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16 March 2022

# used for any purpose which may breach any copyright. NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	240 Clifton West Road MOUNT TAYLOR CA 62A
The application is for a permit to:	Multi Lot Subdivision (Staged) and Works (Roadworks)
The applicant for the permit is:	Crowther & Sadler Pty Ltd
The application reference number is:	101/2022/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: <u>https://www.eastgippsland.vic.gov.au/building-and-development/advertised-planning-permit-applications</u>

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 + + +		include the	be sent to the Responsible Authority in writing, include the reasons for the objection, and state how the objector would be affected.	
The Responsible Au decide on the applic			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.

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Page<sup>Pag21</sup> of 1 of 43

#### LAND DESCRIPTION

Crown Allotment 62A Parish of Wy-Yung. PARENT TITLE Volume 06864 Folio 756 Created by instrument 2069329 09/05/1947

#### REGISTERED PROPRIETOR

Estate Fee Simple As to 1 of a total of 2 equal undivided shares Sole Proprietor GINO ANTHONY DIMARCO of 15 SAUNDERS ROAD CALULU VIC 3875 Legal Personal Representative(s) of SEBASTIANA DIMARCO deceased AH873770T 01/04/2011

#### ENCUMBRANCES, CAVEATS AND NOTICES

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

#### DIAGRAM LOCATION

SEE TP278078U 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)

OTHER TITLES WITH INTERESTS AFFECTING THIS LAND 6864/756

Street Address: 240 CLIFTON WEST ROAD MOUNT TAYLOR VIC 3875

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Parish: WY-Y ownship: section: Crown Allotment: 62A	YUNG	SUBJECT TO THE RESERVATIONS, EXCEPTIONS, CONDITIONS AND POWERS CONTAINED IN CROWN GRANT VOL.6864 FOL.756 AND NOTED ON SHEET 2 OF THIS PLAN
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Derived From: VOL. Depth Limitation: 50 FE	6864 FOL.756 VOL.6985 FOL.9 EET	ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON
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# Crowther & Sadler Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS

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**Planning Report** 

Multi Lot Subdivision (Staged) & Works (Roadworks) 240 Clifton West Road, Mount Taylor

Reference – 19502

25 February 2022



19502 Reportinted 16/03/2022

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8.	AttachmentsApplication Form (via online portal)Proposed Subdivision Plan (Version 1, dated 28/07/2021)Design Response Plan (Version 1, dated 16/02/2022)Staging Plan (Version 1, dated 18/01/2022)Bushfire Hazard Site Assessment – Sheets 2 of 2 (Version 1)Bushfire Management Plan (Version 1)Waterway Management Plan (Version 1)Proposed Restriction – Bushfire Plan (Version 1, dated 16/02/2022)Proposed Restriction – Bushfire Plan (Version 1, dated 16/02/2022)Site Drainage Plan 24/11/2021 (Crossco Consulting)Access & Servicing Strategy 14/10/2021 (Crossco Consulting)Traffic Impact Assessment sept 2021 (Polis Planning)Geotechnical Risk Assessment 13/09/2021 (Chris O'Brien & Company)Land Capability Assessment Report 15/10/2021 (Chris O'Brien & Company)Copy of Title (TP278078)Draft Cultural Heritage Management Plan 18040 (Unearthed Heritage)			

Note: Applicable Planning Application fee is \$1,337.70 (to be paid by cheque)

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# 1. Introduction

This planning report is prepared in support of proposed Multi Lot Subdivision (Staged) & Works (Roadworks) at 240 Clifton West Road, Mount Taylor. The report addresses the provisions of the Low Density Residential Zone, Bushfire Management Overlay, Erosion Management Overlay and Vegetation Protection Overlay – Schedule 1 as contained within the *East Gippsland Planning Scheme*.



Aerial view of subject land and surrounding precinct - Source: VicPlan



Zone mapping and aerial of site and surrounds – Source: VicPlan

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# 2. Subject Land & Surrounding Context

The subject land comprises one separately transferable parcel of land which is formally described as Lot 1 on TP278078 and is approximately 43.22ha in area.



View west across the southern portion of the site

The site has a gently undulating landform and comprises a series of dams provided on the northern extent of the property which collect water within the lower lying drainage areas.



Looking south along Clifton West Road

The site has frontage to Clifton West Road to the west which is a good quality bitumen sealed road which services numerous properties. The road reserve adjoining the road pavement is generally well vegetated with established trees.

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Looking north across the site towards existing dams on northern portion of the land

Existing dwellings and associated outbuildings are situated on the western portion of the property within proximity to Clifton West Road however the site is predominately cleared with good grass coverage having historically been used for grazing purposes.



Looking east across Clifton West Road towards existing dwelling

An overhead powerline dissects the front western portion of the property and also diverts in a north easterly direction across the lower lying section of the land towards adjoining property to the east.



Looking in a north easterly direction towards the existing overhead powerline

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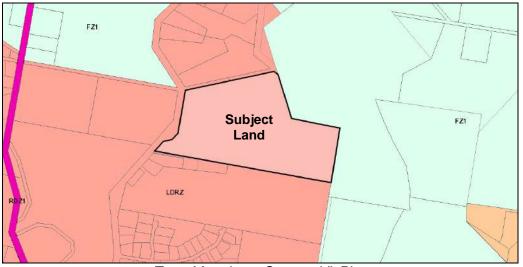
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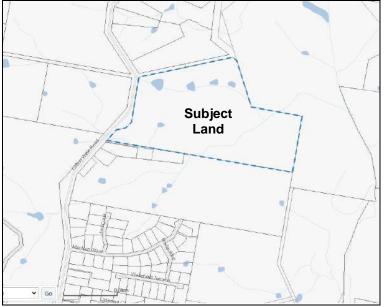
Both reticulated water and telecommunications are provided on the eastern side of Clifton West Road. There is however no reticulated sewer in the immediate precinct and wastewater is therefore accommodated via onsite means.

The subject land and surrounding properties immediately to the north, south and west are mapped as being affected by the provisions of the Low Density Residential Zone. Land to the east however is contained within the Farming Zone – Schedule 1.



Zone Mapping – Source: VicPlan

The subject land is a relatively large parcel of land for the precinct as there are numerous smaller rural residential properties contained within the wider precinct which contain established rural residential style development.



Subject land and surrounding allotment pattern – Source: VicPlan

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General view of existing residential development in Maclure Drive to the south

# 3. The Application & Proposal

# **Subdivision**

The Application seeks approval for a Multi Lot Subdivision which will create 65 allotments ranging from 4000m<sup>2</sup> in area to 1.26ha in area as shown on the accompanying Proposed Subdivision Plan.



Proposed Subdivision Layout

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The existing dwellings and associated outbuildings will be removed as part of the proposal which will provide opportunity for future residential development on each of the proposed allotments.

The allotments have each been designed to be greater than 4000m<sup>2</sup> in area given the lack of reticulated sewer within the precinct. This will ensure that the minimum area requirements of the Low Density Residential Zone provisions are met.

The subdivision layout has been designed having regard for the site attributes and features by careful selection of the entry point from Clifton West Road which avoids the loss of any native vegetation and provides good site lines.



Looking east from Clifton West Road along the proposed road alignment

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There is some ornamental vegetation established around the existing dwellings which is expected to be removed as part of the proposal. This vegetation does not trigger any planning approval for removal given it is planted.



Ornamental shrubs to be removed

The scheme of subdivision also nominates the creation of a series of Reserves which incorporate the lower lying sections of the property which provide a natural drainage function.



Looking south west along lower lying land to be contained within Reserve (From near Lot 20)

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Given the intended residential use of the land it is expected that the existing dams within proximity to Lots 1, 2, 3, 4, 20, 39, 50 & 59 will be removed as part of the project. The dams contained within the proposed Reserve areas however will be utilised as part of the drainage system.



Dam to be filled in Lot 39



Dam to be filled in Lot 20

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The existing native trees which will be contained within proposed Lots 54 & 59 will not be adversely impacted by the proposal. The subdivision has been designed to retain these trees in the rear of the allotments providing good opportunity for the trees and residential use to coexist. Given that the allotments will each be greater than 4000m<sup>2</sup> in area any future removal of these trees will need further planning approval.



View west along proposed reserve towards trees to be retained within Lot 54

It is anticipated that the existing overhead powerlines will be realigned as part of the proposal in order to enhance the potential building area for Lots 1 & 65. A new power pole will be established in the Road Reserve near the proposed intersection which will then enable the overhead lines to be established along the new road alignment. It is expected that the overhead lines dissecting Lots 58 & 59 will be retained in their current location.

# <u>Access</u>

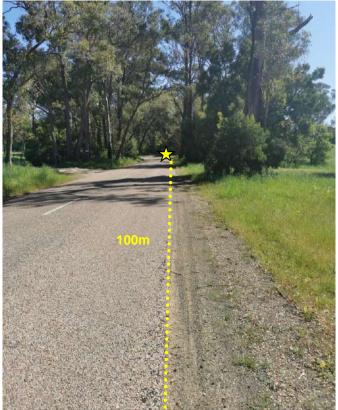
A new internal road network has been proposed as part of the subdivision which will ensure that each allotment is adequately accessed and serviced. The new internal road network will intersect with Clifton West Road as shown on the accompanying plan set.

The intersection has been located in a logical position as it provides good sight lines and avoids the loss of any native vegetation.

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Southern sight lines from proposed intersection



Northern sight lines from proposed intersection

The new roads will be suitable width to cater for road pavement and associated servicing to Infrastructure Design Manual (IDM) standards. It also provides adequate dimensions to accommodate two court bowls with 10.0 mete radius which will accommodate vehicle turning manoeuvres for service vehicles.

The 20.0 metre wide road reserves will accommodate a 9.2 metre carriageway and 5.4 metre wide nature strip. The carriageway will include a 6.2 metre wide road pavement with 1.5 metre wide shoulders consistent with IDM requirements for a rural living access road.

The Application has been supported by an Access & Servicing Plan prepared by *Crossco Consulting* which provides further detail regarding the engineering design for the internal road network.

# Traffic

The Application is supported by a Traffic Impact Assessment Report (TIAR) prepared by *OneMileGrid* given the likely volume of traffic that will be generated from the proposed development.

The TIAR includes detail of road widening works required within Clifton West Road to accommodate safe vehicle movements associated with the proposed intersection. The existing carriageway along Clifton West Road is to be widened to the east to provide a short channelised right turn lane into the site for northbound approaching vehicles, with through lanes and turn lane being 3.5 metres wide. The northbound lane is proposed to maintain the existing road alignment which will ensure impacts to the vegetated roadside corridor are avoided.



Looking north along Clifton West Road

The TIAR outlines that future traffic volumes are still expected to be well within the environmental capacity of a Collector Road and is therefore considered appropriate. Even during peak timeframes, the intersection is expected to operate under excellent conditions.

# Wastewater Disposal

Given the absence of sewer within the immediate precinct and to the subject land the Application has been accompanied by a Land Capability Assessment Report as prepared by *Chris O'Brien & Company.* 

The soil composition across the site varies and includes Category 2, Category 3 and Category 4 soils. Despite the varying soil classifications, most of the allotments have been identified as suitable for primary treatment. For primary treatment the following Land Application Areas (LAA) are recommended:

- Category 2 LAA 60m<sup>2</sup>
- Category 3 LAA 85m<sup>2</sup>
- Category 4 LAA 150m<sup>2</sup>

Secondary treatment of wastewater will be required for allotments where the minimum setback of 60 metres from the natural watercourse is not able to be achieved. For secondary treatment the following Land Application Areas are recommended:

- Category 2 LAA 180m<sup>2</sup>
- Category 3 LAA 240m<sup>2</sup>
- Category 4 LAA 280m<sup>2</sup>

It is anticipated that further soil investigations and septic tank permits will need to be obtained at the time of developing the individual allotments. However conceptual LAA's have been provided on the accompanying Design Response Plan to demonstrate the ability to treat and retain wastewater.

The LAA's shown on the Design Response Plan are generous in size and typically exceed the calculated area for the relevant soil category. They have typically been shown at 300m<sup>2</sup> in area to demonstrate the ability to accommodate secondary treatment for category 4 soils as a worst-case scenario. It is acknowledged that the LAA for Lot 20 has been shown at 200m<sup>2</sup> in area to demonstrate that it can achieve secondary treatment for Category 2 soils.

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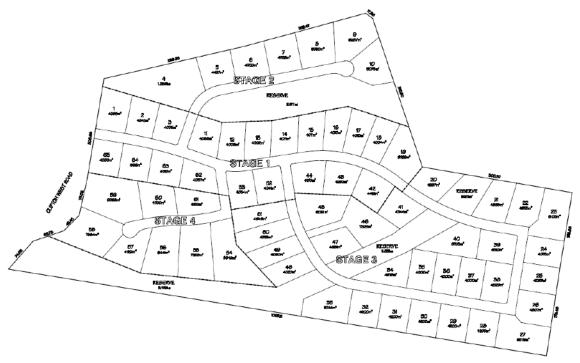
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# **Staging**

The proposed subdivision will be completed in four stages as shown on the accompanying Stage Plan. Completing the subdivision in stages as proposed will provide a cost effective and logical outcome given the larger number of allotments in the subdivision.



Staging Plan

# Site Drainage

Accompanying the Application is a Site Drainage Plan as prepared by *Crossco Consulting* which provides detail on the proposed drainage solution. Detention for the development will include a combination of water tanks (10,000 litres per lot) and an existing dam in the north east of the site, within the proposed Reserve, will be utilised as a detention basin in the proposed reserve.

Treatment for the development to meet Best Practice will require 5m<sup>2</sup> rain gardens to be established on each lot which combined with the swale drains achieve the required result under MUSIC modelling.

It is anticipated that there will be a requirement to enter into a Section 173 Legal Agreement as a Condition on Permit to ensure that rainwater tanks and rain gardens are established with the construction of a dwelling.

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# Waterway Management

A key element of the subdivision layout is the retention of the declared waterway within a network of reserves, which delivers real opportunities to enhance water quality.

The Reserves will be vested with Council which will ensure that the declared waterway is retained within the one ownership and is not unnecessarily segmented by boundaries.



Looking in a north easterly direction along proposed reserve from Lot 33

The Application has been supported by a Waterway Management Plan which outlines the detail of how the declared waterway within the Reserves will be managed and maintained to improve water quality and overall health.

The Waterway Management Plan nominates a 10.0 metre wide buffer zone along the watercourse which will incorporate denser plantings of 4 plants per square metre whilst planting within an outer buffer zone will contain 2 plants per square metre.

Open grassed areas have been nominated a minimum of 10.0 metres around the areas of re-vegetation for maintenance purposes. This will provide sufficient area for a lawn mower to traverse adjacent to Reserve boundaries whilst also having consideration of services and infrastructure.

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The re-vegetation is expected to include plants which are representative of the applicable Ecological Vegetation Class (EVC 16) with a high concentration of grassy and understory species. The re-vegetation work will need to be representative of a 'Grassland' under Australian Standard AS3953:2018, *Construction of building in bushfire prone areas* to ensure future development is not exposed to a severe bushfire hazard. It is therefore necessary that the revegetation include only limited scattered overstory species resulting in less than 10% canopy foliage cover.

The tree planting element of the re-vegetation work will be excluded between Clifton West Road and the overhead powerline on the more southerly Reserve. This will reduce the bushfire hazard by negating connectivity with the established vegetation provided on the opposite site of Clifton West Road.

# Landscaping

It is anticipated that a Condition on Permit will trigger requirement for a Streetscape Landscape Plan to be provided before works commence to show a minimum of one street tree per allotment. Having regard for the width of the road reserve and provision of underground services it is envisaged that small to medium size native trees will be selected rather than larger canopy trees.

Given the residential context of the area and the proposed re-vegetation works expected to be undertaken within the Reserves there is limited need or relevance for park infrastructure to be installed within the Reserve network.

# Notice of Restriction

Two separate Proposed Plans of Restriction have been provided in support of the Application which demonstrate the location and extent of Building Exclusion Zones which are to be registered on the Plan of Subdivision.

Exclusion Zones are being established on Lots 1-4 (inclusive), 12, 12, 16-21 (inclusive), 33, 34, 40, 41, 46-48 (inclusive), 54-58 (inclusive) to ensure that future buildings, structures and associated wastewater disposal are setback a minimum of 30.0 metres from the designated watercourse. This restriction will provide future purchases with a clear understanding of where they can and cannot build and provide wastewater disposal.

Exclusion Zones are being established on Lots 4-10 (inclusive) & Lots 19-33 (inclusive) to in response to Clause 13.02-1S and the sites inclusion within Bushfire Prone mapping. These Exclusion Zones will prevent habitable buildings being established and will also ensure vegetation is contained to a low fuel condition within the interface to the grasslands.

These Exclusion Zones have been designed having regard for the landform and classifiable vegetation of 'grassland' provided on the neighbouring land under *AS 3959: 2018 Construction of Buildings in Bushfire Prone Areas*. Whilst no habitable buildings can be established within the Exclusion Zone there is the ability to established non habitable outbuildings and effluent disposal fields within the Exclusion Zone.

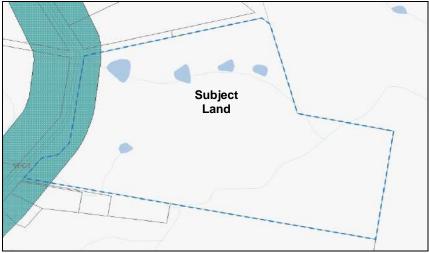
The accompanying Design Response Plan demonstrates how each of the affected allotments will contain sufficient area outside of the nominated Exclusion Zones to accommodate future residential development. The Building Envelopes provided on the Design Response Plan are for demonstrational purposes only and are not expected to be formally registered.

# The Application

The subject Application triggers approval at the following Clauses of the *East Gippsland Planning Scheme:-*

- Clause 32.03-3 of the Low Density Residential Zone for subdivision;
- Clause 44.06-2 of the Bushfire Management Overlay for subdivision;
- Clause 44.01-2 of the Erosion Management Overlay for Works (Roadworks); &
- **Clause 44.01-5** of the Erosion Management Overlay for subdivision;

Whilst the western portion of the site adjoining Clifton West Road is mapped as being affected by the provisions of the Vegetation Protection Overlay – Schedule 1, it does not trigger any planning approval herein. Only some ornamental vegetation will be removed associated with the intersection works, it is exempt at Clause 42.02-3 given it does not comprise of native species and has been planted.



Vegetation Protection Overlay Mapping – Source: VicPlan

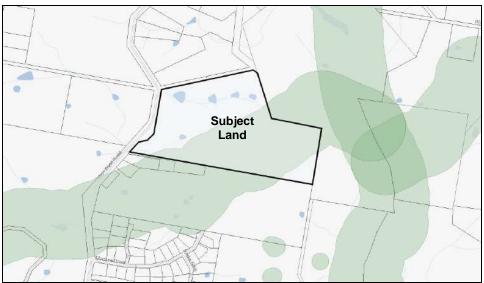
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# 4. Cultural Heritage

Pursuant to Regulation 7 of the *Aboriginal Heritage Regulations 2018*, a Cultural Heritage Management Plan (CHMP) is required under the *Aboriginal Heritage Act 2006* for an activity if:

(a) all or part of the activity area for the activity is in an area of cultural heritage sensitivity; and



(b) all or part of the activity is a high impact activity.

Cultual Heritage Sensitivity Mapping – Source: VicPlan

The preparation of a CHMP is a mandatory requirement as the proposed subdivision is a high impact activity and part of the activity area is mapped as being cultural heritage sensitive.

*Unearthed Heritage* have prepared draft CHMP (18040) which has been provided in support of the Application. Whilst it has not been formally approved to date, we will forward a copy of the approval notice to Council upon receipt.

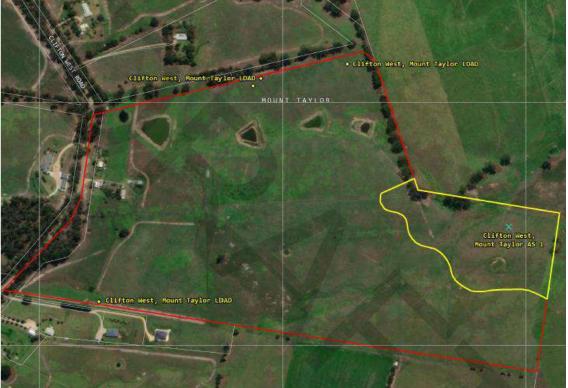
As part of the CHMP a desktop assessment was undertaken that identified it is possible that Aboriginal cultural heritage exists within the activity area, most likely on alluvial terrace landforms.

A standard assessment was therefore undertaken which confirmed Aboriginal cultural heritage occurs within the activity area and that it is also likely to occur within subsurface contexts.

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Subsurface testing undertaken as part of the complex assessment resulted in finding 49 stone artefacts which have been registered as part of an artefact scatter and low density artefact distribution:

- Clifton West, Mount Taylor AS 1 (8422-0715)
- Clifton West, Mount Taylor AS LDAD 1 (8422-0716)



Aboriginal cultural heritage within activity area - Source: CHMP 18040

Given the extent of sampling that occurred with the activity area as part of the assessment, it is considered that there is a low likelihood that further Aboriginal cultural heritage is present across the activity area outside of the extent of 8422-0715 and 8422-0716. There are no expectations for salvage of the impacted artefacts due to the low density nature of the development.

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# 5. Planning Policy

# 5.1 Planning Policy Framework

Clause 11-01-1S relating to *Settlement* seeks to promote sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. The proposal responds positively as the subject land is capable of sustaining the proposed development and is located within an existing residential precinct which contains numerous dwellings.

The accompanying Design Response Plan demonstrates how the land can accommodate future residential development having regard for the various constrains such as wastewater disposal, proximity to watercourses and proximity to a bushfire hazard.

The site is located within an area identified for residential development being contained within the Low Density Residential Zone. The Clifton Acres and Salvatore Drive developments located nearby to the south are of a similar nature to the proposal. There is also an active proposal for a subdivision at 30 Clifton West Road (Planning Application 475/2020/P).



General view within Clifton Acres & Salvatore Drive

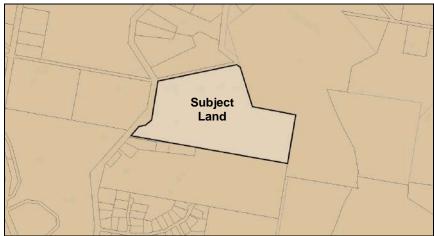
The proposal has taken into consideration Clause 12 relating to *Environmental & Landscape Values* which seeks to protect the health of ecological systems and the biodiversity they support. This has been achieved by designing the allotments to have sufficient area and dimensions to provide for future residential development that is suitably offset from the ephemeral watercourse and through designing the subdivision to be mindful of the existing site terrain.

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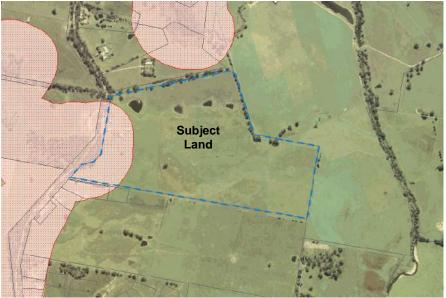
The proposal has considered Clause 13.02-1S *Bushfire Planning* as part of the site is affected by the provisions of the Bushfire Management Overlay and the whole of the site is mapped as being Bushfire Prone.



Bushfire Prone Mapping – Source: VicPlan

The proposal responds appropriately to Clause 13.02-1S as the subdivision has been designed to ensure it meets the relevant provisions of Clause 53.02 *Bushfire Planning*, Clause 44.06 Bushfire Management Overlay and Australian Standard *AS3959*.

Whilst only the western portion of the site adjoining Clifton West Road is mapped as being within the Bushire Management Overlay, the whole of the site has been considered under Clause 13.02-1S the subject land is within a declared Bushfire Prone Area.



Bushfire Management Overlay Mapping - Source: VicPlan

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The accompanying Bushfire Hazard Site Assessment demonstrates that the surrounding landscape does not provide a high bushfire risk as the 150 metre assessment area is predominately comprised of vegetation with a grassland classification.

Although the subject land is currently considered to represent a grassland, establishment of future residential development will ultimately result in managed and maintained properties. These properties once developed will essentially provide protection to one another and will no longer be representative of grassland.

Whilst the wider landscape does provide some threat from bushfire, it is reduced by the presence of wide-open paddocks and proximity to developed residential areas.



Aerial virew of subject land and wider precinct – Source: VicPlan

The generous size of the proposed allotments and the existing conditions provide good opportunity for future residential development within the allotments excluded from the Bushfire Management Overlay mapping to achieve BAL 12.5 or BAL 19 consistent with Clause 13.02-1S.

The Design Response Plan demonstrates how future residential development can be adequately setback into the allotments having regard for the grassland classification and slope provided on the adjoining properties to the north, south and east.

A Bushfire Management Plan has been provided in support of the Application which locks in construction standards and defendable space for Lots 1, 2, 57, 58, 59, 60, 64 & 65 which are affected by the Bushfire Management Overlay.

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To provide certainty that the remaining allotments as affected by the Bushfire Prone mapping can be adequately protected from the wider bushfire threat an Exclusion Area has been proposed which will be registered on the Plan of Subdivision though notice of restriction. The restriction is considered to offer an appropriate response to the identified bushfire hazard.

The objectives of Clause 13.04-2S relating to *Erosion & Landslip* seek to protect areas prone to erosion, landslip and other land degradation processes. The accompanying Geotechnical Risk Assessment document outlines that there is a low risk of landslide, sheet/rill erosion or tunnel erosion as a result of the proposal.

The proposal has carefully considered to the objective and strategies at Clause 14.02-1S relating to *Catchment planning and management* through the adoption of Reserve systems which correspond with the existing water courses. The Application is supported by a Waterway Management Plan which provides detail on how waterways within the subject land will be enhanced as a result of the subdivision through works such as weed management and revegetation throughout the Reserve system.

Exclusion Zones have also been adopted on relevant allotments which prevent any structures and wastewater disposal being established within the 30.0 metre corridor adjoining the watercourse, allowing for the natural drainage function to be maintained. These Exclusion Zones will be registered as a restriction on the Formal Plan of Subdivision.

Clause 15.01-3S relating to *Subdivision Design* seeks to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods. The proposed subdivision adheres to this objective and relevant supporting strategies as the scheme has been designed to ensure each allotment is capable of accommodating future residential development as demonstrated by the accompanying Design Response Plan.

Objectives relating to *Housing supply* (Clause 16.01-1S) are well supported by the proposal through the delivery of new and diverse housing opportunities within an established urban area earmarked for infill housing growth.

The subject Application is consistent with strategies relating to *Integrated water management* (Clause 19.03-3S). The Site Drainage Plan prepared by *Crossco Consulting* demonstrates how detention for the development will be achieved by a combination of tanks (10,000 litres per lot) and basin in the existing reserve. Treatment for the development to meet Best Practice will be met by use of 5m<sup>2</sup> rain gardens on each allotment combined with swale drains.

# 5.2 Local Planning Policy

Consideration has been given to Clause 21.04-1 relating to *Biodiversity*, the objectives of which relate to maintaining, conserving and enhancing the biodiversity of East Gippsland and to recognise, protect and maintain environmental, cultural and aesthetic values of East Gippsland. The subdivision has been designed to ensure the existing watercourse is preserved and enhanced with revegetation. This has been achieved by the adoption of large reserve areas which coincide with the natural site drainage.

Whilst there are limited established trees contained on the property it is acknowledged that there is the ability to establish future development on Lots 54 & 59 without impacting on existing trees. Given the allotments are greater than 4000m<sup>2</sup> in area any future removal of these trees would trigger the need for further planning approval under the provisions of the Erosion Management Overlay and the Particular Provisions relating to Native Vegetation.

The proposal responds well to Clause 21.04-3 relating to *Urban Waterways* which seeks to protect and enhance the ecological health of urban waterways. This has been achieved through the nomination of large Reserve areas which will be re-vegetated with species applicable to the relevant Ecological Vegetation Class and provided with ongoing management and maintenance.

The accompanying Waterway Management Plan provides specific detail on how the watercourse will be protected and enhanced as a result of the proposal. It is expected that this document will be endorsed as a Condition on Permit.

To further enhance the waterway corridor Exclusion Zones have been adopted for relevant allotments which will be enforced as restrictions on the Formal Plan of Subdivision. The Exclusion Zones will ensure that future development is adequately setback from the existing waterway (>30.0 metres) thereby ensuring the free passage of water.

Clause 21.05-2 relating to *Erosion* seeks to ensure that land use and development is directed to locations and carried out in ways that minimise its vulnerability to the threat of erosion. The objective and strategies to this Clause are addressed through the inclusion of a Geotechnical Risk Assessment document.

The proposal has considered Clause 21.05-3 relating to *Bushfire* which seeks to ensure that land use and development is directed to locations and carried out in ways that minimise vulnerability to the threat of fire.

The sites inclusion within an existing settlement and the surrounding landscape which is predominately grassland ensures that the risk to bushfire is not adverse. Most of the site is also excluded from the Bushfire Management Overlay and once developed the allotments will be managed and maintained thereby enhancing protection to one another.

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To minimise the vulnerability to the threat of fire the proposal incorporates the use of Exclusion Zones which will ensure habitable buildings are setback appropriately from the adjoining 'grassland' bushfire hazard and that the interface area is managed to low fuel conditions.

Whilst only a small portion of the site is affected by the provisions of the Bushfire Management Overlay, the relevant allotments have been incorporated into a Bushfire Management Plan which specifies the use of BAL 29 for Lots 1, 58, 59 & 65 and BAL 12.5 for Lots 2, 57, 60 & 64.

Policy Guidelines for *Residential Development* as detailed at Clause 21.08 require provision of a Social Impact Comment in accordance with Council's Social Impact Assessment Guidelines for Development Applications (May 2013) ('SIA Guidelines'). A SIA has been provided in support of the Application as prepared by *Polis Planning.* 

The SIA has considered all the matters that impact social health of the community wellbeing of the potential population at the proposed development. It outlines that there are good opportunities for interaction with the natural landscape and that there is no necessity for any new services given the proximity to Bairnsdale.

It is acknowledged that access to school buses for existing students living along Clifton West Road is inadequate and that Council are already in the process of investigating the works required to improve the intersection at the corner of Bullumwaal Road and Clifton West Road.

There is no requirement for infrastructure or staffing of local schools and agencies to be increased and employment opportunities have increased in the areas of health and social services within the area.

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# 6. Planning Elements

The planning zone and overlays as affecting the subject land are addressed below.

# 6.1 Low Density Residential Zone

The proposed subdivision is considered to respond positively to the purpose of the Low Density Residential Zone as it will result in the creation of allotments which can accommodate lower density residential living with capacity for onsite wastewater disposal.

The Application triggers planning approval at Clause 32.03-3 for subdivision of the land in accordance with the Low Density Residential Zone provisions. The scheme of subdivision has been designed in accordance with the zone requirements by providing allotments which are greater than 4000m<sup>2</sup> in area. Given the absence of reticulated sewer within the area the minimum lot size specified by the Low Density Residential Zone is 4000m<sup>2</sup> in area.

# Application Requirements

Whilst there is no reticulated sewer available within the precinct the accompanying Land Capability Assessment Report confirms the sites' ability to treat and retain wastewater on site associated with future residential development.

Accompanying the Application is a Design Response Plan which demonstrates the available area for future residential development. This Plan has been prepared having regard for the site constraints and characteristics.

Conceptual Building Envelopes have been shown on the Design Response Plan which demonstrate that there is more than ample area available within each Lot to accommodate future residential development having regard for LAA requirements, setbacks from waterways and bushfire protection requirements.

A Staging Plan has also been provided in support of the Application which shows how the proposed subdivision is to be completed in a staged manner. Given the scale of the project it is considered most logical and practical to complete the project in the stages as proposed.

# <u>Drainage</u>

The accompanying Site Drainage Plan demonstrates how the proposed subdivision will accommodate detention by a combination of tanks (10,000 per lot) and a basin in the reserve system. Treatment for the development to meet Best Practice will require 5m<sup>2</sup> rain gardens on each Lot which combined with the swale drains achieve the required result through MUSIC modelling.

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# Decision Guidelines

The proposed subdivision has been specifically designed to avoid native vegetation losses by careful design and consideration of vehicle access from Clifton West Road. The road widening works associated with establishing the a short channelised right turn lane into the site for northbound approaching vehicles will occur in the existing clearing provided on the eastern side of the road. This will ensure the established native vegetation on the opposite side of Clifton West Road will remain intact.

The new intersection has been sited to make use of an existing clearing within the road reserve. The only vegetation to be removed for the establishment of the intersection has been planted and does not require planning approval for removal.

The Lots have also been designed having regard for the landform, waterways and the need to accommodate wastewater disposal on site. The Reserves have been designed to provide a buffer between the ephemeral watercourse and the residential allotments to aid in the protection and enhancement of the waterways and water quality.

Power, water and telecommunications are already provided within the precinct and will be connected to each of the proposed allotments as part of the subdivision project.

The proposed subdivision responds positively to Clauses 56.07-1 to Clause 56.07-4 relating to Integrated Water Management:

- Reticulated water is already provided within the wider precinct and will be extended throughout the subdivision to provide supply to each of the proposed allotments.
- Use of reused and recycled water options will be dependent upon residents of the site.
- The subdivision has been designed to ensure future wastewater management will be sufficiently managed on site. The Design Response Plan demonstrates how each of the allotments can easily achieve the requisite Land Application Area.
- The site will be drained to the satisfaction of the Responsible Authority.

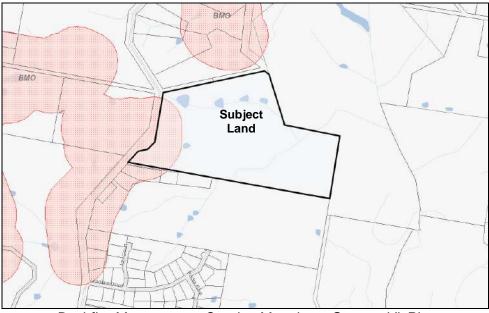
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# 6.2 Bushfire Management Overlay

The western portion of the site adjoining Clifton West Road is mapped as being affected by the provisions of the Bushfire Management Overlay which triggers planning approval at Clause 44.06-2 for subdivision of the land.



Bushfire Management Overlay Mapping – Source: VicPlan

The proposed subdivision responds positively to the objectives of the Bushfire Management Overlay as the risk to life and property can be mitigated to an acceptable level. This will be achieved through establishing Building Envelopes with sufficient defendable space for BAL 29 on Lots 1, 58, 59 & 65 and BAL 12.5 on Lots 2, 57, 60 & 64.

The remaining allotments are excluded from the Bushfire Management Overlay mapping negating the need for them to be included within a Bushfire Management Plan.

# Application Requirements

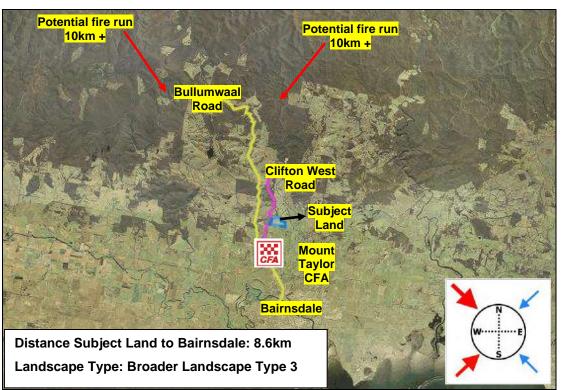
Accompanying the Application is a Bushfire Hazard Site Assessment which describes the bushfire hazard including vegetation type and landform within 150 metres of the allotments affected by the Bushfire Management Overlay.

The below Bushfire Hazard Landscape Assessment provides information on the broader context of the area (>150 metres away from the site) and the associated landscape risk. Whilst there is a fire threat particularly from the north, the site is located within close proximity to the township of Bairnsdale and is surrounded by open grazing land and residential properties.

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Bushfire Hazard Landscape Assessment - Source: VicPlan

The mandatory Condition at Clause 44.06-5 will trigger the need for a Section 173 Legal Agreement to be entered into which references a plan prepared in accordance with Clause 53.02-4.4.

The Bushfire Management Plan includes detail of the bushfire mitigation measures to be implemented for proposed Lots 1, 2, 57, 58, 59, 60, 64 & 65 and includes Defendable Space Plans which show the area available for building.

These Plans will be referenced within the Section 173 Legal Agreement which will provide future purchasers with the ability to build without triggering further planning approval under the provisions of the Bushfire Management Overlay.

If in the event future dwellings or outbuilding greater than 100m<sup>2</sup> in area are proposed outside of the Building Envelope shown on the Defendable Space Plans, further planning approval would be triggered under the Overlay provisions.

The following Bushfire Management Statement describes how the proposed subdivision responds to the requirements of Clause 44.06-3 and Clause 53.02 Bushfire Planning.

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# **Response to Objectives and Standards to Clause 53.02**

# CLAUSE 53.02-4.1 LANDSCAPE, SITING & DESIGN OBJECTIVES

#### 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 Measures

#### AM 2.1

The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.

#### Response:

The subject land is located within an existing residential precinct with the subject land and surrounding properties to the north south and west being contained within the Low Density Residential Zone. There are numerous dwellings established within the precinct which enjoy the rural atmosphere however properties within the wider area predominately comprise cleared paddocks with pockets of vegetation.

There is some risk of fire provided from the north given the potential for fire runs through the State Forest and grass fires in the intervening landscape which can approach from more than one direction. The surrounding landscape is therefore best described as Landscape Type 3.

The site is located within Wy Yung and is only a short distance from Bairnsdale. The area is well quite well populated and easily accessed from the larger township area.

The subject land is cleared land which has been activity grazed for numerous years and only contains minimal scattered trees. The proposal nominates a subdivision design which will provide future development with direct access from the new internal road network.

The site is only partially affected by the Bushfire Management Overlay with Lots 1, 2, 57, 58, 59, 60 64 & 65 all being affected and incorporated into the Bushfire Management Plan. It is acknowledged that a very small section of Lots 63 & 56 is also affected by the Bushfire Management Overlay however have not been incorporated into the Bushfire Management Plan due to the limited extent to which the mapping applies.

Given the generous areas of Lots 56 & 63 and the ability to establish residential development which is entirely excluded from the Bushfire Management Overlay it isn't considered necessary to lock these allotments into a Bushfire Management Plan. If, however future purchasers do decide to build within the portion of the land which is affected by the Bushfire Management Overlay, further planning approval would be triggered.

Whilst only a small section of the site is contained within the Bushfire Management Overlay the whole of the site is mapped as being Bushfire Prone. A response has therefore been provided at Clause 13.02-1S *Bushfire Planning* which addresses the bushfire risk for the whole of the site.

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# AM 2.2

A building is sited to ensure the site best achieves the following:

- 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 service vehicles.

#### **Response:**

The subdivision has been designed to ensure that there is good opportunity for future development to be established on Lots which achieves suitable separation from the bushfire hazard.

The subdivision proposes the practical siting of future development through the nomination of Building Envelopes on Lots 1, 2, 57, 58, 59, 60, 64 & 65 that can achieve all defendable space entirely within the property boundaries.

BAL 29 has been adopted for Lots 1, 58, 59 & 65 which has the impact of maximising the separation distance of future residential development from the 'forest' fire threat to the west. Whilst Lots 2, 57, 60 & 64 will be provided with BAL 12.5.



Looking south from proposed intersection towards 'forest' vegetation along Clifton West Road

Each of the proposed allotments will be provided with adequate vehicle access via the new internal road network. The new road will be established to relevant standards set by the Infrastructure Design Manual and Clifton West Road is a good quality sealed bitumen road which services numerous rural residential properties. These roads will all be suitable for accommodating emergency vehicles.

# AM 2.3

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

#### **Response:**

N/A

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# CLAUSE 53.02-4.3 WATER SUPPLY & ACCESS OBJECTIVES

# Clause 53.02-4.3 Objective

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 Measures**

#### AM 4.1

A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with:

- A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5.
- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.

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

# AM 4.1 Cont.

#### Response:

Lots 1, 2, 57, 58, 59, 60, 64 & 65 are all affected by the provisions of the Bushfire Management Overlay and are greater than 1,000m<sup>2</sup> in area. There is therefore requirement to provide them each with a static water supply of 10,000 litres with fire authority fittings and access.

Given fire authority access to the water supply is required under AM 4.1 and the length of driveway will be less than 30 metres there is a need for authority vehicles to get within 4 metres of the water supply outlet.

These water supply and access requirements have been specified in the accompanying Bushfire Management Plan which will be referenced within a Section 173 Legal Agreement. This will ensure the mitigation measures are implemented on an ongoing basis.

# CLAUSE 53.02-4.4 SUBDIVISION OBJECTIVES

# Clause 53.02-4.4 Objective

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

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

# **Approved Measures**

# AM 5.1

An application to subdivide land, other than where AM 5.2 applies, demonstrates that each proposed lot is capable of meeting:

- The defendable space in accordance with Column A, B or C of Table 2 to Clause 53.02-5.
- The approved measures in Clause 53.02-4.1 and Clause 53.02-4.3

# **Response:**

N/A AM 5.2 applies in this instance.

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#### AM 5.2

An application to subdivide land zoned for residential or rural residential purposes must be accompanied by a plan that shows:

- Each lot satisfies the approved measure in AM2.1
- A building envelope for a single dwelling on each lot that complies with **AM 2.2** and provides defendable space in accordance with:
  - Columns A or B of Table 2 to Clause 53.02-5 for a subdivision that creates 10 or more lots; or
  - Columns A, B or C of Table 2 to Clause 53.02-5 for a subdivision that creates less than 10 lots.
  - The bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5 must be noted on the building envelope.
- Defendable space wholly contained within the boundaries of the proposed subdivision.
- Defendable space may be shared between lots within the subdivision. Defendable space for a lot may utilise communal areas, such as roads, where that land can meet the requirements for defendable space.
- Vegetation management requirements in accordance with Table 6 to implement and maintain the defendable space required under this approved measure.
- Water supply and vehicle access that complies with **AM 4.1**.

#### **Response:**

Above sections of this assessment address the approved measures in AM 2.1 and AM 2.2.

The proposed subdivision has been designed in a manner which ensures that the defendable space for vacant Lots 1, 2, 57, 58, 59, 60, 64 & 65 as affected by the Bushfire Management Overlay will be contained wholly within the property boundaries.

Whilst the proposal is for a multi lot subdivision, only eight of the allotments are affected by the Bushfire Management Overlay and will be incorporated into the Bushfire Management Plan. It is therefore considered applicable to use Column C (BAL 29) at Table 2 to Clause 53.02-5, as appropriate.

Lots 1, 58, 59 & 65 have adopted BAL 29 having regard for the vegetation within the 'forest' classification to the west. Future development will therefore be provided with appropriate separation distance (25m) from the threat and will be constructed with a higher level of protection.

The remaining allotment (Lots 2, 57, 60 & 64) have all been provided with BAL 12.5 (Column A to Table 2 to Clause 53.02-5). This is easily established having regard for the residential nature of the surrounding land which will be managed and maintained for residential purposes into the future.

The vegetation management requirements specified within Table 6 have been included within the Bushfire Management Plan. This will ensure that these requirements will be implemented on an ongoing basis for Lots 1, 2, 57, 58, 59, 60, 64 & 65 similarly to the water supply and access requirements.

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#### AM 5.3

An application to subdivide land to create 10 or more lots provides a perimeter road adjoining the hazardous vegetation to support fire fighting.

#### **Response:**

Whilst the proposal will result in the creation of more than 10 allotments, only eight of the Lots are contained within the Bushfire Management Overlay and will be incorporated into the Bushfire Management Plan. AM 5.3 requires a perimeter road to be established adjoining hazardous vegetation when creating more than 10 allotments.

The subject land is well positioned within an existing rural residential precinct which is surrounded by open cleared paddocks or established rural residential development. The highest order vegetation classification adjoining the land is the 'forest' vegetation which is established along the Clifton West Road frontage.

Land immediately to the north and to the south is also contained within the Low Density Residential Zone and has been earmarked for future rural residential development and further subdivision.

Given the surrounding context the establishment of a perimeter road will be of no particular benefit in this instance for fire fighting purposes. However, the road network has been designed to provide practical and convenient access for fire fighting vehicles by use of a loop road and standard road design which incorporates court bowls with a 10 metre radius.

The proposal incorporates the use of Exclusion Areas which will be registered on the Plan of Subdivision through a restriction. Establishment of habitable buildings will be prevented within the Exclusion Zone and the area will be required to be managed to a low fuel condition thereby ensuring the bushfire risk is reduced. These Exclusion Areas have been specifically designed to ensure appropriate separation distances will be established for future development from the adjoining bushfire risk consistent with AS3959.

#### AM 5.4

A subdivision manages the bushfire risk to future development from existing or proposed landscaping, public open space and communal areas.

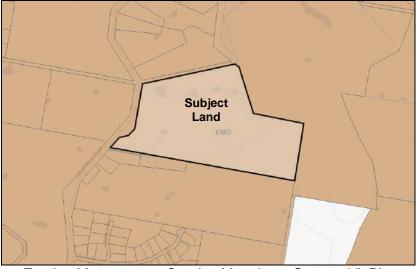
#### **Response:**

The proposed subdivision manages the bushfire risk having regard for the current and future occupation of the surrounding land. It is reasonable to expect that the existing Low Density Residential Zone properties adjoining the site to the north, south and west will continue to be utilised for residential purposes. It is also anticipated that the farming land to the east contained within the Farming Zone will continue to be utilised for farming purposes. There are no anticipated strategic plans which would alter this outcome.

# 6.3 Erosion Management Overlay

The whole of the subject land is mapped as being affected by the provisions of the Erosion Management Overlay which triggers planning approval at the following Clauses:

- Clause 44.01-2 for Roadworks; &
- Clause 44.01-5 for subdivision of the land.



Erosion Management Overlay Mapping – Source: VicPlan

# Application Requirements

- The landform across the property is undulating in nature and is dissected by ephemeral watercourses and a series of dams. The landform is not considered to be steep albeit does contain some change in elevation (max slope apx 1:5).
- Earthworks associated with the subdivision will include the establishment of the new internal road network, servicing, vehicle crossings and boundary fencing.
- It is anticipated that a condition on Permit will trigger requirement for a Construction Management Plan and for Detailed Drainage & Road Construction Plans to be submitted and approved by the Responsible Authority prior to the commencement of works in each relevant stage.
- It is also anticipated that Permit will trigger requirement for land stability measures to be undertaken during works in the form of standard Condition pertaining to sediment control.

The Schedule to the Erosion Management Overlay triggers requirement for a Geotechnical Risk Assessment to be provided in support of the Application. In response, please find enclosed a Geotechnical Risk Assessment document prepared by *Chris O'Brien & Company Pty Ltd.* 

The Geotechnical Risk Assessment document outlines that the site has a low risk of landslide, sheet/rill erosion and tunnel erosion and confirms that the site has the capacity to accommodate the proposed subdivision.

# 7. Conclusion

The proposed Multi Lot Subdivision & Works (Roadworks) at 240 Clifton West Road, Mount Taylor is considered to accord with all relevant provisions of the Low Density Residential Zone, Bushfire Management Overlay, Erosion Management Overlay and Vegetation Protection Overlay – Schedule 1 of the *East Gippsland Planning Scheme.* The proposal is consistent with Planning Policy Framework and Local Policy and has been designed to complement the adjoining properties.

For these reasons we respectfully request that Council consider the merits of the Application favourably and resolve to issue a Planning Permit.

RICHARD HOXLEY Senior Planner

