the development of a second dwelling at 18 Woods Road, Cabbage Tree Creek.

The subject site is approximately 12.12 hectares in area and is zoned Farming Zone – Schedule 1 (FZ1). The subject site is affected by the Bushfire Management Overlay (BMO), the Design and Development Overlay – Schedule 7 (DDO7) and the Erosion Management Overlay (EMO).

A planning permit is required for the use and development of a second dwelling under the provisions of the Farming Zone, Bushfire Management Overlay and the Design and Development Overlay. The requirements of the Zone and Overlays are addressed throughout this submission and within the supporting documentation.

The proposed use and development of a second dwelling is for the parents of the current owners and is not likely to detrimentally impact any existing surrounding land uses and development and is not likely to impede the ability of any surrounding land to be used for productive agricultural activities.

The following components of the East Gippsland Planning Scheme are addressed in response to the application as required:

- Clause 01 – Purposes of this Planning Scheme
- Clause 02 – Municipal Planning Strategy
- Clause 11 – Settlement
- Clause 12 – Environmental and Landscape Values
- Clause 13 – Environmental Risks
- Clause 15 – Built Environment Heritage
- Clause 16 – Housing
- Clause 35.07 – Farming Zone
- Clause 44.06 – Bushfire Management Overlay
- Clause 43.02 – Design and Development Overlay
- Clause 44.01 – Erosion Management Overlay
- Clause 53.02 – Decision Guidelines
- Clause 65

The information provided within this submission addresses the requirements of the East Gippsland Planning Scheme as outlined above and will result in a positive contribution to the locality of Cabbage Tree Creek.

2. INTRODUCTION:

We act on behalf of Robert and Robyn Rutherford, the owners of the land at 18 Woods Road, Cabbage Tree Creek being the subject of this planning application.

This planning submission has been prepared in support of an application for the use and development of a second dwelling.

This submission and supporting documentation addresses relevant provisions of the East Gippsland Planning Scheme to assist Council planning officers in considering the merit of the proposed development.

3. SITE AND SURROUNDS

The subject site is located at 18 Woods Road, Cabbage Tree Creek formally identified as Lot 1 on Plan of Subdivision 742663K contained in Certificate of Title Volume 11900 Folio 679. The title is affected by Covenant AM560677K. It is noted the subject site is affected by a carriageway and electricity easement in the north east portion.

Covenant AM560677K

This covenant predominately prohibits owners from using the site for an obnoxious or offensive use and prohibits the ownership of any cats in recognition of the threat to nature wild life.

The site is located within an existing rural residential and farming area on the southern edge of Cabbage Tree Creek. Cabbage Tree Creek is located approximately 26.8 kilometres east of the township of Orbost. Orbost is a rural service centre located on the Princes Highway approximately 59.3 kilometres northeast of Lakes Entrance.

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

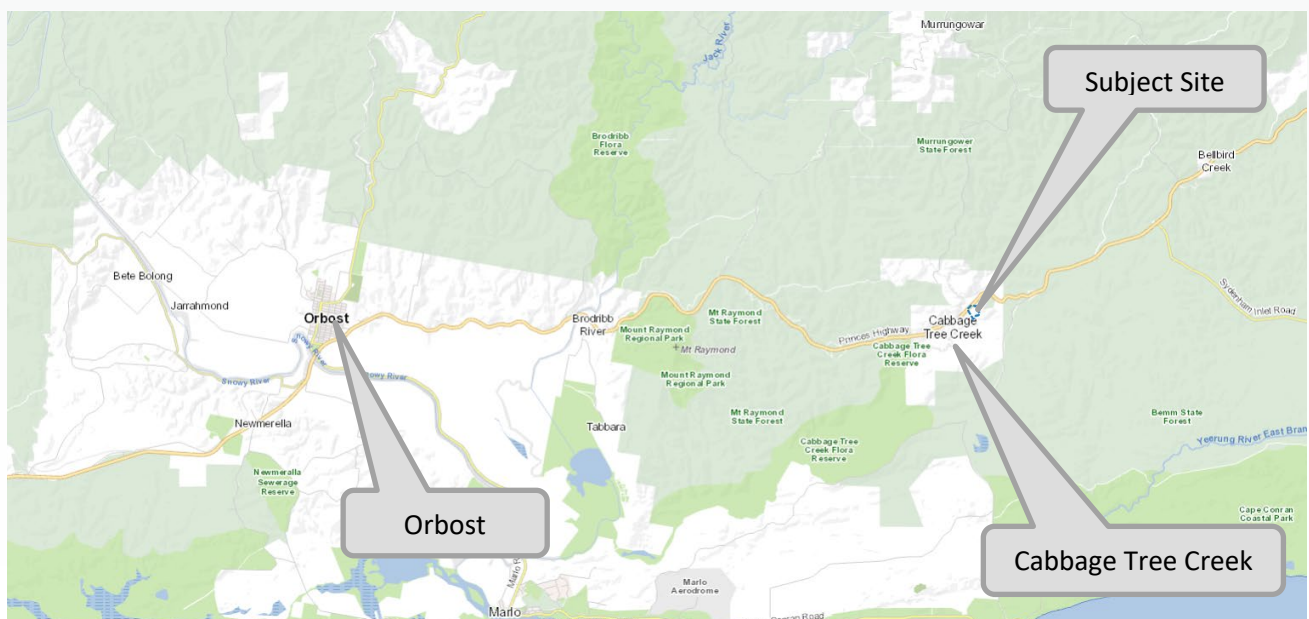


Figure 1 – Locality Plan – 18 Woods Road, Cabbage Tree Creek (source: mapshare.vic.gov.au)

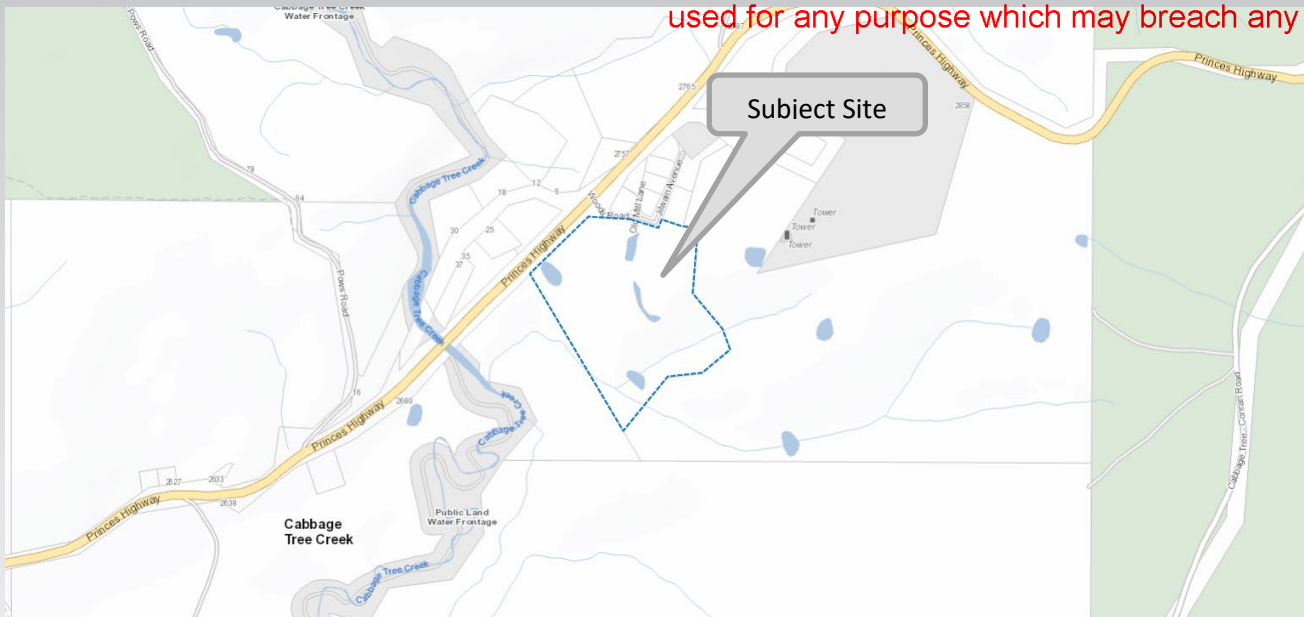


Figure 2 – Locality Plan – 18 Woods Road, Cabbage Tree Creek (source: mapshare.vic.gov.au)

The subject site is approximately 12.12 hectares in area and contains scattered vegetation throughout with dense vegetation in the southern portion of the site. The boundaries of the site are delineated by standard rural post and wire fences. The subject site is irregular in shape, undulating in nature and contains two watercourses and 5 existing dams scattered throughout the site. The subject site is currently used for residential purposes with some low scale agricultural uses being predominantly sheep grazing.

Access to the site will be via an existing gravel driveway from Woods Road along the northern boundary. Woods Road is a fully constructed bitumen road ceasing at the subject site connecting to the Princes Highway approximately 156 metres north west of the site. Princes Highway is a fully formed bitumen sealed road with grass verges and swale drains.

Immediately surrounding the site to the north is Woods Road and residential dwellings. Land adjoining the site to the south and east is existing farming land. Adjoining the site to the west is the Princes Highway and further farming land.

The site and surrounding area have access to a range of services and infrastructure including electricity, telecommunications and a good quality road network.

A visual description of the subject site and surrounding land is outlined in the photographs below.



Photograph 1 – Aerial Photograph of the subject site and surrounding land – 18 Woods Road, Cabbage Tree Creek (source: dpi.vic.gov.au)



Photograph 2 – Aerial Photograph of the subject site and surrounding land – 18 Woods Road, Cabbage Tree Creek (source: dpi.vic.gov.au)



Photograph 3 – Existing access to existing dwelling at 18 Woods Road, Cabbage Tree Creek.



Photograph 4 – Proposed access to second dwelling.



Photograph 5 – Area of the proposed dwelling, being the northern portion of the site, facing north.



Photograph 6 – Northern portion of the site facing east (area of proposed dwelling).



Photograph 7 – Northern portion of the site facing southwest (area of proposed dwelling).



Photograph 8 – Subject site facing existing dam in the northern portion of land.



Photograph 9 – Existing dwelling at 18 Woods Road, Cabbage Tree Creek.



Photograph 10 – Woods Road facing west at intersection with the Princes Highway.



Photograph 11 – Woods Road facing east.

4. PROPOSAL:

This application seeks approval for the use and development of a second dwelling. The proposed development plans are contained in **Appendix B**.

The proposed dwelling will be located in the north east portion of the site and is to be setback approximately 9 metres from the eastern boundary and approximately 29.97 metres from the northern boundary (Woods Road).

The proposed dwelling will be single storey and will be constructed of non-combustible cladding and selected Colorbond roof sheeting. An indicative image of the proposed dwelling is below in Figure 3.

The total area of the proposed dwelling is 184.3m² with the areas calculated as follows:

- Residence 117.13m²;
- Verandah 67.17m²;

Access to the site will be via a newly constructed gravel driveway directly from Woods Road along the northern boundary as indicated on the proposed development plans.

Wastewater disposal will be required by way of a septic tank system as recommended by the Land Capability Assessment undertaken by DBM Geotech and contained in **Appendix D**.

All stormwater runoff will be directed to the water tank in the first instance with overflow directed to the legal point of discharge.

No vegetation removal is required and only a relatively small excavation will be required to facilitate the proposed development of a second dwelling. A Geotechnical Risk Assessment Waiver is contained in **Appendix E** that concludes the proposed second dwelling is unlikely to cause erosion hazards provided care be taken and preventative measures implemented.

A Bushfire Management Plan has been prepared by a Euca Planning and is contained in **Appendix C** that concludes the subject site can achieve a BAL 29 rating. All of the bushfire protection measures have been incorporated into the development to ensure any risks can be reduced to an acceptable level.

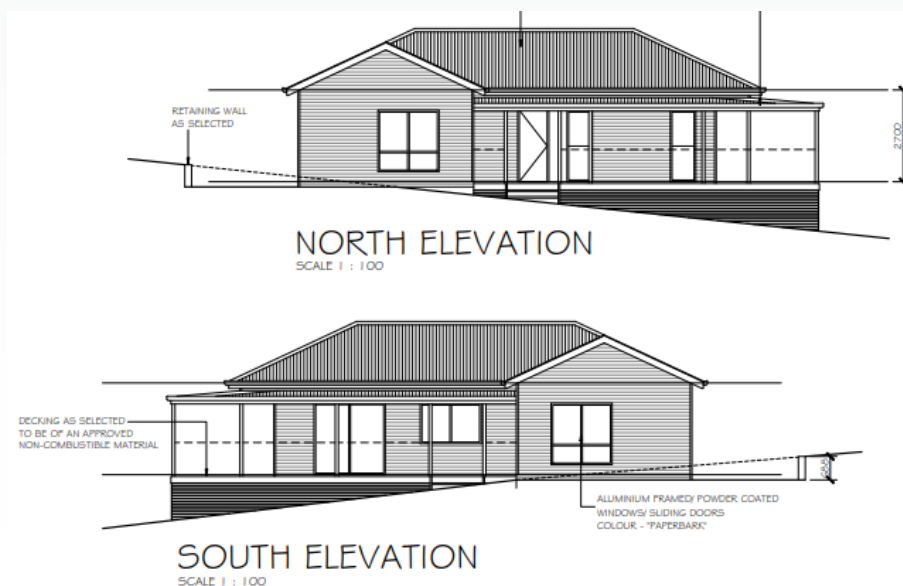


Figure 3 – Elevations – 3875 Design and Drafting

5. PLANNING PROVISIONS

5.1 EAST GIPPSLAND PLANNING SCHEME

Clause 01 – Purposes of this Planning Scheme provide:

- To provide a clear and consistent framework within which decisions about the use and development of land can be made.
- To express State, regional, local and community expectations for areas and land uses.
- To provide for the implementation of State, regional and local policies affecting land use and development.
- To support responses to climate change.

5.2 MUNICIPAL PLANNING STRATEGY

Clause 02.01 – **Context** provides an overview of the East Gippsland Shire Council acknowledging the 21,051 square kilometres that it covers incorporating the entire far eastern corner of the state of Victoria.

“East Gippsland is growing at an annual rate of about one percent and development will be guided by policies to ensure that this growth reflects local character and meets the needs of future generations.”

Settlement identifies that East Gippsland can be divided into four economic and geographic areas, as shown on the Strategic Framework Plan below being the Lakes and Coastal sub region, the Highland sub region, the Valleys and Forests sub region and the Agricultural Hinterland sub region.

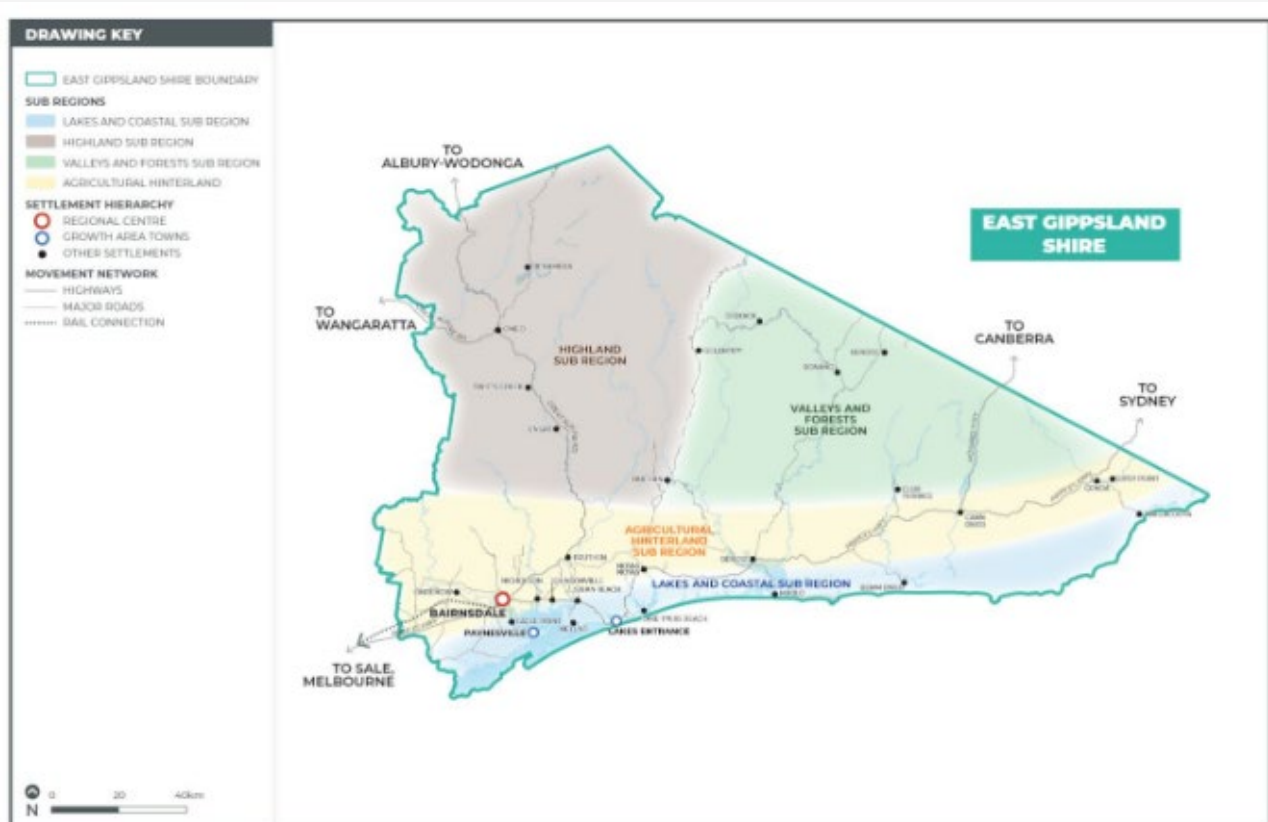


Figure 4 – Strategic Framework Plan (source: East Gippsland Planning Scheme)

Orbost and Cabbage Tree Creek are located within the Agricultural Hinterland sub region.

East Gippsland has a strong sense of community and enviable lifestyle has attracted people in all stages of life to make East Gippsland their home, including a growing cohort of older Australians.

Clause 02.02 – **Vision** notes the Council Plan (2017-2021) identifies the following vision:

“East Gippsland is the most liveable region in Australia.

A place of natural beauty, enviable lifestyles, and opportunities.”

This vision is supported with principles that are relevant to land use planning including:

- Liveability
- Sustainability
- Productivity

Clause 02.03-1 **Settlement and housing** identifies the Growth area towns being the Bairnsdale, Paynesville and Lakes Entrance. Newmerella is incorporated as being a part of Orbost which is identified as a rural settlement.

Council’s strategic directions for **rural settlements** are:

- *Consolidating development within existing town boundaries, using infill development, before further expansion of the towns.*
- *Providing for further subdivision where the land has capacity to absorb wastes, native vegetation is protected, and minimal impact is made on adjoining public land.*
- *Preserving the separation between Nicholson, Johnsonville and Swan Reach.*

Clause 02.03-2 – provides Council’s strategic directions for **Environmental and landscape values** are:

- *Restoring and maintain the biodiversity of our rivers, waterways, lakes and wetlands.*
- *Protecting areas of environmental, landscape, heritage or scenic value, particularly coastal/lakes areas; the Nicholson River, the Tambo River, Princes Highway; ridgelines and roadside vegetation.*
- *Balancing residential, business and tourist development with wildlife corridors and areas of rural or natural landscape.*
- *Protecting sites of significance by encouraging sensitive development, sympathetic to the character of the area and its aesthetic values.*

Clause 02.03-3 – provides Council’s strategic directions for **Environmental risk** are:

- *Prioritising the planning and management responses and adaptation strategies to vulnerable areas, such as protect, redesign, rebuild, elevate, relocate and retreat.*
- *Assessing the impacts of climate-induced sea level rise, combined with more severe storm surges.*
- *Minimising land degradation and tree decline in some rural areas.*
- *Using geotechnical risk assessments in evaluating proposals for use and development in erosion risk areas.*

Clause 02.03-5 – provides Council’s strategic directions for Built environment and heritage are:

- *Protecting natural and cultural heritage.*
- *Maintaining the human scale, village feel and character of Paynesville particularly in the town centre.*
- *Upgrading the townscapes of Lakes Entrance and Paynesville.*

5.3 PLANNING POLICY FRAMEWORK

Clause 11 – **Settlement** provides:

“Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Planning is to recognise the need for, and as far as practicable contribute towards:

- *Health wellbeing and safety.*
- *Diversity of choice.*
- *Adaptation in response to changing technology.*
- *Economic viability.*
- *A high standard of urban design and amenity.*
- *Climate change adaptation and mitigation.*
- *Prevention of land, water, air and noise pollution.*
- *Protecting, conserving and improving biodiversity, waterways and other natural resources.*
- *Accessibility.*
- *Land use and transport integration.*
- *Waste minimisation and resource recovery.*

Planning is to prevent environmental, human health and amenity problems created by siting incompatible land uses close together.

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.”

Clause 11.01-1R – **Settlement - Gippsland** provides:

- *Support urban growth in Latrobe City as Gippsland’s regional city, at Bairnsdale, Leongatha, Sale, Warragul/Drouin and Wonthaggi as regional centres, and in sub-regional networks of towns.*
- *Support new urban growth fronts in regional centres where natural hazards and environmental risks can be avoided or managed.*
- *Support the continuing role of towns and small settlements in providing services to their districts, recognising their relationships and dependencies with larger towns.*
- *Create vibrant and prosperous town centres that are clearly defined and provide commercial and service activities that respond to changing population and market conditions.*
- *Provide regional social infrastructure in the regional city and regional centres.*
- *Plan for increased seasonal demand on services and infrastructure in towns with high holiday home ownership.”*

Clause 11.01-L-01 – **East Gippsland Settlements** identifies the following strategies:

- *Encourage infill or incremental development of existing towns in preference to dispersed development.*
- *Encourage the consolidation of existing township areas through the development and subdivision of exiting lots.*
- *Allow limited infill development within existing residential zones.*
- *Protect areas for future urban growth, particularly avoiding the fragmentation of rural residential land on the urban fringe.*
- *Design new subdivision within or adjacent to unsewered towns to have lot sizes appropriate for on-site treatment and disposal of wastewater.*
- *Support residential infill development within existing residential zones.*
- *Protect areas for future urban growth, particularly avoiding the fragmentation of rural residential land on the urban fringe.*
- *Support medium density development for tourist and residential uses in residential zones.*
- *Preserve intervening areas of rural or natural landscapes to protect the separation between settlements.*
- *Provide any new lot created in the Township Zone or Low Density Residential Zone with urban infrastructure.*
- *Encourage development of township centres through consolidation of retail and commercial areas.*
- *Encourage retail and commercial uses requiring larger sites to locate adjacent to the central commercial areas, rather than in free-standing sites on the outskirts of towns.*

Clause 12 – **Environmental and Landscape values** provides:

“Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.

Planning must implement environmental principles for ecologically sustainable development that have been established by international and national agreements. Foremost amongst the national agreements is the Intergovernmental Agreement on the Environment, which sets out key principles for environmental policy in Australia. Other agreements include National Strategy for Ecologically Sustainable Development, National Greenhouse Strategy, the National Water Quality Management Strategy, the National Strategy for the Conservation of Australia’s Biological Diversity, the National Forest Policy Statement and National Environment Protection Measures.

Planning should protect sites and features of nature conservation, biodiversity, geological or landscape value.”

Clause 13 – **Environmental Risks and Amenity** provides:

“Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.

Planning should identify, prevent and minimise the risk of harm to the environment, human health, and amenity through:

- *Land use and development compatibility.*
- *Effective controls to prevent or mitigate significant impacts.*

Planning should identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society.

Planning should ensure development and risk mitigation does not detrimentally interfere with important natural processes.

Planning should prepare for and respond to the impacts of climate change."

Clause 13.04.2S – **Erosion and Landslip** contains the objective:

"To protect areas prone to erosion landslip or other land degradation processes."

The strategies identified are:

- *Identify areas subject to erosion or instability in planning schemes and when considering the use and development of land.*
- *Prevent inappropriate development in unstable areas or areas prone to erosion.*
- *Promote vegetation retention, planting and rehabilitation in areas prone to erosion and land instability.*

Clause 14 – **Natural Resource Management** contains the objective:

"To protect the state's agricultural base by preserving productive farmland."

The strategies identified are:

- *Identify areas of productive agricultural land, including land for primary production and intensive agriculture.*
- *Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.*
- *Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*
- *Protect productive farmland that is of strategic significance in the local or regional context.*
- *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*
- *Prevent inappropriately dispersed urban activities in rural areas.*
- *Protect strategically important agricultural and primary production land from incompatible uses.*
- *Limit new housing development in rural areas by:*
 - o *Directing housing growth into existing settlements.*
 - o *Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.*
 - o *Encouraging consolidation of existing isolated small lots in rural zones.*
- *Identify areas of productive agricultural land by consulting with the Department of Economic Development Jobs, Transport and Resources and using available information.*
- *In considering a proposal to use, subdivide or develop agricultural land, consider the:*
 - o *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
 - o *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
 - o *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
 - o *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*
 - o *Land capability.*

- Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.
- Give priority to the re-structure of inappropriate subdivision where they exist on productive agricultural land.
- Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.

Clause 14.01-4R – **Protection of agricultural land – Gippsland** contains the following strategy:

“Protect productive land and irrigation assets, including the Macalister Irrigation District, that help grow the state as an important food bowl for Australia and Asia.

Clause 14.01-1L-02 – **Protection of agricultural land** applies to all land within the Farming Zone and includes the following strategies:

- Limit subdivision outside those areas defined as being suitable for rural residential development to the lot sizes shown in Schedules 2,3 and 4 to the Farming Zone.
- Adopt cluster housing arrangements where the balance of the land is under unified management for agricultural, pastoral or conservation purposes.
- Support tourist-related or other economic development in non-urban areas, where it maintains environmental protection and the rural character of the area.
- Restrict subdivision at W-Tree and Gelantipy unless road access and the retention of treated sewage on-site can be provided to all new lots.
- Support subdivision that prohibits or limits the development of farming land for dwellings.

Clause 14.01-1L-03 – **Rural dwellings** applies to all land within the Farming Zone and includes the following strategies:

- Site rural dwellings on land adjoining Crown land to include buffer and fire protection zones.
- Site rural dwellings on land to minimise impacts on environmental and other values of public land.
- Discourage a second or subsequent dwelling on a single lot unless it is required for farming activities to be carried out on the land.
- Site second or subsequent dwelling in a way that provides legal road access to each dwelling.
- Consider the distance of a proposed dwelling not related to farming from the community centre and whether its development is likely to place unreasonable demands on services.

Discourage rural dwellings where wastewater needs to be treated and retained on site.

Clause 15 – **Built Environment and Heritage** provides:

“Planning should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

Creating quality built environments supports the social, cultural, economic and environmental wellbeing of our communities, cities and towns.

Land use and development planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through the appropriate location of uses and development and quality of urban design.”

Planning should achieve high quality urban design and architecture that:

- Contributes positively to local urban character and sense of place.

- Reflects the particular characteristics, aspirations and cultural identity of the community.
- Enhances livability, diversity, amenity and safety of the public realm.
- Promotes attractiveness of towns and cities within broader strategic contexts.
- Minimises detrimental impact on neighbouring properties.

Clause 15.02 – Sustainable development

Clause 15.02-15 – **Energy and resource efficiency** contains the objective:

“To encourage land use and development that is consistent with the efficient use of energy and the minimisations of greenhouse gas emission.”

The strategies identified are:

- Ensure that buildings and subdivision design improves efficiency in energy use.
- Promote consolidation of urban development and integration of land use and transport.
- Improve efficiency in energy use through greater use of renewable energy.

Clause 16 – Housing

“Planning should provide for housing diversity and ensure the efficient provision of supporting infrastructure.

Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.

Planning for housing should include the provision of land for affordable housing.”

PROJECT PLANNING RESPONSE

The Planning Policy Framework and the Municipal Planning Strategy provide objectives and strategies for consideration in planning permit applications. Many of the components of the East Gippsland Planning Scheme are in relation to the need to protect and enhance our resources including ensuring farming land is retained for agricultural uses.

This application seeks approval for the use and development of second dwelling at 18 Woods Road, Cabbage Tree Creek. The subject site is located within an area of Cabbage Tree Creek that is zoned farming however, there is a mix of farming and residential style development within the immediate area. It is noted that the size of allotments surrounding the subject site are of various sizes with some containing dwellings and associated facilities.

The property is approximately 12.12 hectares in area and is zoned Farming Zone. The subject site is affected by the Bushfire Management Overlay, Design and Development Overlay and the Erosion Management Overlay. A permit is required for the use and development of a second dwelling under the provisions of the Farming Zone, Bushfire Management Overlay and the Design and Development Overlay. The proposed use and development of a second dwelling has taken into consideration the objectives and the requirements of the zone and overlays as addressed throughout this submission and the proposal is considered to be in keeping with the character of the area. This application does not require the removal of any native vegetation.

The subject site has access to a reasonable level of infrastructure and services including electricity, telecommunications and a good quality road network which makes it suitable for the proposed use and development. Wastewater can be adequately treated and retained within the boundaries of the site as indicated in the Land Capability Assessment whilst maintaining suitable distances from any waterways.

Access to the proposed dwelling will be provided directly from the northern boundary being Woods Road and will be extended to the location of the proposed dwelling via a newly constructed gravel driveway as indicated on the proposed development plans. The driveway access will be constructed to an appropriate standard to accommodate the required vehicle use, in addition to supporting any emergency service vehicles.

All stormwater runoff from the proposed second dwelling will be directed to the proposed rain water tank with overflow directed to the legal point of discharge to the satisfaction of the responsible authority.

A Land Capability Assessment is contained in **Appendix D** concluding the land is capable of treating and retaining waste water within the boundaries. The proposal will include a subsoil absorption trench system as recommended within the Land Capability Assessment.

The site has two watercourses as indicated on the proposed development plans and five existing dams scattered throughout. The proposal has been located to ensure the watercourses and existing dams will not be impacted. A Geotechnical Risk Assessment Waiver is contained in **Appendix E** that concludes no erosion is likely as a result of the proposed development.

This parcel of land being 12.12 hectares will continue to be used for hobby farming being sheep grazing that is associated with the existing use of the land. Given the existing site conditions being small areas of agricultural activities and intensive landscape garden areas in addition to the development surrounding, the use of the land for a second dwelling is considered appropriate and will not permanently remove any productive agricultural land. The second dwelling will be used for the owners parents to reside.

The subject site is located within a bushfire prone area and affected by the Bushfire Management Overlay. A Bushfire Management Plan is contained in **Appendix C** that concludes the proposed second dwelling can achieve a BAL 29 rating and the bushfire protection measures contained in the plan have been incorporated into the design of the proposed dwelling.

The proposal is considered to be consistent with the objectives of both the Planning Policy Framework and the Municipal Planning Strategy.

5.4 ZONE AND OVERLAYS:

The site is zoned Farming Zone – Schedule 1 (FZ1) and is affected by the following overlays:

- Bushfire Management Overlay (BMO)
- Design and Development Overlay – Schedule 7 (DDO7)
- Erosion Management Overlay (EMO)

The provisions of the Zone and Overlays are addressed below.

Farming Zone:

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.*

An extract of the Farming Zone Map is provided below in **Figure 5**:

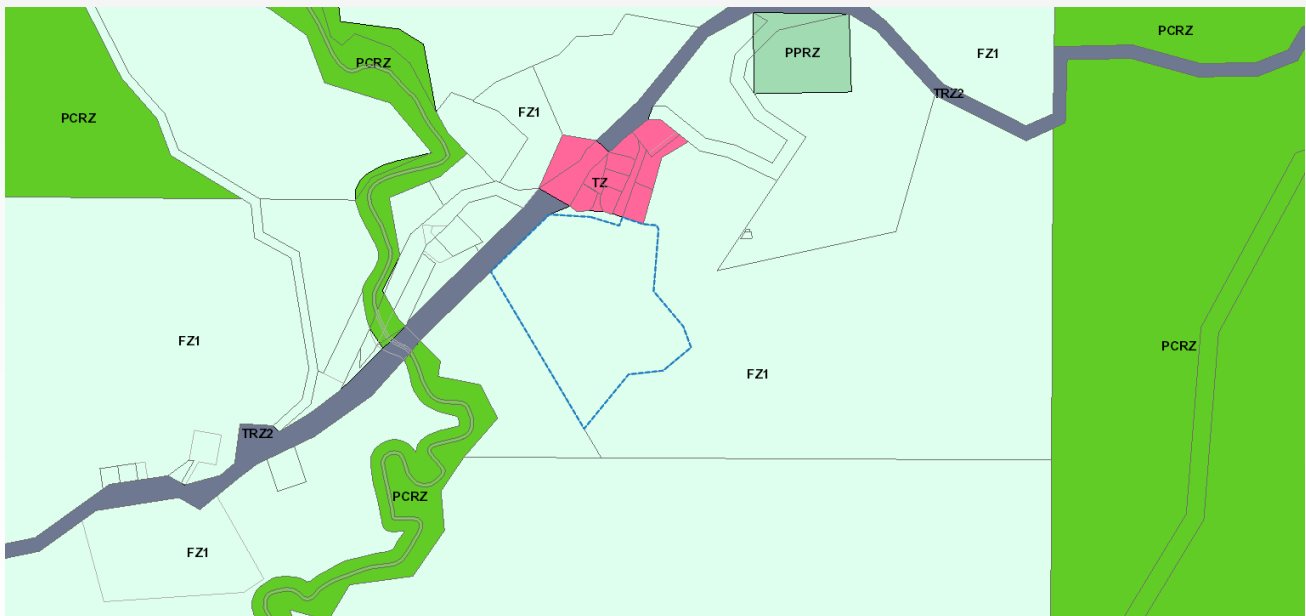


Figure 5 – Farming Zone Map (source: mapshare.vic.gov.au)

Clause 35.07-1, being the table of uses of the Farming Zone provides a permit is not required for a dwelling if the following are met:

- *Must be the only dwelling on the lot.*

- *The lot must be at least the area specified in the schedule to this zone. If no area is specified, the lot must be at least 40 hectares.*
- *Must meet the requirements of Clause 35.07-2.*

Clause 35.07-2 provides a lot used for a dwelling must meet the following requirements:

- *Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.*
- *The dwelling must be connected to a reticulated sewerage system or if not available, the wastewater must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*
- *The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.*
- *The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.*

The application is seeking approval for the development of a second dwelling, as such a permit is required for the use under the provisions of the Farming Zone. The proposed second dwelling will have suitable access, will connect to water tanks for water supply, will include a wastewater disposal system and will be connected to the reticulated electricity supply.

The decision guidelines of the Farming Zone are provided in Section 6.1 of this submission.

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 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 below in **Figure 6**:

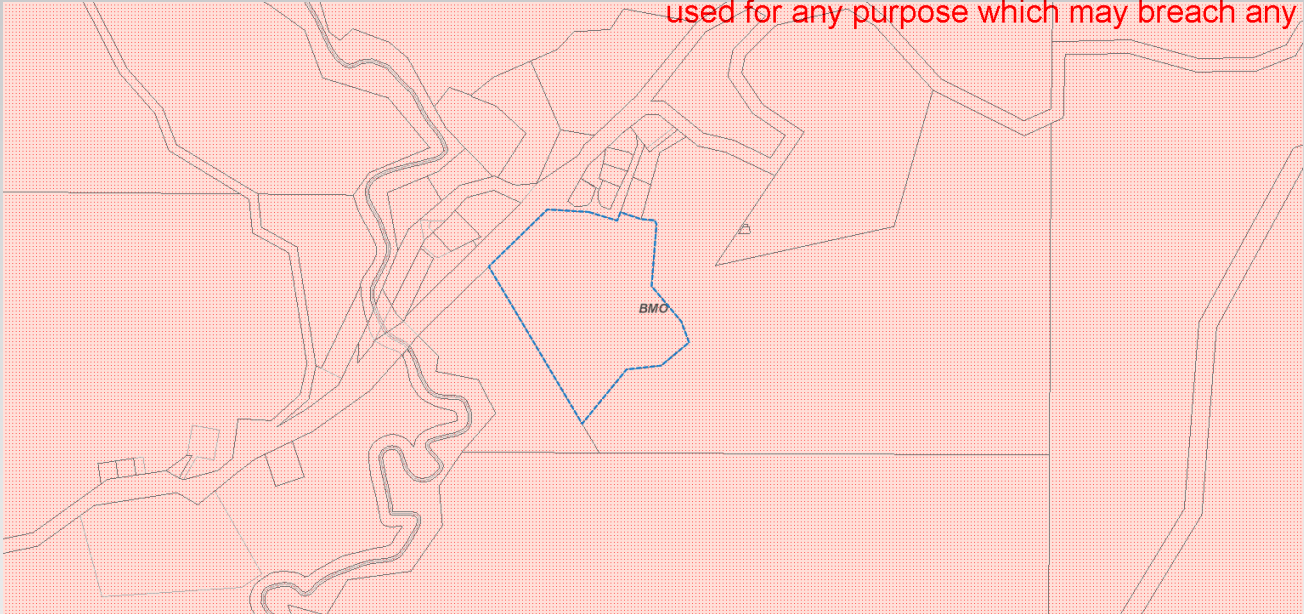


Figure 6: Bushfire Management Overlay Map (source: mapshare.vic.gov.au)

Clause 44.06-2 provides a permit is required to construct a building or construct or carry out works associated with accommodation.

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 decision guidelines of the Bushfire Management Overlay are contained in Section 6.2 of this submission. The decision guidelines of Clause 53.02-3.1 are addressed in Section 6.3 of this submission.

Design and Development Overlay:

The purpose of the Design and Development Overlay is:

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

An extract of the Design and Development Overlay Map is provided below in **Figure 7**:

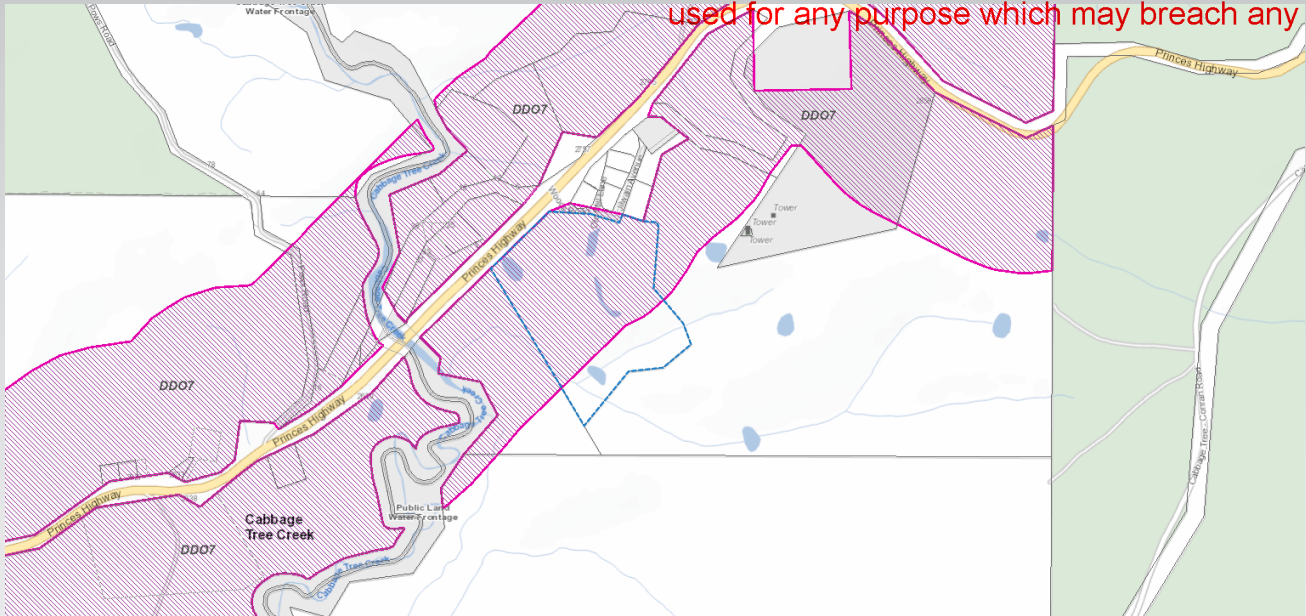


Figure 7: Design and Development Overlay Map (source – mapshare.vic.gov.au)

Clause 43.02-2 of the Design and Development Overlay provides a permit is required to construct a building. The Schedule to the Overlay provides in 2.0:

- *Buildings and works must be for a 'permit not required' use as set out in section 1 of the table of uses applicable to the zone.*
- *Buildings and works excepting fences, dams, driveways, services and tree planting must be sited at least 40.0 metres from the Highway frontage.*

Schedule 7 to the Design and Development Overlay refers to highway corridors, Princes Highway and Great Alpine Road and contains the following design objectives in relation to a proposed subdivision:

- *To ensure that development in the Highway corridors in non-urban areas is managed to minimise adverse effects on the safe and efficient flow of traffic along the highways.*
- *To encourage high standards of design and the use of appropriate materials in building and works to be constructed within the highway corridors.*
- *To prevent linear or ribbon development along the Highway corridors.*
- *To protect significant native vegetation in the Highway Road reserves.*

The proposal does not fall within a 'permit not required' use as set out in section 1 of the table of uses applicable to the zone and as such a permit is required under the provisions of the Design and Development Overlay. The decision guidelines of Clause 43.02-6 are addressed in Section 6.4.

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 Erosion Management Overlay Map is provided below in **Figure 8**:



Figure 8 - Erosion Management Overlay Map (source: mapshare.vic.gov.au)

Clause 44.01-2 provides a permit is required to construct a building or construct or carry out works, this does not apply if a Schedule to the overlay specifically states that a permit is not needed. Schedule 1 to Clause 44.01 of the Erosion Management Overlay provides no planning permit is required for a dwelling, including a replacement dwelling, where it is to be the only dwelling on the lot.

The proposal is seeking approval for a second dwelling, as such planning approval is required for the development of a second dwelling. The provisions of the Erosion Management Overlay are addressed in Section 6.5 of this submission.

5.5 OTHER PLANNING CONSIDERATIONS

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 development of a second dwelling is an exempt activity under these provisions and as such a Cultural Heritage Management Plan is not required.

An extract of the Aboriginal Cultural Heritage Overlay Map is provided below in **Figure 9**.

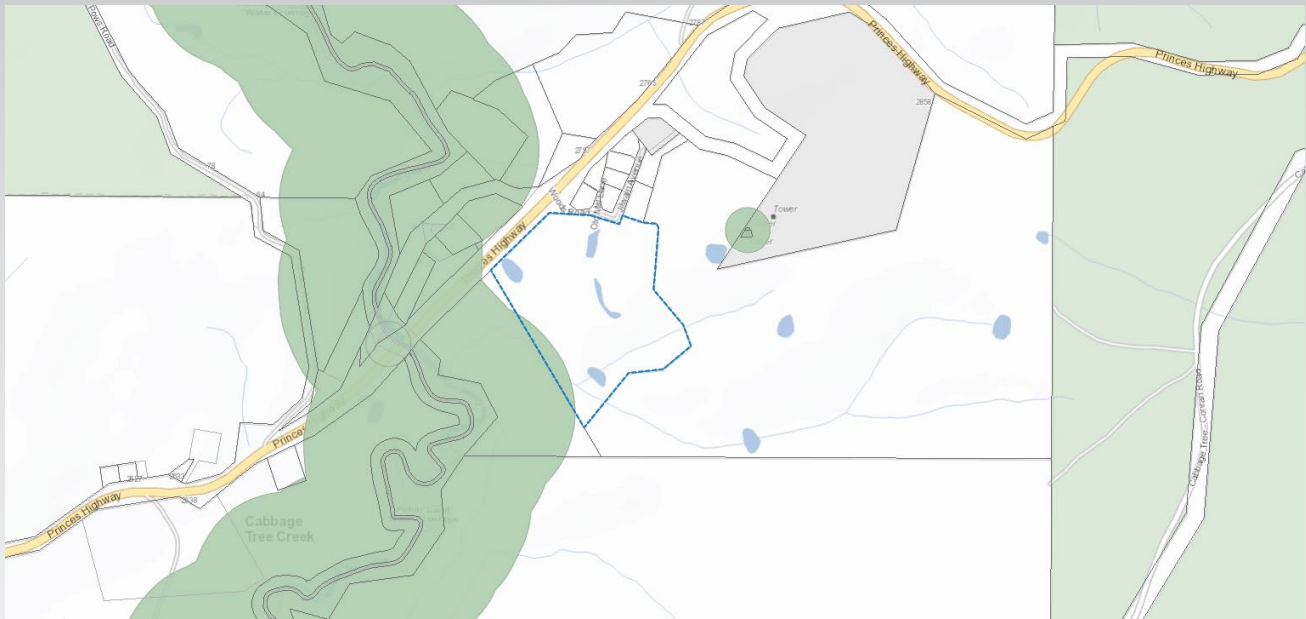


Figure 9 – Aboriginal Cultural Heritage Overlay Map (source: mapshare.vic.gov.au)

Clause 53.02 – Bushfire Planning

Clause 53.02 contains the following purpose:

- *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 ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*
- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*
- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.*

Clause 53.02-3 – Dwellings in existing settlements – Bushfire protection objective provides the following objective:

“To specify bushfire design and construction measures for single dwelling or alteration and extension to an existing dwelling that reduces the risk to life and property to an acceptable level.”

The bushfire protection measures identified under the provisions of Clause 53.02-3 are addressed in the Bushfire Management Plan and Bushfire Planning Report provided in **Appendix C**.

The decision guidelines of Clause 53.02-3.1 are addressed in Section 6.3 of this submission.

6. PLANNING ASSESSMENT

6.1 DECISION GUIDELINES OF THE FARMING ZONE

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines of Clause 65, the responsible authority must consider, as appropriate:

General Issues

The Municipal Planning Strategy and the Planning Policy Framework.

The State and Local Planning Policy Frameworks and the Municipal Strategic Statement recognise the need to facilitate sustainable development that respects our natural environment and adequately responds to potential threats and hazards.

Farming zoned land is important in the Gippsland region and development of land must be considered against the zone requirements as well as the role the farming land plays to the specific area. The subject site currently contains an existing dwelling and associated facilities. The proposed use and development of a second dwelling will not decrease the ability of the subject site or surrounding land to be used for agriculture and will not permanently remove any land from productive agricultural activities. The proposal does not require the removal of any vegetation. A Geotechnical Risk Assessment waiver is provided in **Appendix E** that concludes the erosion risks can be reduced to an acceptable level and all preventative measures will be implemented.

There are no immediate risks associated with the land that make it unsuitable for the proposed second dwelling. The proposal does not contravene any of the objectives outlined for the area and adequately responds to the policies contained in the State and Local Planning Policy Frameworks.

Any Regional Catchment Strategy and associated plan applying to the land.

The East Gippsland Regional Catchment Strategy 2013-2019 is applicable to this area and is a planning framework that sets strategic direction and broad priorities in relation to maintaining and using our regions assets. This document is currently under review and the East Gippsland Regional Catchment Strategy 2021-2027, the final strategy is under development.

The subject site is within the Gippsland Lakes and Hinterland area. This area is recognised as the most modified part of the East Gippsland region and is the centre of development and tourism. The subject site and proposed second dwelling is within an area identified as suitable for this type of development that will not negatively impact on any of our waterways or regions natural assets.

The proposed use and development of a second dwelling has been designed to respond to the current site conditions with respect to any potential environmental implications. The proposal does not require the removal of any vegetation.

There are two existing water courses in the southern portion of the subject site and five existing dams scattered throughout. The proposed dwelling will be suitably setback from the existing water courses and dams. The proposed use and development of a second dwelling is not expected to impact the dam or watercourses.

The proposed use and development will not have a detrimental impact on the landscape, native vegetation or ecosystems.

The capability of the land to accommodate the proposed use or development, including the disposal of effluent.

The proposed use and development has been designed to respond to the existing site conditions and be respectful of the environment whilst providing a modern and functional second dwelling on an allotment adjoining the township area of Cabbage Tree Creek. The proposal will be located towards the northeast portion of the site.

The Land Capability Assessment provided in **Appendix D** concludes the subject site can adequately treat and retain wastewater within the boundaries of the allotment by way of a subsoil absorption trench septic tank system. The assessment was undertaken by a suitably qualified professional.

How the use or development relates to sustainable land management.

The subject site is approximately 12.12 hectares in area and is not a size that makes it suitable for productive or viable agricultural activities particularly given the extensive areas of vegetation and landscaping on the site. The proposal seeks approval for the use and development of a second dwelling for the owners parents to reside. The site currently contains an existing dwelling and associated facilities, the uses undertaken on the subject site include small scale agricultural activities being sheep grazing that will remain unchanged. The use and development of this site for the purposes of a second dwelling will not remove any productive agricultural land nor will result in any detrimental impact to any surrounding land uses or developments.

Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

The use of the land for a second dwelling is consistent with the surrounding land uses and development. The site has access to an appropriate level of facilities and amenities including reticulated electricity, telecommunications and a good quality road network. Wastewater will be treated and retained within the site boundaries as recommended by the Land Capability Assessment. The size of the site does not support or encourage any intensive agricultural uses as with the surrounding properties to the north. Additionally, there are no agricultural uses being undertaken on the surrounding properties that would be affected by the development of a second dwelling in this location.

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

The subject site has access to standard rural infrastructure and the proposed use and development is not expected to exceed the capacity of the existing services. Reticulated electricity will be provided by existing infrastructure and wastewater disposal will be provided by a subsoil absorption trench septic tank system as recommended by the Land Capability Assessment. Water will be provided by way of a proposed water tank. The existing road network is adequate to support the proposed second dwelling. Access to the site is existing and will be extended as indicated on the proposed development plans to the location of the proposed second dwelling via a gravel driveway. The proposal is not considered likely to create unreasonable pressure on existing services.

Agricultural issues and the impacts from non-agricultural uses

Whether the use or development will support and enhance agricultural production.

The subject site and immediate area is not considered to be “high quality or productive” agricultural land nor considered appropriate for any intensive agricultural activities. The parcel of land is surrounded by various sized allotments with some containing residential development at a higher density than that proposed. The proposed second dwelling on this site will support management of the site including the existing grazing operations and intensive landscape areas.

Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.

As previously provided, the proposed second dwelling is to be located in the north eastern portion of the subject site. No vegetation is required to be removed. The size and location of the site do not encourage or enable any intensive agricultural activities. The proposal is not expected to adversely affect the soil quality or permanently remove land from agricultural production.

The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

The proposed use and development of a second dwelling, on the subject site is not expected to limit the operation of nearby agricultural uses. The location of the subject site is a suitable distance from any surrounding agricultural and associated activities.

The capacity of the site to sustain the agricultural use.

The subject site is not of a size that would be deemed suitable to sustain a viable intensive agricultural use beyond that of a hobby farm particularly given the extensive vegetation, watercourses and landscaping. The proposed use and development of a second dwelling will have access to a suitable level of services and infrastructure.

The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

As provided above, the site is not considered to be “high quality or productive” agricultural land nor considered appropriate for any intensive agricultural activities.

Any integrated land management plan prepared for the site.

No integrated land management plan has been prepared for the site, nor is considered necessary in this particular instance, given the size of the subject site.

Whether Rural worker accommodation is necessary having regard to:

- **The nature and scale of the agricultural use.**
- **The accessibility to residential areas and existing accommodation, and the remoteness of the location.**

The application is seeking approval for the use and development of a second dwelling and is not seeking to construct any buildings associated with rural worker accommodation at this time. This is not considered relevant to the proposal.

The duration of the use of the land for Rural worker accommodation.

As provided above, this application is seeking approval for the use and development of a second dwelling and is not seeking to construct any buildings associated with rural worker accommodation at this time. This is not considered relevant to the proposal.

Accommodation Issues

Whether the dwelling will result in the loss or fragmentation of productive agricultural land.

This application is seeking approval for the use and development of a second dwelling. The proposed development will be located in the northeast portion of the subject site and will have suitable access provided directly from Woods Road along the northern boundary to the proposed location of the second dwelling as indicated on the proposed development plans. The proposed dwelling will not result in the loss or fragmentation of agricultural land. The subject site is approximately 12.12 hectares in area and is surrounded by other similar style development on lots ranging in sizes.

Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.

The location of the subject site is not in proximity to any existing agricultural activities beyond grazing. The proposed dwelling is not expected to be adversely affected by agricultural activities of any surrounding property, beyond that of a domestic scale. The proposed development is suitably setback from all boundaries to minimise potential impacts.

Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

This application is seeking approval for the use and development of a second dwelling on a 12.12 hectare allotment that is surrounded by existing dwellings and vacant land. The proposed development will be appropriately setback from the boundaries of the subject site and will not adversely affect the operation and expansion of any nearby agricultural uses.

The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

The subject site is surrounded by existing residential development in the township of Cabbage Tree Creek as well as agricultural land. The proposal is not expected to lead to a concentration or proliferation of dwellings in the area and will not result in any detrimental impact to the use of the surrounding land, noting that the land is not suitable for any productive agricultural activities beyond that of a hobby scale. The proposed second dwelling in this location will not impact the ability of surrounding and nearby land to be used for agricultural activities.

The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is located within one kilometre from the nearest title boundary of land subject to:

- A permit for a wind energy facility; or
- An application for a permit for a wind energy facility; or
- An incorporated document approving a wind energy facility; or

- **A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.**

The proposed use and development of a second dwelling will not be located within 1 kilometre of a title boundary of land subject to a permit for a wind energy facility, an application for a permit for a wind energy facility, an incorporated document approving a wind energy facility, a proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.

The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

The proposed use and development of a second dwelling will not be within 500 metres of the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

Environmental Issues

The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.

The proposed second dwelling will be located in the north east portion of the subject site as indicated on the proposed development plans. The proposal does not require the removal of any vegetation. There is an existing watercourse in the southern portion and five dams scattered throughout however the proposal is located a suitable distance from both the dams and watercourse. There is unlikely to be any detrimental impact on the natural physical features and resources of the area.

The impact of the use or development on the flora and fauna on the site and its surrounds.

As provided above, it is not expected that the proposed use and development of a second dwelling will have a detrimental impact on the flora and fauna of the site and its surrounds.

The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.

The area of the proposed dwelling is clear of any vegetation. The proposal does not require the removal of any vegetation. Revegetation is not considered appropriate in response to this proposal given the bushfire hazards associated with the site.

The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

The Land Capability Assessment contained in **Appendix D** concludes the subject site can adequately treat and retain wastewater and is suitable for a subsoil absorption trench septic system. The specifics of the septic system and waste disposal area has been determined by a suitably qualified engineer to ensure minimal impact of nutrient loads on waterways and vegetation. No vegetation removal is required.

Design and siting issues

The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.

The proposed second dwelling will be located in the north east portion of the subject site as indicated on the proposed development plans. The size and location of the subject site ensures that the development will not adversely impact any surrounding agricultural uses and will not result in the loss of any productive agricultural land.

The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measure to be undertaken to minimise any adverse impacts.

The proposed second dwelling will be a modern single storey dwelling. The proposed external finishes will be muted in toning to ensure a well integrated dwelling. The subject site is not visible from any significant vistas or viewpoints. The proposed use and development is not considered likely to impact the natural environment or be visually obtrusive on the landscape of the area. The proposed second dwelling will not be excessive in height or bulk and is of a similar height and scale to the existing development surrounding the site. The proposed second dwelling will compliment the existing development on the site.

The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

The subject site and surrounding area do not have any areas or features of architectural, historic or scientific significance or of natural scenic beauty or importance, that require specific protection. The proposal is not expected to have a detrimental impact on the character of the area, particularly given the size and existing use and development on the site and the allotments surrounding the subject site. The proposed second dwelling is not considered to be out of character for the area and is not inconsistent to other development in the locality.

The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

All available facilities and services will be utilised including reticulated electricity, telecommunications and a good quality road network. Waste water will be treated and retained within the site boundaries by way of a subsoil absorption trench septic system as recommended by the Land Capability Assessment undertaken by a suitably qualified professional. Stormwater runoff from the proposed second dwelling will be directed to the proposed water tank in the first instance with overflow directed to the legal point of discharge to the satisfaction of the responsible authority.

Whether the use and development will require traffic management measures.

The proposal will not require any traffic management measures.

The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to:

- A permit for a wind energy facility; or
- An application for a permit for a wind energy facility; or

- An incorporated document approving a wind energy facility, or
- A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.

As provided above, the proposed second dwelling will not be located within 1 kilometre of a title boundary of land subject to a permit for a wind energy facility, an application for a permit for a wind energy facility, an incorporated document approving a wind energy facility, a proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.

The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

As provided above the proposed second dwelling will not be within 500 metres of the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

6.2 DECISION GUIDELINES OF THE BUSHFIRE MANAGEMENT OVERLAY

Clause 44.06-8 of the East Gippsland Planning Scheme provides, before deciding on an application, in addition to the decision guidelines in Clause 53.02 and Clause 65, the responsible authority must consider:

The Municipal Planning Strategy and Planning Policy Framework.

The Planning Policy Framework and the Municipal Planning Strategy are addressed throughout this report, particularly in Sections 5.2 and 5.3. The proposal is consistent with the objectives and strategies identified within Municipal Planning Strategy and the Planning Policy Framework and provides for an appropriate second dwelling that has taken into consideration the potential hazards associated with the land. The proposal will not result in any offsite impacts. The proposal will implement appropriate bushfire measures to ensure the potential threat to property or life is not increased and can be maintained at an acceptable level.

The proposed second dwelling will be constructed to a BAL 29 and a minimum 10,000 litre water tank constructed of concrete or metal will be provided as per the requirements of the BAL 29 rating set out in the report prepared by Euca Planning contained in **Appendix C**. This site is connected to electricity services and the proposed second dwelling will be connected to the existing electricity infrastructure. The proposal will include appropriate access to accommodate emergency service vehicles including a y turning area as indicated on the proposed development plans. The subject site adjoins a public road being Woods Road along the northern boundary. The area surrounding the proposed second dwelling will have a defensible space area of 57 metres in all directions or to the property boundary.

Any other matters specified in a schedule to this overlay.

No further matters are required to be considered.

6.3 DECISION GUIDELINES OF BUSHFIRE PLANNING CLAUSE 53.02

Clause 53.02-3.1 provides, before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

The bushfire hazard site assessment and the bushfire management statement submitted with the application.

A planning permit is required under the Bushfire Management Overlay provisions. The location of the proposed second dwelling will be within an existing rural area of Cabbage Tree Creek immediately adjoining the township area. The area contains allotments at various sizes with some containing dwellings and associated facilities. The subject site contains scattered vegetation. No vegetation removal is required to facilitate the proposal. A Bushfire Planning Report including a Bushfire Management Plan prepared by Euca Planning is provided in **Appendix C** that concludes the proposed second dwelling can achieve a BAL 29 rating. In addition to this statement, we offer the following supporting information:

- The proposed second dwelling will have access to tank water supply.
- A 10,000 litre minimum water tank will be provided for CFA purposes.
- The area surrounding the existing dwelling and proposed second dwelling will be maintained in a neat and tidy manner and ground fuel loads will be kept to a minimum.
- The subject site is within proximity to a public road.
- An appropriate access driveway will be provided to accommodate emergency service vehicles with a Y turning head.

Whether all of the approved measures have been incorporated into the application.

The Bushfire Management Plan provided by Euca Planning identifies that the proposed development of a second dwelling has adopted all of the approved measures. The proposed second dwelling will need to be constructed to a BAL 29 and the Bushfire Management Plan endorsed as part of the planning permit.

6.4 DECISION GUIDELINES OF THE DESIGN AND DEVELOPMENT OVERLAY

Clause 43.02-6 of the East Gippsland Planning Scheme provides, before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

The Municipal Planning Strategy and the Planning Policy Framework.

The Planning Policy Framework and the Municipal Planning Strategy are addressed throughout this report, in particular in Sections 5.2 and 5.3. The proposal is considered to be consistent with the objectives and strategies identified within the State and Local provisions and in particular provides for an appropriate development of a second dwelling in a primarily residential area of Cabbage Tree Creek. The proposal has taken into consideration the existing development on the site, surrounding land uses and development as well as any potential environmental risks and hazards.

The proposal is consistent with the Farming Zone objectives and will not be out of character for the area.

The proposal will not result in any negative offsite impacts. The proposed second dwelling can meet the objectives of the Design and Development Overlay and in particular provide for development that can be undertaken in accordance with the design objectives for the locality.

For the reasons outlined above, the proposal is considered to be consistent with the objectives of the Planning Policy Framework and the Municipal Planning Strategy.

The design objectives of the relevant schedule to this overlay.

Schedule 7 to the Design and Development Overlay applies to the Highway Corridors, Princes Highway and Great Alpine Road. The design objectives are outlined in Section 5.4 of this submission and in summary seek to ensure that any new development in the Highway corridors in non-urban areas is managed to minimise adverse effects on the safe and efficient flow of traffic along the highways.

The proposed development of a second dwelling will not be detrimentally impacting the existing character of the area or be visually obtrusive, particularly when viewed from significant vistas or viewpoints. The proposed second dwelling does not require direct access to the Princes Highway.

The proposed development is not out of character for the area and is not expected to be visually obtrusive.

The provisions of any relevant policies and urban design guidelines.

There is no Urban Design Framework relevant to the area. The Design and Development Overlay provides requirements relating to the visual appearance and impact of development to the nearby Highway. The proposed second dwelling has been designed to be respectful of the existing development on the subject site and neighbourhood character of the area.

Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.

The proposed second dwelling has been designed to be respectful of the existing dwelling on the subject site and surrounding development. The subject site can adequately accommodate the existing use and development and a second dwelling. The allotments within the surrounds are varied in sizes and include a combination of farming land with existing dwellings and associated facilities and residential lots with existing dwellings. The proposed development of a second dwelling will not be detrimental to the streetscape of the area. Access to the site is existing and will be extended to the location of the proposed dwelling.

Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.

There are no heritage places identified in proximity to the site that would be impacted by the proposal.

Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape of the area.

This application is not seeking to remove any vegetation to facilitate the proposed development. No landscaping is proposed at this time however it is expected any future landscaping would be keeping with the

character of the area. Additional planting is not considered appropriate at this time given the elevated bushfire hazards associated with the site.

The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off-street car parking.

The allotment has adequate area for the proposed second dwelling and to continue to support car parking, access and egress.

Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.

This application is not seeking to subdivide land. This is not considered relevant to the proposal.

Any other matters specified in a schedule to this overlay.

Before deciding on an application, the responsible authority must consider:

The need to minimise development with direct access or frontage to the highway.

The subject site has existing access from the northern boundary being Woods Road and contains a carriageway easement in the northern portion of the site. Access to the proposed second dwelling will be along the northern boundary directly from Woods Road as indicated on the proposed development plans.

Any additional traffic which may be generated by the use or development.

The proposed second dwelling will increase the traffic using Woods Road however, Woods Road is of a suitable standard to continue to support the existing dwelling and development of a second dwelling. No new access to the Princes Highway is proposed.

The potential impact of the use or development on significant vegetation in the highway corridor.

The subject site contains scattered vegetation throughout. No vegetation removal is required to facilitate the proposed second dwelling.

The proposed design and materials of the building and its likely impact on the visual amenity and character of the area.

The proposed second dwelling has been designed to be respectful of the existing development on the site and surrounding. The proposed second dwelling is unlikely to detrimentally impact the amenity or character of the area. The finished materials will be of muted toning's to ensure a well integrated development and will be a combination of cladding and Colorbond sheeting.

Any signs associated with the proposed use or development and their likely impact on the visual amenity and character of the area.

This application is seeking the development of a second dwelling. No signage is proposed, nor is it likely given the existing use and development of the land.

The need for the use or development to promote the purpose of the zone.

This proposal is seeking the development of a second dwelling that will be used for rural residential purposes for the owners parents to reside in. The development of a second dwelling is appropriate for the area and the farming zone in this instance given the existing site conditions and surrounding land uses and development.

The need for buildings to be designed and constructed and use materials and colours that compliment the visual amenity of the landscape.

The proposed development of a second dwelling has been designed to complement the existing and surrounding development. The proposed colours will be muted in toning to ensure a development that is respectful of the environment and surrounding development. The proposed development is unlikely to impact the visual amenity of the area. An indication of the proposed development is contained in the development plans.

6.5 DECISION GUIDELINES OF THE EROSION MANAGEMENT OVERLAY

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines of Clause 65, the responsible authority must consider, as appropriate:

The Municipal Planning Strategy and the Planning Policy Framework.

The Planning Policy Framework and the Municipal Planning Strategy recognise the need to facilitate sustainable development that respects our natural environment and adequately responds to potential threats and hazards.

The proposal is seeking the development of a second dwelling. The site is undulating in nature and contains an existing dwelling and associated facilities.

The proposed use and development does not require any extensive earthworks, excavations or vegetation removal. A small site cut will be required, however will be less than 1 metre in depth. The proposed development is not expected to detrimentally affect the amenity of the area and the potential erosion risk can be reduced to an acceptable level. There is no evidence of any existing erosion on the subject site or land immediately surrounding.

Regional Catchment Strategy (Catchment and Land Protection Act 1994).

The East Gippsland Regional Catchment Strategy 2013-2019 is applicable to this area and is a planning framework that sets strategic direction and broad priorities in relation to maintaining and using our regions assets. This document is currently under review and the East Gippsland Regional Catchment Strategy 2021-2027, is in the final stages of development.

The subject site is within the Gippsland Lakes and Hinterland area. This area is recognised as the most modified part of the East Gippsland region and is the centre of development and tourism. The subject site and proposed development of a second dwelling is within an area suitable for this type of development that will not negatively impact on any of our waterways or regions natural assets.

The proposed development has been designed to respond to the current site conditions with respect to any potential environmental implications. A Geotechnical Risk Assessment waiver is provided in **Appendix E** that concludes the proposal can reduce the erosion risks to an acceptable level. Engineering advice has been obtained for the drainage and construction standards for the development.

No vegetation removal is required to facilitate the proposed development.

Civil construction, building and demolition guide (Publication 1834, Environment Protection Authority, November 2020).

This guide supports the civil construction, building and demolition industries to eliminate or reduce the risk of harm to human health and the Environment Protection Act, manage risks associated with development and implement the necessary control to management. The proposed development of a second dwelling does not require any earthworks.

Control of Erosion on Construction Sites, Soil Conservation Authority.

This document identifies that there are many benefits of planning and carrying out erosion control works. The proposal does not include any buildings and works that require consideration of this document. There is no evidence of erosion on the subject site or surrounding. No erosion is likely as a result of the proposed second dwelling.

Your Dam, an Asset or Liability, Department of Conservation and Natural Resources.

This publication was replaced by the “Your Dam, Your Responsibility – Department of Sustainability and Environment, March 2007”, and is generally applicable to farm dams. Additionally, the document acts only as a guide and instructs that consultation with a suitably qualified engineer is advised. The existing water course and five dams on the site will not be affected by the proposed development of a second dwelling. The location of the proposed dwelling has been sited to ensure a suitable distance from any of the dams on the site.

Any proposed measures to manage concentrated runoff and site drainage.

Stormwater from the proposed second dwelling will be directed to the water tanks in the first instance with overflow directed to the legal point of discharge to the satisfaction of the responsible authority.

Any proposed measures to minimise the extent of soil disturbance.

The proposed use and development of a second dwelling will require only a small level of excavations that will be stabilised by a retaining wall. The second dwelling will be constructed on stumps to minimise soil disturbance. There is no evidence of any erosion on the subject site or allotment surrounding. All disturbed areas will be appropriately sown to ensure no erosion occurs.

Whether the removal of vegetation will increase the possibility of erosion, the susceptibility to landslip or other land degradation processes, and whether such removal is consistent with sustainable land management.

A Geotechnical Risk Assessment waiver is provided in **Appendix E** that concludes the potential erosion risk associated with the proposed development can be reduced to an acceptable level and the works will be appropriately stabilised to ensure no erosion occurs. No vegetation removal is required to facilitate the proposed second dwelling.

The need to stabilise disturbed areas by engineering works or revegetation.

As provided in the Geotechnical Risk Assessment waiver, batters will be appropriately stabilised including the re-grassing of disturbed ground. Given the elevated bushfire risks associated with the site revegetation beyond grass is not considered an appropriate response.

Whether the land is capable of providing a building envelope which is not subject to high or severe erosion concern.

There is currently no evidence of erosion on the subject site or surrounding allotments. Given the existing use and development on the subject site, a building envelope is not deemed necessary in response to this application.

Whether buildings or works are likely to cause erosion or landslip.

There is currently no evidence of any erosion on the subject site or surrounding land. Given the earthworks will be undertaken in an appropriate manner, it is unlikely that the proposal will cause any erosion or landslip. All works will be undertaken in accordance with standard engineering practices to prevent any erosion or landslip.

Whether access and servicing of the site or building envelope is likely to result in erosion or landslip.

Access will be provided directly from Woods Road along the northern boundary and will be extended to the location of the proposed second dwelling. The use and proposed development is not likely to result in erosion or landslip given the existing conditions and the minimal ground disturbance.

Land Capability Report (if prepared) as developed by the Department of Environment, Land, Water and Planning.

No Land Capability Report has been prepared by DELWP for the subject site or surrounding land.

The need to remove, destroy or lop vegetation to create defensible space to reduce the risk of bushfire to life and property.

No vegetation removal is required to create defensible space for the existing dwelling and proposed second dwelling. No vegetation removal is considered likely as a result of this proposal.

Any technical information or reports required to be provided by a schedule to this overlay.

The schedule to the Erosion Management Overlay, provides that a Geotechnical Risk Assessment or waiver is required. The Geotechnical Risk Assessment waiver is contained in **Appendix E**. This letter has been prepared by an appropriately qualified professional and concludes there is unlikely to be an erosion hazard on the subject site as a result of the proposed second dwelling.

Any other matters specified in a schedule to this overlay.

The risk to life, property and community infrastructure from geotechnical hazard.

The Geotechnical Risk Assessment waiver provided by DBM Geotech in **Appendix E** provides, that the potential erosion risk is low, there is no evidence of soil erosion or landslip, and the natural soils of the site will have adequate strength and stability for the footings.

The recommendations of any geotechnical risk assessment and application documentation.

The Geotechnical Risk Assessment waiver as contained in **Appendix E** determines that the risk of landslip or erosion is low, and provides construction recommendations to ensure no erosion occurs as a result of the proposed development. Batters and drainage measures are outlined for preventative measures included in the waiver provided.

The recommendations of any independent review of the geotechnical risk assessment and application documentation.

It is expected that an independent review of the geotechnical investigation would be undertaken by the appropriate officer of the East Gippsland Shire Council as part of the processing and consideration of the planning permit application.

The need for any ongoing geotechnical risk management measures.

Given the low erosion risk associated with the site, no further ongoing investigation or assessment is considered necessary at this time.

6.6 DECISION GUIDELINES OF CLAUSE 65:

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

The matters set out in section 60 of the Act.

These are the matters which must be considered by the responsible authority.

Any significant effects the environment, including the contamination of land, may have on the use or development.

The subject site is a farming zoned allotment located in Cabbage Tree Creek. There is no evidence of contamination on the subject site or surrounding land. The area is identified as being affected by the Bushfire Management Overlay, Design and Development Overlay and the Erosion Management Overlay. The zone and overlay requirements have been considered throughout this submission and it is concluded the use and development of a second dwelling is appropriate in this location.

The Municipal Planning Strategy and the Planning Policy Framework.

The Municipal Planning Strategy and the Planning Policy Framework have been addressed throughout this submission. The proposed use and development of a second dwelling has been designed to adequately respond to the existing site conditions, address any potential environmental risks to respect the natural landscape qualities of the area, and to ensure no detrimental impact to the surrounding allotments.

The proposed use and development of a second dwelling will not detrimentally affect the amenity of the area and will not limit the ability of the surrounding properties to continue to be used for agricultural activities.

The proposal is consistent with the overall objectives of the Municipal Planning Strategy and the Planning Policy Framework.

The purpose of the zone, overlay or other provision.

The land is zoned Farming Zone – Schedule 1 and is affected by the Bushfire Management Overlay, Design and Development Overlay and the Erosion Management Overlay. The purpose of the Farming Zone is to provide for the use of land for agriculture and to ensure that non-agricultural uses do not adversely affect the use of land for agriculture.

The requirements of the zone and overlays have been addressed throughout this submission and it is concluded that the proposed use and development is appropriate in this location particularly given the size of the subject site, surrounding allotments and the existing use and development on those lots. Additionally, there are no environmental or physical constraints that make the site unsuitable for the proposed development.

The proposed use and development will not adversely affect any surrounding properties or the ability of such properties to be used for agricultural activities.

Any matter required to be considered in the zone, overlay or other provision.

This submission addresses other elements identified in the East Gippsland Planning Scheme as relevant. These provisions are all addressed above and throughout this submission, the proposed use and development is considered to adequately respond and address the requirements as relevant.

The orderly planning of the area.

This application seeks approval for the use and development of a second dwelling within a farming zoned area. The proposed development is consistent with the surrounding land use and development and is similar to many others within the East Gippsland Shire Council. The resulting density of development is not dissimilar to the surrounding allotments and the proposed use and development of a second dwelling will not be out of character for the locality. Granting approval of this application will support consistent and orderly planning of the area.

The effect on the environment, human health and amenity of the area.

The proposal will not result in a detrimental effect to the amenity of the area. The proposed second dwelling will be located in the north east portion of the site. The proposed use and development is not expected to be visually obtrusive, will not limit the ability of surrounding land to be used for agricultural activities. The proposal is unlikely to have a detrimental effect on the environment and is expected to have a positive result on human health by providing a functional second dwelling within an appropriate area that will support the owners parents to be able to reside on the property.

The proximity of the land to any public land.

Apart from the adjoining road reserve the subject site is not in proximity to any other public land. The proposed use and development of a second dwelling will not detrimentally affect the surrounding road networks or any public land.

Factors likely to cause or contribute to land degradation, salinity or reduce water quality.

The subject site is undulating in nature. No vegetation removal is required to facilitate the proposed use and development. The proposed buildings and works are not likely to contribute to land degradation, salinity or

reduce water quality. A Geotechnical Risk Assessment Waiver is provided in **Appendix E** that concludes the proposed second dwelling is unlikely to contribute to erosion hazards.

Stormwater runoff from the proposed second dwelling will be directed to the proposed water tank in the first instance with overflow directed to the legal point of discharge to the satisfaction of the responsible authority.

All works will be undertaken in accordance with standard engineering practices.

Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.

All stormwater runoff from the proposed second dwelling will be directed to the proposed water tank in the first instance with overflow directed to the legal point of discharge in accordance with the requirements identified by the East Gippsland Shire Council.

The extent and character of native vegetation and the likelihood of its destruction.

The subject site contains scattered native vegetation throughout with dense vegetation in the southern portion. No vegetation removal is required to facilitate the proposed use and development.

Whether native vegetation is to be or can be protected, planted or allowed to regenerate.

Additional planting may be undertaken in the future. Regeneration is not considered an appropriate response particularly given the elevated bushfire hazards associated with the site.

The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

The site is not within an area affected by potential flood hazard. The potential fire and erosion hazard has been considered and addressed within this submission. A Bushfire Management Plan is contained in **Appendix C** that concludes the proposed second dwelling must be constructed to a BAL29 rating and all approved measures incorporated with the proposal. A Geotechnical Risk Assessment Waiver is contained in **Appendix E** that the proposed second dwelling is unlikely to increase the erosion hazards associated with the subject site. All preventative measures will be implemented, and all works will be undertaken in accordance with standard engineering practices to the satisfaction of the responsible authority.

The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

The proposal seeks approval for the use and development of a second dwelling within a farming and residential area of Cabbage Tree Creek. The road network is of an appropriate standard to support the proposed use and development as well as the existing use on the subject site. The proposed use and development of a second dwelling is not expected to increase the volume of traffic beyond the capacity of the road network. There is not expected to be any road safety impacts as a result of the proposal.

The impact the use or development will have on the current and future development and operation of the transport system.

The proposed use and development of a second dwelling will not have any detrimental impact on the current or future development and operation of the transport system.

7. CONCLUSION

This submission is in support of a planning permit application for the use and development of a second dwelling at 18 Woods Road, Cabbage Tree Creek.

The relevant provisions of the East Gippsland Planning Scheme have been addressed and the proposed development is appropriate in this location.

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

Development Solutions Victoria



Bushfire Planning Report V1.0 (Including Bushfire Management Statement)

Lot 1 PS742663

18 Woods Road, Cabbage Tree Creek 3889

Traditionally the land of Gunaikurnai People

February 11th, 2023.

Euca Planning Pty Ltd

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Memberships

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

Acknowledgement of Country

Euca Planning would like to acknowledge the Gurnaikurnai people as the Traditional owners of the unceded land that we conduct our business on. We pay our Respects to their Elders past, present, and future.

Disclaimer

This report has been made with careful consideration and with the best information available to Euca Planning Pty Ltd at the time of writing. Before relying on information in this report, users should evaluate the accuracy, completeness and relevance of the information provided for their purposes. Euca Planning Pty Ltd do not guarantee that it is without flaw or omission of any kind and therefore disclaim all liability for any error, loss or other consequence that may arise from you relying on any information in this report.

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

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

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Version Control

	Name	Date Completed	Comments
Field Assessment	Deanne Smith	1 February 2023	
Draft Report	Frances Granada	22 January 2023	
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Executive Summary

This report has been prepared to support a planning permit for a second dwelling at 18 Woods Road, Cabbage Tree Creek. 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 second dwelling at 18 Woods Road, Cabbage Tree Creek. The site is within the Farming Zone (FZ1) and 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:

- A Clause 13.02 Assessment considering the bushfire intent of the 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.
- The design response (Bushfire Management Statement) to the relevant approval measures in Clause 53.02 from the East Gippsland Planning Scheme.
- The Bushfire Management Plan that responds to the site and the proposed development, including the standard CFA permit conditions.

The development site is in Cabbage Tree Creek, East Gippsland, approximately 11 kilometres north of Cape Conran and 24 kilometres east of the township of Orbost and 2.5 kilometres northeast Cabbage Tree Creek Flora Reserve. Forest, riparian scrub and grassland exist close to the site. Forest, riparian scrub, heathland and grassland exist in the broader landscape. Woods Road is the egress route from this area connecting to the west. The site is a 3-minute travel time by car to the Cabbage Tree Creek settlement.

Bushfire Management Statement demonstrates that the defensible space objectives cannot be met for Column A of Table 2 to Clause 53.02-5 due to the siting constraints. However, the defensible space objectives for Column C can be met with a construction level of BAL29 and extended to Column A where possible with access and water supply provided.

Due to the grassland and forest beyond the site, and the grassland close to the site, the proposed development is expected to be affected by a ember attack in the event of a bushfire and some radiant heat from localised ignitions. A BAL of 29 supported by non-combustible material choices, is deemed appropriate for the construction to address the expected bushfire.

The site meets the approval measures within Clause 53.02 for Column C (extended to Table A where possible) of Table 2 to Clause 53.02-5, with a BAL of 29 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 Protection: Planning Requirements (known from this point on as Clause 53.02).

The statement contains these components:

1. A **Clause 13.02-1S assessment** that considers the strategic intent 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.
5. A **bushfire management plan** that spatially records the bushfire mitigation measures for endorsement with the planning permit.

1.1 Application Details

Municipality	East Gippsland Shire Council
Title Description	Lot 1 PS742663
Overlays	Bushfire Management Overlay (BMO) Design and Development Overlay – Schedule 7 (DDO7) Erosion Management Overlay (EMO)
Zoning	Farming Zone – Schedule 1 (FZ1)

1.2 Site Description

Site shape	Irregular
Site area	Approximately 12.12 hectares
Site Dimensions	The property has road frontage to Woods Road of approximately 156 metres, and a property depth of approximately 426 metres.
Existing use and siting of buildings and works on and near the land	Existing dwelling and outbuildings
Existing vehicle arrangements	Access from Woods Road
Nearest fire hydrant	Not applicable
Private bushfire shelter	Not proposed
Any other site features relevant to bushfire risk	Site is adjacent to Township Zone and Farmland surrounded by forest and scrub.

1.3 Site Location

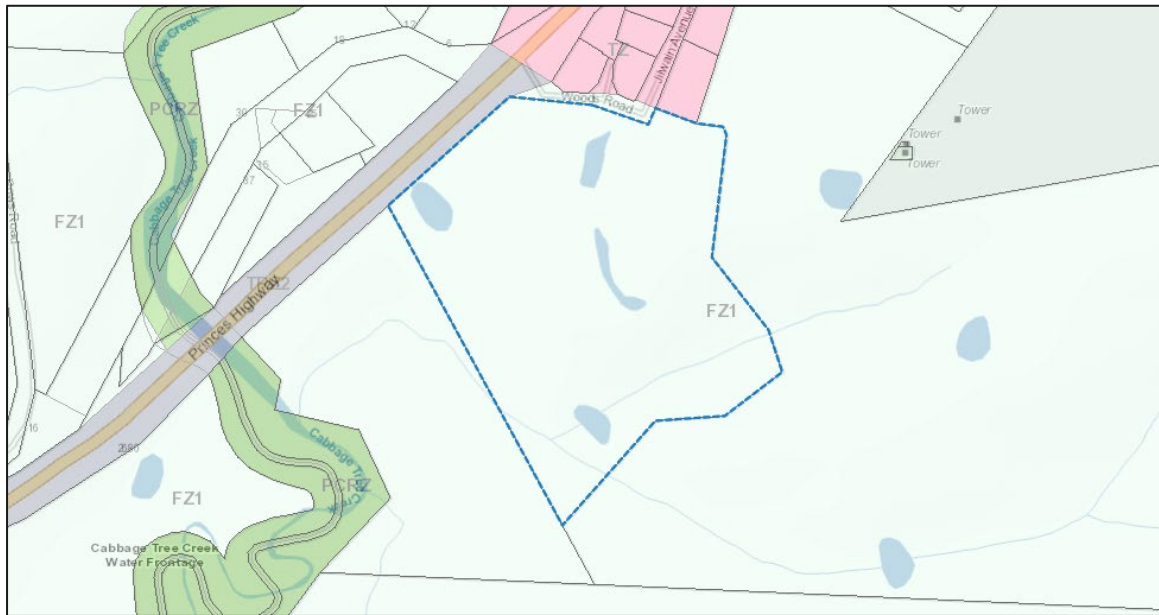


Figure One: Property Location – identified with the blue dashes central to the map (VicPlan, 2023)



Figure Two: Property Location – 18 Woods Road, Cabbage Tree Creek (Google Maps, 2023)

2.0 Planning Policy Framework

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 AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).*
- *Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018) where human life can be better protected from the effects of bushfire.*
- *Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.*
- *Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible 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 AS 3959-2018.*

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:

... 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.*

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 Cabbage Tree Creek 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 within the residential area.

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 second new dwelling that responds to the risk of bushfire through siting and construction. - The proposal can be undertaken in a manner that will improve the safety of the existing residents in the established lots with the establishment of an increased area of management between the public land and existing dwellings. - The existing clearing is used in addition to additional vegetation management to increase the separation of the second dwelling from the hazard.
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 part of an estate with many lots containing established dwellings. - Existing dwellings exist adjacent to this development and the dwelling is sited in an area of the site that is substantially cleared. - The overall design can respond to the public land by setback from the boundaries and establishment of defendable space between the dwelling and the boundary.

	<p>The existing road network facilitates safe egress towards the established Cabbage Tree Creek Townships.</p> <ul style="list-style-type: none"> - Access and egress are facilitated from Woods Road in one direction. Whilst not ideal, this is an existing situation.
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 second dwelling has been designed and sited to respond to bushfire with the assessment of the bushfire risk being undertaken to ensure the dwelling maximises the separation from the hazard and achieves a radiant heat exposure no greater than 29kW/m².

Bushfire hazard identification and assessment

<i>Identify bushfire hazard and undertake appropriate risk assessment by:</i>	<i>Response</i>
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 AS3959-2018 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 C of Table 2 of Clause 53.02, which is an appropriate benchmark for this development. - Detailed design and consideration of the development application is reinforced by the preliminary planning drawings.
Applying the Bushfire Management Overlay in planning schemes to areas where the extent of	<ul style="list-style-type: none"> - The BMO does apply to this land recognising that the land is in an area of

vegetation can create an extreme bushfire hazard	high bushfire hazard. The BMO is addressed in Sections 3 to 5 of this report.
<p>Considering and assessing the bushfire hazard on the basis of:</p> <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 proposed dwelling in the BMO located on a farmland in Landscape Type 4, only two scales of consideration are being applied - Landscape conditions and local site conditions. - The site conditions are considered through the Bushfire Hazard Site Assessment.
Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.	<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.
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 East Gippsland 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.

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	<ul style="list-style-type: none"> - The development of land with a second dwelling should only proceed where all

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).	<p>elements of the BMO are achieved.</p> <ul style="list-style-type: none"> - This report demonstrates that this goal is achieved including the provision of the greatest separation from the hazard and an increased level of construction. - The second new dwelling has a siting that has been assessed as having a radiant heat flux of 29kW/m2 under AS3959-2018.
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.	<ul style="list-style-type: none"> - The nature of the settlement of Cabbage Tree Creek, provides ready access with a 2-minute drive to areas of the Cabbage Tree Creek township that constitute BAL-LOW.
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 approval of a dwelling. The increased level of vegetation management will reduce the risk of bushfire to the existing residents to the north.
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.	<ul style="list-style-type: none"> - The second new dwelling will implement the current regulations pertaining to bushfire construction. This measure has been implemented in the design of the building and will be carried out through to the completion of the building.
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	<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 and 4.0 of this report. - As it is a dwelling in the BMO on a rural area, two scales of consideration are applied: Landscape conditions and site conditions. - 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.	<ul style="list-style-type: none"> - The proposal is an existing lot in an established farming 'type' area that has integration with the Township Zone (TZ) to the north. The site is well maintained
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.	<ul style="list-style-type: none"> - 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

- The existing clearing has been used to minimise the removal of vegetation.
- The siting is within 200 metres of Woods Road and doesn't require passing bays to be established.

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.

Assessment of the proposal's response: As the proposal is to develop a dwelling, and 'dwelling' is a nested term in the 'accommodation' group this section of Clause 13.02-1S is relevant.

When assessing a planning permit application for the above uses and development:	Response
Consider the risk of bushfire to people, property and community infrastructure.	Consistent with Clause 13.02-1S, Clause 53.02 of the Scheme has been used as a guide and is supported by a landscape analysis that demonstrates that the risk to people, property and the asset can be appropriately mitigated by its inherent design features in this specific location – specifically siting, separation from the hazard, building construction, and defensible space.
Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.	The development provides a siting that achieves Column C separation from the hazard and the design of the dwelling is in accordance with BAL29 of AS3959.
Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.	Vegetation removal is minimised by using the clearing.

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 Woods Road is managed.
AS3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).	This is relevant through the derivation of Bushfire Attack Levels, and is considered when referring to BAL29

Building in bushfire-prone areas - CSIRO & Standards Australia (SAA HB36-1993, May 1993).	This is the handbook to AS3959-2018 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 Three, additionally a copy is provided in Appendix One).

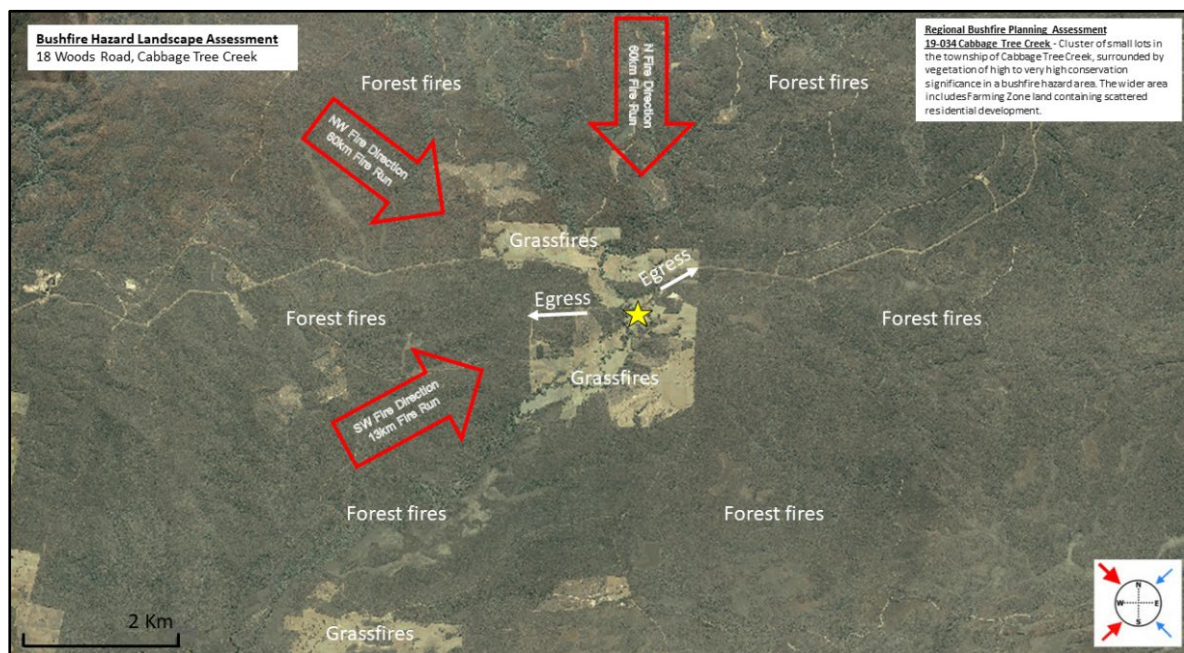


Figure Three – Bushfire Hazard Landscape Assessment

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 farming zone with forest in the broader landscape in all directions. 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 not all within the assumptions of the Bushfire Management Overlay. The design of the dwellings, the defensible space and consideration of egress is necessary to develop an appropriate site-responsive design. The site will experience ember attack, radiant heat and localised ignitions associated with convective landscape fire.

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 there is reference to this area:

19-034 Cabbage Tree Creek - Cluster of small lots in the township of Cabbage Tree Creek, surrounded by vegetation of high to very high conservation significance in a bushfire hazard area. The wider area includes Farming Zone land containing scattered residential development.

3.2 Vegetation extent in the broader landscape

The vegetation in the broader landscape is forest, woodland, scrub and grassland. The vegetation is associated with large tracts in public ownership ranging from National and State Forest and Parks. The grassland occurs as grazing land. An indication of the Ecological Vegetation Classes in the landscape is provided below (site central to image).

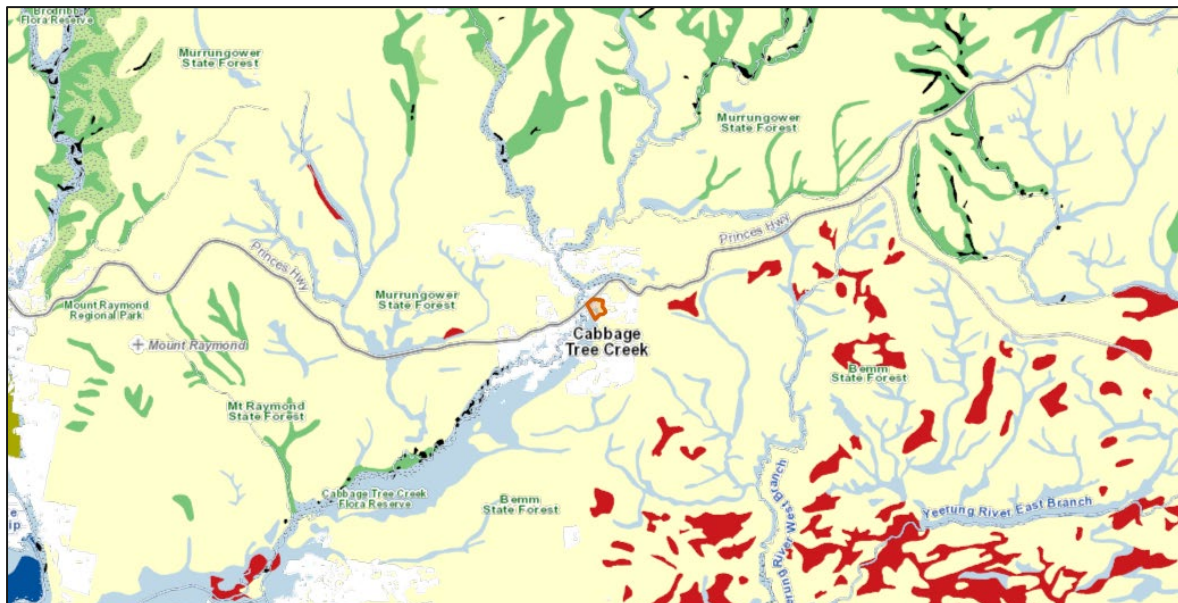


Figure Four – Ecological vegetation class group map (NatureKit, 2023) showing Lowland Forest (cream) Wet and Damp Forest (green), Warm Temperate Rainforest (black), Heathy Woodlands (red) and Riparian Scrub (blue).

3.3 Topography

The topography of the surrounding landscape is typical of this area of Cabbage Tree Creek. The terrain comprises undulating landform with a distinct valley running along the Cabbage Tree Creekline and its tributaries. The Princes Highway cuts through the local area in a winding manner due to the contours. The greater area is highly vegetated with a range of forest and woodland types in rugged terrain.

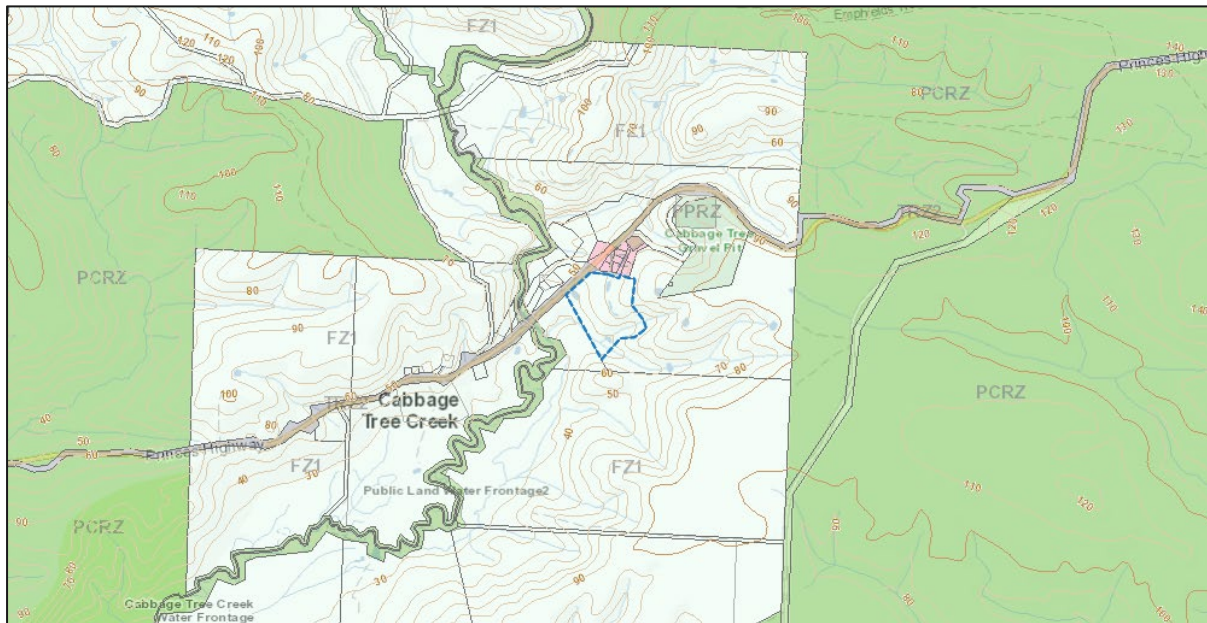


Figure Five – Topography of surrounding landscape (VicPlan, 2023)

3.4 Surrounding Road Network

The planning proposal site has its frontage to Woods Road. This access is a local road providing access to the properties and farms. To the north of the road is grazing land and the township zone. Woods Road connects directly to the Princes Highway that runs east – west.

3.5 Bushfire History of the Area

Fire history in the immediate and broader landscape is indicated by Figure Six. The region has a fire history that comprises major campaign fires that have impacted all of the greater area surrounding Cabbage Tree Creek at different times. This part of East Gippsland is regarded as quite volatile with many areas having a hard degree of accessibility. Regular controlled burns are conducted by Land Management Agencies.

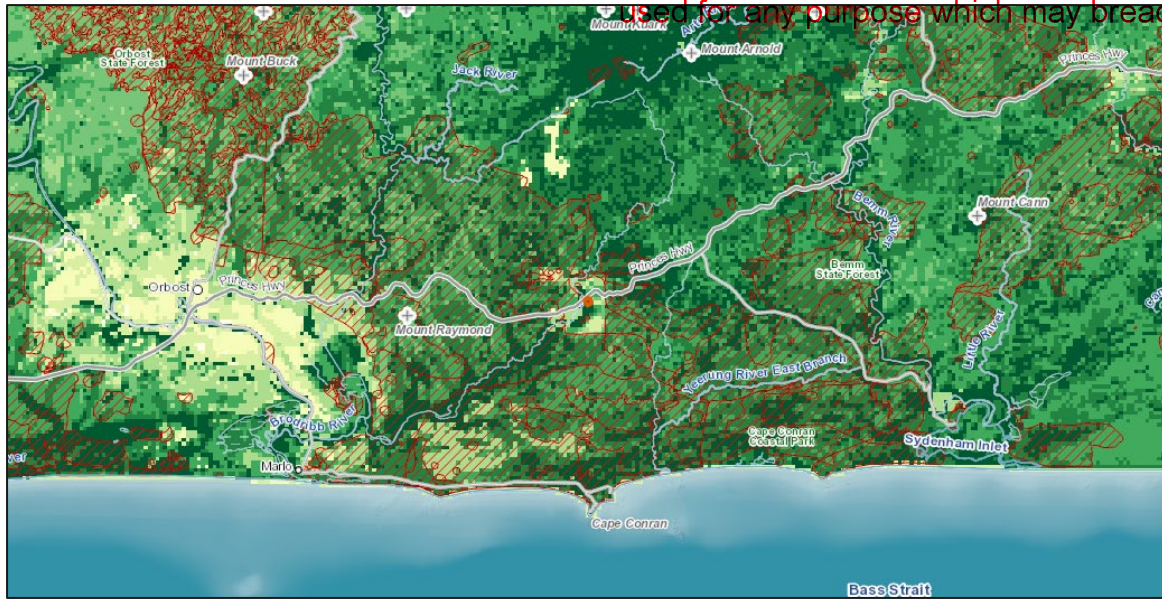


Figure Six: Fire History Map (NatureKit, 2023)

3.6 Bushfire Scenarios

The site is at a high risk of bushfire due to its location of being surrounded by extensive forest and woodland in the greater environment. The cleared areas and development of the Cabbage Tree Creek settlement with additional grazing land providing minimal moderation to the effects of bushfire. Consideration of the potential bushfire behaviour local to the site has been undertaken in refining the options and to inform the building design, siting, extent of vegetation management and building construction levels.

Scenario No.1 – Bushfire from the north

The worst scenario for this site is a fire approaching from the north which has the potential for a fire run exceeding 75+ kilometres propagated by strong and hot northerly winds and over steep and highly vegetated terrain. The hot temperature of these winds and long fire run available will provide for a high-risk fire. This fire is a landscape fire that will present to the site as massive ember attack, and localised ignition. The surface fire will have some moderation as it reaches the grazing land and more developed and maintained areas of Cabbage Tree Creek settlement, however convective winds will dominate the fire behaviour as it passes through the settlement. It is likely that egress from the site could be blocked in one of more directions from the settlement and early evacuation is advisable, non-occupancy on extreme fire danger days is a preferred option for human safety.

Scenario No.2 – Bushfire from the southwest

A fire approaching the site from the southwest has the potential for a fire run of 14 kilometres propagated by strong winds associated with the regular Victorian weather-change. This fire is a landscape fire that will present to the site as ember attack, and localised ignition. This fire will have minimal moderation as it reaches the grazing land and more developed and maintained areas of Cabbage Tree Creek settlement. It is likely that egress from the site could be blocked to in one of more directions from the settlement due to spotting and early evacuation is advisable, non-occupancy on extreme fire danger days is a preferred option for human safety.

3.7 Neighbourhood Safer Place – Place of Last Resort

There are no nearby designated Neighbourhood Safer Place – Place of Last Resort in Cabbage Tree Creek.

4.0 Bushfire Hazard Site Assessment

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 AS 3959 Construction of buildings in bushfire prone areas (Standards Australia) excluding any exclusions i.e. paragraph (a) of section 2.2.3.2 (Vegetation exclusions). Refer to Figure Seven, and a larger copy is provided in Appendix Two.



Figure Seven – Bushfire Hazard Site Assessment

4.1 Vegetation

The vegetation within the 150-metre assessment area was classified according to AS 3959, Practice Note 65 (DTPLI 2014) and the Overall Fuel Hazard Assessment Guide (DSE, 2010).

The Bushfire Hazard Site Assessment has been conducted to deliver the 'Bushfire hazard identification and assessment' strategy outlined in Clause 13.02-15 of the Scheme. This report demonstrates that the application meets the objective of Clause 13.02-15 'To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life' by avoiding the bushfire hazard using maximum separation, and implementing bushfire mitigation measures that respond to the planning zone, the neighbourhood and site context, and the outcome of the assessment.

The Standard AS 3959 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 particular type of fire behaviour and these categories or classifications are then used to determine bushfire intensity. Information gained from the Ecological Vegetation Classes (Figure Four) reinforces the vegetation classification chosen, and provides an indication of connectivity within the greater landscape.

The forms of classifiable vegetation identified on 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 dwelling site has forest in the west onsite and forest to the south. The forest to the west is a mild downslope but is more pronounced as it heads to the south outside of the assessment area. The forest nearest the proposed second dwelling has a well-maintained understorey, more akin to 'Open Woodland'.



Images – Forest - Photo taken looking south-west and west from the proposed dwelling site at the nearest forest area within the assessment area. It is noted that the forest nearest the stie has a well-maintained grassy ground level covering.

Vegetation Classification: Grassland

AS3959:2018 Definition:

Dense sown pasture– All forms, including situations with shrubs and trees, if the overstorey foliage cover is less than 10%.

Site Description:

The proposed dwelling site has grassland in all directions associated with grazing paddocks on the site and on the adjacent land. The grassland is essentially flat but does have an upslope of 4-5 degrees to the east and a gradual decline to the south. The site currently has grassland in the form of a grazing paddock from the north boundary to near the edge of the assessment area.



Images – Typical grassland, photo taken looking south-east towards the dwelling

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 proposed dwelling has low threat vegetation on the driveway, the road, north-western settlement, existing dwelling surrounds and the waterbodies.



Images – Typical low threat vegetation within the assessment area showing the maintained vegetation and roadside verge.

Images – Typical low threat vegetation showing the driveway interface with grassland and landscaping on the roadside verge bordering with vegetation of a dwelling.



4.2 Topography

The topography of the site and the surrounding area is characterised by the decline to the Cabbage Tree Creek Reserve to southwest of the site and to the creek line gully along the southeast boundary. The site is a mix of forest and grassland with the trees adjacent the two dams being well maintained in terms of fuel loading. A non-vegetated driveway exists through the central aspect of the site from the north that travels to the existing dwelling. The site is adjacent to the Princes Highway (West), Township Zone (TZ-North) and Farming Zone (FZ – northeast through east to the west). A hill exists to the east of the site in the grassland.

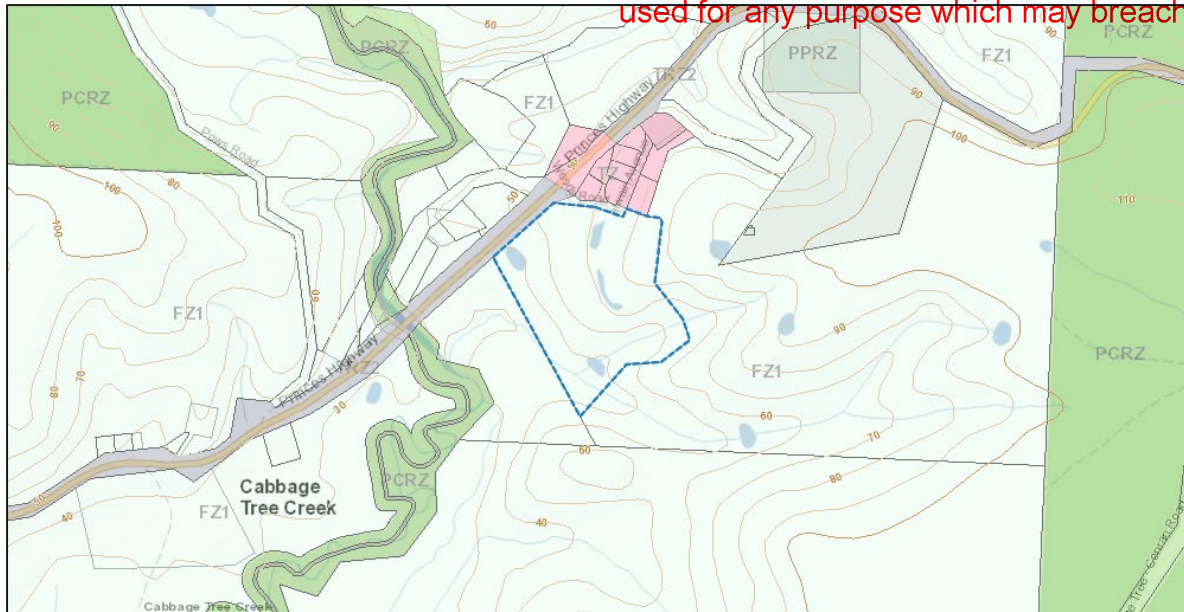


Figure Eight – Topography local to the site (VicPlan, 2023)

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 meter 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. 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).

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

Orientation	Classified vegetation	Average slope under classifiable vegetation	Separation distance	Separation achieved
North	Grassland	Flat	0 metres	< Column D
East	Grassland	Flat / Upslope	0 metres	< Column D
South	Grassland	Flat	0 metres	< Column D
	Forest	4 degrees downslope	85 metres	Column A
West	Forest	4 degrees downslope	25 metres	Column B
	Low threat	Not applicable	Not applicable	Column A

Table 2 – Separation determination - Column A as far as practicable

Orientation	Highest threat vegetation	Average slope under classifiable vegetation	Separation distance currently	Separation achieved
North	Grassland	Flat/Upslope	0 metres	19 metres Column A
East	Grassland	Flat/Upslope	0 metres	9 metres Column C
South	Forest	4 degrees downslope	85 metres	57 metres Column C
West	Forest	4 degrees downslope	25 metres	57 metres Column C

In determining the defensible space to be established the following principles have been applied:

- The highest threat vegetation is be used to determine the defensible space in each direction.
- 'Column A' has been applied in all directions for forest, with the siting from the eastern grassland achieving Column C.
- The defensible space is all within boundaries.

5.0 Bushfire Management Plan

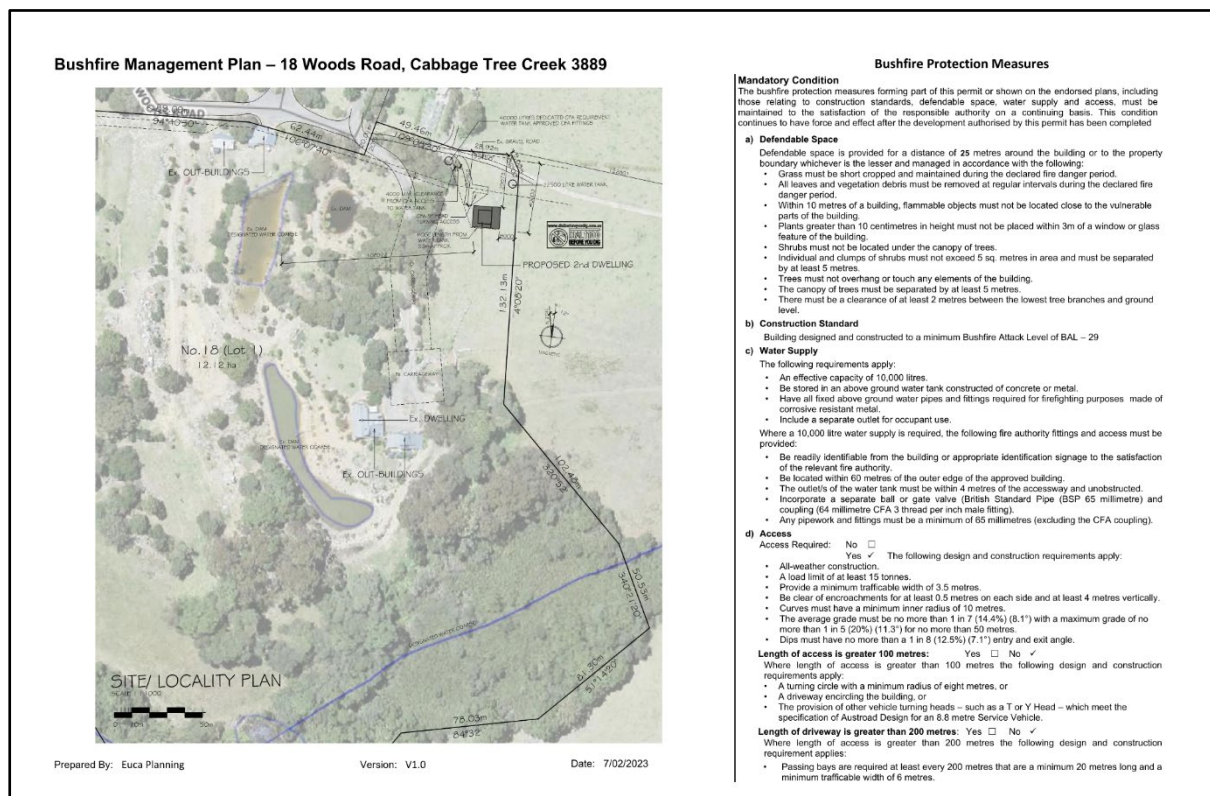


Figure Nine: Bushfire Management Plan; Refer to Appendix Three for the large version of the Bushfire Management Plan

5.1 Proposed Planning Permit Conditions

The following are the expected planning permit conditions.

The bushfire management plan prepared by Euca Planning (Version 1,0, dated 11/02/2023) be endorsed by the Responsible Authority and form part of this permit.

5.2 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 4 details which clauses are relevant to this application and the following pages demonstrate how the requirements have been met for each relevant standard.

Table 4 - Specification of Relevant Clauses

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	The proposed second dwelling can mitigate the bushfire risk by siting and construction design as described in Clause 53.02
	AM 2.2	Applicable	The proposed second dwelling is sited in accordance with Column C and has close proximity to the public road and access as described in Clause 53.02
	AM 2.3	Applicable	The proposed second dwelling will be designed and constructed to meet the requirements of BAL29 as described in Clause 53.02
Clause 53.02-4.2 Defendable space and construction objectives	AM 3.1	Applicable	The proposed second dwelling will have all defendable space onsite as described in Clause 53.02
	AM 3.2	Not applicable	
	AltM 3.3	Not applicable	
	AltM 3.4	Not applicable	
	AltM 3.5	Not applicable	
	AltM 3.6	Not applicable	
Clause 53.02-4.3 Water supply and access objectives	AM 4.1	Applicable	The proposed second dwelling will have a 10,000 litre water supply and access for emergency vehicles as described in Clause 53.02.
	AM 4.2	Not applicable	
	AM 5.1	Not applicable	

Clause 53.02-4.4	AM 5.2	Not applicable
Subdivision	AM 5.3	Not applicable
objectives	AM 5.4	Not applicable
	AM 5.5	Not applicable

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 53.02-2.1 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.

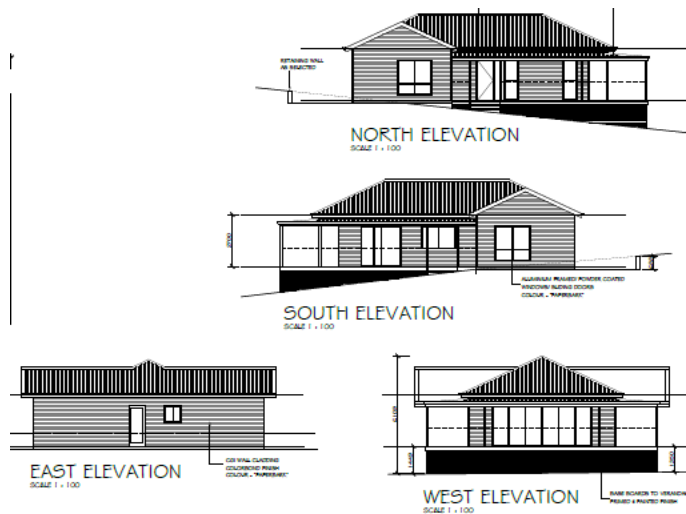
Approved Measure	Requirement
AM 2.1	<p>The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.</p> <p>Response: The site is in an area that has extensive forest in the greater landscape in all directions. It is expected that a large landscape fire could occur in the greater area outside of the site and have impacts to the site and the Cabbage Tree Creek settlement as has occurred in the past. Scenarios are detailed earlier in this report. There is one egress road from the site and options to evacuate further afield exist via the Princes Highway, although both directions travel through highly vegetated country. All bushfire scenarios are not within the scope of the Bushfire Management Overlay assumptions as convective fire behaviour and long fire runs exist. The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level by adopting a Column C of Table 2 to Clause 53.02-5 separation, integrated with 'Column A separation' and non-combustible material choices from the modest dwelling.</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: The proposed second dwelling is sited in a cleared area approximately 90 metres from the road, achieving separation from the boundaries, the forest, grassland and having all defensible space being onsite. The dwelling will be accessed by an all-weather driveway of approximately 90 metres directly from the public road. The</p>

driveway is existing but will be enhanced to better serve the proposed new dwelling. Emergency vehicles will be able to access the building and water supply from the access, with turning near the 10,000 litre water supply, and proposed dwelling.

AM 2.3

A building designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.

Response: The proposed dwelling extensions are a simple modest design, and will meet the requirements of BAL29 and have all defensible space onsite or to the property boundary on the eastern side. Materials are the non-combustible choices of BAL29 with a predominance of metal cladding.



Clause 53.02-2.2 Defendable space and construction objective

Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings.

Approved Measure	Requirement
AM 3.1	<p>A building used for a dwelling (including an extension or alteration to a dwelling), a dependent person's unit, industry, office or retail premises is provided with defendable space in accordance with:</p> <ul style="list-style-type: none"> Table 2 Columns A, B or C and Table 6 to Clause 53.05 wholly within the title boundaries of the land; or If there are significant siting constraints, Table 2 Column D and Table 6 to clause 53.02-5. <p>The building is constructed to the bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5.</p> <p>Response: The proposed second dwelling is sited within 150 metres of forest to the west and south, with grassland in all directions. The forest to the west is on a 4-degree downslope that backs onto two areas of low threat vegetation around the dams. The siting is limited</p>

by the width of the cleared land but achieves the best separation from the hazards given the proximity of boundaries and the landform. The building achieves a separation from the hazard in accordance with Column C of Table 2 of Clause 53.02-5 in the east, and a greater separation in the other directions. Due to the landscape risk of fire, Column A separation is imposed in all directions on site as far as possible. The defensible space is located entirely on the lot. The building will be designed to meet the requirements of BAL29 as detailed in AS3959-2018, with a focus on non-combustible materials to better respond to massive ember attack from the landscape.

Clause 53.02-2.3 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 dependent 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. <p>The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for firefighting water supplies.</p> <p>Response: The proposed dwelling is to be served by a static water supply for firefighting by a tank constructed of non-combustible material located on the north-west of the dwelling and within 4 metres of access from the driveway. Driveway upgrades will ensure turning is available near the dwelling.</p>

6.0 References

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

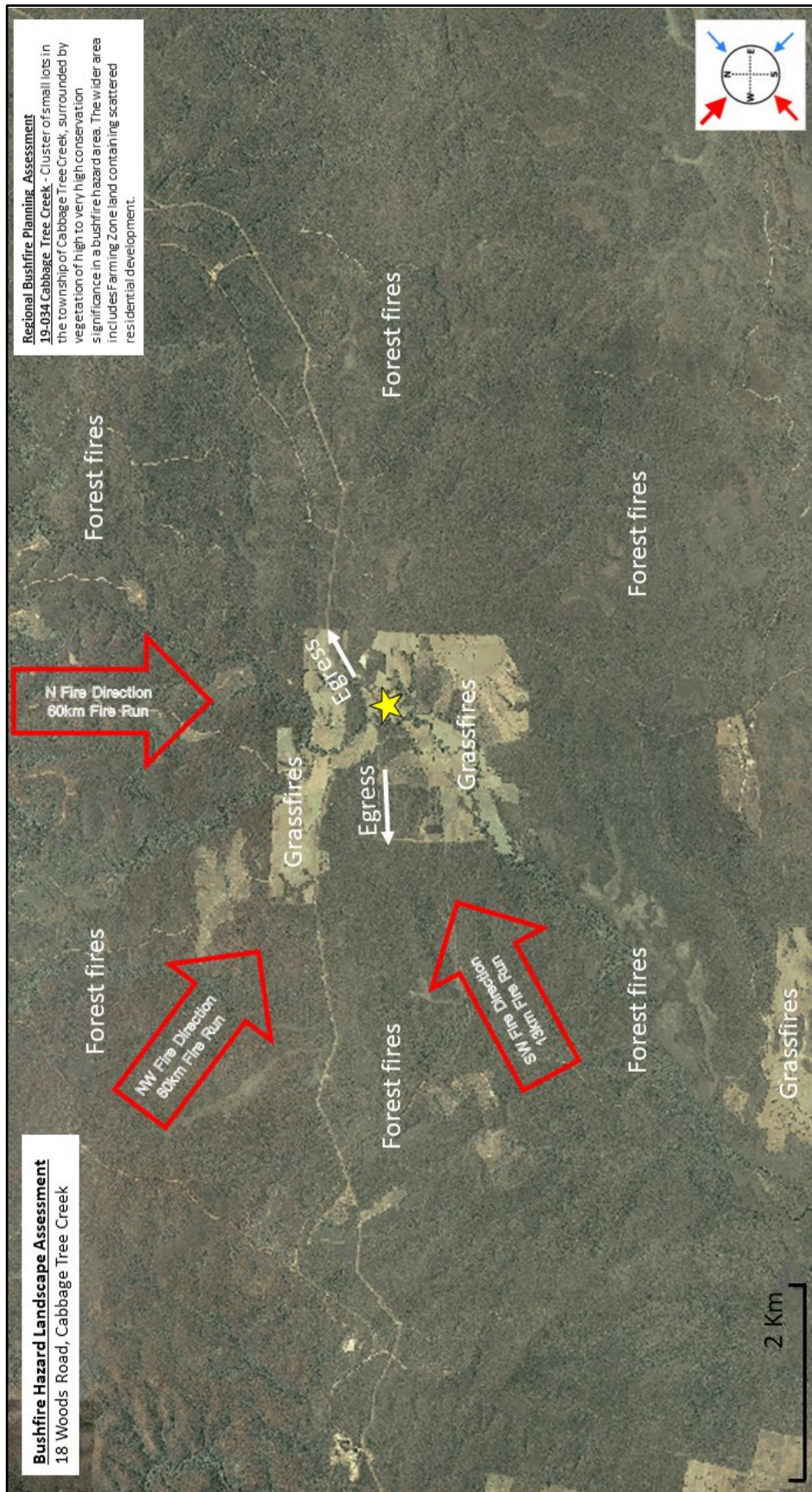
The State of Victoria - Department of Environment, Land, Water and Planning (2023) NatureKit.

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 Planning and Community Development (2012) Regional Bushfire Planning Assessment – Gippsland Region.

7.0 Appendices

Appendix One: Bushfire Hazard Landscape Assessment



Appendix Two: Bushfire Hazard Site Assessment



Bushfire Management Plan – 18 Woods Road, Cabbage Tree Creek 3889



Date: 11/02/2023

Mandatory Condition

Mandatory Condition

The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

a) Defendable Space

Defendable space is provided for a distance of **57** metres around the building or to the property boundary whichever is the lesser and managed in accordance with the following:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

b) Construction Standard

Building designed and constructed to a minimum Bushfire Attack Level of BAL - 29

c) Water Supply

The following requirements apply:

- An effective capacity of 10,000 litres.
- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.

Where a 10,000 litre water supply is required, the following fire authority fittings and access must be provided:

- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlets of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and fitting (64 millimetre CFA 3 threaded per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

d) Access

Access Required: No ☐ Yes ☒ The following design and construction requirements apply:

- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- Curbings must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8°), with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than 1 in 8 (12.5%) (7°) entry and exit angle.

Length of access is greater 100 metres:

Where length of access is greater than 100 metres the following design and construction requirements apply:

- A turning circle with a minimum radius of eight metres, or
- A driveway encircling the building, or
- The provision of other vehicle turning heads – such as a T or Y Head – which meet the specification of Austroads Design for an 8.8 metre Service Vehicle.

Length of driveway is greater than 200 metres:

Where length of access is greater than 200 metres the following design and construction requirement applies:

- Passing bays are required at least every 200 metres that are a minimum 20 metres long and a minimum trafficable width of 6 metres.

15 March 2023

LAND CAPABILITY ASSESSMENT

PROPOSED DEVELOPMENT

18 WOODS ROAD,
CABBAGE TREE CREEK, VICTORIA, 3889



Prepared for:

Development Solutions Victoria

Report Number: 23040

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Figure 1: Site Plan

Figure 2: Site Photos

Appendices

Appendix A

Reports of Boreholes

Water balance calculations

Appendix B

Limitations

SUMMARY

Location:

Address: 18 Woods Road, Cabbage Tree Creek SIP: 1\PS742663

Land Features:

Slope of land: 12%

Distance to surface water: 65m

Aspect: westerly

Flooding: > 1in 100 years

Rainfall: 780mm

Soil Characteristics:

Soil texture (limiting layer): clay loam

Permeability: 0.2-1.5 mm/day

Treatment System:

Primary treatment system

Land Application system:

Absorption trenches

Design Loading rate (DLR):

Absorption Trenches: 8.0 mm/day;

Land Application Area minimum size

Design Flow Rate	Absorption Trenches
2-bedroom dwelling – 450L/day	4No. x 23.5m long trenches @ 0.6m wide or; 3No. x 19m long trenches @ 1.0m wide

Site Constraints:

rainfall run-on, onsite dam

Special Conditions / Mitigation Measures:

Rainfall Run-on: Diversion drain to be constructed upslope of Land Application Area (LAA).

Onsite Dam: Locate Land Application Area a minimum 60m from the dam.

Buffer Distances:

Site boundaries and buildings:

3.0m downslope; 6.0m upslope

Waterway (potable):

100m

Waterway (non-potable):

60m

Management:

Desludging primary tank: every **3 years**

1.0 INTRODUCTION

Development Solutions Victoria has engaged DBM Geotech Pty Ltd to undertake a Land Capability Assessment for the proposed residential dwelling at 18 Woods Road, Cabbage Tree Creek. The field investigation and report have been undertaken and prepared by suitability experienced consultants.

This report will accompany an application for a Septic Tank Permit to Install submitted to East Gippsland Shire Council for an onsite wastewater management system at 18 Woods Road, Cabbage Tree Creek. The report provides information about the site and soil conditions. It also provides a Land Capability Assessment (LCA) for the site and includes a conceptual design for a suitable onsite wastewater management system, including recommendations for monitoring and management requirements.

2.0 DESCRIPTION OF THE DEVELOPMENT

The site is a rural allotment of about 12 Hectares. We understand that the proposed development comprises the construction of a two-bedroom dwelling in the northeast corner of the site. The site has a slope of about 12% in this location. The closest water body is a dam located about 65m west of the proposed dwelling.

Site Address: 1\PS742663; 18 Woods Road, Cabbage Tree Creek (Figure 1)

Council Area: East Gippsland Shire Council

Zoning: FZ – Farming Zone

Domestic Water Supply: Tank water

Anticipated Wastewater Load: Assume a residence with full water-reduction fixtures at maximum occupancy. Wastewater generation = 150 L/person/day; (Table 4 of the EPA Code of Practice 891.4).

Availability of Sewer: The area is unsewered and unlikely to be sewerred within the next 10-20 years.

3.0 SITE AND SOIL ASSESSMENT

3.1 SITE KEY FEATURES

DBM Geotech undertook a site investigation on the 7 March 2023. Table 1 summarises the key features of the site in relation to effluent management proposed for the site.

NOTE:

- The site is not in a special water supply catchment area.
- The risk of effluent transport offsite is low.

Figure 1 attached provides a site plan and indicates the location of the proposed dwelling. Figure 2 shows photos of the site.

Table 1: Site Assessment

Feature	Description	Constraint	Measures
Buffer Distances	All relevant buffer distances in Table 5 of the EPA Code of Practice 891.4 are achievable from the proposed effluent management area.	Minor	NN
Climate	Average annual rainfall 780mm (Orbost Station No. 084023).	Minor	NN
Drainage	No visible signs of surface dampness, spring activity or hydrophilic vegetation in the proposed effluent management area or surrounds.	Minor	NN
Erosion & Landslip	No evidence of sheet or rill erosion; the erosion hazard is low. No evidence of landslip and landslip potential is low.	Minor	NN
Exposure & Aspect	LAA has a westerly aspect with high sun and wind exposure.	Minor	NN
Flooding	The proposed effluent management area is located above the 1:100 year flood level (source BCS).	Minor	NN
Groundwater	No groundwater was observed at the site	Minor	NN
Imported Fill	No imported fill material was observed anywhere on the site.	Nil	NN
Land Available for LAA	Considering all the constraints and buffers, the site has ample suitable land for land application of treated effluent.	Minor	NN
Landform	Rolling hills	Nil	NN
Rock Outcrops	None encountered.	Minor	NN
Run-on & Runoff	Moderate stormwater run-on and minor run-off hazard.	Moderate	Construct diversion drain upslope of LAA
Slope	The proposed effluent management area has a slope of about 12%.	Minor	NN
Surface Waters	The nearest surface water is a dam located in the 65m from the proposed dwelling.	Moderate	LAA to be setback suitable distance from the dam.
Vegetation	Mixture of grasses.	Nil	NN

NN: not needed

3.2 SITE ASSESSMENT RESULTS

Based on the most constraining site features, the overall land capability of the site to sustainably manage all effluent onsite is satisfactory. The proposed effluent management area is located above the 1:100 flood level and by using primary treatment, there will be suitable protection of surface waters and groundwater.

3.3 SOIL KEY FEATURES

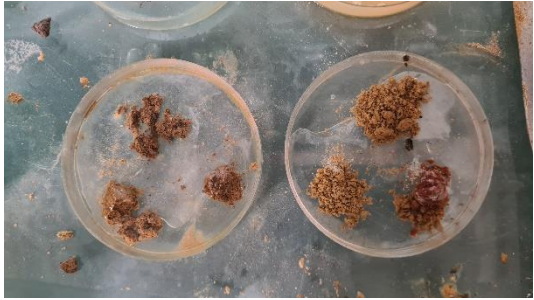
The site's soils have been assessed for their suitability for onsite wastewater management by a combination of soil survey and desktop review of published soil survey information as outlined below.

A soil survey was carried out at the site to determine the suitability for application of treated effluent. Soil investigations were conducted at four locations as shown in Figure 1. The investigation was carried out using a push tube sampler to depths of 1.5m below ground level. This was sufficient to adequately characterise the soils as only minor variation would be expected throughout the area of interest.

Soils were typically categorised as a clay loam becoming light clay at about 1.2m depth. Considering the physical characteristics of the subsoil in the area of the site, effluent application via traditional absorption trenches are considered a suitable and viable disposal system for this site.

Full profile descriptions of the soils are provided in Appendix A. Table 2 provides an assessment of the physical and chemical characteristics of each soil type.

Table 2: Soil Assessment

Feature	Assessment	Constraint	Measures
Electrical Conductivity (ECe) (dS/m)	EC (1:5 soil : water suspension) 370 μ S/cm @ 0.3m 310 μ S/cm @ 1.0m	Minor	NN
Emerson Aggregate Class	Clay LOAM @ 0.3m: slaking, no dispersion Light CLAY @ 1.0m: slaking, no dispersion 	Minor	NN
pH	5.9 @ 0.6m 6.0 @ 1.0m	Minor	NN
Rock Fragments	Less than 10%	Minor	NN
Soil Depth	Total soil depth > 1.5m	Minor	NN
Sodicity (ESP)	Long-term soil sodality monitoring is not required. Present soil conditions are not restricting plant growth.	Minor	NN
Soil Permeability & Design Loading Rates	Clay LOAM: 0.12 – 1.5 m/day saturated conductivity (Ksat) (AS/NZS1547:2012) DIR = 8.0 mm/day for trenches	Minor	NN
Soil Texture & Structure	LOAM: 0.0 – 0.2m Clay LOAM: 0.2 – 1.2m Clay LOAM-Light CLAY: >1.2m	Minor	NN
Watertable Depth	Groundwater not encountered.	Minor	NN

NN: Not Needed

3.4 OVERALL LAND CAPABILITY RATING

For the soil in the proposed land application area, no features present a moderate or major constraint that cannot be mitigated.

Based on the results of the site and soil assessment tabled above and provided in the Appendices, the overall land capability of the proposed effluent management area is constrained. However, the effluent management system will be designed, installed and maintained in ways which will mitigate these factors.

4.0 SYSTEM SELECTION AND DESIGN

The following sections provide an overview of a suitable onsite wastewater management system, with sizing and design considerations and justification for its selection. Detailed design for the system should be undertaken at the time of the building application and submitted to Council.

4.1 EFFLUENT MANAGEMENT OPTIONS

A range of possible land application systems have been considered, such as absorption trenches, evapo-transpiration/absorption (ETA) beds, subsurface irrigation, and mounds. We consider that the system of conventional absorption trenches for primary treated waste may be used at the site.

Should the client or regulator prefer to secondary treat the effluent, disposal via shallow subsurface irrigation is considered a viable alternative option.

4.2 SIZING THE IRRIGATION SYSTEM

To determine the necessary size of the Land Application Area, the trench sizing tool in the Victorian Land Capability Assessment Framework (2014) has been used. The calculation is shown in Appendix A and the results are presented in Table 3.

WATER BALANCE

The formular for sizing is expressed as follows:

$$L = Q / (DLR \times W)$$

L = Length of require trench (m)

Q = daily flow (L/day) – 450L/day – based on 2-bed house

DLR = Design Loading Rate (mm/day) – 6.0mm/day for clay loam from Table 2.

W = Width of trench (m) – Variable 0.6m – 1.0m.

Table 3: land application area

Total Daily wastewater flow (L/day)	Trench Basal Area required (m ²)	Trench Width (m)	Trench sizes	Required LAA size* (m)
450 [^]	57	0.6	94lm of trench (4No. Trenches @ 23.5lm)	515
		1.0	57lm of Trench (3No. Trenches @ 19lm)	375

*Required LLA size based on 3.0m between each trench and 3.0m buffer on all 4 sides of the Land application area.

[^]In accordance with EPA 891.4 any room such as a study, library or sunroom that can be closed off with a door, shall be treated as a bedroom.

All trenches should be constructed along the contour and be installed at a maximum length of 30m. We recommend that trenches are spaced 3.0m apart to allow a reserve field to be configured within the envelope should it be required.

4.3 SITING AND CONFIGURATION OF THE IRRIGATION SYSTEM

We have provided an approximate location of the land application area on the attached site plan Figure 1. Final placement and configuration of the irrigation system will be determined by the client and/or system installer, provided it remains close to the nominated locations in Figure 1 and satisfies the minimum area required according to the water balance.

Whilst there is ample area for application of the effluent, it is important that appropriate buffer distances be maintained. It is important to note that buffers are measured as the overland flow path for run-off water from the effluent irrigation area. The main constraint at this site is the distance to the downslope dam. It is important that a buffer distance of 60m be maintained from this feature.

It is recommended that the owner consult a wastewater contractor familiar with effluent system construction to construct the system, and an appropriately registered plumbing/drainage practitioner to install the system.

4.4 STORMWATER RUN-ON MEASURES

Stormwater run-on protection measures are recommended at this site. Stormwater run-on from buildings and significant rainstorm events pose a risk to the effluent disposal field. Stormwater run-on should be mitigated by the following:

- Diversion of roof drainage away from the effluent dispersal area.
- The construction and maintenance of a sub-surface diversion drain upslope of the Land Application Area.

An upslope cut-off drain should be constructed at the site in accordance with plate 1 below. We recommend the drain is constructed about 3m upslope of the first trench.

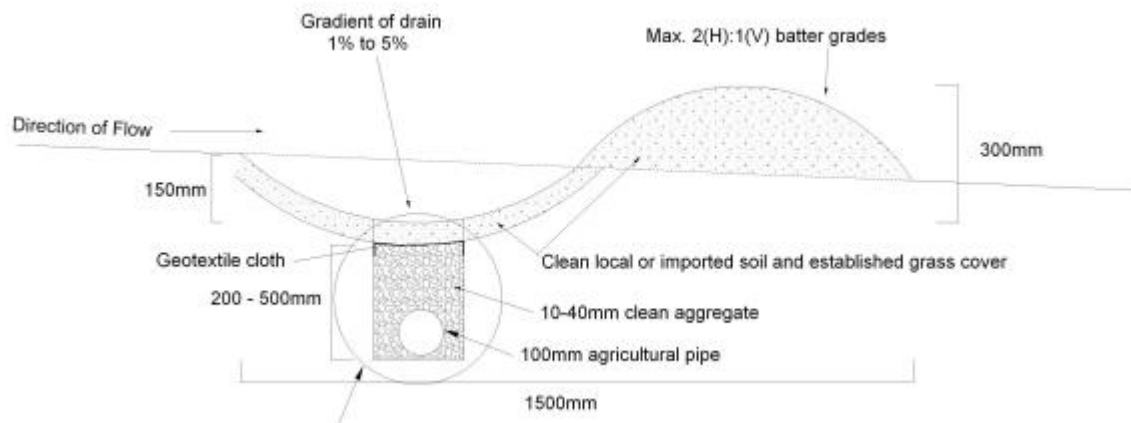


Plate 1: Upslope diversion drain.

4.5 BUFFER DISTANCES

Setback buffer distances from effluent land application areas and treatment systems are required to help prevent human contact, maintain public amenity and protect sensitive environments. The relevant buffer distances for this site, taken from Table 5 of the EPA Code of Practice 891.4 are:

Primary Treatment buffer distances:

- 20 m from groundwater bores;
- 100 m upslope from watercourses in a potable water supply catchment;
- 60 m upslope from non-potable watercourses; and
- 6.0 m if area up-gradient and 3.0 m if area down-gradient of property boundaries, swimming pools and buildings.

15 March 2023

23040

5.0 MONITORING, OPERATION AND MAINTENANCE

Maintenance is to be carried out in accordance with the EPA Certificate of Approval of the selected secondary treatment system and Council's permit conditions. The treatment system will only function adequately if appropriately and regularly maintained.

To ensure the treatment system functions adequately, residents must:

- Desludging primary tank and inspect eluent absorption trenches every 3-5 years;
- Use household cleaning products that are suitable for septic tanks;
- Keep as much fat and oil out of the system as possible; and
- Conserve water (AAA rated fixtures and appliances are recommended).

To ensure the land application system functions adequately, residents must:

- Regularly harvest (mow) vegetation within the LAA and remove this to maximise uptake of water and nutrients;
- Regularly clean in-line filters;
- Not erect any structures and paths over the LAA;
- Avoid vehicle and livestock access to the LAA, to prevent compaction and damage; and
- Ensure that the LAA is kept level by filling any depressions with good quality topsoil (not clay).

6.0 CONCLUSION

As a result of our investigations, we conclude that sustainable onsite wastewater management is feasible with appropriate mitigation measures, as outlined, for the proposed residence at 18 Woods Road, Cabbage Tree Creek.

Specifically, we recommend the following:

- Primary treatment of wastewater;
- Land application of treated effluent via conventional absorption trenches;
- Installation of an upslope cut-off drain to reduce rainfall run-on across the effluent field;
- Installation of water saving fixtures (minimum 4 star WELS) and appliances (minimum 3 star WELS) in the new residence to reduce the effluent load;
- Use of low phosphorus and low sodium (liquid) detergents to improve effluent quality and maintain soil properties for growing plants; and
- Operation and management of the treatment and disposal system in accordance with manufacturer's recommendations, the EPA Certificate of Approval, the EPA Code of Practice (2016) and the recommendations made in this report.

7.0 REFERENCES

Environment Protection Authority (1991). Guidelines for Wastewater Irrigation Publication 168.

Environment Protection Authority (2016). Publication 891.4 Code of Practice for Onsite Wastewater Management.

Geary, P. and Gardner, E. (1996). On-site Disposal of Effluent. In Proceedings from the one day conference Innovative Approaches to the Management of Waste and Water, Lismore 1996.

Isbell, R.F. (1996). The Australian Soil Classification. CSIRO Publishing, Melbourne.

Municipal Association of Victoria, Department of Environment and Sustainability and EPA Victoria (2014) Victorian Land Capability Assessment Framework.

Standards Australia / Standards New Zealand (2012). AS/NZS 1547:2012 On-site domestic-wastewater management.

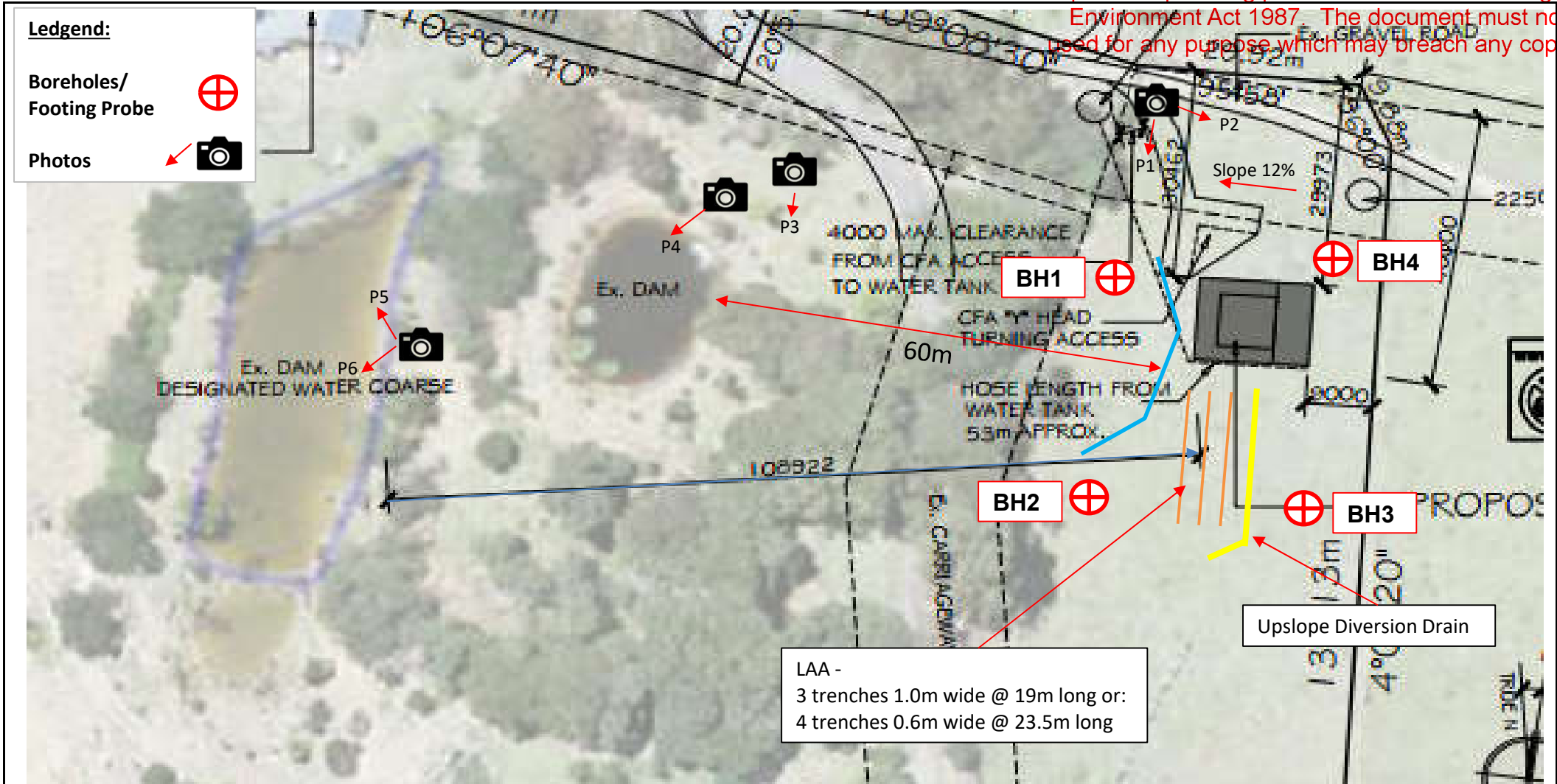
8.0 LIMITATIONS

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DBM Geotech Pty Ltd



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**FIGURE 1:
SITE PLAN**

SITE ADDRESS: 18 Woods Rd, Cabbage Tree Creek

CLIENT: Development Solutions Victoria

JOB NUMBER: 23040



P1: Looking south across building site and effluent field



P2: Looking east across building site



P3: Looking at drain feeding dam

Not to scale

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GEOTECH

SITE ADDRESS:	18 Woods Rd, Cabbage Tree Creek
CLIENT:	Development Solutions Victoria
JOB NUMBER:	23040

FIGURE 2

SITE PHOTOS



P4: Looking southwest across dam



P5: Looking northwest across dam



P6: Looking southwest across dam

Not to scale

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GEOTECH

SITE ADDRESS:
18 Woods Rd, Cabbage Tree Creek
CLIENT:
Development Solutions Victoria
JOB NUMBER:
23040

Figure 3

SITE PHOTOS

Appendix A

Reports of Boreholes

Water Balance Calculations

3 Clipper Court, Kilcunda
david@dbmgeotech.com.au


Borehole no. BH1
Sheet no. 1 of 1
Job no. 23040

Client : Development Solutions Victoria		Date : 7/03/2023	
Project : 18 Woods Road, Cabbage Tree Creek		Logged By : DBM	
Location : BH1			
Drill model : Push Tube	Inclination -90 deg	RL Surface : <i>Not measured</i>	
Hole diameter : 55mm	Hole depth 1.5 m	Datum : -	

Material Description	Depth (m)	Water	Moisture condition	Category	Additional observations	Sample test notes	Method
LOAM, grey, well structured	0.20		D - M	3			HA
clay LOAM, brown, moderately structured	0.50						
	0.70						
brown with red mottles, trace quartz gravel	1.00		M	4			
	1.50						

EOH @ 1.5m

Core Photo



**ENGINEERING
BOREHOLE LOG**

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Borehole no. BH2
Sheet no. 1 of 1
Job no. 23040

Client : Development Solutions Victoria		Date : 7/03/2023	
Project : 18 Woods Road, Cabbage Tree Creek		Logged By : DBM	
Location : BH2			
Drill model : Push Tube		Inclination -90 deg	
Hole diameter : 55mm		Hole depth 1.5 m	
		RL Surface : Not measured	
		Datum : -	

Material Description	Depth (m)	Water	Moisture condition	Category	Additional observations	Additional Observations	Method
LOAM, grey, well structured	0.25		D - M	3			HA
clay LOAM, brown, moderately structured	0.50						
	0.70						
brown with red mottles	1.00		M	4			
	1.20						
clay LOAM to light CLAY, brown with red mottles moderately structured	1.50			4-5			

EOH @ 1.5m

Core Photo



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BOREHOLE LOG

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Borehole no. BH3
Sheet no. 1 of 1
Job no. 23040


Client : Development Solutions Victoria		Date : 7/03/2023	
Project : 18 Woods Road, Cabbage Tree Creek		Logged By : DBM	
Location : BH3			
Drill model : Push Tube		Inclination -90 deg	
Hole diameter : 55mm		Hole depth 1.5 m	
		RL Surface : Not measured	
		Datum : -	

Material Description	Depth (m)	Water	Moisture condition	Category	Additional observations	Sample test notes	Method
LOAM, grey, well structured	0.10			3			HA
clay LOAM, brown, moderately structured	0.50		D - M	4			
	1.00						
	1.20		M				
light CLAY, brown with red mottles moderately structured, trace gravel	1.50			4-5			

EOH @ 1.5m

Core Photo



Client :		Development Solutions Victoria			Date : 7/03/2023		
Project :		18 Woods Road, Cabbage Tree Creek			Logged By : DBM		
Location :		BH4					
Drill model :		Push Tube		Inclination -90 deg		RL Surface : <i>Not measured</i>	
Hole diameter :		55mm		Hole depth 1.5 m		Datum : -	
Material Description	Depth (m)	Water	Moisture condition	Category	Additional observations	Additional Observations	Method
LOAM, grey, well structured	0.20			3			HA
clay LOAM, brown, moderately structured	0.50		D - M	4			
	0.70						
with some quartz gravel	1.00						
clay LOAM / light CLAY, brown and grey, mod structured	1.50		M	4-5			
EOH @ 1.5m							
Core Photo							
							

Victorian Land Capability Assessment Framework

Trench & Bed Sizing

FORMULA FOR TRENCH AND BED SIZING

$$L = Q/DLR \times W$$

From AS/NZS 1547:2012

Where:

Units

L = Trench or bed length

m

Total trench or bed length required

Q = Design Wastewater Flow

L/day

Based on maximum potential occupancy and derived from Table 4 in the EPA Code of Practice (2013)

DLR = Design Loading Rate

mm/day

Based on soil texture class/permeability and derived from Table 9 in the EPA Code of Practice (2013)

W = Trench or bed width

m

As selected by designer/installer

INPUT DATA

Design Wastewater Flow

Q

450

L/day

Based on maximum potential occupancy and derived from Table 4 in the EPA Code of Practice (2013)

Design Loading Rate

DLR

8.0

mm/day

Based on soil texture class/permeability and derived from Table 9 in the EPA Code of Practice (2013)

Trench basal area required

B

56.3

m²

Selected trench or bed width

W

0.6

m

As selected by designer/installer

OUTPUT

Required trench or bed length

L

93.8

m

CELLS



Please enter data in blue cells



Red cells are automatically populated by the spreadsheet



Data in yellow cells is calculated by the spreadsheet, DO NOT ALTER THESE CELLS

Appendix B

Limitations



LIMITATIONS

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Having regard to the matters referred to in the previous paragraphs on this page in particular carrying out the Service has allowed DBM Geotech to form no more than an opinion as to the actual conditions at any relevant location. That opinion is necessarily constrained by the extent of the information collected by DBM Geotech or otherwise made available to DBM Geotech. Further, the passage of time may affect the accuracy, applicability or usefulness of the opinions, assessments or other information in this Document. This Document is based upon the information and other circumstances that existed and were known to DBM Geotech when the Services were performed and this Document was prepared. DBM Geotech has not considered the effect of any possible future development included physical changes to any relevant location or change to any laws or regulations relevant to such location.

By date, or revision, the Document supersedes any prior report or other document issued by DBM Geotech dealing with any matter that is addressed in the Document.

28 March 2023

GEOTECHNICAL ASSESSMENT

**PROPOSED DWELLING
18 WOODS ROAD,
CABBAGE TREE CREEK, VICTORIA, 3889**



Prepared for:
Development Solutions Victoria

Report Number: 23040-1

CONTENTS

1.0	INTRODUCTION.....	1
2.0	SITE CONDITIONS AND PROPOSED DEVELOPMENT	1
3.0	SITE GEOLOGY	1
4.0	SITE INVESTIGATION	1
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Figures

Figure 1: Site Plan

Figure 2: Photos

Appendices

Appendix A

Reports of Boreholes

Explanation of abbreviations and descriptive terms used on borehole and test pit logs

Appendix B

Limitations

1.0 INTRODUCTION

Development Solutions Victoria has engaged DBM Geotech to undertake a geotechnical assessment for the proposed dwelling at 18 Woods Road, Cabbage Tree Creek.

The site is within the East Gippsland Shire Council Planning Scheme Erosion Management Overlay (EMO), which classifies the land to be in a geotechnical hazard zone.

To obtain a planning permit within this overlay a geotechnical assessment report is required that addresses the suitability of the proposed development. This report presents the findings of our geotechnical assessment.

2.0 SITE CONDITIONS AND PROPOSED DEVELOPMENT

The site is a rural allotment of about 12 Hectares. We understand that the proposed development comprises the construction of a two-bedroom dwelling in the northeast corner of the site. The site has a natural slope angle of about 6 degrees in this location.

3.0 SITE GEOLOGY

The 1:250,000 Geological survey map on GeoVic indicates that the site is underlain by the Sale Group. The subsurface conditions encountered during the investigation are considered consistent with the geological map indications.

4.0 SITE INVESTIGATION

The fieldwork carried out on 7 March 2023 comprised the drilling of four boreholes using a push tube sampler at the approximate locations marked on the attached site plan, Figure 1. The purpose of these boreholes was to assess the subsurface materials at the site.

Reports of boreholes BH1 – BH4 are presented in Appendix A. A summary of the ground conditions is presented in Table 1.

Table 1: Summary of subsurface soils

Ground Profile	BH1 (m)
LOAM	0.0 – 0.2
Clay LOAM	0.2 – 1.2
CLAY	1.2 – 1.5

5.0 GEOTECHNICAL ASSESSMENT

SITE VISIT

An engineer from DBM Geotech visited the site on 7 March 2023 to observe site features and note any evidence of land instability and erosion at the site. The proposed dwelling is located in a grassed paddock that has a uniform slope of about 6 degrees that falls down to the west.

No evidence of land instability or erosion was observed around the proposed dwelling site during the site visit. Photos of the site are provided in Figure 2, attached.

LAND INSTABILITY

Given that the slope at the proposed dwelling location is only about 6 degrees we do not expect any land instability at the site. Based on the proposed design drawings by Rutherford Development we consider that the proposed dwelling is unlikely to increase the likelihood of land instability at the site. Therefore, we consider that the landslide risk at the site is low.

As the risk is rated as low, we consider that standard design and construction practices can be adopted for the dwelling.

SITE EARTHWORKS

Design drawings indicate that up to 0.7m of cut (supported by a retaining wall) will be undertaken to create a building platform for the dwelling. In addition, we expect that minor cut and fill will be required for the construction of an access road. We recommend that site earthworks are constructed in accordance with the following:

- Unretained cut faces are limited to heights of 1.5m and are battered back at a maximum gradient of 1Vertical:2Horizontal.
- Unretained fill batters are kept to a maximum of 1.0m in height and are battered at a maximum gradient of 1V:2H.
- Adequate drainage measures are provided at the crest and toe of all natural batter slopes to prevent water ponding behind the crest and infiltrating into the batter or flowing down the slopes which can lead to erosion and affect the slope stability.

Batter slopes exceeding the above heights mentioned above should be retained with engineered designed retaining walls or be reviewed by DBM Geotech.

STORMWATER

Stormwater runoff from roofed areas and impervious surfaces should be directed to the legal point of discharge.

EROSION MANAGEMENT

We recommend that removal of vegetation at the site be kept to a minimum and that any vegetation removal only be undertaken where it's necessary to construct roads and building platforms. Where vegetation removal is required, re-vegetation and/or batter protection should be implemented as soon as practical to reduce the effects of erosion. Furthermore, we recommend that appropriate erosion and sediment control measures are implemented during construction (i.e. silt fences, diversion drains) to minimise environmental risks.

Provided good drainage protection is implemented and maintained on batter slopes and roadways we consider there is a low probability of erosion occurring on the site. With proper management controls in place during the construction stage the risks will be minimal.

SUMMARY

As the landslide and erosion risks at the site are consider low, we consider that a full geotechnical risk assessment report is not required for this development.

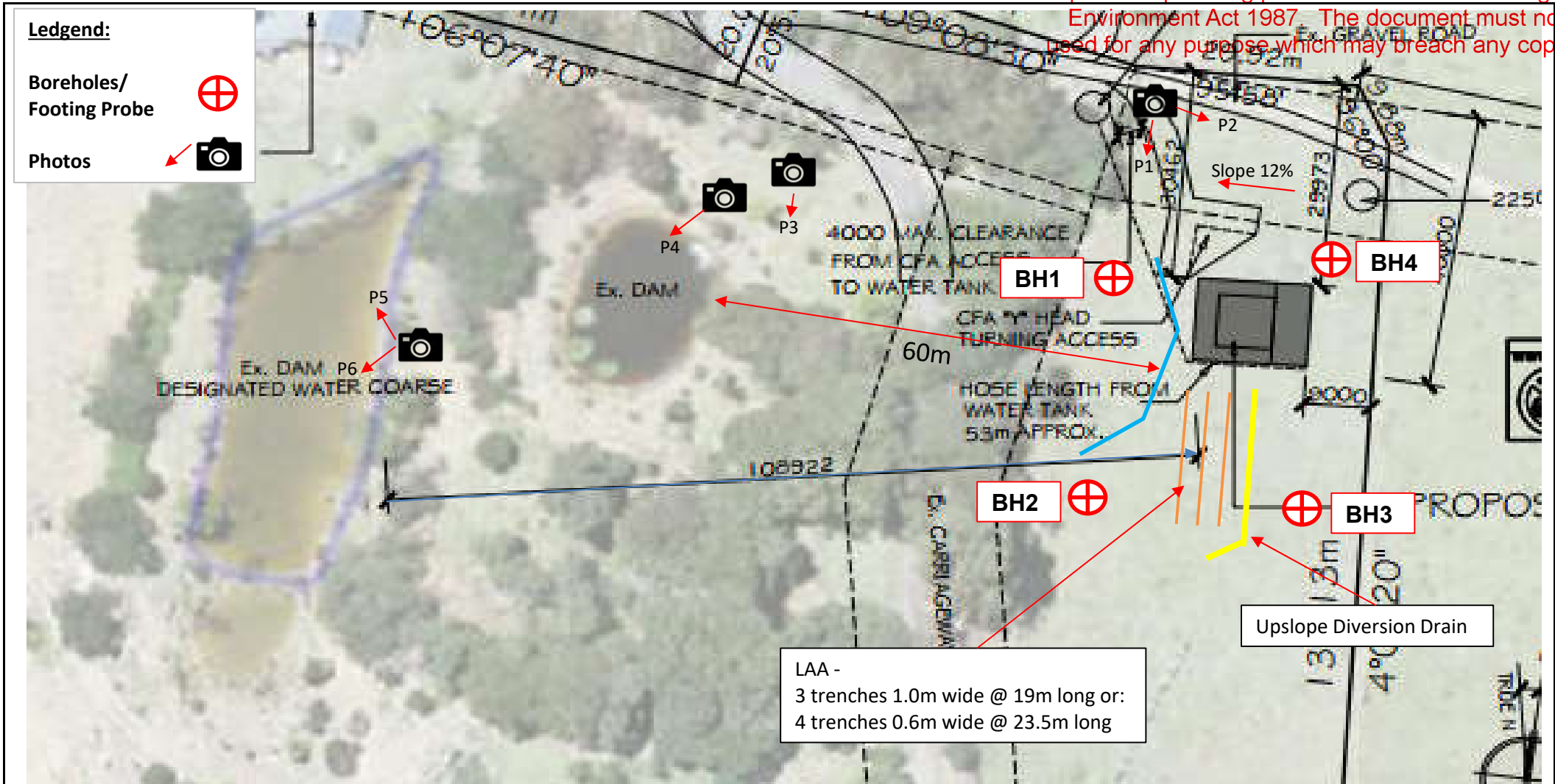
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DBM Geotech Pty Ltd



David Barry – Macaulay
BEng (Hons), MEngSc (Res), MIEAust CPEng
EA Membership number: 3308334
ABN 95 651 664 265



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**FIGURE 1:
SITE PLAN**

SITE ADDRESS: 18 Woods Rd, Cabbage Tree Creek

CLIENT: Development Solutions Victoria

JOB NUMBER: 23040



P1: Looking south across building site and effluent field



P2: Looking east across building site



P3: Looking at drain feeding dam

Not to scale



SITE ADDRESS:	18 Woods Rd, Cabbage Tree Creek
CLIENT:	Development Solutions Victoria
JOB NUMBER:	23040

FIGURE 2

SITE PHOTOS

Appendix A

Reports of Boreholes

3 Clipper Court, Kilcunda
david@dbmgeotech.com.au


Borehole no. BH1
Sheet no. 1 of 1
Job no. 23040

Client : Development Solutions Victoria		Date : 7/03/2023	
Project : 18 Woods Road, Cabbage Tree Creek		Logged By : DBM	
Location : BH1			
Drill model : Push Tube	Inclination -90 deg	RL Surface : <i>Not measured</i>	
Hole diameter : 55mm	Hole depth 1.5 m	Datum : -	

Material Description	Depth (m)	Water	Moisture condition	Category	Additional observations	Sample test notes	Method
LOAM, grey, well structured	0.20		D - M	3			HA
clay LOAM, brown, moderately structured	0.50						
	0.70						
brown with red mottles, trace quartz gravel	1.00		M	4			
	1.50						

EOH @ 1.5m

Core Photo



**ENGINEERING
BOREHOLE LOG**

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Borehole no. BH2
Sheet no. 1 of 1
Job no. 23040

Client : Development Solutions Victoria		Date : 7/03/2023	
Project : 18 Woods Road, Cabbage Tree Creek		Logged By : DBM	
Location : BH2			
Drill model : Push Tube		Inclination -90 deg	
Hole diameter : 55mm		Hole depth 1.5 m	
		RL Surface : Not measured	
		Datum : -	

Material Description	Depth (m)	Water	Moisture condition	Category	Additional observations	Additional Observations	Method
LOAM, grey, well structured	0.25		D - M	3			HA
clay LOAM, brown, moderately structured	0.50						
	0.70						
brown with red mottles	1.00		M	4			
	1.20						
clay LOAM to light CLAY, brown with red mottles moderately structured	1.50			4-5			

EOH @ 1.5m

Core Photo



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BOREHOLE LOG

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Borehole no. BH3
Sheet no. 1 of 1
Job no. 23040

Client : Development Solutions Victoria		Date : 7/03/2023	
Project : 18 Woods Road, Cabbage Tree Creek		Logged By : DBM	
Location : BH3			
Drill model : Push Tube	Inclination -90 deg	RL Surface : Not measured	
Hole diameter : 55mm	Hole depth 1.5 m	Datum : -	

Material Description	Depth (m)	Water	Moisture condition	Category	Additional observations	Sample test notes	Method
LOAM, grey, well structured	0.10			3			HA
clay LOAM, brown, moderately structured	0.50		D - M	4			
	1.00						
	1.20		M				
light CLAY, brown with red mottles moderately structured, trace gravel	1.50			4-5			

EOH @ 1.5m


Core Photo



**ENGINEERING
BOREHOLE LOG**

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Borehole no. BH4
Sheet no. 1 of 1
Job no. 23040

Client :		Development Solutions Victoria			Date :			7/03/2023	
Project :		18 Woods Road, Cabbage Tree Creek			Logged By :		DBM		
Location :		BH4							
Drill model :		Push Tube		Inclination		-90 deg		RL Surface : <i>Not measured</i>	
Hole diameter :		55mm		Hole depth		1.5 m		Datum : -	
Material Description	Depth (m)	Water	Moisture condition	Category	Additional observations	Additional Observations	Method		
LOAM, grey, well structured	0.20			3			HA		
clay LOAM, brown, moderately structured	0.50		D - M	4					
	0.70								
with some quartz gravel	1.00								
clay LOAM / light CLAY, brown and grey, mod structured	1.50		M	4-5					
EOH @ 1.5m									
Core Photo									
									

Appendix B

Limitations



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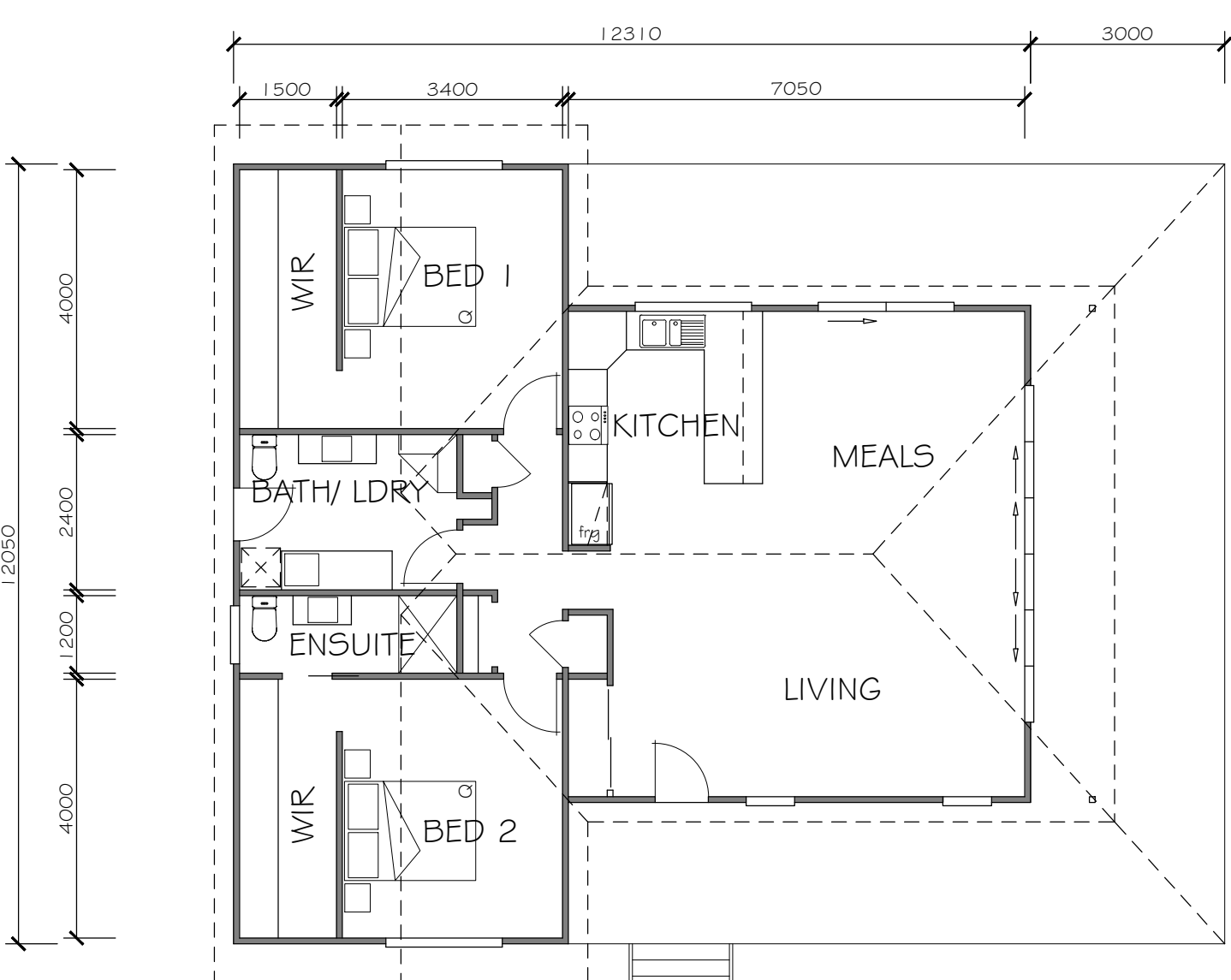
The scope and the period of DBM Geotech's Services are as described in DBM Geotech's proposal and are subject to restrictions and limitations. DBM Geotech did not perform a complete assessment of all possible conditions or circumstances that may exist at the site referenced in the Document. If a service or other work is not expressly referred to in this Report, do not assume that it has been provided or performed. If a matter is not addressed in this Report, do not assume that any determination has been made by DBM Geotech in regards to it.

Conditions may exist which were undetectable given the limited nature of the enquiry DBM Geotech was retained to undertake. Variations in conditions may occur between investigation locations, and there may be special conditions pertaining to the site which have not been revealed by the investigation and which have not therefore been taken into account in the Document. Accordingly, additional studies and actions may be required.

DBM Geotech accepts no responsibility for and makes no representation as to the accuracy or completeness of the information provided to it by or on behalf of the Client or sourced from any third party. DBM Geotech has assumed that such information is correct unless otherwise stated and no responsibility is accepted by DBM Geotech for incomplete or inaccurate data supplied by its Client or any other person for whom DBM Geotech is not responsible. DBM Geotech has not taken account of matters that may have existed when the Report was prepared but which were only later disclosed to DBM Geotech.

Having regard to the matters referred to in the previous paragraphs on this page in particular carrying out the Service has allowed DBM Geotech to form no more than an opinion as to the actual conditions at any relevant location. That opinion is necessarily constrained by the extent of the information collected by DBM Geotech or otherwise made available to DBM Geotech. Further, the passage of time may affect the accuracy, applicability or usefulness of the opinions, assessments or other information in this Document. This Document is based upon the information and other circumstances that existed and were known to DBM Geotech when the Services were performed and this Document was prepared. DBM Geotech has not considered the effect of any possible future development included physical changes to any relevant location or change to any laws or regulations relevant to such location.

By date, or revision, the Document supersedes any prior report or other document issued by DBM Geotech dealing with any matter that is addressed in the Document.



FLOOR PLAN
SCALE 1 : 100

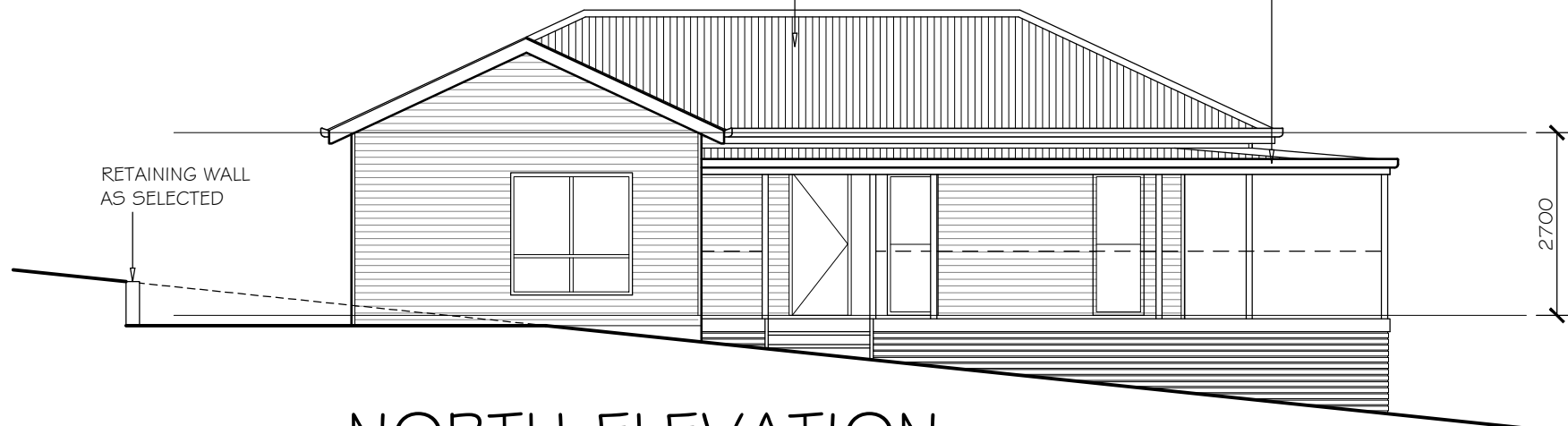


AREAS:
RESIDENCE: 117.13 sqm (12.64 squares)
VERANDAH: 67.17 sqm (7.25 squares)

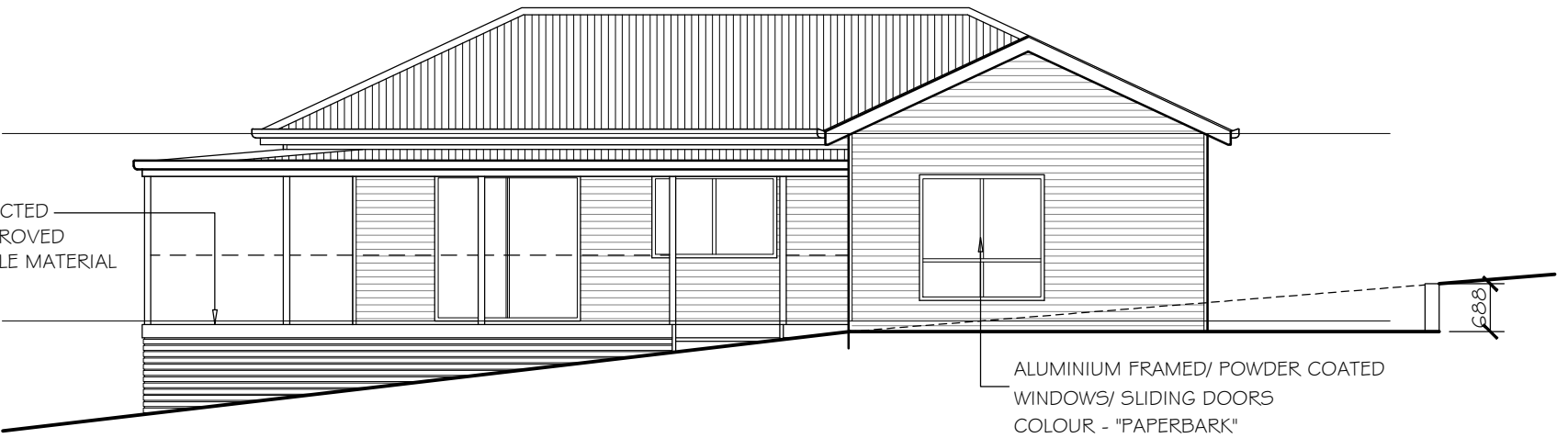
DISCLAIMER:
- FLOOR PLAN & ELEVATION CONCEPT
PROVIDED BY CLIENT FOR PLANNING SUBMISSION ONLY
FINAL WORKING DRAWINGS ARE TO BE SUPPLIED BY
iBUILD BUILDING SOLUTIONS



EAST ELEVATION
SCALE 1 : 100



NORTH ELEVATION
SCALE 1 : 100



SOUTH ELEVATION
SCALE 1 : 100



WEST ELEVATION
SCALE 1 : 100

rutherford development cabbage tree creek

3875
design & drafting

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22054 RevC

Bushfire Management Plan – 18 Woods Road, Cabbage Tree Creek 3889



Prepared By: Euca Planning

Version: V1

Date: 11/02/2023

Bushfire Protection Measures

Mandatory Condition

The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed

a) Defendable Space

Defendable space is provided for a distance of 57 metres around the building or to the property boundary whichever is the lesser and managed in accordance with the following:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

b) Construction Standard

Building designed and constructed to a minimum Bushfire Attack Level of BAL – 29

c) Water Supply

The following requirements apply:

- An effective capacity of 10,000 litres.
- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.

Where a 10,000 litre water supply is required, the following fire authority fittings and access must be provided:

- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

d) Access

Access Required: No ☐

Yes ☒ The following design and construction requirements apply:

- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5%) (7.1°) entry and exit angle.

Length of access is greater 100 metres: Yes ☐ No ☒

Where length of access is greater than 100 metres the following design and construction requirements apply:

- A turning circle with a minimum radius of eight metres, or
- A driveway encircling the building, or
- The provision of other vehicle turning heads – such as a T or Y Head – which meet the specification of Austroad Design for an 8.8 metre Service Vehicle.

Length of driveway is greater than 200 metres: Yes ☐ No ☒

Where length of access is greater than 200 metres the following design and construction requirement applies:

- Passing bays are required at least every 200 metres that are a minimum 20 metres long and a minimum trafficable width of 6 metres.

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